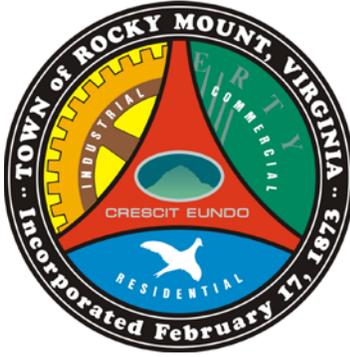


TOWN OF ROCKY MOUNT
345 DONALD AVE.
ROCKY MOUNT, VIRGINIA 24151

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PLANNING COMMISSION
JANET STOCKTON, *Chair*
JOHN SPEIDEL, *Vice Chair*

BUD BLANCHARD JERRY W. GREER, SR.
INA CLEMENTS DERWIN HALL
JOHN TIGGLE

C. JAMES ERVIN, *Town Manager*
MATTHEW C. HANKINS, *Assistant Town Manager*
& *Community Development Director*

PLANNING COMMISSION AGENDA

Wednesday, November 5, 2014 • 6 p.m.

Council Chambers, Rocky Mount Municipal Building
345 Donald Avenue, Rocky Mount, VA

Call to Order and Welcome

Janet Stockton, Chair

1. Roll Call of Members Present
2. Approval of Agenda
3. Review and Consideration of Minutes
 - October 9, 2014 - Regular Meeting Minutes
4. Work Session
 - The Commission will meet in work session to discuss the keeping of chickens in non-agriculturally zoned areas
5. Commissioner Concerns & Staff Updates
6. Adjournment

Thank you for attending tonight's Planning Commission meeting and/or public hearing. The Planning Commission appreciates and welcomes public participation in its meetings.

If you have a cell phone, please silence it during the meeting.

If you have need for a special accommodation during the meeting, please notify the deputy clerk. The Town has assistive listening devices available for those who are hard of hearing.

If you wish to speak during a public hearing, please sign in on the appropriate sheet located at the front table. There will be one sheet for each public hearing.

**TOWN OF ROCKY MOUNT
PLANNING COMMISSION
REGULAR MEETING MINUTES
October 9, 2014
6:00 p.m.**

The Planning Commission of the Town of Rocky Mount, Virginia met in the Council Chambers of the Rocky Mount Municipal Building, located at 345 Donald Avenue, Rocky Mount, Virginia, at 6:00 p.m. on Thursday, October 9, 2014, for its regular monthly meeting with Madame Chair Janet Stockton presiding.

Commission Members Present: Bud Blanchard; Derwin Hall; Ina Clements; Jerry Greer; John Tiggle; Madame Chair Janet Stockton; Vice Chairman John Speidel

Commission Members Absent: None

Staff Members Present: Matthew C. Hankins, Assistant Town Manager; Stacey Sink, Deputy Clerk and Secretary

APPROVAL OF AGENDA

Additions or Corrections: None

Motion: To approve the agenda as presented

Motion By: Commission Member Clements

Second: Commission Member Blanchard

Action: Approved by a unanimous vote

REVIEW AND CONSIDERATION OF MINUTES

Let the record show that prior to the meeting, Planning Commission received the following draft minutes for review and consideration of approval: **August 19, 2014 - regular meeting minutes.**

Additions or Corrections: None

Motion: To approve the minutes as presented

Motion By: Commission Member Tiggle

Second: Commission Member Greer

Action: Approved by a unanimous vote

PUBLIC HEARING

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

OLD BUSINESS

Old Business Item #1: Follow-Up Discussion Regarding Comprehensive Plan Update Work Session

Staff Remarks: Enclosed in the packet are meeting notes from the August 19 Comprehensive Plan update work session with Evie Slone of Hill Studio. Ms. Slone would like to know if Planning Commission has any additional questions or comments concerning the information discussed during the work session. Hill Studio continues to work on the project and is currently in the process of assembling background information and base materials for mapping. Ms. Slone is also working with Deputy Clerk Sink to schedule meetings with other town staff members and community stakeholders to discuss their thoughts and insights regarding the plan update. Also, Ms. Slone would like to know if there are specific community stakeholders that Planning Commission would like for her to interview regarding expectations for the plan.

Discussion by Planning Commission: *Speidel* - Thinks that Ms. Slone's meeting notes were very good.

Action: Let the record show that Planning Commission offered no additional questions or comments at this time. Commissioners will consider the request for community stakeholders and will report back to staff at a later time.

Old Business Item #2: Discussion Regarding Proposed Amendments to Allow the Keeping of Chickens in Non-Agriculturally Zoned Areas

Staff Remarks: At its July 1, 2014 meeting, Planning Commission discussed the urban farming of "backyard" chickens. During that discussion, staff noted that due to an increased interest from citizens, Town Council had referred the issue to Planning Commission for review. Planning Commission discussed various concerns regarding the keeping of chickens and suggested that staff look at preparing a restrictive draft ordinance as a starting point for discussion. Presented for Planning Commission's review is a proposed, draft ordinance amending Part II, Chapter 10, Article IV of the Town Code, along with additional possible amendments affecting the Zoning Ordinance. Staff is looking for a suggestion from Planning Commission if this type of draft document is helpful.

Discussion by Planning Commission: *Blanchard* - Has staff discussed this matter with other localities that have allowed the keeping of chickens? *Hankins* - Most of that

information is anecdotal. Most problems are with enforcement regarding monitoring the number of chickens, as well as how chickens are disposed of when they age or people no longer want to keep them.

Greer - How many people have chickens in town right now? *Hankins* - Approximately eight right now, that staff is aware of.

Hall - Likes the presented draft ordinance. What exactly did Town Council ask Planning Commission to do? *Hankins* - Town Council asked Planning Commission to study the idea of having chickens, and to make a recommendation.

Speidel - Likes the presented ordinance and thinks it addresses everything except the neighbors and how the neighbors feel about having chickens in close proximity. It does talk about it being a nuisance. *Hankins* - As long as chickens are kept according to the parameters of the ordinance, then there is no nuisance. *Greer* - Does the Town Code still allow for five neighbors to petition for declaration of a nuisance? *Hankins* - Yes.

Stockton - Worried about the enforcement. Does not think the town has enough staff to enforce it. *Hankins* - Agreed that enforcement would be an issue, but noted that staff is already having to deal with it through code complaints.

Hall - Thinks that the right idea is to enforce it in a regulated way. Thinks it will be easier to enforce if there are controls in place. Noted that the local food movement with gardens, rain barrels, organic food, and chickens is a large movement now.

Blanchard - Agrees that enforcement is the hardest thing.

Tiggle - Noted that he spoke to a friend in Louisiana who is on a planning commission there, and this issue has caused a lot of headaches for his locality. They have an application fee to keep chickens.

Clements - Do citizens generally come to investigate to see if keeping chickens is okay before they purchase? *Hankins* - No.

Speidel - Would like to see a proposal on fees and application process, etc.

Hall - If the barriers to entry are more difficult, such as through applications and permitting, then it may be easier to enforce.

Stockton - Agreed that if people are going to do it when it is not allowed, then there really needs to be something in place to regulate it.

Action: Consensus for staff to continue to research and make some application and fee recommendations.

