



ROCKY MOUNT PLANNING COMMISSION
REGULAR MEETING
AGENDA

June 7, 2022
6:00 PM

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

When speaking before Planning Commission, please come to the podium and give your name and address for the record. Please address the Planning Commission and not the audience. If you provide Planning Commission with any documentation, please also give a copy to the clerk prior to speaking.

1. Introduction of New Members
2. Roll Call
3. Hearing of Citizens
4. Approval of Agenda
5. Approval of Draft Minutes
 - 5.1. Regular Meeting Minutes- April 5, 2022
6. Public Hearing
7. Committee Reports
8. Old Business
 - 8.1. Temporary Uses Review and Discussion
9. New Business
10. Adjournment

**TOWN OF ROCKY MOUNT
PLANNING COMMISSION
REGULAR MEETING MINUTES
April 5, 2022
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 April 5, 2022, for its regular monthly meeting with Madame Chair Janet Stockton presiding.

Commission Members Present:

- Chair, Janet Stockton
- Member Bud Blanchard
- Member Ina Clements
- Member John Tiggie
- Member Jerry Greer @ 6:18pm
- Vice Chairman, Johns Speidel via phone

Staff Members Present:

- Town Planner/Planning & Zoning Administrator, Jessica H. Heckman
- Planning Commission Clerk, Cherie Compton
- Town Attorney, John Boitnott
- Assistant Town Manager Mark Moore
- Assistant Finance Director, Amy Gordon
- Part Time CPA, Vincent Copenhaver

PUBLIC COMMENT

None at this time

APPROVAL OF AGENDA

Additions or Corrections: None

Motion: To approve the agenda as presented

Motion By: Member Ina Clements

Second: Member Bud Blanchard

Action: Approved by a unanimous vote of members present

REVIEW AND CONSIDERATION OF MINUTES

Let the record show that prior to the meeting, the Planning Commission received the following draft minutes for review and consideration of approval:

January 4, 2021- Regular Meeting Minutes

Additions or Corrections: None

Motion: To approve as presented

Motion By: Member John Tiggle

Second: Member Bud Blanchard

Action: Approved by unanimous vote of members present

PUBLIC HEARINGS

5 Year Capital Improvement Plan

Assistant Town Manager Mark Moore presented the Capital Improvement Plan and asked the Commission if they had any questions. He discussed the adjustments to ARPA projects Chair Janet Stockton asked if there was a time frame that the ARPA funds had to be used by. Mr. Moore stated that the 2nd draw down on July 1 and there is a time frame and a reporting back for that money. Member Bud Blanchard asked what the Munis implementation was; Mr. Moore stated that it is the Financial Software that we use; Amy Gordon added that we started with that software around 2019. An open discussion ensued. Let the record show there were no comments from the public.

Motion: Recommend Town Council approve the Capital Improvement Plan as presented by staff.

Motion By: Member Bud Blanchard

Second: Member John Tiggle

Action: Approved by unanimous vote of members present

Proposed amendment to Town Zoning Ordinance- Utility Trailers

Zoning Administrator Jessica Heckman presented the proposed amendment to Town Zoning Ordinance. In August of last year the ordinance review committee met reviewed and proposed amendments to off street parking and commercial vehicles. A public hearing was held in November for Planning Commission and Town Council. Town Council approved the amendment but asked that the ordinance be referred back to Planning for discussion as they felt it was too restrictive. In December Planning met and discussed but took no action at that time. A joint committee meeting was called with the Community and Economic Development Committee and the Zoning Ordinance Review Committee.

Abby Pinkard, 125 Riverview Street, Rocky Mount, VA, spoke during public comment and was opposed to the proposed amendment.

Ben Pinkard, 125 Riverview Street, Rocky Mount, VA, spoke during public comment and was opposed to the proposed amendment.

