

Town of Haymarket
Town Council Meeting of February 7, 2005, Continued to February 22, 2005
7 O'Clock pm
15016 Washington Street~Haymarket, VA 20169~Mayor David P. Taylor

Continuation Meeting Called to Order

All Council Present
No Clerk present

Sherwood Forest

Councilman Weir states that council cannot act on this application, because of the documents required by planning commission. Until those changes are reflected on the site plan, council cannot act. PC must have the application again, can be placed on March agenda.

Town Center Property

Mayor discusses bid proposal for demolition of the buildings. Qualified bid came in at \$198,000 for Phase I and \$513,000 for Phase II.

Town ZTAs

Council has final version of the Town initiated ZTAs.

Weir motions that the Code of Ordinances of the Town of Haymarket, Virginia be amended, reenacted and certain provisions repealed as is set forth in
Appendix "A", Sikorsky seconds;

Sec. 38-1. Definitions.

Subdivide means to divide in any fashion or partition any parcel of land for the purpose of transfer of ownership or building development. The word "subdivide" and any of its derivatives shall have reference to the term "subdivider" as defined in this section. A plat of such such division shall be submitted for approval in accordance with Section 15.2-2258 of The Code of Virginia, as amended and as otherwise required by these ordinances.

Sec. 38-7. Improvements.

(b) Streets.

(1) Design, construction. All streets, shall be designed and constructed in accordance with the standards set by the state department of transportation for acceptance into the state secondary road system, and at no cost to the locality.

(8) Private streets.

a. No private street shall be permitted in a platted subdivision for detached single-family dwelling units. All other subdivided property except townhouses shall be served by a publicly dedicated street.

Sec. 38-9. Lots.

(d) Location. Each lot, except those occupied by attached single-family dwelling units, shall abut on an existing or proposed public street. If the existing streets are not 50 feet in width, the subdivider shall make provision, in the deeds to the lots, that all buildings be constructed so as to permit the widening by dedication of such roads or streets to a width of 50 feet or more as shown on the comprehensive plan.

Sec. 58-102. Height regulations.

For a main building in the R-2 district, the maximum height shall be 2 1/2 stories, but not over 35 feet; except that a building height may be extended to three stories or a maximum of 40 feet if each side yard is increased one-half foot for each additional foot of building height. Accessory buildings shall be limited to a maximum height of fifteen feet within a required yard area.

Sec. 58-103. General regulations.

(d) When a private parking bay/accessway is used, the minimum width of unobstructed travel way shall be 22 feet, and no private parking bay/accessway and associated travel ways shall exceed 600 feet in length from its midpoint to a point where it intersects with a public street. All such parking areas must connect from their private streets with an approved dedicated public street designed and constructed in accordance with the state department of transportation standards.

ARTICLE IV. RESIDENTIAL MULTIFAMILY DISTRICT R3

Sec. 58-136 through 58-143, inclusive ARE HEREBY REPEALED

ARTICLE V. TOWN CENTER DISTRICT B-1*

Sec. 58-177. Use regulations.

A building or land in the B-1 district shall be used exclusively for one or more of the following uses:

(1) Apartments as ancillary uses on the second floor of structures designed for other commercial uses, not more than 40 percent of the gross floor area of the structure may be devoted to apartment use.

Sec. 58-179. Requirements for permitted uses.

(a) Before a building permit shall be issued or construction commenced on any permitted use in the B-1 district, or a permit issued for a new use or new occupancy resulting in a change of use, a site plan prepared in accordance with article XIII of this chapter shall be submitted to the planning commission for review for up to 60 days. The planning commission shall refer these plans and its recommendations to the town council for consideration at its next regularly scheduled meeting. Modification of the plans may be required by the planning commission and/or the town council.

(d) The council shall act on any application received from the planning commission within 60 days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a 30-day period. Failure on the part of the council to act on the application within the established time limit shall be deemed to constitute approval of the application.

Sec. 58-182. Height regulations.

Town of Haymarket
Town Council Meeting of February 7, 2005, Continued to February 22, 2005
7 O'Clock pm
15016 Washington Street~Haymarket, VA 20169~Mayor David P. Taylor

Permitted uses in the B-1 district may be erected up to 35 feet in height from grade, building not more than three stories above grade.

ARTICLE VI. NEIGHBORHOOD BUSINESS COMMERCIAL DISTRICT B-2*

Sec. 58-219. Requirements for permitted uses.

(a) Before a building permit shall be issued or construction commenced on any permitted use in the B-2 district, or a permit issued for a new use or new occupancy resulting in a change of use, a site plan prepared in accordance with article XIII of this chapter shall be submitted to the planning commission for review for up to 60 days. The planning commission shall refer these plans and its recommendations to the town council for consideration at its next regularly scheduled meeting. Modification of the plans may be required by the planning commission and/or the town council.

