



TOWN OF HAYMARKET PLANNING COMMISSION

REGULAR MEETING ~ AGENDA ~

Robert B. Weir,
<http://www.townofhaymarket.org/>

15000 Washington Street, Suite 100
Haymarket, VA 20169

Tuesday, January 13, 2015

7:00 PM

Council Chambers

1. Call to Order

2. Citizens Time

3. Announcements

4. Minutes Approval

a. Planning Commission - Regular Meeting - Dec 8, 2014 7:00 PM

5. ARB & Town Council Update

6. New Business

7. Old Business

- a. Zoning Text Amendment - Zoning Administrator
- b. Zoning Text Amendment - Parking Study Ordinance
- c. Comprehensive Plan

8. Town Planner Report

9. 1-Mile Notice

10. Adjournment



TOWN OF HAYMARKET PLANNING COMMISSION

REGULAR MEETING ~ MINUTES ~

Robert B. Weir,
<http://www.townofhaymarket.org/>

15000 Washington Street, Suite 100
Haymarket, VA 20169

Monday, December 8, 2014

7:00 PM

Council Chambers

A Regular Meeting of the Planning Commission of the Town of Haymarket, VA, was held this evening in the Board Room, Commencing at 7:00 PM

Chair Robert B. Weir called the meeting to order.

1. Call to Order

Chair Robert B. Weir: Present, Commissioner Ralph Ring: Present, Council Liaison Matt Caudle: Present, Josh Mattox: Present, James Carroll: Present, Maureen Carroll: Present.

2. Announcements

Parking study consultants are here. They are reviewing the sign ordinance. They will make a quick introduction. Describe their efforts. Introduce the project. Milton Herd gives the introduction.

Caudle: A few business owners came before Town Council and had expressed their desire for signage. This is definitely needed.

Mrs Carroll asks if they will present visuals of all of these to the Board?
There will be a visual component yet to be defined, but yes will have a graphic as needed.

Weir: The biggest issue is conflict with the businesses needs and the historic vision of the town. It's gone back and forth. Will hear arguments for dimensional increases, back lighting, Neon, number of signs, locations, etc. Our regulations are by in large the same as everyone else's. We are a little more strict on some, less on others. Pretty middle of the road. Conflict is to be expected in any ordinance in any jurisdiction. Need a balance.

3. Citizens Time

No citizens spoke.

4. Minutes Approval

a. Planning Commission - Regular Meeting - Nov 10, 2014 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Josh Mattox
SECONDER:	Ralph Ring, Commissioner
AYES:	Weir, Ring, Caudle, Mattox, Carroll, Carroll

5. ARB & Town Council Update

ARB, Ring: Signage conflict between ARB, historic preservation, and zoning conflicts.

Town Council, Caudle: Nothing to report.

6. New Business

a. **Code of Ethics - Presented by Councilman Matt Caudle**

Caudle to present to the Planning Commission:

The Town Council met and had adopted a Code of Ethics after the work sessions with Mike Chandler. This was declared at the last meeting. It is the desire as Town Council that all

Minutes Acceptance: Minutes of Dec 8, 2014 7:00 PM (Minutes Approval)

boards would abide by said code of ethics. Town Council liaisons will be getting with the boards to go over those.

Ring: This appears to have policy and ethics combined. Policy should go thru the Town Manager. There are a mixture of things in this and some are not an ethic issue. Having watched Town Council and heard comments that this would serve as a reminder as what to do. And finds it insulting. If you come to sit on a board, and don't come to that position with the knowledge that you're a steward of resources, if you come not knowing that, then signing this wont enforce that. Doesn't feel this serves much purpose. We are all stewards. Any thing that deals with conflict, code, that is open to interpretation, as this document is hugely open to interpretation, can be used inappropriately. Opens for abuse.

Caudle: If you come with this understanding, what's the harm in signing the document?

Mattox: Harm is between procedures and ethics. Two different terminologies. Previous version? Maybe 4 or 5 years ago. We swore an oath at the beginning of our service to the Planning Commission. Feels this is an over reach from Town Council. Likes the balance of Government. We may not agree outside of the office, but in our meetings, we work together. We want to keep a balance. This Code of Ethics is not very balanced. Senate, Congress, etc are all separated for that reason alone. Referring to the Town Manager, has refused to answer questions to the Planning Commission, certain members, and is not sure why. Simple questions for valid clarification, that represent the citizens, instead of for personal interest which he's taken upon himself. Bottom line is, with some changes and clarifications to the misrepresentation of information, would not have a problem signing.