NEW BUSINESS

New Business Item #1: Review of Zoning Administrator's Action Regarding Apparent Zoning Map Error

Staff Remarks: Recently, the Office of the Franklin County Commissioner of the Revenue made an inquiry of town staff regarding the zoning status for the property located at 1450 North Main Street. Assistant Manager Hankins did extensive research regarding the zoning history of the property and responded to the inquiry with the letter enclosed with the packet. Assistant Manager Hankins requests that Planning Commission review this decision for accuracy.

Discussion by Planning Commission: *Greer* – Noted that this situation occurred when the town four-laned North Main Street and the house had to be torn down. The owner was unable to rebuild her house on a parcel zoned General Business. A rezoning was approved in 1993.

Hankins – Confirmed to Planning Commission that the zoning on the parcel affects the tax assessments.

Greer - What is best for the family of the property owner? *Hankins* - The best thing is to determine that it is a mapping error and should be zoned Residential R1, as permitted by the 1993 rezoning action.

Action: Consensus that Assistant Manager Hankins made a proper decision and handled the situation appropriately.

New Business Item #2: Discussion Regarding Committee To Review Commission Bylaws

Staff Remarks: At its March 4, 2014 meeting, Planning Commission expressed interest in reviewing its bylaws document. Staff suggests that Planning Commission consider approving a committee to review the bylaws document and offer any recommendations to the Commission.

Discussion by Planning Commission: *Stockton and Speidel* – Agreed to serve on the committee. *Sink* – Will work with Stockton and Speidel regarding scheduling.

Action: Consensus of Planning Commission to approve bylaws committee volunteers.

COMMISSIONER CONCERNS & STAFF UPDATES

Blanchard: None

Clements: Public Works has done a great job on the 40 East sidewalk project. *Hankins* - Will also need to get the signalization in through Richardson & Wayland. Right now, sidewalks will only go on one side of the road. This will greatly improve the pedestrian

safety through the entire corridor. The sidewalks will extend all the way to the Holiday Inn.

Greer: None

Hall: Status of the possible extension of the south bound turn lane to get onto the 220 South ramp? *Hankins* - still under review.

How close is the bridge project to being completed? *Hankins* - The project is supposed to be completed in December.

What is the next project on the 6-year plan? *Hankins* – The realignment of Pell-North Main-Franklin in front of the Hub Restaurant.

Tiggle: None

Speidel: Enjoys driving over Angle Bridge now due to the removal of the railroad tracks.

Is the Grove officially open? *Hankins* - No, but it will be opening soon.

Stockton: When will Taco Bell open? *Hankins* - Expected is next week, but he is not sure they will meet that deadline.

Staff Updates: *Hankins* - Did not get many planner position applications. The timing was not good for advertisement. There are many other localities that are hiring for planners right now. Has not yet reviewed the applications. *Stockton and Speidel* - Would like to sit in on the interview panel for the planner position. *Greer* – Thinks the next planner should be offered a five-year contract.

Hankins – There is currently an ad in the paper to hire an administrative assistant for the community development department.

Hankins - Due to the Harvester the number of vacancies in the uptown and downtown are decreasing. The old furniture building next to the library has been sold to an investor who is hoping to open a restaurant in the space. Arrington Sports & Awards has downsized, leaving an open space in its building. The Edible Vibe space is empty. One of the shops is going to be a photography studio (Leslie Wray). Old's Cool is opening up next to J&J Fashions by Brian Olinger. He is also asking about the possibility of doing small-lot auctions at his business location. First floor of N. Morris Building is still vacant. The top floors have been rented by Child Protective Services. The old Kroger store owned by the Jones family is also vacant.

Hankins - Country Cooking is losing its lease at Liberty Fair Mall. It, however, is not interested in leaving the Martinsville market to come to Rocky Mount. The Covington Company is working to fill its vacant spaces. Re-Play games in the Marketplace Shopping Center has closed. Centrex is now marketing that 2,400 square-foot space.

Hankins - Twelve code enforcement complaints in the last month, but those should be winding to an end as the growing season stops.

ADJOURNMENT

Motion to Adjourn By: Vice Chair Speidel

Second: Commission Member Clements

Action: Motion to adjourn approved unanimously

Time of Adjournment: 6:58 p.m.

Janet Stockton, Chairman

ATTEST:

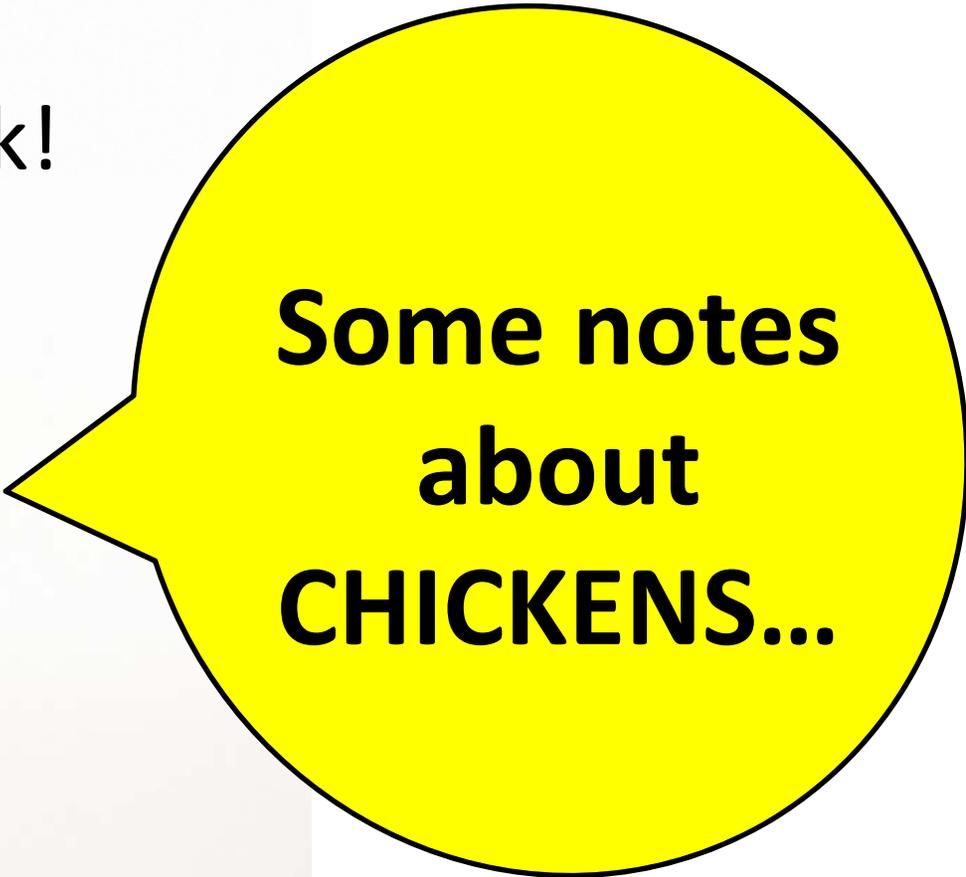
Stacey B. Sink, Clerk/Secretary

DRAFT



Cluck!

Cluck!



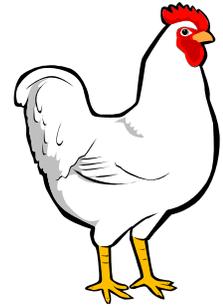
**Some notes
about
CHICKENS...**

Cluck!