(d) The council shall act on any application received from the planning commission within 60 days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a 30-day period. Failure on the part of the council to act on the application within the established time limit shall be deemed to constitute approval of the application.

ARTICLE VII. LIMITED INDUSTRIAL DISTRICT I-1*

Sec. 58-260. Requirements for special uses.

The requirements for special uses are as follows:

- (1) All requirements under section 58-9 shall be met.
- (2) A new site plan must be filed.
- (3) A stormwater management plan must be filed.
- (4) The lot must be surfaced with asphalt or concrete.
- (5) Any lights used to illuminate the area must be no higher than 28 feet and shall be approved by the architectural review board.
- (6) The special use permit shall be for a one-year period and to be applied for annually.
- (7) All access roads and/or bridges must comply to state department of transportation specifications.
- (8) Approval must be obtained from the railroad if vehicles must cross the railroad track to gain access to storage facility.
- (9) A landscape plan must be submitted.
- (10) All ordinances must be met. An allowance may be made for a security fence which must be approved by the architectural review board.

Sec. 58-263. Height regulations.

Buildings in the I-1 district may be erected up to a height of 35 feet. For buildings over 35 feet in height, approval shall be obtained from the town council subsequent to a review by the planning commission. Chimneys, flues, cooling towers, flagpoles, or their

accessory facilities not normally occupied by workers are excluded from this limitation. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest.

ARTICLE VIII. CONSERVATION DISTRICT C-1*

Sec. 58-303. Requirements for permitted uses.

Before a building permit shall be issued or construction commenced on any permitted use in the C-1 district, or a permit issued for a new use or new occupancy resulting in a change of use, a site plan prepared in accordance with article XIII of this chapter shall be submitted to the planning commission for review for up to 60 days. The planning commission shall refer these plans and its recommendations to the town council for consideration at its next regularly scheduled meeting. Modification of the plans may be required by the planning commission and/or the town council.

ARTICLE XI. AMENDMENTS

Sec. 58-425. Review and action.

a. In accordance with Code of Virginia, tit. 15.2, proposed amendments to this chapter, changes in district boundaries or classifications of property shall be referred to the planning commission for its recommendation. The commission, in review of the proposal, shall consider the nature of the request, its consistency with the comprehensive plan, and the impact of such request on the services, character and needs of the community. Any request submitted to the planning commission must be forwarded to the council for action within 65 days of the first commission meeting of which the request appeared as an agenda item. Failure of the commission to act within 65 days shall be deemed no recommendation by the commission, and the town clerk shall forward the request to the council for action. The commission and the town council shall each hold at least one public hearing prior to the council's action. Such public hearings may, with the consent of both bodies, be held during a joint session when advertised in accordance with section 58-424. The town council shall render a decision on an applicant's request not later than one year after the date the application for amendment was filed with and accepted by the town clerk.

b. All requests must be accepted by the town, in accordance with all land use policy memos, at least twenty days prior to the next regularly scheduled meeting of the planning commission to appear as an agenda item at that meeting.

ARTICLE XIII. SITE PLAN REQUIREMENTS

Sec. 58-506. Procedures and requirements.

Preliminary and final site plans, where required, shall conform with the following procedures and requirements:

(1) An applicant shall submit a preliminary site plan for review to the town planning commission. Such preliminary site plan, prepared by a licensed engineer or land surveyor, shall be reviewed and returned to the applicant with comments within 60 days. This requirement for a preliminary site plan may be waived by the town council where the information has already been submitted.

Sec. 58-508. Procedure for review.

(a) An applicant shall file his proposed preliminary site plan or his proposed final site plan with the town clerk. The town council shall then refer such application to the planning commission for its review and recommendations. All requests must be accepted by the town, in accordance with all land use policy memos, at least twenty days prior to the next regularly scheduled meeting of the planning commission to appear as an agenda item at that meeting.

(b) The planning commission shall recommend to the town council that a proposed final site plan be approved or disapproved within 60 days of the plan appearing on the planning commission's agenda.

(c) The town council shall approve or disapprove all site plans, with due respect for the planning commission's comments and recommendations, and in accordance with the provisions of applicable ordinances and policies of the town, within 60 days of receipt of the planning commission's recommendation.

Sec. 58-701. Buffer yards.

- (a) Definition. Buffer yards are land areas providing visual relief to adjoining land uses and shall be used for the planting of landscape materials. Driveways and entrances connecting adjacent parking lots or development may interrupt the required buffer yard. Buffer yards may be provided in the setback areas required by the zoning district regulations; but buffer yards shall not be used for storm water management, the storage of materials, vehicles, buildings, equipment and parking or loading areas.