Mrs. Carroll: But we're not 3 branches of Government. We're an advisory to Town Council. That analogy is not appropriate here. We take an oath on this Commission but feels sometimes words have to be stated. Our oath is based on words, and the Constitution. This seems to be a codification of what is expected of the Commission.

Caudle asks where is the misrepresentation Mattox is referring to? Because it almost seems like a vendetta against the Town Manager.

Mattox: Opposite. Seems like a vendetta against the different boards. Not looking to create trouble.

Ring: Vendetta in itself is a loaded word.

Caudle: Missing the intent. Intent is to conduct business in a orderly and systematic and decent way. Been to meetings in the past and that's not always been the case.

Mattox states this is a new Council though, and updated Planning Commission.

Ring: Whether people sign this document or not, that type of behavior just talked about, is inappropriate. Also, Planning Commission is under guidance by the State Statue, not just the Town Council. Whereas the ARB is strictly under the control of the Town Council. Not sure that the State code allows the Council to reverse a Planning Commission decision for ethical reasons.

Mr. Carroll: Why has this arisen now? What has happened?

Caudle: Some to do with the past history of the town. Town Council sat down, one of the directives received from the citizens, is they want the Town to clean up the way it does business. When you have a Town meeting, and the community comes to it, and you then hear I'll never go back to one of those again, there's something wrong. The intent is that we conduct business in an orderly fashion. Respect each other and those that come. This has not always been that case.

Mr. Carroll: Don't think that signing this is going to ensure it won't happen. Do think what has been set up with preamble is a very good philosophical idea. It's stressing to anyone that is elected or appointed positions, that Integrity, being true to oneself, and what the various philosophical basis of any given board might be, is something that I would think would belong to any of these boards. Preamble is good. The problem is spelling out 19 different statements.

Caudle: The whole intent is when people come here, they see a Government that functions in an orderly fashion.

Ring not sure the Town Council can impose sanctions on the Planning Commission.

Weir: No issue with standards of conduct. However, it seems like it's a one size fits all. Most of these items don't have a real issue with. Is it necessary to put in there to uphold the Constitution? We already swore an oath to that. Word on clause 2, to place loyalty to the highest moral principals? Who determines that? Everyone has different moral principals. Also, executive sessions. We rarely have. Not bound by that statute or by judicial precedence to keep it to yourself. There's no penalty for disclosure. The Clerks administers the clerical needs of the Boards. Not fond of adding another layer and have the Town Manager handle it. That's the Clerks role. If you want to change the defined role so that the Town Manager will be responsible for it, that's fine. He will be held to the same standard of getting it done as the Clerk is in getting things done. Planning Commission is a distinct animal within the statutes. Once appointed, can't be removed except for malfeasance. That is the ONLY statutory power Town Council has over Planning Commission. Was set that way for a reason. When the General Assembly created the language for Planning Commission, they structured it as such, that once appointed there would be no political influence of the Planning Commission. Also, once appointed the Town Council, or in the case of Prince William County, the County Board has very little influence over what the Planning Commission decides or what opinions they render. Not aware of any sanctions that could be placed on any Planning Commission member above and beyond removal from malfeasance. It's the Dillon rule. Malfeasance is a very high bar to reach. Impact of signing? It creates some manner of approval of the entirety of the content. Not inclined to sign off on it. Will we be briefed on this in the near future?
Caudle, yes that's his understanding.

Mrs. Carroll: Has the Town attorney gone over this? Legal opinion maybe appropriate to clean it up. Align with the law.

Malfeasance does not include ethical behavior.

Caudle: Is the general intent good?

Ring: Yes, not bad. But you're adding something on top of the Oath each took. That is redundant. Mattox agrees for the most part. Would just like to see it cleaned up.

Ring doesn't agree with signing the statement.

Caudle will take thoughts back to Town Council and get some answers.

7. Old Business

a. Zoning Administrator Zoning Text Amendment

Town Planner.

Question had come up last month about the discussion centered around that references to the Zoning Administrator extend beyond the definition. Thru out the document the term Administrator and term Council in the capacity of the Administrator interchange quite frequently. The thought was there needed to be a more thorough scrubbing of the ordinance to define all those references. Also a question about the amount of time that the Commission had to return a recommendation. Did follow up with Chair Weir about the 100 day time line, which would have started on October 10th. 100 days would be in January, would need to refer your recommendations back to Council. Did speak briefly with the Town Attorney. His question was is there something that would keep the Commission from fulfilling that 100 days, in which I did say there does need to be a better scrubbing of the ordinance.

Weir, was there a clerical error where it was presented 30 days late?