Motion: To table the vote on the proposed amendment until further research was done

Motion By: Member Ina Clements

Second: Member Bud Blanchard

Action: Approved by unanimous vote of members present

Chair, Janet Stockton asked the other members what the committees need to be reviewing. Member Ina Clements stated she would like more review of the utility trailers in general. Member Bud Blanchard asked to review the size of the trailers allowed in the proposed amendment, as he felt it was a bit excessive, and to clarify commercial or personal use, and address enforcement. An open discussion ensued. Chair, Janet Stockton asked for a roll call vote for those in favor of postponing the vote on the amendment.

Roll Call Vote:

Member Jerry Greer: Yes

Member John Tiggle: Yes

Member Ina Clements: Yes

Member Bud Blanchard: Yes

Chair Janet Stockton: Yes

REPORT OF PLANNING & ZONING ADMINISTRATOR

Zoning Administrator Jessica Heckman presented the Annual Report for 2021 for Planning Commission actions as well as Planning Action and three months of 2022 monthly reports. Mrs. Heckman also pointed out that in looking ahead there will need to be groups appointed for subdivision ordinance and the compressive plan review.

REPORT OF COMMITTEES

Chair, Janet Stockton stated that things that were discussed were ordinance for temporary uses, itinerant merchant and mobile food units. An open discussion ensued.

OLD BUSINESS

None at this time

NEW BUSINESS

None at this time

WORKSESSION

Jessica went over the agenda software Civic Clerk that will be used for the upcoming meetings. Staff helped with logging in on the tablets for Civic Clerk.

ADJOURNMENT

Motion to Adjourn By: Member Ina Clements

Second: Member Bud Blanchard

Action: Approved by a unanimous vote of members present

Time of Adjournment: 6:54 p.m.

Janet Stockton, Chairman

ATTEST:

Cherie Compton, Clerk

What code section? Replace Article 6-6? CONDITIONAL TEMPORARY USES??

or ARTICLE 16 or 43 TEMPORARY USE PERMITS

43-1 Purpose.

- (a) There are certain temporary uses that by their nature require additional regulation, beyond the general requirements applicable to a particular zoning district, to protect the welfare, safety and convenience of the public. The impacts of temporary uses are generally quantifiable and subject to mitigation by imposition of specific standards. Such uses may be allowed within designated zoning districts under the controls, limitations and regulations of the Temporary Use Permit established by this division.
- (b) The Zoning Administrator may approve a Temporary Use Permit under the provisions of this Article after concluding that the proposed temporary use complies with the applicable use regulations.

43-2 Application.

- (a) An application for a Temporary Use Permit may be made by (i) any person who is a property owner or (ii) by any lessee with written permission from the owner.
- (b) The application shall be filed with the Zoning Administrator on forms provided by the Planning and Zoning Department. All information required for evaluation of the application shall be supplied and the applicant shall remit the fee established by Town Council for such permit. No application shall be deemed filed until all submission requirements have been met.
- (c) The Zoning Administrator shall approve or deny an application for a Temporary Use Permit within forty-five (45) calendar days of filing. In the event the Zoning Administrator denies any application, the Zoning Administrator shall clearly identify the deficiencies that are the basis for the denial by reference to specific zoning ordinance sections and requirements.
- (d) Whenever a Temporary Use Permit is denied by the Zoning Administrator, the applicant may take either of the following actions in lieu of accepting the decision as final:
 - (1) Revise the application to satisfy the stated reason for denial, in which case the revised application shall be handled as a new application; or
 - (2) Appeal the denial to the Board of Zoning Appeals in accordance with Zoning Ordinance Article 11-4-1.

43-3 Revocation or expiration of temporary use permit.

- (a) A Temporary Use Permit may be revoked by the Zoning Administrator at any time due to the failure of the permit holder to observe all requirements of the Zoning Ordinance. Notice of the revocation shall be made in writing. Any person aggrieved by such notice may appeal the revocation to the Board of Zoning Appeals in accordance with Zoning Ordinance Article 11-4-1.
- (b) A Temporary Use Permit shall be issued on an annual basis. Temporary Use Permits shall automatically expire twelve (12) months after the date of issuance and must be renewed by filing a new application and receiving approval from the Zoning Administrator. Proof of current standing on business license and/or meals tax required for renewal.