Cluck!



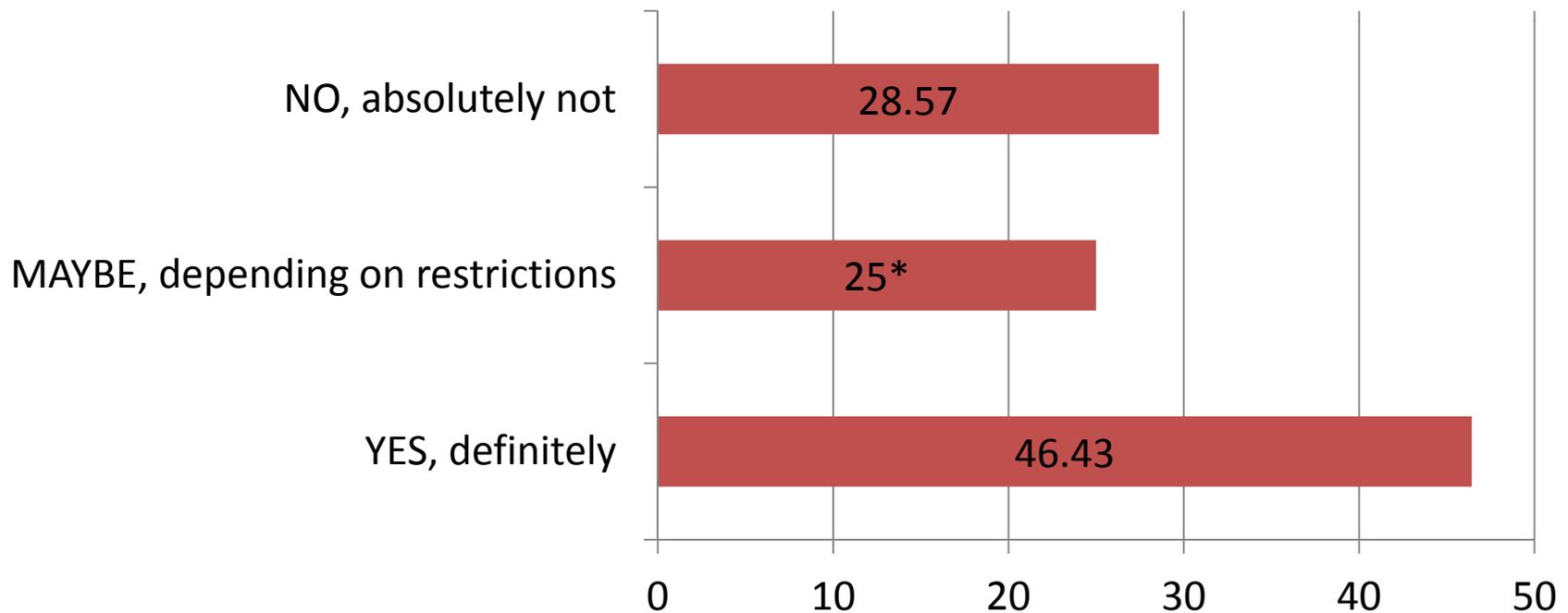
Online Resident's Survey



- Not a scientific survey!
- Just wanted to get a feel for the discussion and interests of the community.
- 28 people completed the 10 question survey.
- 82% were Rocky Mount residents (within the corporate limits of town).
- Diamond, Hillcrest, Hilltop, Mountain View, Power Dam, Knollwood, Maple, Claiborne, Orchard, Mountain View, Montview, Donald, High, Cromwell, Franklin, Stephs, Scuffling Hill.
- Some were property owners but not residents.

Online Residents' Survey

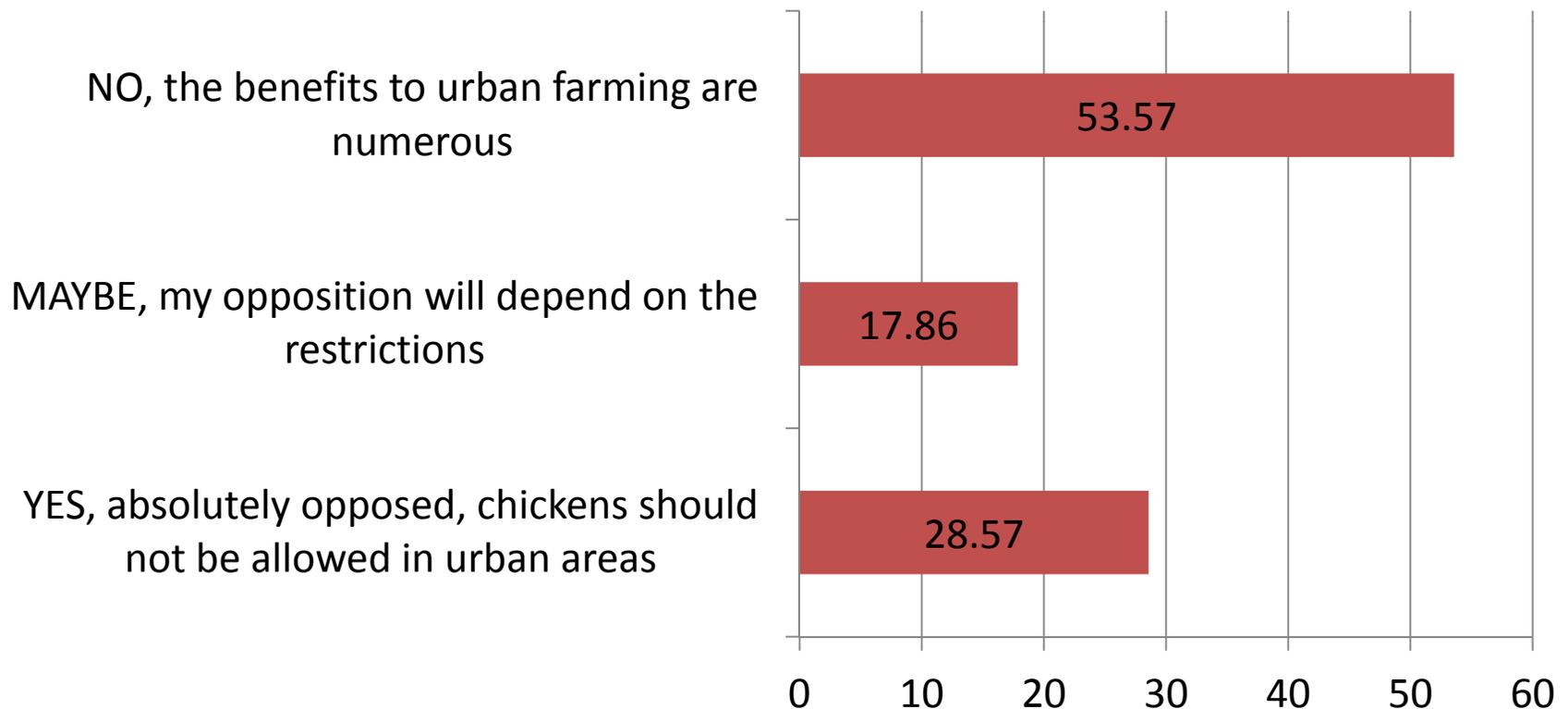
As a property owner or resident of the Town of Rocky Mount, would you appreciate the opportunity to raise chickens for egg production, with the eggs being for your own, personal consumption (not for sale)?



