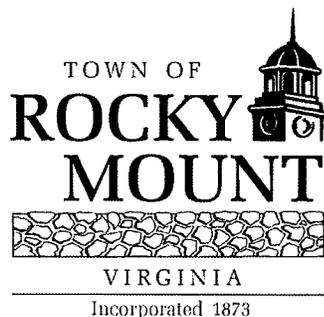


345 Donald Avenue
Rocky Mount, Virginia 24151

540.483.0907
FAX 540.483.8830

E-mail: mhankins@rockymountva.org
www.rockymountva.org



PLANNING COMMISSION
Janet Stockton, *Chair*

Bud Blanchard	Derwin Hall
Ina Clements	John Speidel
Jerry W. Greer Sr.	John Tiggie

C. James Ervin, *Town Manager*
Matthew C. Hankins, *Assistant Town Manager*
& *Community Development Director*

PLANNING COMMISSION AGENDA

Monday, July 2, 2012 • 6 p.m.

Call To Order and Welcome

Janet Stockton, Chair

1. Roll Call of Members Present
2. Approval of Agenda
3. Review and Consideration of Minutes
 - March 6, 2012
 - April 3, 2012
 - May 8, 2012
 - June 5, 2012
4. Public Hearings
 - None at this time*
5. New Business
 - None at this time*
6. Old Business
 - a. Work session on Zoning Ordinance Revisions
7. Commissioner Concerns
8. Adjournment

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

The Planning Commission of the Town of Rocky Mount, Virginia, met at the Rocky Mount Municipal Building on Tuesday, March 6, 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, Jerry Greer, Derwin Hall, and John Tiggle.

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 Planning Commission Member Tiggle. There being no discussion, let the record show that the motion on the floor passed unanimously.

APPROVAL OF MINUTES

Prior to the meeting, the Planning Commission received the following minutes for review and consideration of approval:

- November 1, 2011 – Regular Meeting Minutes
- January 10, 2012 – Regular Meeting Minutes

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

- Motion was made by Planning Commission Member Hall to approve the draft minutes 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.

PUBLIC HEARING

Let the record show that Madame Chair Stockton recessed the meeting to hold the following public hearing:

(1) Special Use Request of Mary Thelma Wray for Mural

After being duly advertised and pursuant to the Town Code of Rocky Mount and the Code of Virginia, Mary Thelma Wray came before Planning Commission to request a special use permit for a mural sign to be erected on the north side of the Artisan Center building, located at 224 Franklin Street, and known as Franklin County Tax Map and Parcel Number 2070037200. The proposed mural will depict the theme "People, Places, and Things that make this area special," and will be painted by the artisans from the center. Pursuant to Article 28-15(E) of the Zoning and Development Ordinance, a special use permit is required for all new signs of this type.

The Town Planner gave a brief staff report regarding the request, which contained the following points:

- The mural would be visible when traveling west on Franklin Street.
- Mrs. Wray wishes to have several local artists paint scenes onto panels which will then be erected on the wall.
- There will be sixteen total panels depicting the theme referenced above.
- In the Central Business District (CBD) murals are allowed under special exception. Under Article 28-15 of the Zoning and Development Ordinance, all murals require a special use permit. Also, the article states that mural signs must comply with the dimensional requirements of a wall sign, with exceptions being granted to landmark signs that may be preserved and maintained, even if they no longer pertain to the present use of the premises.
- Staff's recommendation is that Planning Commission recommends approval for the special use request with conditions. Murals can be a positive impact for the Town by creating tourism and beautifying the area if done properly. The recommended conditions are: (1) that the mural be painted directly on the north side wall; (2) that the images for the mural must be submitted to staff for

review prior to being erected on the building and that no commercial advertising shall be part of the mural; and (3) that the size of the mural will be determined upon Planning Commission's recommendation, as currently the ordinance says that that mural signs must comply with the dimensional requirements of a wall sign, and in the CBD, this would limit the size to 60 square feet, which would also include the two signs on the front of the building.

- There is some leeway on the size of the mural through two sections of code. One is because this is being handled as a special exception and the other is that this will be located in the Arts & Culture District, and the ordinance allows for some flexibility.

Madame Chair Stockton called upon the applicant to speak in reference to her request.

Mary Thelma Wray of 1860 Riverbend Drive, Rocky Mount, gave the following comments:

- Plan is to erect a mural that will bring attention to the Artisan Center, the Arts & Culture District, and the Town for tourism purposes, as she is starting to get more traffic from the Crooked Road and Round the Mountain.
- Chose the specific theme because she wants something that will highlight the area. She asked artisans from the center for feedback and went over the various possibilities of the people, places and things the mural might depict.
- At first, the idea was to paint the mural directly onto the wall; however, due to the building being cinderblock and not smooth, she was advised that it would be difficult to get a good image on the rough surface. The panels would also allow her to take the mural with her if she moves. In addition, by using panels, the artists could take the panels home and paint them at their leisure.
- Panels will be 4-feet by 8-feet and will be placed in a combination of vertical and horizontal orientations.
- Consulting with Lisa Floyd of Floyd Artworks who does a lot of murals, both indoor and outdoor, and she is consulting with sign companies to make sure she gets the best materials.
- Panels are more costly, will cost about \$2000, but panels will be easier to move and repair.
- Hopes to have a ceremony when it is complete.
- Size needs to be large to get attention of motorists. This will not be advertising, it will be more like a painting of a collage of things. There will be no benefit in hanging something that is really small. It is expected to be 16 feet high and 32 feet wide, which equates to 512 square feet.
- The mural will represent the Town and County, but it will also represent the

Artisan Center. She does not want something that is tacky or offensive. She wants it to be admired.

- The paint will be resistant to weathering and fading.
- Will most likely be finished with an outer frame, but will probably be no framing between the panels.

Discussion by Planning Commission ensued:

- Mrs. Wray already has one panel on the side of the building (a quilt block), and it may look funny to require the mural to be painted on the wall.
- It is within Planning Commission's purview to allow panels instead of directly painting on the wall.
- It was the consensus of Planning Commission that panels would be the best option.
- Planning Commission also agrees that the size should be such that it catches attention.
- Concerns were expressed regarding allowing a "blank check" in determining the size and content of the mural, with Planning Commission preferring that staff review the proposed artwork for advertising and offensive content prior to being erected, though no one believes it is Mrs. Wray's intent to display advertising or offensive content.
- Concern was also expressed about weathering of the mural over time; however, this issue is already addressed in Town Code, with the Zoning Administrator having the authority to require repairs.

Let the record show that no one from the public came forward to speak in regard to the special use request.

There being no further discussion, Madame Chair Stockton called the meeting back into regular session and entertained a motion.

- Motion was made by Planning Commission Member Tiggle that Planning Commission recommends approval of the special use request for 224 Franklin Street, Tax Map & Parcel Number 2070037200, with the following conditions: (1) that the Community Development Director will work with Mrs. Wray to make sure that the mural does not have advertisements or offensive content; and (2) that the mural will be limited to a maximum of 512 square feet, with motion on the floor being seconded by Planning Commission Member Greer. There being no further discussion, a roll call vote was taken. Let the record show that the motion on the floor passed unanimously.

OLD BUSINESS

(Let the record show that Madame Chair Stockton dismissed herself from the meeting at 6:38 p.m., with Vice Chair Speidel assuming leadership.)