Yes. The intent was have the work product come back, not force the Commission in to that box to decide or not decide.

Recommend to table right now. Can come back next month. Will inform Town Council there's more time necessary to review that language and ask if they would extend the review period for another 60 days.

Weir: The limited scope that the Town Manager placed on that amendment, didn't make it viable. By revising that singular definition and not addressing all of the other issues. Muddles the picture even more. Appointment of the Town Manager. Making the wording match thru out the document. Sometimes Zoning Administrator, sometimes Zoning Official. Suggestion is to do the cleanup , not piece meal, do the whole cleanup at one time for all the relevant sections. If we're going to run out of time, as to not mess with that 100 day limit, is to simply kick it back with the recommendation to deny or not adopt. Can we put together an amended version between now and then, that addresses all the issues. Holiday season here.

Town Planner: Once we put that together if we want any additional discussion , we run out of time. Challenges he's had since he's started working here, is limited staff. The Planning Commission at one point was the Zoning Administrator. Making due with limited resources. Having a political body administering your ordinances can open itself or give the appearance of influence. Idea was to take a pragmatic approach because there was no other option. Move it to a true zoning administrator approach. The Town Manager had done that. One option is you can send it back and say no. Can also take an item back to Council this month and say we would like to have another 30 days.

Weir: Town Planner and Weir can put together a more comprehensive amendment that addresses all language. More of a clerical exercise. Come back in January and try to hammer it out. Remove from the table. Not take any action tonight. Have council extend the time.

b. Dominion Power 230 Kv Transmission Line

Everyone has last version Weir did and email out.

Mattox made some edits. Grammatical, formatting, done. Will send copy to everyone once done.

Meeting section: Weir added beginning bottom of page 8 and first paragraph of page 9 are additional.
No edits there.

Preferred preliminary route, minor changes.
Alternate preliminary route: no changes.

Mr. Carroll: Why does the SCC disregard lower assessment of peoples homes as a contributing factor?

Weir: That's a question the SCC chose not to answer. Not much we can do about that. Not a primary consideration. Someone, somewhere is going to lose something. There is no zero impact route. SCC will do what they have to do. They're a little more inclined than they used to be, to require Dominion to put the lines underground.

The best way to get the SCC's attention, is for people to show up at their Hearings. Larger the outcry the better.

Carroll second question, Amazon may not be showing up? Not a done deal yet. Is Dominion still intending to put in this interim Route 55 power line raising up these poles, the double stack? It's obviously only going to benefit Amazon since the Town at the present time has no need for additional power.

Mattox: If Amazon pulls out, that line will be there for another customer to come in. Prime real estate to transfer property to another company. Could easily go to another data center if Amazon pulls out.

Ring Moves to approve and forward to Town Council for recommendation of approval and adoption.

Mattox seconds.

Mrs. Carroll asks about an Executive Summary. Stressing our points. Facilitate a very clear idea.

Weir: An Executive Summary could get very confusing if you start putting in bullet points. We have a summary tag at end, very short. Can write one. Don't want the message to be lost. Document is written more for the SCC.

Caudle points out the key phrase on page 30, is in essence the Executive Summary, if we bold the lettering.

Ring modifies the motion to forward the report in finding of the Town of Haymarket Planning Commission regarding the Haymarket 230kV Transmission Lines Substation to the Town Council for review and adoption, and furthermore based on the revised document we continue to recommend that the underground route be the preferred route, North of I66.
Mattox seconds.

Roll Call Vote:

Mattox: Yes

Ring: Yes

Weir: Yes

Caudle: Yes

Mrs. Carroll: Yes

Mr. Carroll: Yes

c. Comprehensive Plan

Still on hold until the Parking study is complete.

d. 1 Mile Notices

John Marshall Commons.

Roy Barnett did speak with Supervisor Candland and the Planning Staff at Prince William County. There was a discussion to reducing the density of the multi family homes on the other side of PACE West. Or go to an active adult community. Supervisor Candland was concerned about the density and wanted more to fit into the design guidelines. Trying to get the best product possible. Wants it to blend better with the Town. Don't expect to see anything for a few more months.

Weir got a call about Dominion Hunt, formerly something else. Something the Town opposed about 10 years ago. On Route 15. Near Thoroughfare, East side.
Schneider hasn't seen anything on that. Will try to find out.

Haven't heard anything on Midwood.

8. Town Planner Report

Took new Commissioners Mr. & Mrs. Carroll on tour of the Town. Good tour.

Consultants came in today.

Met with the Public Facilities Committee about the vision of the Harrover property. Take the vision that was put into the Comp Plan, take the characteristics of the site, do other research to put together some concepts to look at. Right now it's planned Public Use. The plan envisions trying to use that as a park. Town offices were going to move down there at one point.

