

**PLANNING COMMISSION  
MINUTES  
OCTOBER 2, 2007  
6:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia met at the Municipal Building on October 2, 2007 at 6:00 p.m. with Madame Chair Janet Stockton presiding.

The following members were present:

Madame Chair Janet Stockton, Vice Chair John Speidel, Planning Commission Members Milton Arrington, Ina Clements, Jerry W. Greer, Sr., John Tiggle, and Derwin Hall; Planning and Zoning Administrator Paul Stockwell, Town Attorney John Boitnott, Council Member John Lester, and Deputy Clerk Stacey B. Sink.

**APPROVAL OF AGENDA**

- 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 Arrington. 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 members received the following draft minutes for review and consideration of approval:

- Draft September 4, 2007
- Motion was made by Planning Commission Member Speidel to approve the minutes as presented, with motion on the floor being seconded by Planning Commission Member Clements. There being no discussion, let the record show that the motion on the floor passed unanimously.

**PUBLIC HEARING**

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

**OLD/NEW BUSINESS**

- A) Old Business

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

B) New Business

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

## **WORK SESSION**

Let the record show that Madame Chair Stockton recessed the meeting to hold the following three work sessions as noted on the agenda. Let the record further show that the work session portion of the agenda was still an open public meeting.

A) Discussion Regarding “Family” Definition

Let the record show that in the September meeting, the Planning and Zoning Administrator brought before the Commission the fact that the Town’s current Zoning Ordinance defines “family” as one or more persons..., which does not prevent multiple families or numerous people from residing in a single dwelling unit, and that this definition needed to be improved for use as a tool in maintaining the concept of single family. After much discussion, it was the consensus of the Commission that staff needed to determine if the Health Department had any square footage guidelines that could be used as an enforceable tool and that staff also needed to draft a proposed definition for the Planning Commission to review.

Let the record show that prior to the October meeting, the Planning and Zoning Administrator provided the Commission with the following proposed definition:

**19-3-53 Family: A family shall be defined as one of the following:**

- a) **An individual;**
- b) **Immediate family and up to two (2) additional persons;**
- c) **A group of not more than four (4) unrelated persons; or**
- d) **Up to eight (8) mentally ill, mentally retarded, or developmentally disabled persons who reside with one (1) or more resident counselors or other staff persons in a residential facility for which the Department of Mental Health, Mental Retardation, and Substance Abuse services is the licensing authority under the Code of Virginia (1950), as amended. For the purposes of this definition, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Section 54.1-3401 if the Code of Virginia (1950), as amended.**

**Under no circumstance shall a family exceed 2.5 persons per bedroom in a dwelling unit as identified by Franklin County Real Estate Records.**

**19-3-53.1 Family, Immediate:** Includes the spouse, sons, daughters, mother, father, mother-in-law, father-in-law, sisters, brothers, stepparents, stepchildren, stepbrothers, stepsisters, grandchildren, and state approved foster children of the owner or the head of household of a dwelling unit.

The Planning and Zoning Administrator informed the Planning Commission that item (d) in the definition is a requirement of Virginia Code, which requires that Group Homes be permitted in a single-family residential neighborhood. This either can be incorporated into the definition of "family," or each residential district's use regulations may be amended to permit a Group Home as defined by Virginia Code as a use-by-right. He further stated that the Health Department has no specific regulations regarding square footage and occupancy; however, there is a standard used to estimate water and septic usage of two (2) persons per bedroom, and he took this guideline into consideration when drafting the proposed definition.

There was much discussion between the Planning and Zoning Administrator, Town Attorney, and Planning Commission regarding the following:

- Under the proposed definition, a "family" could *not* include any number of immediate family members. Instead, it would be limited to two and one-half (2.5) persons per bedroom. As an example, a family which included a couple and four (4) children, or six (6) persons total, could not reside in a two (2) bedroom house, which would be limited to five (5) persons.
- The Health Department guidelines are based on well and septic usage; whereas, most Town residents will be on public water and sewer.
- How would this new "definition" be enforced? Is it enforceable? What would be the penalty for non-compliance?
- The Planning and Zoning Administrator explained that once we have a better definition, then it becomes the tool for enforcement. It will set the baseline regulations to enforce. Complaints are the key to enforcement, brought about by residents regarding parking and other issues.
- The Town Attorney explained that violating the ordinance would be a misdemeanor criminal offense and there could also be civil remedies, although the Town does not currently have civil fines in the Zoning Ordinance. After administrative efforts are exhausted, the Planning and Zoning Administrator could bring a violation before the courts. He further explained that any change to the Zoning Ordinance which creates a non-conforming situation is grandfathered in under the Zoning Ordinance.

- This definition would apply to apartments because an apartment is a single-family dwelling.

It was the consensus of the Planning Commission that items (a), (b), and (c) of the proposed definition, along with the definition of *immediate family*, should remain as stated. However, item (d) should be removed from the definition of *family* and should be incorporated instead into each residential district's use regulations as a use-by-right. In addition, it was the consensus of the Planning Commission that the limiting number of two and one-half (2.5) persons per bedroom be increased to three (3) persons per bedroom, and that a public hearing regarding the proposed definition, with changes as stated above, be scheduled for November. Staff will need to complete a new definition which incorporates the changes and forward to the Planning Commission for review. Staff so noted.

Let the record show that Madame Chair Stockton excused herself from the meeting at 6:30 p.m., and Vice Chair Speidel presided over the remainder of the meeting.