(1) Work Session regarding Zoning Ordinance update

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 received documentation regarding the proposed changes, many of which were discussed in last month's work session. The purpose of this work session is to discuss the remaining items. Discussion regarding the proposed updates was as follows:

- Last month there was discussion regarding the definition of the word "footprint". Roanoke's code defines the building's perimeter as the footprint. The proposed definition to be inserted into Town Code is as follows: **building footprint** – *the outline of the total area covered by a building's perimeter, as measured from the outside of all exterior walls, at the ground level.*
- It is proposed that accessory buildings be addressed in the Zoning Ordinance as follows: *Accessory building, as defined: however, garages or other buildings such as carports, porches, and stoops structurally attached to the main structure shall be considered part of the main building. The building footprint of an accessory building shall not exceed 50-percent of the building footprint of the principal building. An accessory building shall not be greater in height than the main structure. An accessory building shall be located behind and not closer than ten feet to the main structure. An accessory building within 20 feet of the property line may not be more than one story in height. A one-story accessory building may be no closer than five feet to any property line of an adjoining property owner.* This language would need to be inserted into the language for each zoning district regarding accessory buildings.
- Staff also proposed the addition of two definitions, being: **attached, structurally** and **detached, structurally**, noting that guidance was sought from the Franklin County Building Inspector and other localities. It was the preference of Planning Commission that the definitions include the word "substantially". The Town Attorney will look at this definition before it is added to the ordinance.
- Staff noted that some work needs to be done in reference to the definitions for

child care centers, adult care centers and the like in the Zoning Ordinance. Several issues exist, including: (1) The ordinance defines certain types of facilities, but the terminology does not match up with what is actually listed in the individual zoning districts as uses-by-right; (2) State code uses different terminology to define child and adult care facilities, than the town ordinance; (3) In some cases, the town ordinance is more restrictive than state code. Is this allowed? (4) In Residential District R3, "day care centers" are listed as a use-by-right; however, "day care centers" are by definition commercially zoned structures, which should not be permitted in residential zoning; (5) If the terminology the town ordinance uses is amended, then each zoning district would also need to be amended to match the terminology and to be consistent; (6) Nursing homes and assisted living facilities are listed as uses-by-right, but they are not defined in the ordinance. It was the consensus of Planning Commission that this item needs work. Staff and the Town Attorney will review all the issues and will bring it back before Planning Commission at a later date.

- Article 4 (Definitions): Discussed the addition of several new definitions and amendments to existing definitions.

NEW BUSINESS

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

COMMISSIONER CONCERNS

Discussed the following:

- Update of Comprehensive Plan.
- Notified Planning Commission of upcoming variance request for 690 East Court Street for a covered carport near the road.
- Traffic light issues.

ADJOURNMENT

At 7:40 p.m., and with no further business to discuss, Vice Chair Speidel entertained a motion to adjourn, with motion being made by Planning Commission Member Tiggle, seconded by Planning Commission Member Clements, and carried unanimously by those present.

John Speidel, Vice Chairman

ATTEST:

Stacey B. Sink, Deputy Clerk

/sbs

DRAFT

(This page left intentionally blank.)

DRAFT

**TOWN OF ROCKY MOUNT
PLANNING COMMISSION
MINUTES
APRIL 3, 2012
6:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia, met at the Rocky Mount Municipal Building on Tuesday, April 3, 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, Jerry Greer, Derwin Hall, and John Tiggle.

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

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 Planning Commission Member Blanchard. There being no discussion, let the record show that the motion on the floor passed unanimously.

APPROVAL OF MINUTES

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

PUBLIC HEARING

Let the record show that Madame Chair Stockton recessed the meeting to hold the following public hearing:

(1) Special Use Request of Joan Rogers/Rocky Mount Center for the Arts for Mural

After being duly advertised and pursuant to the Town Code of Rocky Mount and the Code of Virginia, Joan Rogers on behalf of Rocky Mount Center for the Arts, Inc. came before Planning Commission to request a special use permit for mural signs to be erected on the south, north, and west walls of The Grainery building, located at 220 Franklin Street, and known as Franklin County Tax Map and Parcel Number 2070037201. Pursuant to Article 28-15(E) of the Zoning and Development Ordinance, a special use permit is required for all new signs of this type.

The Assistant Town Manager and the Town Planner spoke briefly on the request, offering the following points:

- Mrs. Rogers indicated a desire for a mural at the time she purchased her building.
- The applicant has expressed interest in a Van Gogh type painting on one wall with wheat fields, which pertains to the former use of the building as a granary. She also would like to potentially create murals on the other two sides of the building.
- Murals in the Arts & Culture District would be an asset to the Town.
- The staff recommendation is for approval with the following conditions: (1) that the mural be painted directly onto the wall; (2) that the size be determined by Planning Commission; and (3) that the images will be submitted to staff prior to being painted to make sure there is no advertising or offensive content.
- A previous applicant, Mary Wray (reference minutes of March 6, 2012), was limited to 512 square feet.
- Last month Town Council approved Mrs. Wray's request with the conditions recommended by Planning Commission.
- Mrs. Rogers' request is to paint directly onto the wall, as opposed to Mrs. Wray, who wanted panels.

Madame Chair Stockton called upon the applicant to speak in reference to her request.

Carolyn Rogers of 6525 Providence Church Road, Ferrum, VA (daughter of the applicant) gave the following comments:

- Plan is to do a mural which will cover the entire wall.
- Want to enliven the building and the area, and to catch attention.
- Presented an image of what she envisions the first mural to look like.
- Also has an idea to paint oversized flowers on the Arrington Flowers side of

the building at some future time.

- Plans to use mirror mosaics in some of the murals.
- Wants the community to participate.

Madame Chair Stockton called upon any member of the audience who wished to speak in reference to this request.

Mary Wray of 1860 Riverbend Drive, Rocky Mount, came forward to make the following comments:

- Thinks this is a great idea.
- Concerned that she was limited to 512 square feet and is wondering if Mrs. Roger's mural will be proportionate to hers. Does not want to be overshadowed on the other side of her building.

Let the record show that no additional persons came forward to speak in reference to Mrs. Rogers' request.

Discussion by Planning Commission ensued:

- Does not want this to turn into a competition between the two properties.
- Likes last month's idea and the proposed theme, and also likes the fact that this idea varies and is different.
- Last month, Planning Commission's size limitations were centered around the size of Mrs. Wray's panels. This idea is much more flexible and is not limited by panels, so a size difference could occur.
- Concern about the idea of murals on the west side of the building, which faces a residential area.
- More interested in seeing the side of the building facing Arrington Flowers done, as it is much more visual and is a blank space.

Joan Rogers of 6525 Providence Church Road came forward to address some of Planning Commission's comments:

- She chose this side because a lot of people have told them over the years that the first planned wall needs a mural. The other wall (Arrington Flowers side) will require more scaffolding and a little more planning. The first side will be more easily accessible to any member of the public who wishes to participate.
- Local artists and the community will do the painting, artists affiliated with her group, Mrs. Wray's group, or the Bald Knob Group, perhaps.
- In regards to the back wall, it was just thrown in. The wall has stairs and windows and she does not know if a mural is possible. But, it does need something, even if it is just painted red like the front of the building.

Additional discussion from Planning Commission:

- Both buildings (Mrs. Rogers' and Mrs. Wray's) will be an asset.

There being no further discussion, Madame Chair Stockton called the meeting back into regular session and entertained a motion.

- Motion was made by Planning Commission Member Greer that Planning Commission recommends approval of the special use request for 220 Franklin Street, Tax Map & Parcel Number 2070037201, with the following conditions: (1) that the mural will be painted directly on the wall; and (2) that images will be submitted to staff for review and no commercial advertising is to be part of the mural. In addition, approval is recommended for the full wall on the both sides; however, the applicant must work with staff regarding the back wall. The motion on the floor was seconded by Planning Commission Member Hall. There being no further discussion, let the record show that the motion on the floor passed unanimously.