Rezoning came in for the Fairgrounds. Still reviewing. They were missing a Traffic Impact Analysis. Waiting for that.

We have the on-call planning services that will be looking at the subdivision ordinance. Did hire a consultant. Over haul the ordinances.

Did renew the permit for the COA on Building 2, Winterham property. Updated construction plans. Possible construction to start in the Spring. There will be elevators.

Payne Lane providing comments for.

Will see a Town Center Master Plan in a few months. Will come before the Commission as a Site Plan. May work with the Payne Lane property to come up with an intersection improvement at Jefferson and Washington Streets.

Ice Rink in the works.

Sheetz coming back to ARB next month. Submitted sign package. ARB asked to come back with sample material of the canopy.

Nothing from Fire House owner.

Street Scape light poles up. Fixed Mrs Leonards driveway.

9. Work Session

a. Zoning Text Amendment - Parking Study Ordinance

Ring. Met today with business owners, with Pam Swinford. Consultants were there.

Problem businesses have with signage, is a business cannot be identified from the street by signage alone. That's universal.

Piedmont Tire says their signs are too small. If you're driving at 25mph, there's a number of distractions, you won't see their signs.

If Winterham all buildings face street, can't be found down other end.

The Industrial park. No way to identify them from the street.

Businesses are essentially invisible from the street. One main thing is the walking town, cannot survive on pedestrian business.

The businesses have recommendations. How do you accommodate the businesses and maintain the Town facade that you'd like to maintain.

There's no way to advertise every business in town. Create a destination of the businesses.

Such as Winterham. Create a sign that says Winterham. If someone is looking for a business and they're told it's in the Winterham building. Same with Industrial park.

Biggest problem is, whether you're walking or driving, they're invisible.

How do we resolve it? Consultants will come back and give us some options.

Schneider: One of the issues with the Parking Ordinance is that it dealt with a series of issues we didn't permit, i.e. Hospitals. Then uses listed within each Zoning District.

Then other uses not envisioned at all. Idea is to go thru and capture all of those elements.

Would like to go thru the actual proposed ordinance. Found some issues to look at. Goal at the end of the day is we're at a conflict with the walking town, we don't have on-street parking, or municipal parking

Weir: No issues with the text.

Page 29 no issues. Strike apt/multi family out of the table.

Elderly Independent and Active Adult currently don't have a product for that maybe we would allow under that, the use would be different. Don't know that we need to list separately Elderly or Independent Living to be a Residential use but if we want to distinguish them, leave it in.

Some would argue it's a Commercial use, like a business versus Active Adult which is considered a stand alone product.

What is defined as an accessory apartment? List of definitions in the back. We do separately list that in the R1 District.

Home Occupations are allowed as Special Uses. They don't allowed non resident employees. Change to say residential requirement plus one.

Strike vehicle sales. And outdoor sales and storage area.

Fuel with service, two per bay? Come up with a language for that.

Strike Court sports.

Strike Mini Golf/Driving Range.

Schneider: Will come back and better define some of these uses. Fixing misspelling of definitions.

10. Adjournment

Mattox motions to adjourn.

Ring seconds.

Ayes: 6

Nays: 0

Meeting adjourned.



TO: Town of Haymarket Planning Commission
SUBJECT: Zoning Text Amendment - Zoning Administrator
DATE: 01/13/15

Town Planner will update on this item.

ATTACHMENTS:

- Chapters 38 58 Version 1.1 01-12-2015 Red-lined Amendments (PDF)

Chapter 38 - SUBDIVISIONS

ARTICLE I. - IN GENERAL

Sec. 38-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word "lot" includes the word "plot" and "parcel"; the word "approve" shall be considered to be followed by the words "or disapprove"; any reference to this chapter includes all ordinances amending or supplementing the chapter; and all distances and areas refer to measurements in a horizontal plane.

Administrator means the ~~representative of the council who has been appointed to serve the council in the process of reviewing and approving subdivision plats.~~ person appointed by the Town Manager to administer and enforce this chapter. The Town Manager may also appoint one or more deputy and assistant zoning administrators, who shall perform such duties as may be assigned to them.

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Building Official means the representative of the Council who has been appointed to administer and enforce, within the Town, the provisions in the Uniform Statewide Building Code. He shall head the Building Department and be responsible for the organization and daily operation of the department.