*One person noted they still have an old chicken house in the back yard.

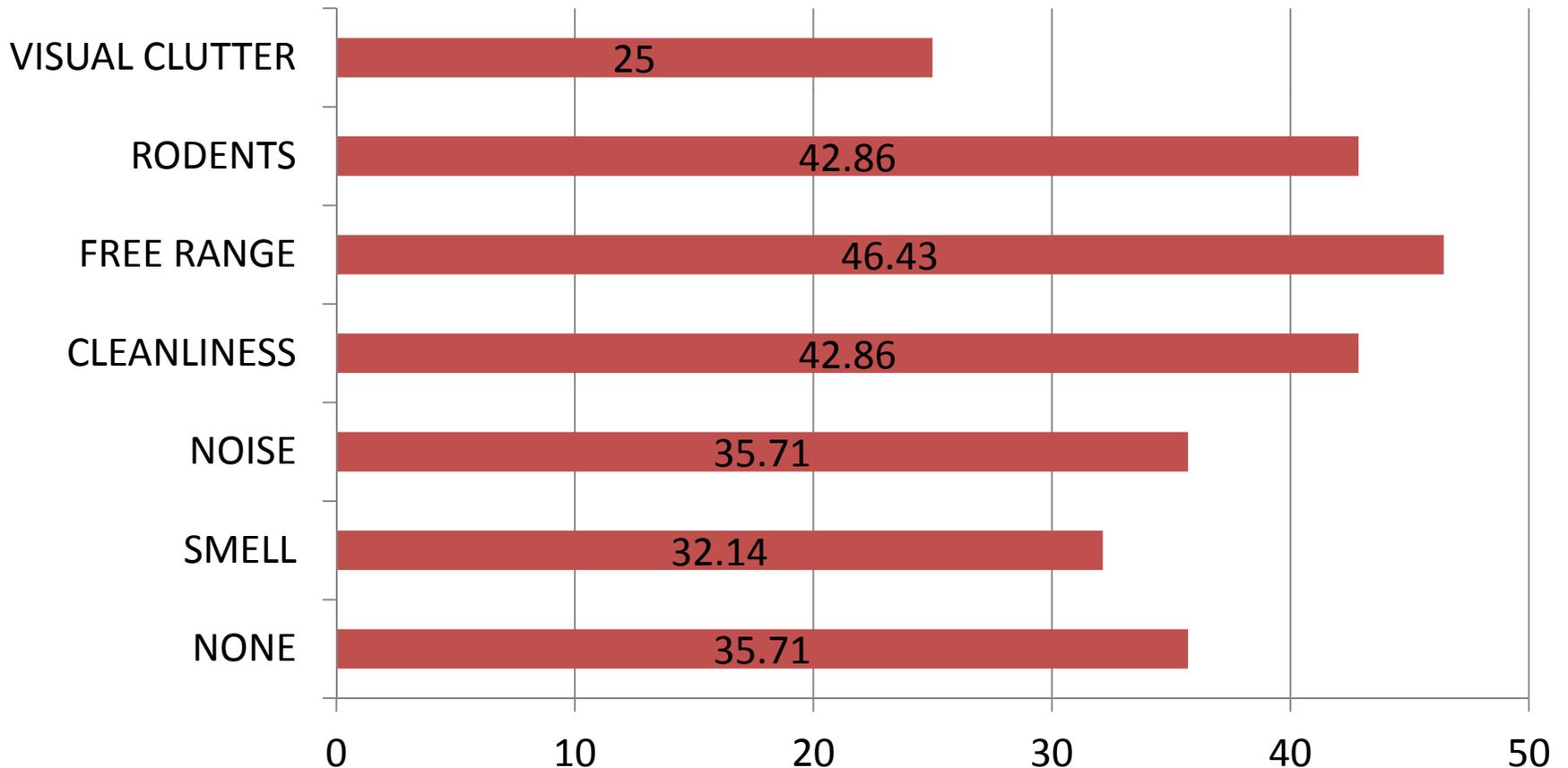
Online Residents' Survey

As a property owner or resident of the Town of Rocky Mount, would you be opposed to the keeping of chickens by a neighbor?



Online Residents' Survey

Regarding the urban farming of chickens, which of the following are your primary concerns?
(Choose all that apply.)



Online Residents' Survey

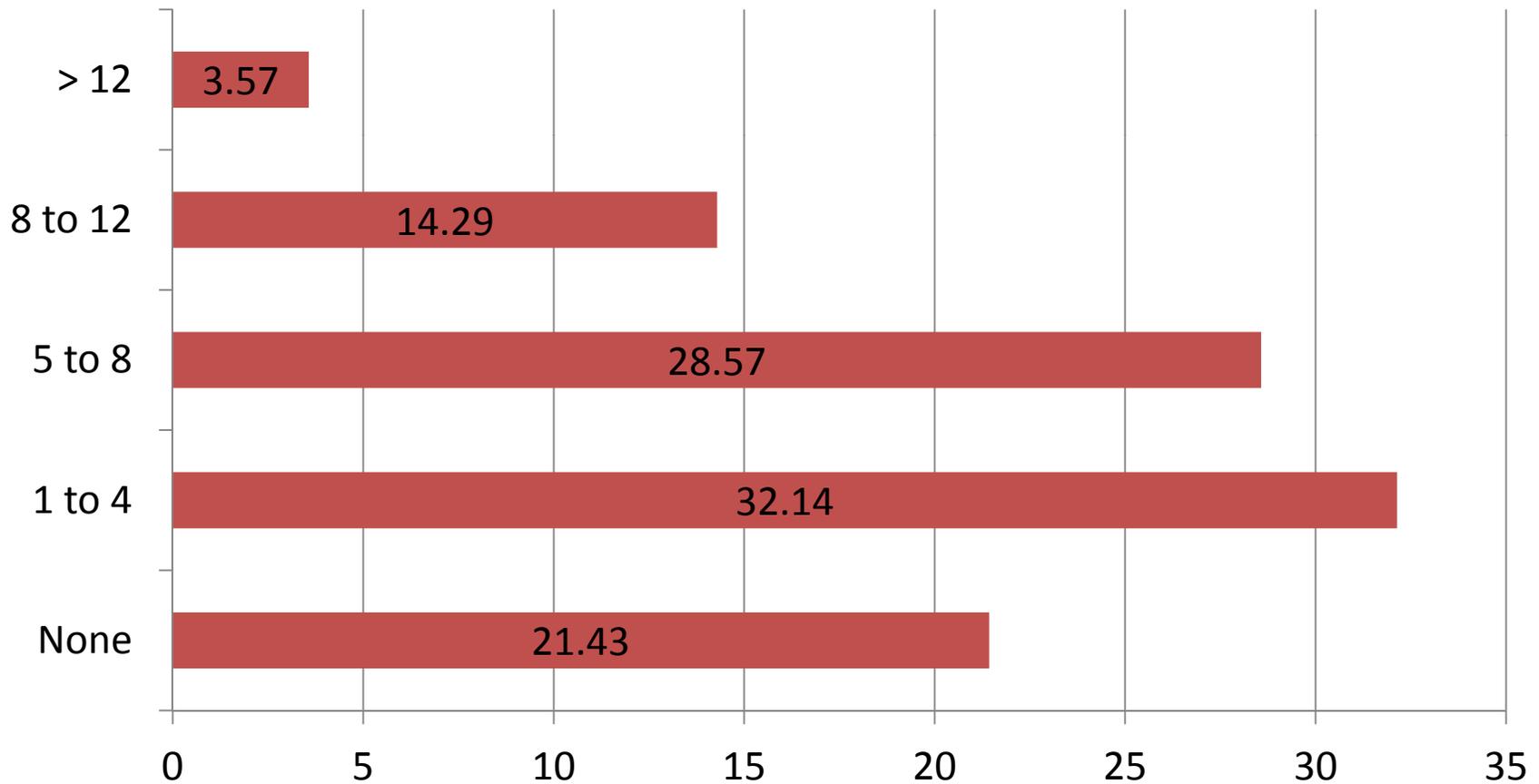
Notes about other concerns...