NEW BUSINESS

(1) Introduction of the Town of Rocky Mount Five-Year Capital Improvement Plan for Fiscal Years 2013-2017

The Capital Improvement Plan (CIP) is prepared by Town management and finance staff and is presented to Planning Commission as a sort of road map of the capital needs of the town. It is a planning document only. Does not say what *will* be done.

Discussion ensued:

- The town currently has seven fire trucks. This does not count the restored vehicle in the bubble.
- The fire truck that is listed in the CIP will most likely be funded through the same route as the last truck, which was a FEMA grant, with a 5% match.
- Franklin County does not significantly help the Town with funding, probably around \$30,000.
- Discussed the Town's fire coverage area and fire services funding.
- A public hearing on the CIP is scheduled for next month.

(2) New project request for Virginia Department of Transportation Six-Year Plan

- Now that the Pigg River Bridge replacement project has received funding, the

Town needs to place a new project on the board. VDOT's funding process requires that a project be listed in order for VDOT to set aside funding for the locality. Therefore, the Town needs to get a project on the list for VDOT to start setting aside funding for "the next big thing".

- In December, Stone Engineering was asked to develop a plan including basic cost ideas, basic traffic alignment ideas, and impact statements that would give the Town an idea of what the next big project should be. Staff had preliminary ideas based on information provided by Planning Commission, Town Council, and the Comprehensive Plan.
 - Stone looked at six projects, and in the end, their recommendation for what should be done is the realignment of the intersection of Pell, North Main, and Franklin.
 - Other projects reviewed were: (1) a Route 40 bypass, which would be very expensive and complex due to environmental issues, railroad issues, and the requirement that it also be on Franklin County's Six-Year Plan; (2) realignment of School Board Road to avoid the railroad overpass, which based on discussions with the railroad would be unworkable; (3) expansion of Perdue Lane beside the high school; (4) alleviating congestion issues on School Board Road at Rocky Mount Elementary School, but this only happens twice per day; (5) connecting Weaver Street and Industrial Avenue to make it one loop for the industries there, but would not have a very significant impact.
 - Staff's recommendation is to pursue the Pell-Main-Franklin realignment, and asks Planning Commission to endorse the recommendation to Town Council for consideration next week.
- Motion was made by Vice Chair Speidel to recommend to Town Council the endorsement of the realignment of the Pell-Main-Franklin intersection as the primary project for the VDOT Six-Year Plan, with motion on the floor being seconded by Planning Commission Member Tiggle. Let the record show that the motion on the floor passed unanimously by those present.

COMMISSIONER CONCERNS

Discussed the demolition of the blighted properties on Anderson Street and Buckner Street, and also the status of the property at 20 Spring Street.

OLD BUSINESS

Let the record show that Planning Commission was scheduled to continue its review of Zoning Ordinance updates in work session. However, it was the consensus of Planning Commission that this discussion should be postponed to a later date.

ADJOURNMENT

6:55 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.

Janet Stockton, Chair

ATTEST:

Stacey B. Sink, Deputy Clerk

/sbs

DRAFT

**TOWN OF ROCKY MOUNT
PLANNING COMMISSION
MINUTES
MAY 8, 2012
6:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia, met at the Rocky Mount Municipal Building on Tuesday, May 8, 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, Jerry Greer, Derwin Hall, and John Tiggle.

The following staff members were present: Assistant Town Manager Matthew C. Hankins, Finance Director Linda Woody, and Deputy Clerk Stacey B. Sink.

APPROVAL OF AGENDA

Madame Chair Stockton asked if there were any additions or corrections to the presented agenda. The Assistant Town Manager noted that item four on the agenda should actually be listed under Old Business. There being no further discussion, Madame Chair Stockton entertained a motion.

- Motion was made by Planning Commission Member Clements to approve the agenda as corrected, with motion on the floor being seconded by Planning Commission Member Greer. There being no discussion, let the record show that the motion on the floor passed unanimously.

APPROVAL OF MINUTES

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

PUBLIC HEARING

Let the record show that Madame Chair Stockton recessed the meeting to hold the

following public hearing:

(1) Special Use Request of Piedmont Community Services

After being duly advertised and pursuant to the Town Code of Rocky Mount and the Code of Virginia, Piedmont Community Services came before Planning Commission to request a special use permit for its Mental Health Support (MHS) program to offer on-site mental health client programming at its 50 West Church Street location, Franklin County Tax Map and Parcel Number 2070058300. The program currently uses this location for office space but would like to begin offering on-site services, which may include but is not limited to skill-building and socialization opportunities for adult clients with serious mental illness. Outpatient mental health facilities are a use-by-special-exception in the Central Business District (CBD).

The Assistant Town Manager spoke briefly on the request, offering the following points:

- Piedmont Community Services (PCS) currently uses the building at 50 West Church Street for office space. It was formerly a group home and has been used as office space since the group home moved up the hill.
- They want to begin offering on-site services which will require a special exception. Outpatient mental health facilities are listed as a use-by-special exception in the Zoning Ordinance.
- Currently, there are no outpatient mental health facilities in Rocky Mount. There are several public and private mental health care providers now located in town; however, all of these facilities provide home visits and do not have clients coming to the offices for on-site visits (East Mental Health, Trinity Support Services).
- The major staff concerns are: (1) this may set a precedent which would motivate the other mental health services providers to request the same special use of allowing outpatient mental health programs on site; and (2) existing parking is limited, and permitting this facility would strain parking at nearby businesses and town/county facilities. Therefore, staff's recommendation is for denial of the request.
- Mr. Jim Tobin, Executive Director of PCS, is available to answer any questions which Planning Commission may have.

Madame Chair Stockton called upon the Mr. Tobin to speak in reference to the request.

Mr. Jim Tobin came forward to speak, introducing members of his staff who were also in attendance, being Terri Crews, Clinical Manager for clinical services in Franklin County, and Becky Pendleton, Program Manager for the service which is located at the 50 West Church Street site. Mr. Tobin offered the following comments:

- Thanked Planning Commission for its consideration.
- He appreciates the staff concerns which have been raised.
- In reference to parking, they do not anticipate that this will create any additional parking needs. The clients receiving this service are already being transported by PCS, so they do not anticipate more parking than is currently being used.
- He also appreciates the issue of precedence for zoning and land use. Until a year ago, this was a group home for adults with mental retardation. He wants to stress the word "home" because what PCS is really after in requesting on-site services is the kitchen. They want to use this facility to teach life-skills to their clients: how to make breakfast, how to sweep floors, to take care of themselves, etc. This will be a unique use of this facility. It is not general outpatient counseling. It is the home environment that PCS is interested in. Does not feel that any of the other organizations have the same scenario.
- Turned discussion over to Terri Crews to talk about the service.