Chapter 58 - ZONING

ARTICLE I. - IN GENERAL

Administrator, the, means the ~~town council, which is charged with the enforcement of this chapter.~~ person appointed by the Town Manager to administer and enforce this chapter. The Town Manager may also appoint one or more deputy and assistant zoning administrators, who shall perform such duties as may be assigned to them.

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ARTICLE VI. - NEIGHBORHOOD BUSINESS COMMERCIAL DISTRICT B-2

Sec. 58-222. - Height regulations.

Buildings in the B-2 district may be erected up to a height of 35 feet. For buildings over 35 feet in height, approval shall be obtained ~~from the zoning administrator by Special Use Permit.~~ Chimneys, flues, cooling towers, flagpoles, radio or communication towers, 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.

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(Code 1989, § 12-141)

ARTICLE VII. - LIMITED INDUSTRIAL DISTRICT I-1

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 by Speical Use Permit.~~ 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.

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ARTICLE VIII. - CONSERVATION DISTRICT C-1

Sec. 58-304. - Special uses.

(b) Clustered residential dwelling units not to exceed two dwelling units per acre shall be a special use, pursuant to Section 58-9. Approval by the town council is required. The town council shall refer plans to the planning commission for its comments and recommendations.

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ARTICLE IX. - SIGNS AND NAMEPLATES

Sec. 58-339. - Definitions.

(21) Government sign. Government signs that are approved by the town council Administrator or installed for the public benefit by the Town of Haymarket.

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Sec. 58-340. - General requirements.

(15) Unusual signs. When applications for unusual signs or displays which give rise to questions of interpretation of this article come before the administrator or town council for action, the administrator will make final determination. If, in the opinion of the administrator, the application is not adequately covered by this article, the administrator may make recommendations for amendment of this article.

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Sec. 58-342. - Temporary signs for which a permit is required.

The following signs may be erected or constructed with a permit. All applicable code requirements in this chapter shall apply and all signs of this section must comply with the architectural review board guidelines:

(1) Banners. Banners shall be approved by the administrator or its designee with the right to regulate condition and location. A business may display banners permitted under this subsection on a total of no more than 30 days in a calendar year or as restricted specifically by type (i.e. Real estate signs, retail signs, seasonal signs, special-event signs, window signs, etc.). Maximum size is restricted to type of sign (i.e. real estate signs, retail signs, seasonal signs, special-event signs, window signs, etc.).

Sec. 58-345. - Residential signs.

(b) Sizes.

(1) Historical signs. Historical signs approved by the town council Administrator may be wall-mounted flush on the outside of a residence that has been deemed historical by the town's historian Architectural Review Board and the town council. Such sign shall describe briefly the historical significance of the building.

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Sec. 58-346. - Special use signs.

The town council may approve signs following signs may be approved by special use permit based on the guidelines set forth below:

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- (1) Church signs. Signs designating places of worship and/or places directly affiliated with such uses are permitted:
 - a. One building-mounted sign for each street frontage, not to exceed 12 square feet in area.
 - b. One freestanding sign for each street frontage, not to exceed a total sign area of 12 square feet in area and six feet in height and no closer than ten feet to any lot line. This shall be inclusive of a menu board if desired.

- c. *Temporary signs/banners.* Special uses may be made to allow temporary signs/banners designating temporary places of worship. Consideration of color, type style, sign style and location must be considered by the architectural review board. The temporary signs/banners must comply with all applicable requirements of this article. These temporary signs/banners shall not be posted for more than six months. At that time, the church representatives must consult the administrator ~~or the council~~ for approval to extend in six-month intervals.

ARTICLE XI. - AMENDMENTS

Sec. 58-467. - Powers and duties of board of zoning appeals.

- (3) To hear and decide appeals from the decision of the ~~zoning~~ administrator after notice and hearing as provided by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first class mail rather than by registered or certified mail.

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 ~~t~~Town ~~p~~Planning ~~e~~Commission. Such preliminary site plan, prepared by a licensed engineer or land surveyor, or in the case of minor site plans, in a form acceptable to the ~~town council~~Administrator, 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~~Administrator where the information has already been submitted. Formatted: Not Highlight
- (2) The preliminary site plan shall include the following minimum information unless waived by ~~town council~~the Administrator: Formatted: Not Highlight
- (4) ~~Any additional information which the approving authority~~The Administrator may request ~~additional information he~~deems necessary and appropriate to demonstrate compliance with this article or other conditions imposed by this chapter. ~~shall be submitted upon request of the~~town council. Formatted: Not Highlight

Sec. 58-509. - Period of validity of approved site plan; construction in accordance with plan.