- Depends on the size of the property.
- Property devaluation.
- No roosters.



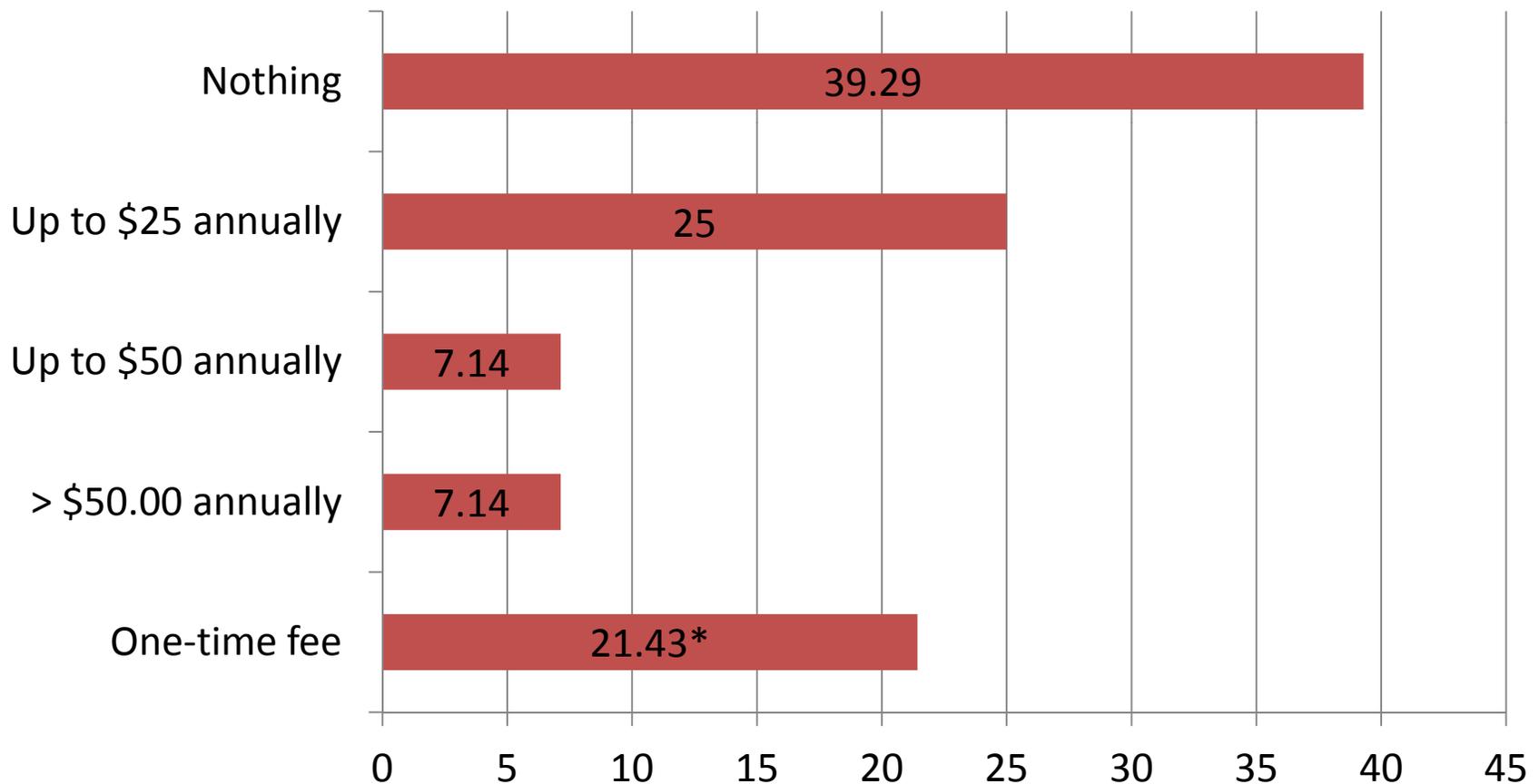
Online Residents' Survey

If the keeping of chickens was allowed in town, how many chickens per property should be allowed?



Online Residents' Survey

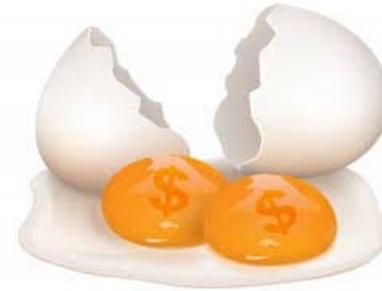
How much would you be willing to pay to raise your own chickens and eggs?