Terri Crews offered the following comments:

- Mental Health Supports (MHS) is a service in which a staff member has a limited number of clients. Right now the total amount of MHS clients in the program is ten.
- The MHS staff already has offices in this home.
- The program is for people with serious mental illness or life issues which may prevent them from being able to care for themselves properly.
- An example of a possible service might be taking a client to the grocery store, then bringing them to the home to help them prepare meals using the food they bought.
- Most likely there will be two to four clients receiving services at the same time, though it will not necessarily be on a daily basis.
- The program already takes clients to appointments, parks, and other community events.
- Reiterated that the main desire for this location is to have a home environment.
- The program will only be during work hours, Monday through Friday.
- Currently there are ten clients, but that is not the capacity. PCS is currently advertising for another MHS staff member, which would bring the total client

- capability to fifteen.
- There would not be that many clients in the home at any given time.
 - The MHS staff provides transportation for the clients and since staff is already located in the building, there would be no additional parking used. They use agency cars.
 - MHS clients are generally referred to MHS from other services that PCS offers.
 - Usually work with clients several hours a day, but do not see the same clients every day. They do work with every client every week. Hope is to get clients to get to the point that they can take care of themselves, and not to keep them for a lifetime.
 - Responding to Planning Commission's concern over how expansive the program may become in the future: She has been with PCS for 12 years and during that time they have had no more than three MHS workers at any given time, throughout the 12 years. They are very strict on the individuals that go into the program. Do not generally use the program to address small needs. These individuals have serious mental illness with extreme deficits in their ability to be on their own. Therefore, PCS tends to keep a small case load with a limited staff. She does not envision the need for more than three MHS staff members at any given time. Additionally, Mr. Tobin added that he does not imagine the need to ever have more than five MHS staff members, and he is also willing to accept a limit on that by Planning Commission.
 - PCS is open from 8:00 a.m. until 5:00 p.m., Monday through Friday, so there should never be any client there outside of those hours.

Madame Chair Stockton called upon any member of the audience who wished to speak in reference to this request. Let the record show that no additional persons came forward to speak.

Discussion by Planning Commission ensued:

- Would like to see a limit on the number of MHS staff.
- Confirmed with Ms. Crews that it is PCS's intention to begin offering on-site services as soon as approval is granted.
- Could possibly treat this request as they did the soup kitchen, by asking for a report on the program in the future. PCS expressed no issues with this request.
- Is it necessary to limit the hours/days of operation?
- Confirmed with Ms. Crews that there would never be any overnight activities, as PCS's licensing prohibits it, though there may be a need to occasionally use the building in later evening hours for rare circumstances like a holiday

celebration with clients.

There being no further discussion, Madame Chair Stockton called the meeting back into regular session and entertained a motion.

- Motion was made by Vice Chair Speidel that Planning Commission recommends to Town Council the approval of the special use request for 50 West Church Street, Tax Map and Parcel Number 2070058300, with the following conditions: (1) that the services be offered Monday through Friday; (2) that staff be limited to five workers; and (3) that the town is presented with a review of activities in six months. Motion on the floor was seconded by Planning Commission Member Greer. There being no further discussion, let the record show that the motion on the floor passed unanimously.

Madame Chair Stockton recessed the meeting to hold the next public hearing:

(2) *Town of Rocky Mount 5-Year Capital Improvement Plan (CIP) for the fiscal period beginning July 1, 2012 and ending June 30, 2017*

After being duly advertised and pursuant to the Town Code of Rocky Mount and the Code of Virginia, town staff presented the 5-year CIP for review and recommendation to Town Council for approval. Commission received a copy of the CIP at last month's meeting, and the Assistant Town Manager noted that one change had been made by Town Council since then, being the removal of a replacement vehicle for the Community Development Department's Cavalier vehicle, which amounted to \$25,000.

Discussion ensued:

- Under BUILDINGS AND GROUNDS – Com Dev.- \$275,000, proposed Town share for music venue, when will the Town know if this is an accurate cost? Is this just a guess?
- Figure is an educated guess. Town expects to receive around \$500,000 in foundational grants in support of the project, but will apply for more.
- Feedback good at the public input session regarding the music venue, with approximately 80 people attending.
- There is no commitment to the music venue. The Town owns the building, but currently there is not a commitment to complete.
- Celeste Park work is being done by Dr. Tsanacas of Ferrum College, whose students received a \$2,000 grant from Lowe's to spruce up a corner of their world. They chose Celeste Park. They will be requesting additional funding from Lowe's. The Town has also received donations from the Robert Williams

estate, and also received donations when Keister Greer passed away.

- Everything listed in the CIP for FY2013 is covered in the budget.
- Discussed revenue lost on trash collection and water production.

There being no further discussion, Madame Chair Stockton called the meeting back into regular session and entertained a motion.

- Motion was made by Vice Chair Speidel that Planning Commission recommends to Town Council the approval of the 5-year CIP for the Town of Rocky Mount, with corrections as noted by staff, with motion on the floor being seconded by Planning Commission Member Tiggle. There being no further discussion, let the record show that the motion on the floor passed unanimously.

OLD BUSINESS

- (1) Consider setting special date for work session to finalize Zoning Ordinance update work**

Staff is making this request because over the past few months there have been scheduled public hearings and it is often difficult to judge how much time will be available during a meeting for work-session discussion. Staff asked for a 2-hour meeting to finish the Zoning Ordinance revisions discussion, advising that it could be done at a regular meeting, but it could make for a long meeting, if public hearings are scheduled. It was the consensus of Planning Commission that the meeting should be scheduled for the regular June meeting, but in case of public hearing, the meeting will begin at 5:00 p.m.

NEW BUSINESS

- (1) Consideration of Changes to Current Minutes Format**

Staff is making this request to limit the amount of time spent preparing meeting minutes. From a time management perspective, bullet or outline-style minutes would be better than long-form minutes, especially since meeting recordings are kept and stored in the vault. The Deputy Clerk advised that she would like to get away from listing what each person says individually. She would like to use bullet points instead. Planning Commission is required to keep a record of its meetings,

but code does not specify the amount of detail that must be kept. It was the consensus of Planning Commission that the Deputy Clerk should begin preparing minutes in a shorter, more direct format, and if they later have objections they will let staff know.

COMMISSIONER CONCERNS

Discussed stoplight at the Wal-Mart/CVS/Shoe Show intersection and need for there to be a leading green coming out of Wal-Mart, along with other stoplight issues.

ADJOURNMENT

At 7:02 p.m., and with no further business to discuss, Madame Chair Stockton entertained a motion to adjourn, with motion being made by Planning Commission Member Tiggle, seconded by Vice Chair Speidel, and carried unanimously.

Janet Stockton, Chair

ATTEST:

Stacey B. Sink, Deputy Clerk

/sbs

(This page left intentionally blank.)

DRAFT

**TOWN OF ROCKY MOUNT
PLANNING COMMISSION
MINUTES
JUNE 5, 2012
6:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia, met at the Rocky Mount Municipal Building on Tuesday, June 5, 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 John Tiggle. Let the record show that Planning Commission Member Derwin Hall arrived at the meeting at 6:03 p.m. and Planning Commission Member Jerry Greer was absent.

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

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 Planning Commission Member Tiggle. 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 submitted for approval at this time.

PUBLIC HEARING

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

NEW BUSINESS

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

OLD BUSINESS

(1) Work Session on Zoning Ordinance 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 received documentation regarding the proposed changes, many of which were discussed in previous work sessions. The purpose of this work session is to discuss the remaining items. Discussion regarding the proposed updates was as follows:

- Article 6: (6-3-1.2) Staff suggests wording correction from "sketch development plan" to "site development plan." Also in 6-3-1.4, staff suggests adding phrase "and maintained as determined by the planning and zoning administrator" so that the section will read: *The manufactured home park shall be well-landscaped and maintained as determined by the planning and zoning administrator.* The Town Attorney expressed discomfort with the phrase "as determined by the planning and zoning administrator" and advised he would take a look at this before a final recommendation is made, noting that a site development plan would detail the manner in which landscaping is to be maintained.
- Article 6-3-2.8 (rear yard regulations for townhouses): There appears to be something missing from this section of the ordinance. Currently it reads: *Each townhouse shall have a minimum rear yard of 40 feet, except when the rear yard abuts each yard shall be at least 25 feet. An accessory building not exceeding ten feet by ten feet may be constructed in any rear yard.* Staff notes that there appears to be something missing both after the word "abuts" and also at the end of the section. Staff questions, "abuts what?" and suggests adding the following phrase to the end of the section: *not closer than five feet to the property line and not further than 15 feet from the property line.*
- To the question of "abuts what?": Could it be a private drive? A public street? Another rear yard? The Town Attorney wishes to review this language as well.