- (b) No permits shall be issued by the ~~town council~~Administrator ~~or the Building Official~~ unless they are in strict accordance with the approved final site plan (including approved minor adjustments). Formatted: Not Highlight

Sec. 58-510. - Minor adjustments; deviations from final site plan.

After a final site plan has been approved, minor modifications, which comply with the spirit of this article and other provisions of this chapter and with the general purpose of the comprehensive plan for the development of the area, may be approved by the ~~town council~~Administrator without formal review when such modifications:

- (1) Do not reduce or alter the percentage of land shown as grass or landscaped area under the original plan.
- (2) Do not expand the building size or area of lot surface in active use.
- (3) Do not reduce or change the efficiencies of the stormwater system.
- (4) Meet all applicable state, federal and local guidelines for the use or design proposed.

Sec. 58-513. - Inspection and supervision during installation.

- (c) Upon satisfactory completion of the installation of required improvements, the owner shall receive a certificate of approval from the ~~inspector~~Building Official, upon the application for such certificate. The certificate shall serve only as a letter of recommendation to the Town Council to be considered in conjunction with the requested release of any bonds or agreements.

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ARTICLE XIV. - OLD AND HISTORIC HAYMARKET DISTRICT OVERLAY

Sec. 58-554. - Certificate of appropriateness required to erect, reconstruct, alter, restore or raze a building.

- (a) In order to promote the general welfare, through the preservation and protection of historic places and areas of historic interest, all buildings within the Old and Historic Town of Haymarket which are 50 years old or older are designated historic buildings. No historic building may be demolished, in whole or in part, nor may any architectural features of such buildings which are subject to public view from a public street be altered without prior application to the architectural review board, unless the ~~local maintenance code~~eBuilding Official consistent with the Uniform Statewide Building Code, ~~Part III Maintenance~~, determines that it constitutes such a hazard that it shall be razed, demolished or moved.

Sec. 58-555. - Application for certificate of appropriateness.

Application for a certificate of appropriateness shall be made to the architectural review board. Any decision of the architectural review board shall be appealable by any member of the town council or any aggrieved party to the town council.

Sec. 58-558. - Procedure for meetings.

- (c) The board shall meet within 30 days after notification by the town clerk of an application for a certificate of appropriateness requiring action by the board. The meetings of the board shall be open to the public, and a full and impartial hearing shall be granted. ~~The town clerk shall notify the applicant by certified mail as to the date and time of the scheduled hearing.~~
- (d) When voting on any question, the determination may be made by voice vote or roll call, but no secret ballot or proxy shall be allowed at any time. The board shall vote and announce its decision on any matter properly before it not later than ~~14~~60 days after the conclusion of the hearing on the matter unless time is extended by mutual agreement between the board and the applicant.

Sec. 58-560. - Issuance of certificate of appropriateness.

Decisions of the board will be incorporated in approved certificates of appropriateness or written reasons for disapproval. Immediately upon approval by the board of any application to erect, reconstruct, alter, restore or raze a building, a certificate of appropriateness, signed by the chairman of the board and bearing the date of issuance, shall be made available to the applicant. The ~~town council~~Building Official shall refuse to honor any request for a building permit without such certificate of appropriateness, but a certificate of appropriateness will in no way affect the requirement to comply with the other provisions necessary to obtain a building permit.

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ARTICLE XV. - FLOODPLAIN DISTRICTS

Sec. 58-600. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Base flood elevation (BFE) means the Federal Emergency Management Agency designated 100-year water surface elevation.

Base flood/100-year flood means a flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year, although the flood may occur in any year).

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Board of zoning appeals means the board appointed to review appeals made by individuals with regard to decisions of the zoning administrator in the interpretation of this article.

ARTICLE XVI. - LANDSCAPING, SCREENING, BUFFERING, OPEN SPACE AND

Sec. 58-706. - Monitoring and enforcement.

- (a) *Enforcement responsibility.* The enforcement of the provisions set forth in this article shall be the responsibility of the ~~town council~~Administrator or its designee. Any violation of this article is a criminal misdemeanor as described in article I of this chapter.
- (c) *Occupancy permits.* Until all of the landscaping and other screening materials required by this article have been installed to the satisfaction of the ~~town council~~Building Official, no occupancy permit shall be issued. If installation of the required plant material is prohibited due to inclement weather and delays the time of occupancy, the developer or his agent shall post a bond for the installation of the remaining required plant material. Along with the cash bond shall be a letter explaining the contractor's intentions to install the required plants and an estimate of that cost. If the maximum time allowed for the landscaping to be deferred from planting shall be six months and at such time the bond shall be forfeited to the town for use in planting of the remaining required plant materials.
- (f) *Repair and replacement.* Upon written notice from the ~~town council~~Administrator, the owner or agent shall repair or replace any fencing, screens or landscape materials that are not meeting the requirements of proper condition in subsection (d) of this section within 30 days.