Online Residents' Survey

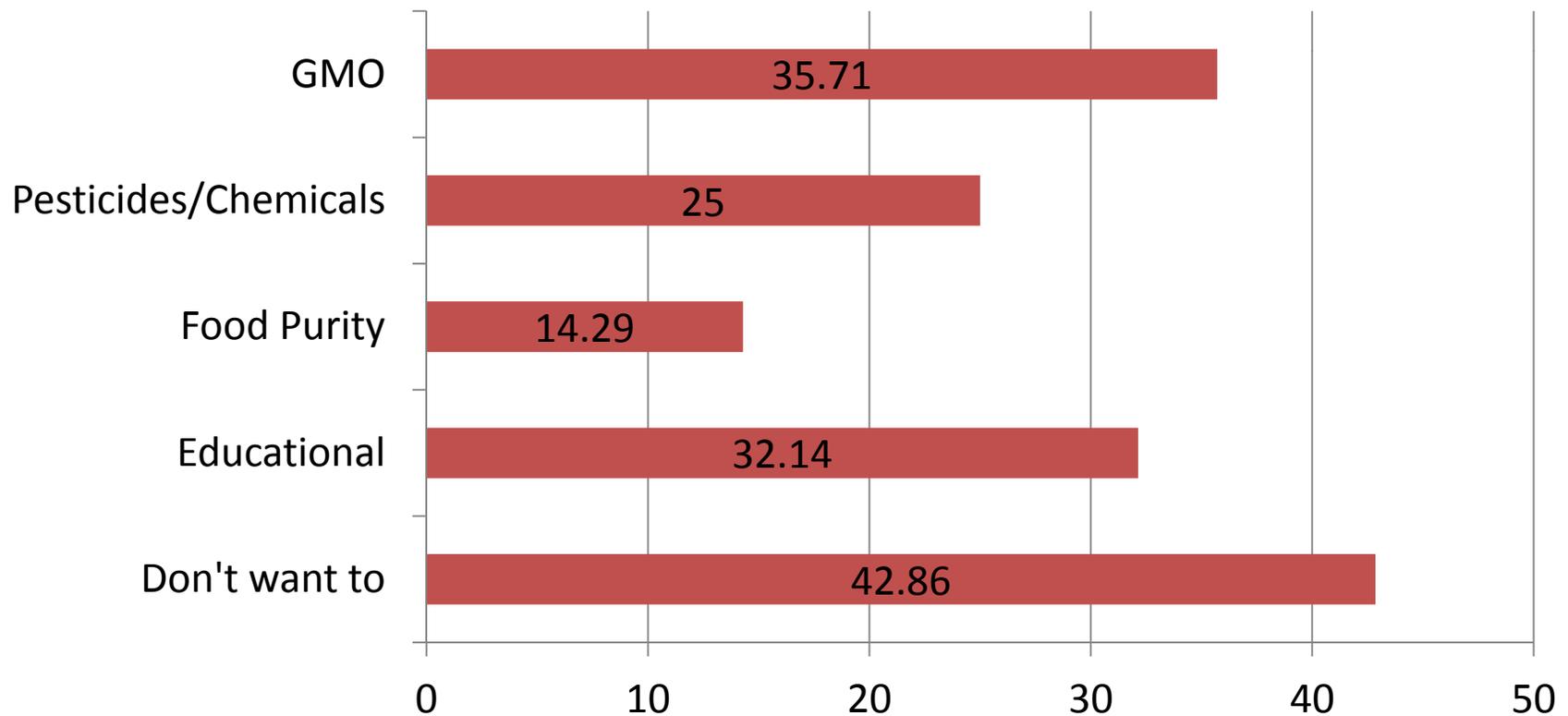
Suggestions for one-time fees...

- \$10
- \$15-25
- \$50
- Why would a fee be necessary? Does the town have to charge for everything?



Online Residents' Survey

If you are interested in raising your own chickens and eggs,
what is your primary reason for wanting to do so?
(Choose all that apply.)



Online Residents' Survey

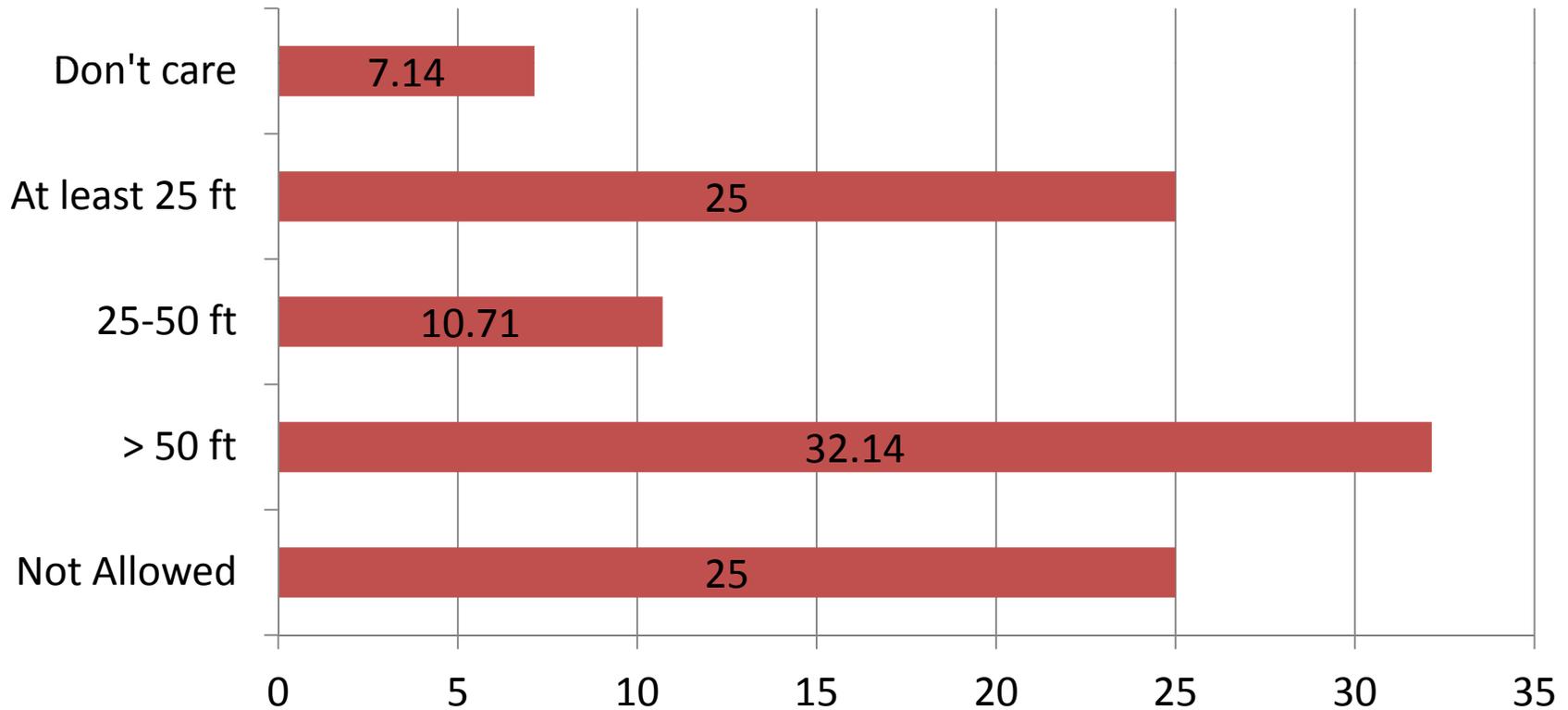
Other reasons?

- Self-Sufficiency.
- Cheaper?