- Article 6-6-3(B)3: Word correction substituting “supplemented” for “supplanted”.
- Article 7: No substantial changes.
- Article 8: Only substantive change proposed is to add 8-9(6): *the Zoning Administrator may set standards for banner size and shape, in conjunction with the Public Works Director.* The Town Attorney advised that he does not like this proposed language because it suggests that the Zoning Administrator can make the law. It was the consensus of Planning Commission that it would be better to have specific dimensions.
- Article 11 (Provisions for Appeal): The entire article changed, and has been edited in consultation with the Town Attorney to conform to state code.
- Article 12 (Violation and Penalty): No changes other than article number.
- Child and adult day care facilities: The Deputy Clerk will consult with the Town Attorney regarding necessary ordinance changes pertaining to child and adult day care facilities.
- The Zoning Ordinance does not give authority or establish a Planning Commission, but Town Code does. Is there a need to have it in the Zoning Ordinance as well? The Town Attorney thinks not.
- Public hearing regarding ordinance updates will be at regular August meeting.
- Potential for having a public hearing at the July meeting, though no application has been received yet. The July meeting was pre-scheduled for Monday, July 2, 2012 to work around the July 4th holiday.

COMMISSIONER CONCERNS

- Concern over the condition of the walkway/alley leading from the rear of the Franklin News-Post. It is a bit overgrown. Trees need to be trimmed.
- Concern over condition of the vacant lot (tall grass and weeds) next to Sheetz, owned by A&H Holdings.
- Concern over youngsters selling items in the median at the intersection of Floyd and Franklin, for the past two weekends.

ADJOURNMENT

At 6:59 p.m., and with no further business to discuss, Madame Chair Stockton entertained a motion to adjourn, with motion being made by Planning Commission Member Clements, seconded by Vice Chair Speidel, and carried unanimously by those present.

Janet Stockton, Chair

ATTEST:

Stacey B. Sink, Deputy Clerk

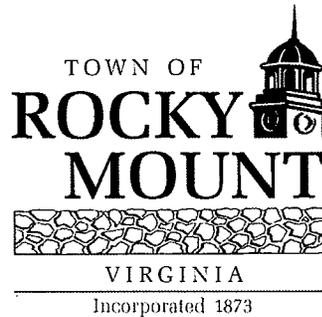
/sbs

DRAFT

345 Donald Ave.
Rocky Mount, Virginia 24151

540.483.0907
FAX 540.483.8830

E-mail: ssink@rockymountva.org
www.rockymountva.org



TOWN COUNCIL
Steven C. Angle, *Mayor*
Gregory B. Walker, *Vice Mayor*

Bobby M. Cundiff P. Ann Love
Jerry W. Greer, Sr. Bobby L. Moyer
Robert W. Strickler

Stacey B. Sink, CMC
Deputy Clerk
Planning Technician

MEMORANDUM

To: Planning Commission
Janet Stockton, Chair

From: Stacey B. Sink, Deputy Clerk *SBS*

Cc: Matthew C. Hankins, Assistant Town Manager
Patrick N. Rust, Town Planner
John Boitnott, Town Attorney

Date: June 27, 2012

Re: Zoning Ordinance Revisions Items of Interest

Before you, now, is the completed Zoning and Development Ordinance. Since our last meeting, I met with the town attorney to discuss all of the questions raised during the past several months of review. In addition, I also studied several years of Virginia Municipal League Legislative Bulletins to identify any possible changes in Virginia Law which might impact our ordinance. As expected, there were both mandatory and discretionary updates which need to be discussed during our revision process.

Also included with the orange ordinance book is a spreadsheet of all the substantive ordinance changes which were made throughout this process. Many of these changes have been discussed by Planning Commission already, some of them were discussed in the absence of a final resolution, and some of them have not been discussed at all. On the spreadsheet, I have denoted any items which Planning Commission has not discussed at all or has not seen in final form with an asterisk (*). Please pay special attention to these items on the spreadsheet.

Detailed below is information pertaining to the "child care" and "adult care" discussion, as well as information on mandatory and discretionary ordinance updates which resulted from legislative changes dating back to 2008.

CHILD CARE/ADULT CARE

It is the recommendation of staff and the town attorney that our zoning ordinance comply with State Code in reference to the terminology used to refer to the various forms of child and adult care facilities. Therefore, all of the previous terms used in our ordinance have been removed, and the following terms have been added: (1)

Adult Day Care Center; (2) Adult Day Care Home; (3) Child Day Center; and (4) Family Day Home.

In addition, a significant change has been made in how these uses are allowed in the various zoning districts. Currently, what we call “home day cares” are allowed in most of the residential zoning districts as a use by right. However, § 15.2-2292 of the Code of Virginia (1950), as amended, entitled “zoning provisions for family day homes” requires that “notification be sent by registered or certified letter to ... each adjacent property owner” before a zoning permit for a family day home may issued. Therefore, it is staff’s recommendation that family day homes be allowed only as a use by special exception in residentially zoned areas. This change would be in compliance with the State Code requirement that adjacent property owners receive notification. The Town of Vinton has addressed this issue in the same manner.

For clarification, the chart below details the recommended changes:

	HOME OCCUPATION (child care of 5 or less children - does not require state licensure)	FAMILY DAY HOME* (child care of 6 to 12 children - requires state licensure)	CHILD DAY CENTER (13+ children - requires state licensure)	ADULT DAY CARE HOME* (care of <4 adults)	ADULT DAY CARE CENTER (care of 4 or more adults)
USE BY RIGHT	Allowed in all residential districts. Not limited to single-family dwellings, so would include duplexes and multi-family dwellings. Would be treated as any other home occupation.		GB CBD C2 C1	CBD RB R3 R2 R1 RA RPUD	GB CBD C2 C1
USE BY SPECIAL EXCEPTION		CBD RB R3 R2 R1 RA RPUD	RB		RB

* Family Day Homes and Adult Day Homes are, by definition, “single-family dwellings”. Therefore, even though they are allowed in R3 and R2 zoning, they would not be allowed in multi-family dwellings or duplexes.

MANDATORY UPDATES

Vested rights and nonconforming uses, and damaged by ‘act of God’: In 2008, HB 1078 amended § 15.2-2307 to make several changes to the nonconforming use section including: (1) that a locality shall use square footage and building code provisions in determining whether a nonconforming use has been enlarged or structurally altered; and (2) differentiating between “illegal” and “nonconforming”. In 2009, HB 1680

amended § 15.2-2307 to provide that the term “act of God” includes a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, or certain fires. The bill specified that owners of property damaged by accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. The bill also allowed that if the building is damaged greater than 50 percent and cannot be repaired, rebuilt, or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. This change in State Code required amendments to Article 39, Nonconforming Uses, specifically the addition of 39-8-4 and 39-8-5.