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Sec. 58-709. - Open space for nonresidential properties.

- (b) *Occupancy permits.* Until all of the landscaping and other screening materials required by this article have been installed to the satisfaction of the ~~town council~~Administrator, no occupancy permit shall be issued by the Building Official. If installation of the required plant material is prohibited due to inclement weather, and delays the time of occupancy, the developer or his agent may post a bond for the installation of the remaining required plant material. Along with the cash bond shall be a letter explaining the contractor's intentions to install the required plants, and an estimate of that cost. The maximum time allowed for the landscaping to be deferred from planting shall be six months, and at such time the bond shall be forfeited to the town for use in planting of the remaining required plant materials.
- (e) *Repair and replacement.* Upon written notice from the ~~town council~~Administrator, the owner or agent shall repair or replace any fencing, screens or landscape materials that are not meeting the requirements of proper condition in subsection (c) of this section within 30 days.

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Sec. 58-710. - Maintenance requirements.

- (c) *Repair.* Within 30 days upon receiving written notice from the ~~town council~~Administrator, the owner/agent shall repair any defective condition of the open space areas that render these spaces unusable or unsafe. If the deficiencies are not rectified within the 30-day period (or any extension that may have been granted), the ~~town~~Administrator may cause repair the open space to a reasonable condition in accordance with the improved landscape plan to preserve property values in the area. The owner and/or his agent shall be responsible for reimbursing the town for any costs associated with this repair.

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Sec. 58-716. - Sidewalks.

- (f) Sidewalks located on Washington Street shall conform to Belden Brick paver color Regimental Red and have a chamfered edge. Pavers shall be smooth, but not glazed, laid in a herringbone pattern

~~with soldier course and subject to additional construction and design standards, as provided by the Town Engineer. All brick pavers shall be #503-505 of the Belden Brick Co. as approved by the town council or equivalent. The brick color, size, finish and pattern shall be approved by the town council.~~

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Sec. 58-717. - Lighting.

~~(a) All lighting shall be the Washington Steel style (fluted) post with the Washington 118 globe (acorn style) with finials style, approximately 14 feet in height, being "Martin Senour Market Square Dark Tavern Green," W85-0620 or equivalent, in color, having 24 inch metal base and concrete footer and as approved by the town council May 5, 1997.~~

~~(b)(a) Lighting Plans shall include a narrative outlining the specifications and responsible parties for the permit, operation and associated maintenance costs.~~

Sec. 58-726. - Miscellaneous furnishings/amendments.

Any miscellaneous furnishings (i.e., planters, water fountains), not mentioned previously in this article, shall be brought before the architectural review board for review and recommendation or denial, ~~then to the planning commission and the town council.~~

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TO: Town of Haymarket Planning Commission
SUBJECT: Zoning Text Amendment - Parking Study Ordinance
DATE: 01/13/15

The Town Planner will update on this item.

ATTACHMENTS:

- 12-08-2014 Planning Commission ZTAs - Parking Regulations (PDF)

Chapter 58 - Zoning

Sec. 58-11. Minimum off-street parking and loading.

(a) Minimum Standards. There shall be provided that At the time of erection of any main building, or at the time any main building or its accessory uses is enlarged or the use changed, all provisions of article XIII shall be met along with minimum required off-street parking and loading space with adequate provision for entrance and exit of motor vehicles, by standard-size automobiles as follows- in accordance with the following table. Modifications to these requirements may be approved if shared parking is provided in accordance with Sec. 58-11 (b):

- (1) ~~In all residential districts there shall be provided, either in a private garage or on a lot, space for the parking of two automobiles for each dwelling unit located on such lot or parcel.~~
- (2) ~~Lodginghouses, motels and hotels shall provide, on the lot, parking space for one automobile for each accommodation.~~
- (3) ~~For church, high school, college and university auditoriums, and for theaters, general auditoriums, stadiums and other similar places of assembly, at least one parking space for every five fixed seats provided in the building.~~
- (4) ~~For hospitals, at least one parking space for each two beds' capacity, including infants' cribs and children's beds.~~
- (5) ~~For medical and dental clinics, at least ten parking spaces. Three additional parking spaces shall be furnished for each doctor or dentist having offices in such clinic in excess of three doctors or dentists.~~
- (6) ~~For apartments, at least 2.5 parking spaces for each individual sleeping or living unit.~~
- (7) ~~For liquor stores, at least ten parking spaces.~~
- (8) ~~For retail stores selling directly to the public, one parking space for each 200 square feet of retail floor space in the building.~~
- (9) ~~Any other commercial building erected, converted or structurally altered after the effective date of the zoning ordinance of September 19, 1983, shall provide one parking space for each 200 square feet of business floor space in the building.~~
- (10) ~~Parking space as required in this section shall be on the same lot with the main building; except that in the case of buildings other than dwellings, spaces may be located as far away as 600 feet. Every parcel of land used as a public parking area and motor vehicle ways, after the effective date of the zoning ordinance of September 19, 1983, shall be surfaced with asphalt or concrete. It shall have appropriate guards where needed as determined by the administrator. Any lights used to illuminate such parking areas shall be so arranged as to reflect the light away from adjoining premises in a residential district.~~
- (11) ~~Reserved.~~

