

Douglas S. Wright, Jr., chair, called the meeting to order at 4:00 p.m., on Wednesday, April 18, 2012, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker, D. Miller, J. Stone, R. Thomas, and J. Wheeler. The following staff members were present: K. Maher, Planning Director; S. Bockmiller, Development Planner/Zoning Administrator; A. Rohrbaugh, Planner; and D. Calhoun, Secretary.

### SPECIAL MEETING

#### Land Management Code - Review of Second Draft

##### General Comments:

- Mr. Miller commented that there are no definitions for each zoning district. Mr. Bockmiller recommended that leaving the zoning district descriptions in the purpose statement under each district.

##### Article 1:

- Appendix - deleted column titled "Articles and Sections Affected."
- Mr. Bockmiller added letter M, "Liability," which was copied from another City code.

##### Article 2:

- Typographical errors were noted on pages 2-1, 2-3, and 2-8.
- Page 2-8, E., 2., - Wording is cumbersome and needs to be clarified.
- Page 2-10, j. - Mr. Stone questioned whether staff is legally authorized to administratively correct zoning boundaries. Mr. Bockmiller is waiting for a response from the City Attorney.

##### Article 3 - Definitions:

- Typographical error noted on pages 3-3, 3-4, 3-7, and 3-16.
- Accessory Building - Mr. Brubaker asked about the new language that specifies the square footage standards for an accessory use. Mr. Bockmiller stated that 25% of the principal structure was added to give the Zoning Administrator latitude when making decisions on a case-by-case basis.
- Agri-Tourism - A definition was added per the commission's request. The definition was borrowed from a code in Virginia.

- Forest Conservation Technical Manual - This definition will be moved to the "F" section.
- Assisted Living Facility for the Elderly and Disabled - The title of the definition was changed to " Assisted Living Facility for the Elderly and/or Disabled."; removed the phrase "in an apartment-style" from the end of the second line.
- Offices for Bonding of Defendants in the Criminal Justice System" and "Offices for Paroling and the Probation of Defendants in the Criminal Justice System" - These are new definitions; staff has been working with the City Attorney and higher level City staff members to address the recent spate of bail bonds offices being established in the City center. Staff stated that retailers downtown have complained that these offices are adversely affecting their customers.
- Owner - Mr. Stone did not believe the definition as proposed is legal. He stated that the definition should end after the first sentence and incorporate portions of the former definition. Mr. Stone believes that the definition of "owner" should just be the name reflected on the title to the property. There was a discussion over the legality of attempting to hold banks liable in ownership definitions. Staff will take another look at this definition.
- Whip - remove the term "root collar." The definition should match the definition for "Caliper."
- Warehouse - This definition was added at the request of the commission. It is a use line in the use chart. Mr. Brubaker questioned whether a list should include specific items.
- Yard Sale - There are missing commas in the fourth line.

Article 4:

- Page 4-4, 7 - Change "property" in the first line to "lot."
- Pages 4-5 and 4-6, d., (1), (2), (3) - Keep language that sets forth the notification procedures for zoning reclassifications.
- Page 4-9, second paragraph - This is new language which has been endorsed by the City Attorney. (Mr. Miller left the meeting.)
- Page 4-15, c., (4) - Planning Commission members did not have an objection to new language that would prohibit day-care services in apartments.
- Page 4-17 - Commission members discussed the merits of limiting Mansion Apartments to historic districts only. Staff will review and resubmit proposed language.
- Page 4-18, Churches, Nursery Schools, Day-Care Centers, and Funeral Homes - After discussion, the commission decided to leave the rear setback at 50 feet. Mr. Wright questioned the reality of a reduced lot size for churches, funeral homes, schools on 20,000 square feet. Ms. Maher noted this is for accessory buildings, not uses. (Mr. Wright left the meeting; Mr. Stone assumed the chair.)

**Planning Commission  
MINUTES - Special Meeting**

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- Page 4-20, f. - There was a question as to whether the intent is to regulate only those “Mansion Apartments” that are in historic districts or whether the intent is to not allow them outside the historic districts. Mr. Bockmiller stated that “Mansion Apartments” are still permitted in the use charts, however, this sets higher standards for mansion house apartments in historic districts. The commission asked Mr. Bockmiller to clarify this section. Ms. Maher observed that the higher standards should also apply to buildings outside the historic districts in the R2 and R4 zoning districts. Mr. Bockmiller will take another look at this section.

Review will begin at “Mixed-Use Districts” at the next meeting.

**Adjourn:** It was moved and seconded that the meeting adjourn at 6:00 p.m.

5/9/2012  
Date

Debra C. Calhoun  
Debra C. Calhoun - Secretary