Temporary family health care structures: In 2010, HB 1307 added § 15.2-2292.1 to provide that zoning ordinances for all purposes shall consider “temporary family health care structures” for use by a caregiver in providing care for a mentally or physically impaired person on property owned or occupied by the caregiver at his residence as a permitted accessory use in any single-family residential zoning district. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures. This change in State Code requires amendments to Article 6, Supplementary District Regulations (reference Article 6, Section 6-3-3) and also amendments to the RPUD, RA, R1, R2, R3, RB, and CBD zoning districts to add the structures as uses by right.

DISCRETIONARY UPDATES

In addition to the above mandatory updates, several laws have been passed since 2008 which you may choose to include in the Town’s Zoning and Development Ordinance. Details of these laws are detailed below; however, no proposed changes have been included in the orange books. These items will be discussed during the coming months.

- 2008, HB 350 - Expands certain authority related to enforcement of occupancy limits in residential dwelling units to all zoning administrators.
- 2008, HB 679 - Regarding civil penalties for violation of the zoning ordinance.
- 2008, HB 1061 - Allowing for an appeal period of less than 30 days for certain specific zoning violations (including overcrowding, commercial vehicles, etc.).

These laws would primarily affect Article 11, Provisions for Appeal, and Article 12, Violation and Penalty.

SUBSTANTIVE ZONING ORDINANCE REVISIONS REQUIRING ADVERTISEMENT/PUBLIC HEARING

SUBSTANTIVE CHANGE #	Article No. (New)	* Denotes new	Description of Change
1	3-3		Amending Article 3-3 to include Franklin County Zoning District Planned Commercial District PCD and assign corresponding Rocky Mount Zoning Districts of Commercial Office Limited District C1 and Commercial Office General District C2; and, changing the Rocky Mount District corresponding to Franklin County District Residential Planned Unit Development RPD from Residential District R1 to Residential Planned Unit Development RPUD.
1a	4	*	Adding definition: ACCESSORY STRUCTURE - See "Building, accessory".
1b	4	*	Amending definition: ACCESSORY USE - A use of land or a use of a building or structure for purposes customarily incidental and clearly subordinate to the principal use of the lot on which it is located. <i>(Formerly - Accessory use or structure: A subordinate or secondary use or structure customarily incidental to and located upon the same lot occupied by the main use or building, provided that no such accessory building shall be used for housekeeping purposes.)</i>
2	4		Deleting definition: ADULT CARE FACILITIES - an agency, organization or individual providing daytime care for adults, in conformance with licensing regulations
3	4	*	Adding definition: ADULT DAY CARE CENTER - a facility which provides supplementary care and protection during a part of the day only to four or more aged, infirm, or disabled adults who reside elsewhere, except a facility or portion of a facility licensed by the Commonwealth of Virginia State Board of Health or the Commonwealth of Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services.

4	4	*	<p>Adding definition: ADULT DAY CARE HOME - a single-family dwelling in which is operated a facility which provides supplementary care and protection during a part of the day only to less than four aged, infirm or disabled adults who reside elsewhere, except a facility or portion of a facility licensed by the Commonwealth of Virginia State Board of Health or the Commonwealth of Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services.</p>
5	4	*	<p>Adding definition: ASSISTED LIVING FACILITY - Any facility or any identifiable component of a facility in which the primary function is the provision on a continuing basis of shelter and other services, which may include meals, housekeeping, and personal care assistance, for elderly residents who are typically functionally impaired and socially isolated, but otherwise in good health and able to maintain a semi-independent lifestyle, not requiring the more intensive care of a nursing home.</p>
6	4		<p>Adding definition: AUTOMOBILE/TRUCK SALES AND SERVICE - See automobile dealership.</p>
7	4	*	<p>Amending definition: BUILDING, ACCESSORY - A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such accessory structure shall be used for housekeeping purposes, <u>with the exception that dwelling use shall not be prohibited for temporary family health care structures (as defined).</u></p>
8	4		<p>Adding definition: BUILDING, COMMUNITY ACCESSORY - In high-density housing or planned developments, a structure and associated amenities owned and operated by a community corporation or association for the purpose of providing common meeting, social, recreational or dining spaces for the benefit of the members of the corporation or association. Some examples include: clubhouses, swimming pools and poolhouses, dining halls, ballrooms, tennis courts, locker rooms, recreational fields and associated buildings or similar uses associated with the mission of the corporation or association.</p>
9	4		<p>Adding definition: BUILDING FOOTPRINT - The outline of the total area covered by a building's perimeter, as measured from the outside of all exterior walls, at the ground level.</p>

10			<p>Deleting definition: CHILD CARE CENTER - A structure either wholly or partially used for the temporary care and lodging for compensation of young children. Three types of child care centers are: (a) home care: use of the residential structure or part thereof for the temporary lodging and care of not more than four children for compensation; (b) day care center: a commercially zoned structure utilized for the temporary care of not more than ten children for compensation. This use must meet the necessary state licensing requirements; and (c) nursery: a structure utilized for the reception, board, and care for compensation of ten or more children. This use must meet the necessary state licensing requirements.</p>
11	4	*	<p>Adding definition: CHILD DAY CENTER - A facility complying with applicable Commonwealth of Virginia licensing requirements and operated for the purpose of providing care, protection and guidance to a group of 13 or more children separated from their parents or guardians during a portion of the day.</p>
12	4		<p>Adding definition: COMMUNITY CENTER - See community accessory building.</p>
13	4		<p>Amending definition: DAIRY - A commercial establishment for the production and sale of wholesale dairy products. (Formerly - A commercial establishment for the manufacture and sale of dairy products.)</p>
14	4		<p>Adding definition: DATA CENTER - An industrial building designed to hold large numbers of servers, computers, switches and related electronic equipment to facilitate storage of data from off-site sources. Typically, data centers include infrastructure support for high-speed communications connections, as well as the back-up power supplies required to maintain the integrity of the center in case of disaster.</p>
15	4	*	<p>Adding definition: FAMILY DAY HOME - A single-family dwelling in which a facility as defined in § 63.2-100 of the Code of Virginia (1950), as amended, is operated for the purpose of providing care for more than five but less than 13 children separated from their parents or guardians during a portion of the day, exclusive of the provider's own children and any children who reside in the home. The care of five or less children for portions of a day shall be considered a home occupation.</p>

16	4		<p>Amending definition: FLOOD OR FLOODING - (1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal water; or, the unusual and rapid accumulation or runoff of surface waters from any source; (2) The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in part (1) of this definition. (Formerly - A general and temporary inundation of normally dry land areas.)</p>
17	4		<p>Amending definition: FLOODPLAIN OR FLOODPRONE AREA - Any land area susceptible to being inundated by water from any source. (Formerly - (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) An area subject to the unusual and rapid accumulation or runoff of surface waters from any source.)</p>
18	4		<p>Amending definition: FLOODWAY - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. (Formerly - The designated area of a floodplain required to carry the discharge of flood waters of a given magnitude. For the purposes of this ordinance the floodway shall be capable of accommodating a flood of the 100-year magnitude.)</p>
19	4		<p>Adding definition: FUNERAL HOME - A mortuary service facility licensed and inspected by the Commonwealth of Virginia which provides ordinary and customary on-site funerary services after death and before final disposition of a body, including, but not limited to: transfer of decedent remains to or from other mortuary services; embalming and associated disposition of fluids; preparation of remains for viewing and burial; holding wakes, memorials and funeral services; cremation of remains; pre-need planning; casket and vault sales; storage and parking for vehicles ordinarily used for funeral transportation.</p>