B) Discussion Regarding "Manufactured Housing"

Let the record show that Jeff Powell and Frank Hodges with Mod-U-Kraf Homes, LLC were present for the discussion regarding manufactured housing.

Let the record also show that in the September meeting, the Planning and Zoning Administrator brought before the Planning Commission the fact that the current definition of "manufactured housing" in the Zoning and Development Ordinance is not up-to-date with the Virginia State Code. At that time, the Planning and Zoning Administrator requested that the Planning Commission consider amending the Zoning and Development Ordinance to distinguish between manufactured and industrialized housing and to also include bulk regulations. The Planning Commission requested time to review the submitted articles and that the discussion be continued to the October meeting.

The Planning and Zoning Administrator opened the discussion by inviting Mr. Powell and Mr. Hodges to give a brief overview of the differences between manufactured and industrialized housing.

Mr. Powell explained that the defining factor in determining whether a house is "manufactured" or "industrialized" is which code the house is built to: state code, or federal code. State codes are more specific than federal codes. Houses built to state codes are considered to be "industrialized"; whereas, houses built to federal United States Department of Housing and Urban Development (HUD) codes, are considered to be "manufactured." Federal code is less strenuous than state code regarding such requirements as load values, electrical components (e.g. number of switches, thickness of wiring), insulation, etc.

Mr. Hodges explained the state of North Carolina only uses the terms “manufactured” or “modularized” to define houses that are built in a factory, and each house is labeled accordingly based on which code (state or federal) was used to build the home. He also explained that HUD guidelines have been improved in recent years to make the houses more efficient. Manufactured homes tend to depreciate in value because they have a title like a car. Industrialized homes usually appreciate in value because they are considered real property once they are permanently affixed to the real estate.

Following the information presented by Mr. Powell and Mr. Hodges, discussion ensued between the Planning and Zoning Administrator, the Town Attorney, and the Planning Commission regarding the following:

- The Town’s Zoning and Development Ordinance must be brought into compliance with the Virginia State Code.
- The Planning and Zoning Administrator is not asking the Planning Commission to redefine “manufactured” housing. Rather, he is asking that the Town’s Ordinance comply with the definition as already set forth by the Virginia General Assembly.
- The necessary changes are changes in terminology only and will not affect the types of housing that are currently allowed in the Town. The current terminology is antiquated and no longer has application when it comes to statewide enforcement.
- The Town is not seeking to regulate the housing industry above what is currently allowed by state law.
- The bulk regulations have been added to specify a minimum floor area and width.

There being no further discussion, Vice Chair Speidel entertained a motion.

- Motion was made by Planning Commission Member Tiggie that the Town should hold a public hearing in the month of November for the proposed changes to the Zoning and Development Ordinance, including the proposed addition of bulk regulations, with the motion on the floor being seconded by Planning Commission Member Hall. A vote was taken by show of hands. Voting in favor of the motion on the floor to proceed with a public hearing were Vice Chair Speidel and Planning Commission Members Arrington, Clements, Hall, and Tiggie. Voting in opposition of the motion on the floor to proceed with a public hearing was Planning Commission Member Greer. Let the record show that the motion on the floor passed five (5) to one (1) to proceed with a public hearing in the month of November.

C) Discussion Regarding Nonconformities Regulations

The Planning and Zoning Administrator brought before the Planning Commission discussion regarding nonconformities regulations. Specifically:

- If a house is to be replaced or a new home built on an infill lot, is it necessary that they meet setback requirements for new development when abutting property owners' houses are closer to the road?
- There are many substandard lots in Town that do not have the required road frontage or lot width to be developed according to current regulations without going before the Board of Zoning Appeals.
- Other localities have nonconforming lot standards that may be applied in order to develop these lots without necessarily having to come before the Board of Zoning Appeals for a variance. Some examples of these standards could include if a particular request meets eighty (80) percent of the requirements, or if an adjacent lot is owned by the same owner and the two (2) substandard lots can be combined to make one standard lot.

Following these opening remarks, discussion ensued regarding the following:

- ◆ The Board of Zoning Appeals generally only meets about five to six (5 to 6) times per year and it appears that the current process is working fine.
- ◆ Having to wait to go before the Board of Zoning Appeals places an inconvenience on the person looking for the permit because they must pay an application fee and wait for the request to be heard; whereas, if changed, the Planning and Zoning Administrator could apply objective standards to make an administrative decision without involving the Board of Zoning Appeals.
- ◆ Rocky Mount Town Council Member Lester came forward and made a quick sketch to illustrate how having such regulations would have helped a particular resident avoid the hardship of paying a fee when the permit requested was not significantly altering her home as compared to neighboring residences.
- ◆ A lot of neighborhoods in Town don't meet the current zoning requirements. Currently, if a home is destroyed by more than seventy-five (75) percent of its value, then it must be rebuilt to meet the current Zoning regulations, which may require that the home be setback

further than neighboring homes, and this may not be aesthetically pleasing with the neighborhood.

It was the consensus of the Planning Commission that the nonconformities regulations proposal warrants further discussion. The Planning Commission would like to have more specific information about what standards other localities follow. Staff so noted.

**ADJOURNMENT**

There being no further business to discuss, Vice Chair Speidel entertained a motion to adjourn at 7:30 p.m., with motion being made by Planning Commission Member Arrington, seconded by Planning Commission Member Clements, and carried unanimously.

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Janet Stockton, Chair

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John Speidel, Vice Chair

ATTEST:

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Stacey B. Sink  
Deputy Clerk

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