43-4 Temporary use permit general requirements.

- (a) All temporary uses shall satisfy the applicable use regulations.

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- (b) Issuance of a permit shall be conditioned upon the applicant's consent to reasonable inspections initiated by the Zoning Administrator to verify compliance with the requirements of this division, and a right of access for the Zoning Administrator to make such inspections.
 - (c) The Zoning Administrator shall have no authority to vary, modify, or waive any of the regulations or standards prescribed for any use for which a Temporary Use Permit is required, except that the Zoning Administrator may waive some or all application submission requirements that do not apply in a given situation.
 - (d) (e) All activities to be conducted pursuant to a Temporary Use Permit shall be in compliance with all applicable town, county, state, and federal regulations.
 - (e) Use of all buildings and structures as part of a Temporary Use Permit shall be in compliance with all applicable zoning regulations.

43-5 Temporary use permit—Types and zoning districts.

The following Temporary Use Permit Types are allowed in the listed zoning districts:

- (a) *Itinerant Vendor*—General Business (GB), Central Business (CBD), Commercial Office (C1), Commercial Office (C2)
- (b) *Mobile Food Vendor*— General Business (GB), Central Business (CBD), Commercial Office (C1), Commercial Office (C2), Industrial Limited (M1), Industrial General (M2)

43-6 Definitions

ITINERANT VENDOR—Any person who engages in, does, or transacts a temporary or transient business in the Town and who, for the purpose of carrying on such business, occupies any location for a maximum of seven (7) consecutive days at one time for no more than four (4) times per calendar year. For the purposes of the Zoning Ordinance, "Mobile Food Vendor" has a separate definition. NOTE: Farmers Market vendors selling on market days as defined below and vendors that are exclusively selling goods that they have grown or produced, do not have to register as an itinerant merchant.

MARKET DAY is defined as the regular market day on Saturdays, and the midweek market during peak season.

MOBILE FOOD VENDOR—A readily movable wheeled cart, trailer, or vehicle designed and equipped for the preparing, serving, and/or selling of food and operated at temporary locations. This definition shall include food trucks and food carts.

43-7 Regulations

43-7-1 Itinerant vendor.

- (a) *Application Requirements.* The following is required as part of a Temporary Use Permit application for an Itinerant Vendor:
 - (1) A town business license (or a statement from the Finance Department that no town business license is required).
 - (2) Written permission from the owner(s) of the private properties upon which the permit holder will operate.
 - (3) A general sketch to be approved by the Zoning Administrator for each proposed location, illustrating access to the site, all parking areas, routes for ingress and egress, placement of the Itinerant Vendor,

distance from lot lines, garbage receptacles and any other feature associated with the Itinerant Vendor.

(b) *General standards:*

- (1) No signage shall be permitted except temporary signs pursuant to Article V, Division 5.
- (2) No buffer yard, screening, landscaping, or site plan is required.
- (3) An Itinerant Vendor shall not locate within one hundred (100) feet of any R1, R2, R3, RA, RB, or RPUD (non-commercially designated parcels) Zoning District.
- (4) An Itinerant Vendor shall be positioned on improved, designated parking spaces and shall not block (i) the main entry drive aisle or impact circulation overall, (ii) other access to loading areas, or (iii) emergency access and fire lanes. The Itinerant Vendor must also be positioned at least fifteen (15) feet away from fire hydrants, any fire department connection (FDC), driveway entrances, alleys and handicapped parking spaces.

43-7-2 Mobile food vendor.

(a) *Application Requirements.* The following is required as part of a Temporary Use Permit application for a Mobile Food Vendor:

- (1) A town business license (or a statement from the Finance Department that no town business license is required). All food sales are subject to meals tax and must be paid monthly at current rates.
- (2) Approval from the Virginia Health Department (as applicable) stating that the Mobile Food Vendor meets all applicable standards prior to operation. A valid health permit must be maintained for the duration of the Temporary Use Permit.
- (3) Written permission from the owner(s) of the private properties upon which the permit holder will operate.
- (4) A general sketch to be approved by the Zoning Administrator for each proposed location, illustrating access to the site, all parking areas, routes for ingress and egress, placement of the Mobile Food Vendor, distance from lot lines, garbage receptacles, dining area and any other feature associated with the Mobile Food Vendor.