20	4		Deleting definition: HARDSHIP - A situation used in appealing for variances that borders on confiscation. Inconvenience does not constitute hardship.
21	4	*	Deleting definition: HOME DAY CARE - Use of a residence or part thereof for the temporary day care of not more than four children or four elderly persons for compensation as allowed by law.
22	4	*	Amending definition: HOME OCCUPATION - leaving "as-is" but removing the last statement which reads: <i>(Certain home care facilities for the young or the elderly may be conducted as a "home occupation" if they comply with Virginia law related to "day care" facilities.)</i>
23	4	*	Amending definition: HOSPITAL - A facility, licensed by the Commonwealth of Virginia, in which the primary function is the provision of diagnosis, treatment and medical and nursing services, surgical or nonsurgical, for sick or injured persons, and which provides inpatient beds, and including ancillary facilities for outpatient and emergency care, training, research, administration and employee, patient and visitor services, but not including a facility exclusively or primarily for the care and treatment of psychiatric patients or persons suffering from substance abuse. <i>(Formerly - An institution rendering medical, surgical, obstetrical, or convalescent care, including nursing homes, homes for the aged and sanitariums, but in all cases excluding institutions primarily for mental disorders or mentally handicapped patients, epileptics, alcoholics or drug addicts.)</i>
24	4		Adding definition: LODGE - A facility providing meeting, recreational, social and/or dining spaces for a fraternal organization. Compare to club.
25	4		Adding definition: NURSERY, HORTICULTURAL - An agricultural or commercial facility wherein plants, trees, and shrubs are raised from seed or root stock for sale in retail or bulk garden centers.
26	4	*	Adding definition: NURSING HOME - Any facility or identifiable component of a facility in which the primary function is the provision on a continuing basis of nursing services and health related services for the treatment and in-patient care of two or more non-related individuals and which is licensed by the Commonwealth of Virginia as a nursing home, but excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease.

27	4		<p>Amending definition: PENNANT SIGN - Pieces of cloth, plastic or flexible material generally triangular or rectangular in shape, and which typically are strung together in a series of lines which are hung from poles, between buildings or in other arrangements for the purpose of decoration or attracting attention <u>on a temporary basis.</u></p>
28	4		<p>Amending definition: PERSONAL SERVICE ESTABLISHMENT - Any building wherein the occupation is the repair, care of, maintenance or customizing of personal properties that are worn or carried about the person or are a physical component of the person. For the purpose of this ordinance, personal service establishments shall include barbershops, beauty parlors, pet grooming establishments, tailors, dressmaking shops, <u>dry cleaners</u>, shoe cleaning, repair shops, photographic studios, linen and diaper service establishments.</p>
29	4		<p>Adding definition: RAIL TRANSFER FACILITY - A facility, either standalone or incorporated with an industrial facility, designed to accommodate the intermodal transfer of goods and raw materials to or from rail cars and to or from highway carriers.</p>
30	4		<p>Amending definition: SAWMILL - A portable sawmill located on a private property, with processing of timber cut only from that property or from property immediately contiguous and adjacent thereto. <u>Also, a production facility creating finished or treated lumber from raw timber, regardless of origin.</u></p>

31	5-7	*	<p>Amending Article 5-7, Fees to read as follows: The Town Council may establish by general rule for the collection of fees to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of this zoning ordinance or to the filing or processing of appeals and amendments. All applications for rezoning, permits, reviews, approvals or other actions for which fees are specified by such general rule, shall be accompanied by the required application fee. A schedule of such fees shall be made available in the office of the zoning administrator... (Formerly: Fees are allowed by § 15.2-2286 of the Code of Virginia (1950), as amended. Administrative review and processing of zoning permits, certificates of zoning compliance (occupancy), site plans, rezoning requests, special exceptions, amendments, public hearing advertising, variance and nonconforming uses shall be published under a separate fee schedule and reviewed annually by the zoning administrator prior to approval by the town council. The amount of the current fees and charges are as follows...) NOTE: The referenced fee schedule was previously contained within the ordinance which required an amendment each time a fee was change. This will allow fees to be changed through normal procedures without requiring an amendment to the Zoning Ordinance.)</p>
32	6-3-1.2		<p>Amending Article 6-3-1.2 changing terminology used from <u>sketch development plan</u> to site development plan as follows: Prior to the development of a manufactured home park, the developer must submit a site development plan to the planning commission and the town council for approval. The plan shall be prepared at a scale of one inch equals 100 feet or one inch equals 200 feet and shall depict the following items: (a) Location and size of the manufactured home park; (b) Location and size of the manufactured home lots; (c) Location and width of the proposed internal streets, and common walkways; (d) Location and size of the proposed sanitary facilities; (e) Location and size of the proposed service building and recreation area; (f) Location and size of water facilities.</p>

33	6-3-2.8	*	Amending 6-3-2.8, rear yard regulations to read as follows: Each townhouse shall have a minimum rear yard of 40 feet, except when the rear yard abuts <u>an area intended for the common use of townhouse occupants</u> such yard shall be at least 25 feet. An accessory building not exceeding ten feet by ten feet may be constructed in any rear yard, not closer than five feet to the property line, and not further than 15 feet from the property line.
34	6-5-3(B)3		Amending 6-5-3(B)3 regarding required screening to read as follows: The following list of specific screening provisions is descriptive of configurations which, among others, meet the standards of subsection (A) above: (1) White pines, Lob pines, Eastern red cedar, Norway spruce, Canada hemlock, or similar tree; (2) Yew, box honeysuckle or similar dense hedge; (3) A six-foot-high architectural screen (fences, man-made structures, berms, etc.) <u>supplemented</u> with plantings.
35	11	*	Amending Article 11, Provisions for Appeal, for conformity to State Code (awaiting rewrite from JTB)
36	12	*	Amending Article 12, Violation and Penalty, for conformity to State Code (awaiting rewrite from JTB)
37	19-1-5	*	Amending Article 19-1-5 Accessory buildings, as defined; however, a building or structure attached to the main building by walls or roof shall be considered part of the main building. The building footprint of an accessory building shall not exceed 50-percent of the building footprint of the principal building. An accessory building shall not be greater in height than the main structure. An accessory building shall be located behind and not closer than ten feet to the main structure. An accessory building within 20 feet of a property line may not be more than one story in height. A one-story accessory building may be no closer than five feet to any property line of an adjoining property owner.
38	19-1-10	*	Deleting 19-1-10 Home child care centers - as a use by right in the RA district.
38a	19-1-19	*	Adding 19-1-19 Adult day care homes, as defined - as a use by right in RA.
39	19-1-20	*	Adding 19-1-20 Temporary family health care structures, as defined - as a use by right in RA (required by State Law in all residential zoning districts).
40	19-2-2	*	Adding 19-2-2 Family day homes, as defined - as a use by special exception in the RA district.