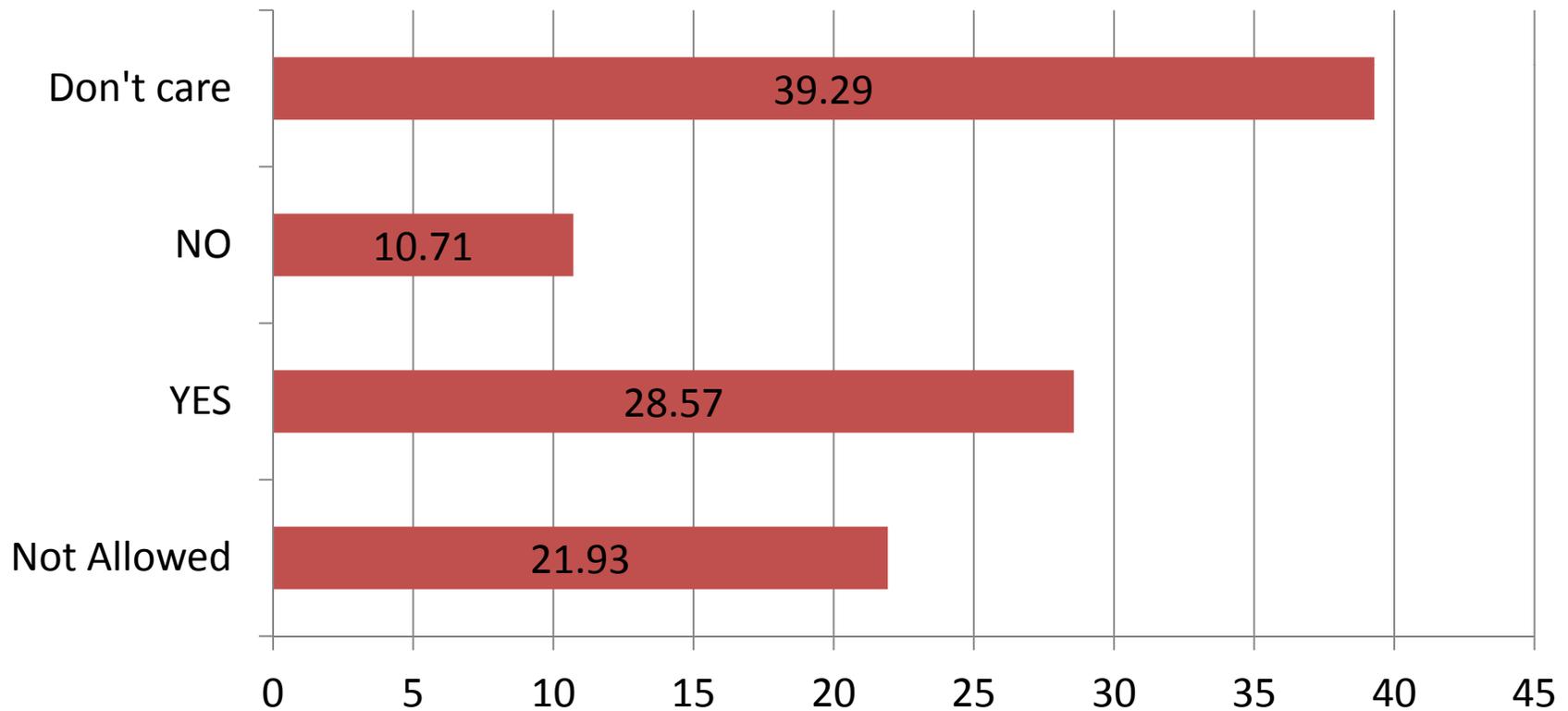
Online Residents' Survey

If your neighbor had a chicken coop, how far should it be located from your HOUSE?



Online Residents' Survey

If your neighbor had a chicken coop, would you want it screened from your view?



Online Residents' Survey

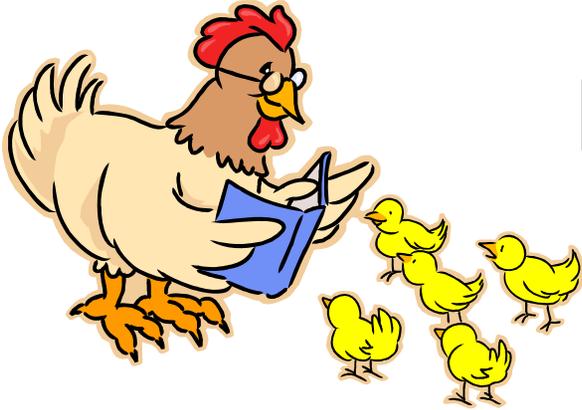
Additional Comments...

PROS

- Thanks for having the discussion.
- Doesn't want to keep chickens but okay for neighbors.
- Likes the sound of chickens, but a rooster might be annoying.
- A small number of chickens would be the same as keeping any other pets.

CONS

- Enough code enforcement issues without adding chicken coops.
- Huge county for chickens, not needed in town.
- Noise.
- NIMBY.
- The noise of sirens and trains is enough without chickens.



Planners' Discussion

How long has your locality allowed the keeping of chickens in urban areas?

YORK COUNTY	ROANOKE CITY
Adopted backyard chicken keeping performance standards in 2011.	Unknown. Like the skinny tie, it has been on the books so long that it has once again become stylish and progressive.



Planners' Discussion

Have you identified any specific problems which have resulted from the keeping of chickens?

YORK COUNTY	ROANOKE CITY
<p>Biggest problem is people who don't realize they need to get a permit. Neighbor complaints have been best way to get people on board. Have been working with a local organization (PeCK) to educate people.</p>	<p>Aware of only one complaint about a rooster crowing, despite the fact that keeping backyard chickens has become very common in Roanoke.</p>

Planners' Discussion



Have you had any enforcement issues regarding such requirements as location, cleanliness, or quantity? Any other enforcement issues?

YORK COUNTY	ROANOKE CITY
No, people are compliant once they are aware of the regulations.	None.



Planners' Discussion

How does your locality address enforcement?

YORK COUNTY	ROANOKE CITY
By complaint and the Zoning and Code Enforcement office handles each case.	Animal control.

Planners' Discussion



Do you require a permit and/or fee for the keeping of chickens?

YORK COUNTY	ROANOKE CITY
One time permit fee of \$15.	No permit. No fee.



Planners' Discussion

Do you require a separate permit for the coop structure (building or zoning) in addition to the permit for keeping chickens?

YORK COUNTY	ROANOKE CITY
No, it is all taken care of in the backyard chicken keeping permit – unless the structure is > 150 square feet, for which a building permit is required.	Not unless the coop meets the definition of a structure (i.e., having a fixed location on the ground, or attached to something that is).

**What do you think is best
for Rocky Mount?**



ARTICLE IV. - POULTRY

Sec. 10-71 - Definitions.

For the purposes of this article, the following words and phrases shall have the meanings ascribed to them by this section, unless otherwise indicated to the contrary.

Capon: A neutered male chicken.

Chicken: A domestic fowl, *Gallus domesticus*.

Coop: A building or enclosed structure that houses chickens and provides shelter from the elements and from predators.

Hen: A female chicken.

Poultry: All domestic fowl and gamebirds raised in captivity for food, either meat or eggs, feathers or show, including, but not limited to, chickens, ducks, geese, swans, turkeys, guinea fowl and pigeons.

Rooster: A male chicken usually kept for breeding.

Sec. 10-72 - Poultry houses, chicken coops and other facilities for keeping poultry, generally.

- (a) All poultry houses, poultry barns, chicken coops and other facilities for keeping poultry in the town shall be under the supervision of the law enforcement of the town and shall be kept in a clean and sanitary condition for the protection of health, and shall be so kept as not to attract flies or other insects, or give rise to objectionable odors upon any street or upon any premises owned or occupied by any person other than the person maintaining such poultry houses or coops.
- (b) The law enforcement of the town may make rules and regulations as to the keeping of poultry houses and other facilities for the keeping of poultry. It shall

be unlawful for any person to fail, neglect, or refuse to comply with such rules and regulations.

Sec. 10-73 - Standards for the keeping of poultry in agricultural areas.

In agriculturally-zoned areas, the keeping of poultry is subject to the following standards:

- (a) It shall be unlawful for any person to keep or maintain within any agriculturally zoned area of the town any poultry in excess of the limitations of Sec. 10-74, Standards for residential chicken keeping, within 500 feet of any residence or commercial building of another located within the town.
- (b) The keeping of chickens, only, within the limits established by Sec. 10-74, shall be subject to the standards established in 10-74.
- (c) It shall be unlawful for any person to allow or permit any poultry to stray to public property or the private premises of another. All poultry shall be sufficiently housed or fenced up by the owner or person exercising control over such poultry so as to prevent such straying.
- (d) If the keeping of poultry within the town, regardless of the distance such poultry is kept from the residence or commercial building of another, becomes a nuisance or health hazard, the owner of such poultry shall, immediately upon notification of town authorities, abate and remove such nuisance or health hazard.