By a Roll Call Vote: Sikorsky-Yes, Tobias-Yes, Stutz-Yes, Garcia-Yes, Jarboe-Yes, Weir-Yes

Nays: 0

Absent: 0

Abstain: 0

Town of Haymarket
Town Council Meeting of February 7, 2005, Continued to February 22, 2005
7 O'Clock pm
15016 Washington Street~Haymarket, VA 20169~Mayor David P. Taylor

Weir motions that Sections 58-97 and 58-98 of the Code of Ordinances of the
Town of Haymarket, VA be amended and reenacted are set forth in
Appendix "B", Garcia seconds;

APPENDIX "B"

ARTICLE III. RESIDENTIAL DISTRICT R-2

Sec. 58-97. Use regulations.

In residential district R-2, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Single-family detached dwellings.
- (2) Group homes.
- (3) Churches.
- (4) Parks and playgrounds.
- (5) Off-street parking as required by this chapter.
- (6) Accessory buildings permitted as defined; however, garages or other accessory structures such as carports, porches and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than five feet to any property line.
- (7) Poles, distribution lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities. Transmission lines, transmission towers and electrical substations are not deemed necessary facilities under this section.

Sec. 58-98. Special uses.

The following uses shall be permitted in the R-2 district with a special use permit:

- (1) Townhouses.
- (2) Estate/liquidation auction sale.
- (3) Outdoor craft and/or antique shows/sales.
- (4) Parades.
- (5) Lodging/bed and breakfast.
- (6) Mobile office/classroom shall only be permitted with a special use license with the following restrictions:
 - a. For use as a classroom for a period of one year and must reapply for a special use permit for each additional year thereafter.
 - b. For use as an office for a period of six months and must reapply for an additional six months, with one year being the maximum for an office.
- (7) Shared access driveways.

By a Roll Call Vote: Tobias-No, Stutz-Yes, Garcia-Yes, Jarboe-Yes, Weir-No, Sikorsky-Yes
Ayes: 4
Nays: 2
Abstain: 0
Absent: 0

Weir motions that Section 58-101 of the Code of ordinances of the Town of Haymarket, Virginia
be amended and reenacted as is set forth in
Appendix "C", Sikorsky seconds;

APPENDIX "C"

Sec. 58-101. Yard regulations.

(b) *Side*: Each lot shall provide a minimum side yard of 15 feet from building wall to side property line, except in the case of:

- (1) Interior townhouse units where the party wall creates a zero lot line;
- (2) End loading units which may have an open porch not more than five feet or more in which an open deck may encroach an additional ten feet towards the property line; and
- (3) Small lot detached single-family dwellings where the minimum setback from building wall to property line shall not be less than three feet to any property and shall be not less than 20 feet in the aggregate between adjoining structures;

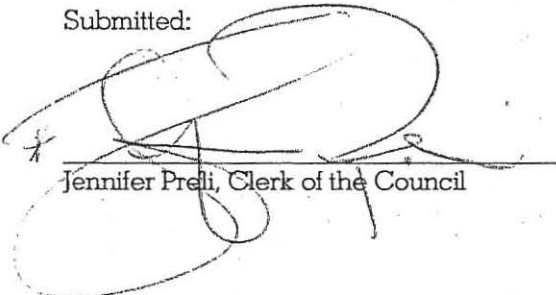
(c) *Rear*: Each lot intended for a permitted use, except a townhouse and a small lot detached single-family dwelling, shall provide a minimum rear yard not less than 25 feet in depth measured from the rear building line to the rear property line. Each townhouse and a small lot detached single-family dwelling shall have a rear yard of 20 feet. Accessory buildings 80 square feet or less may be located to within five feet of the rear property line.

By a Roll Call Vote: Tobias-No, Stutz-Yes, Garcia-Yes, Sikorsky-Yes, Jarboe-Yes, Weir-Yes
Ayes: 5
Nays: 1
Absent: 0
Abstain: 0

Town of Haymarket
Town Council Meeting of February 7, 2005, Continued to February 22, 2005
7 O'Clock pm
15016 Washington Street~Haymarket, VA 20169~Mayor David P. Taylor

Weir motions to adjourn the February 7, 2005 continuation meeting of February 22, 2005, Stutz
seconds;
Ayes: 6
Nays: 0
Absent: 0
Abstain: 0

Submitted:



Jennifer Preli, Clerk of the Council

Approved:

Mayor David P. Taylor

NOT PRESENT FOR MOST
OF MEETING