41	19-5	<p>Amending 19-5 Area regulations to read: The minimum lot area for permitted uses shall be one acre (43,560 square feet) or more. For permitted uses utilizing individual sewage disposal systems, the required area for any such area shall be approved by the health official. The health official and the administrator may require a greater area if considered necessary by soil and site conditions.</p>
42	20-1-5	<p>Amending 20-1-5 Accessory buildings, as defined; however, a building or structure attached to the main building by walls or roof shall be considered part of the main building. The building footprint of an accessory building shall not exceed 50-percent of the building footprint of the principal building. An accessory building shall not be greater in height than the main structure. An accessory building shall be located behind and not closer than ten feet to the main structure. An accessory building within 20 feet of a property line may not be more than one story in height. A one-story accessory building may be no closer than five feet to any property line of an adjoining property owner.</p>
43	20-1-10	<p>Deleting 20-1-10 Home care centers - as a use by right in R1.</p>
44	20-1-13	<p>Adding 20-1-13 Adult day care homes, as defined - as a use by right in R1.</p>
45	20-1-14	<p>Adding 20-1-14 Temporary family health care structures, as defined - as a use by right in R1.</p>
46	20-2-2	<p>Adding 20-2-2 Family day homes, as defined - as a use by special exception in R1.</p>
47	21-1-5	<p>Deleting 21-1-5 Home care centers - as a use by right in R2.</p>
48	21-1-7	<p>Amending 21-1-7 Accessory buildings, as defined; however, a building or structure attached to the main building by walls or roof shall be considered part of the main building. The building footprint of an accessory building shall not exceed 50-percent of the building footprint of the principal building. An accessory building shall not be greater in height than the main structure. An accessory building shall be located behind and not closer than ten feet to the main structure. An accessory building within 20 feet of a property line may not be more than one story in height. A one-story accessory building may be no closer than five feet to any property line of an adjoining property owner.</p>
49	21-1-12	<p>Adding 21-1-12 Adult day care homes, as defined - as a use by right in R2.</p>

50	21-1-13	*	Adding 21-1-13 Temporary family health care structures, as defined - as a use by right in R2.
51	21-2-4	*	Adding 21-2-4 Family day homes, as defined - as a use by special exception in R2.
52	22-1-4	*	Deleting 22-1-4 Day care centers - as a use by right in R3.
52	22-1-8		Amending 22-1-8 Accessory buildings, as defined; however, a building or structure attached to the main building by walls or roof shall be considered part of the main building. The building footprint of an accessory building shall not exceed 50-percent of the building footprint of the principal building. An accessory building shall not be greater in height than the main structure. An accessory building shall be located behind and not closer than ten feet to the main structure. An accessory building within 20 feet of a property line may not be more than one story in height. A one-story accessory building may be no closer than five feet to any property line of an adjoining property owner.
53	22-1-11	*	Adding 22-1-11 Adult day care homes, as defined - as a use by right in R3.
54	22-1-12	*	Adding 22-1-12 Temporary family health care structures, as defined - as a use by right in R3.
55	22-2-3	*	Adding 22-2-3 Family day homes, as defined - as a use by special exception in R3.
56	23-1-8	*	Deleting 23-1-8 Family day care homes - as a use by right in RPUD.
57	23-1-14	*	Adding 23-1-14 Adult day care homes, as defined - as a use by right in RPUD.
58	23-1-15	*	Adding 23-1-15 Temporary family health care structures, as defined - as a use by right in RPUD.
59	23-2-2	*	Adding 23-2-2 Family day homes, as defined - as a use by special exception in RPUD.
60	23-7		Amending 23-7 to read: Buildings may be erected up to 25 feet in height above the finished floor elevation. <u>(Formerly - Buildings may be erected up to 25 feet in height above the finished floor elevation except that no accessory building within 20 feet of any lot line shall be more than one story high. All accessory buildings shall be less than the main building in height.)</u>
61	23-13-1 (1)		Amending 23-13-1(1) to read: Any change in the density of development. (Formerly - Any <u>increase</u> in the density of development.)

62	24-1-9	Amending 24-1-9 Accessory buildings, as defined; however, a building or structure attached to the main building by walls or roof shall be considered part of the main building. The building footprint of an accessory building shall not exceed 50-percent of the building footprint of the principal building. An accessory building shall not be greater in height than the main structure. An accessory building shall be located behind and not closer than ten feet to the main structure. An accessory building within 20 feet of a property line may not be more than one story in height. A one-story accessory building may be no closer than five feet to any property line of an adjoining property owner.
63	24-1-16	Deleting 24-1-16 Home child care centers - as a use by right in RB.
64	24-1-19	Adding 24-1-19 Adult day care homes, as defined - as a use by right in RB.
65	24-1-20	Adding 24-1-20 Temporary family health care structures, as defined - as a use by right in RB.
66	24-2-1	Adding 24-2-1 Family day homes, as defined - as a use by special exception in RB.
67	24-2-2	Adding 24-2-2 Child day centers, as defined - as a use by special exception in RB.
68	24-2-3	Adding 24-2-3 Adult day care centers, as defined - as a use by special exception in RB.
69	24-7-2(2)	Amending 24-7-2 Accessory buildings, as defined; however, a building or structure attached to the main building by walls or roof shall be considered part of the main building. The building footprint of an accessory building shall not exceed 50-percent of the building footprint of the principal building. An accessory building shall not be greater in height than the main structure. An accessory building shall be located behind and not closer than ten feet to the main structure. An accessory building within 20 feet of a property line may not be more than one story in height. A one-story accessory building may be no closer than five feet to any property line of an adjoining property owner.
70	27-1-4	Amending 27-1-4, changing "Day care facilities, as defined" to "Child day centers, as defined" as a use by right in C1.
71	27-1-17	Adding 27-1-17 Adult day care centers, as defined - as a use by right in C1.
72	28-1-2	Amending 28-1-2, changing "Day care facilities, as defined" to "Child day centers, as defined" as a use by right in C2.

73	28-1-3	*	Adding 28-1-3 Adult day care centers, as defined - as a use by right in C2.
74	29-1-19	*	Amending 29-1-19, changing "Child care centers, as defined" to "Child day centers, as defined" as a use by right in CBD.
75	29-1-34	*	Adding 29-1-34 Adult day care homes, as defined - as a use by right in CBD.
76	29-1-35	*	Adding 29-1-35 Adult day care centers, as defined - as a use by right in CBD.
76a	29-1-36	*	Adding 29-1-36 Temporary family health care structures, as defined - as a use by right in CBD.
76b	29-2-7	*	Adding 29-2-7 Family day homes, as defined - as a use by right in CBD.
77	30-1-8	*	Amending 30-1-8, changing from "nursing homes" to "nursing homes and assisted living facilities, as defined" as use by right in GB.
78	30-1-24	*	Amending 30-1-24, changing "Child care centers" to "Child day centers, as defined" as a use by right in GB.
79	30-1-25	*	Adding 30-1-25 Adult day care centers, as defined - as a use by right in GB.
80	34-1-20		Adding 34-1-20 Rail transfer facilities, as defined - as a use by right in M2.
81	34-8-1		Amending 34-8-1 to read: The creation of irregular or pipe stem lots shall be prohibited. No lot shall be platted or modified pursuant to the provisions of the Town of Rocky Mount Subdivision Ordinance that, due to its geometric characteristics, results in the creation of an irregular lot. <i>(Formerly - The creation of irregular or pipe stem lots shall be prohibited. No lot shall be platted or modified pursuant to the provisions of the Roanoke County Subdivision Ordinance that, due to its geometric characteristics, results in the creation of an irregular lot.)</i>
82	37-1-10		Amending 37-1-10 Accessory buildings, as defined; however, a building or structure attached to the main building by walls or roof shall be considered part of the main building. The building footprint of an accessory building shall not exceed 50-percent of the building footprint of the principal building. An accessory building shall not be greater in height than the main structure. An accessory building shall be located behind and not closer than ten feet to the main structure. An accessory building within 20 feet of a property line may not be more than one story in height. A one-story accessory building may be no closer than five feet to any property line of an adjoining property owner.
83	39	*	Amending Article 39 in its entirety to account for "Act of God" legislation.