Sec. 10-74 - Standards for residential chicken keeping.

The keeping of up to four (4) hens shall be permitted in residential, non-agriculturally zoned areas of the town subject to the following standards:

- (a) The principal use of the property is a single- or two-family dwelling.
- (b) The owner of the chickens must reside on the property on which the chickens are kept.

- (c) Chickens shall be kept within a predator-resistant coop or chicken enclosure at all times and shall not be permitted to run at large.
- (d) Coops and chicken enclosures shall be subject to the requirements of Appendix A, Zoning.
- (e) Coops and chicken enclosures shall be set back at least ten (10) feet from side and rear property lines and at least thirty-five (35) feet from any residential dwelling on an adjacent lot. Coops and chicken enclosures shall also be located at least ten (10) feet behind the main structure.
- (f) Coops and attached enclosures shall provide at least ten (10) square feet of space per chicken, with a maximum total area of one hundred fifty (150) square feet for both the coop and enclosure. Neither the coop or chicken enclosure shall exceed ten (10) feet in height.
- (g) Coops and chicken enclosures shall be well-ventilated and kept in a clean, dry, and sanitary condition at all times.
- (h) Provision shall be made for the storage and removal of chicken waste. Such waste shall not create a nuisance or health hazard to adjoining property owners.
- (i) All chicken feed or other material intended for consumption by chickens shall be kept in containers impenetrable by rodents, insects, or predators.
- (j) The keeping of roosters, capons, or crowing hens is prohibited.
- (k) The outdoor slaughtering of chickens is prohibited.

Sec. 10-75 - Violation of article as nuisance.

Any violation of this article is hereby declared a public nuisance.

Secs. 10-76 - 10-90. - Reserved.

REQUIRED ZONING ORDINANCE AMENDMENTS

Article 4. - Definitions.

Capon: A neutered male chicken.

Chicken: A domestic fowl, *Gallus domesticus*.

Hen: A female chicken.

Rooster: A male chicken usually kept for breeding.

Residential chickens, keeping of: The keeping of up to four hens by the occupant of a single- or two-family dwelling unit, provided that: (a) the chickens shall be kept within a predator-resistant coop or chicken enclosure at all times and shall not be permitted to run at large; (b) coops and chicken enclosures shall be well-ventilated and kept in a clean, dry, and sanitary condition at all times; (c) provision shall be made for the storage and removal of chicken waste, and such waste shall not create a nuisance or health hazard to adjoining property owners; (d) all chicken feed or other material intended for consumption by chickens shall be kept in containers impenetrable by rodents, insects, or predators; (e) the keeping of roosters, capons, or crowing hens is prohibited; and (f) the outdoor slaughtering of chickens is prohibited.

Residential chicken coop and enclosure: A specialized accessory building or enclosed structure located on a residential property that houses up to four hens and provides shelter from the elements and from predators.

Article 19. - Residential, Agricultural, District RA

19-1-11. Agricultural operations primarily engaged in the raising of livestock including cattle, swine, sheep, goats, poultry, fish or other similar livestock, provided the minimum lot area shall be five acres and no farm buildings intended to shelter such animals shall be closer than 300 feet to the property line of an adjoining property, **or within 500 feet of any**

residence or commercial building of another located within the town.

19-1-21. The keeping of residential chickens, as defined.

19-1-22. Residential chicken coops and enclosures, as defined; however, residential chicken coops and enclosures shall be set back at least ten (10) feet from side and rear property lines and at least thirty-five (35) feet from any residential dwelling on an adjacent lot. Coops and chicken enclosures shall also be located at least ten (10) feet behind the main structure. Coops and attached enclosures shall provide at least ten (10) square feet of space per chicken, with a maximum total area of one hundred fifty (150) square feet for both the coop and enclosure. Neither the coop or chicken enclosure shall exceed ten (10) feet in height.

Article 20. - Residential District R1

20-1-15. The keeping of residential chickens, as defined.

20-1-16. Residential chicken coops and enclosures, as defined; however, residential chicken coops and enclosures shall be set back at least ten (10) feet from side and rear property lines and at least thirty-five (35) feet from any residential dwelling on an adjacent lot. Coops and chicken enclosures shall also be located at least ten (10) feet behind the main structure. Coops and attached enclosures shall provide at least ten (10) square feet of space per chicken, with a maximum total area of one hundred fifty (150) square feet for both the coop and enclosure. Neither the coop or chicken enclosure shall exceed ten (10) feet in height.

Article 21. - Residential District R2.

21-1-14. The keeping of residential chickens, as defined.

21-1-15. Residential chicken coops and enclosures, as defined; however, residential chicken coops and enclosures shall be set back at least ten (10) feet from side and rear property lines and at least thirty-five (35) feet from any residential dwelling on an adjacent lot. Coops and chicken enclosures shall also be

located at least ten (10) feet behind the main structure. Coops and attached enclosures shall provide at least ten (10) square feet of space per chicken, with a maximum total area of one hundred fifty (150) square feet for both the coop and enclosure. Neither the coop or chicken enclosure shall exceed ten (10) feet in height.

Article 22. - Residential District R3.

22-1-13. The keeping of residential chickens, as defined.

22-1-14. Residential chicken coops and enclosures, as defined; however, residential chicken coops and enclosures shall be set back at least ten (10) feet from side and rear property lines and at least thirty-five (35) feet from any residential dwelling on an adjacent lot. Coops and chicken enclosures shall also be located at least ten (10) feet behind the main structure. Coops and attached enclosures shall provide at least ten (10) square feet of space per chicken, with a maximum total area of one hundred fifty (150) square feet for both the coop and enclosure. Neither the coop or chicken enclosure shall exceed ten (10) feet in height.

Article 24. - Residential Business District RB

24-1-21. The keeping of residential chickens, as defined.

24-1-22. Residential chicken coops and enclosures, as defined; however, residential chicken coops and enclosures shall be set back at least ten (10) feet from side and rear property lines and at least thirty-five (35) feet from any residential dwelling on an adjacent lot. Coops and chicken enclosures shall also be located at least ten (10) feet behind the main structure. Coops and attached enclosures shall provide at least ten (10) square feet of space per chicken, with a maximum total area of one hundred fifty (150) square feet for both the coop and enclosure. Neither the coop or chicken enclosure shall exceed ten (10) feet in height.

Article 29. - Central Business District CBD

29-1-37. The keeping of residential chickens, as defined.

29-1-38. Residential chicken coops and enclosures, as defined; however, residential chicken coops and enclosures shall be set back at least ten (10) feet from side and rear property lines and at least thirty-five (35) feet from any residential dwelling on an adjacent lot. Coops and chicken enclosures shall also be located at least ten (10) feet behind the main structure. Coops and attached enclosures shall provide at least ten (10) square feet of space per chicken, with a maximum total area of one hundred fifty (150) square feet for both the coop and enclosure. Neither the coop or chicken enclosure shall exceed ten (10) feet in height.

DRAFT