(b) *Location.*

- (1) A Mobile Food Vendor shall locate a maximum of three (3) days per calendar week at any one (1) location within the town. For the purposes of this standard, a calendar week shall start on a Sunday and end on a Saturday.
- (2) A Mobile Food Vendor and all materials associated with the business shall be removed from the location by 10:30 p.m. each day.
- (3) No Mobile Food Vendor shall be located in public right of way or obstruct a public sidewalk.
- (4) Mobile Food Vendors shall not locate within one hundred (100) feet of any R1, R2, R3, RA, RB, or RPUD (non-commercially designated parcels) Zoning District.
- (6) A Mobile Food Vendor selling prepared food shall not locate within one hundred (100) feet of an established restaurant during the restaurant's operating hours (determined by measuring from the edge of the Mobile Food Vendor to the foundation of the restaurant) unless permission of the restaurant owner is provided.
- (7) A Mobile Food Vendor shall be positioned on improved, designated parking spaces and shall not block (i) the main entry drive aisle or impact circulation overall, (ii) other access to loading areas, or (iii) emergency access and fire lanes. The Mobile Food Vendor must also be positioned at least fifteen (15)

feet away from fire hydrants, any fire department connection (FDC), driveway entrances, alleys and handicapped parking spaces.

- (c) *Hours of operation.* Mobile Food Vendors are allowed to operate between the hours of 6:00 a.m. and 10:00 p.m. No Mobile Food Vendor shall operate past 10:00 p.m.
- (d) *Noise/Lighting.*
 - (1) Amplified music is forbidden outside of the vehicle. All other noise ordinances must be adhered.
 - (2) The operation of the vehicle or use of a generator should not be loud enough to be plainly audible at a distance of one hundred (100) feet away. Excessive complaints about vehicle or generator noise will be grounds for the Administrator to require that the Mobile Food Vendor change locations on the site or move to another property.
 - (3) All portable or temporary lighting shall meet Town lighting requirements and may remain on until 10:30 p.m. to allow for the safety of the patrons and employees and to allow for the site to be cleaned properly.
- (e) *Dining Areas.* One ten (10) × ten (10) area is allowed next to the Mobile Food Vendor. All activities must be wholly contained within this area, which may be covered or uncovered, with tables and chairs for dining or for a table with condiments for patrons.
- (f) *Number of food trucks permitted.* No more than three (3) Mobile Food Vendors may operate from the same lot at the same time. Use of the lot must at all times be in accordance with all other Town regulations.
- (g) *Signage.* All signage shall be limited to the Mobile Food Vendor itself. Only the food products for sale, the name of the business and a price list shall be listed. Alternative signage not affixed to the Mobile Food Vendor is allowed when related to daily menu information only. This signage shall be located within five (5) feet of the Mobile food vendor and not exceed eight (8) square feet in size.
- (h) *Trash.* A Mobile Food Vendor shall provide trash and recycling receptacles and employees shall properly recycle containers and dispose of all trash, refuse and compost that is generated by the patrons.
- (i) *Other.*
 - (1) The sale of anything other than food and non-alcoholic beverages (and items incidental to the product and its consumption) is prohibited.
 - (2) Mobile Food Vendors are allowed at public or private events as follows:
 - (i) In the zoning districts listed in § 43-5(b);
 - (ii) At events approved by the Town of Rocky Mount;
 - (iii) At events conducted by the Town of Rocky Mount; and
 - (iv) At events conducted by Franklin County public schools on school property.
 - (3) The requirements of this section shall not apply to Mobile Food Vendors at catered events (events where the food is not sold through individual sales but provided to a group pursuant to a catering contract with a single payer).
 - (4) No liquid wastes shall be discharged from the Mobile Food Vendor.