Table of Parking Requirements

Abbreviations:

GFA means gross square feet of floor area, as defined

NFA means net square feet of floor area, as defined. For the purposes of these parking standards, Net Floor Area is equivalent to 75% of the Gross Floor Area

SF means square feet

DU (d.u.) means dwelling unit

BR means bedroom

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Draft Text Amendments to Parking Regulations – Planning Commission Recommendations
December 8, 2014

Residential Uses	Minimum Parking ¹	Minimum Loading
Single Family Detached Dwelling	2 per dwelling unit (d.u.) exclusive of garage	
Single Family Attached Dwelling (townhouse) and Two-family dwelling (duplex)	2.25 per d.u. (inclusive of minimum of 0.25 for visitor parking which must be distinct from dwelling units)	
Apartment/Multi-family Efficiency Studio 1-BR unit 2-BR unit 3-or more BR	4.0 per d.u. 1.25 per d.u. 2.0 per d.u. 2.5 per d.u. (for 3 Bedrooms or less) and additional 0.20 for visitor parking	1 per building
Apartments on the second floor of structures designed for commercial uses	1.5 per d.u. (spaces must be assigned to each dwelling)	
Elderly/independent	1 per 4 d.u. plus 1 per employee	
Active Adult/Age restricted	1.5 per d.u.	
Accessory Apartment as defined	1 per d.u.	
Group home	See standard for the residential unit type ²	
Home occupations	Meet the residential requirement plus 1 per non-resident employee	
Lodging, hotels, motels	1.1 per room (restaurant/meeting rooms subject to separate standards)	
Bed and Breakfast facilities	Meet residential requirement plus 1 per guest room	
Medical Clinics; medical or dental clinics medical or dental offices	1 per 250 square feet of gross floor area (GFA)	
Retail Store (Stores or shops for the conduct of retail business)	1 per 250 SF of GFA	None for first 10,000 SF then 1/30,000 up to 70,000 SF plus 1/100,000 SF thereafter
Other low-intensity commercial and personal service uses, as defined	1 per 300 SF of GFA	Same as retail
(other) Retail sales and services and similar uses not addressed, including shopping centers	1 per 300 SF of GFA	Same as retail
Food store, grocery store, supermarket (excluding quick-service food store)	1 per 250 SF of GFA	1 up to 12,000 GSF, then 1 per 24,000 GSF
Funeral home, mortuary or wedding chapel	1 per 4 seats plus 1 per 2 employees plus 1 for each hearse	1
Motor Vehicle Sales and/or Repair:		Same as industrial
Indoor display, sales, waiting, and offices	1.0 per 400 SF of GFA of enclosed area plus 1.0 per employee, and	
Outdoor sales and storage area	4.0 per 2,500 SF of open sales area, and	
Service area	2.0 per service bay	
Retail Fuel Sales (service station) Fuel only	[in addition to pump spaces]: 1 per fueling position	1

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Draft Text Amendments to Parking Regulations – Planning Commission Recommendations
December 8, 2014

Fuel w/ service		1
Fuel w/ convenience retail	0.75 per fueling position plus 1 per 200 SF of GFA	1
Nursery/garden center	1 per 200 SF of GFA plus 1 per 1,300 square feet of outdoor area	1 per 60,000 GSF
Office, general business or professional	1 per 300 SF of GFA	None for first 30,000 SF then one/100,000 SF thereafter
Quick service food store (convenience store)	1 per 200 SF of GFA	
Recreational uses:		
Billiard parlor	1 per 150 SF of NFA	
Bowling Alley	4 per lane	
Retail area	1 per 300 SF of NFA	
Restaurant	1 per 400 SF of NFA	
Court Sports Facility	4 per court plus 1 per 3 seats on stands	
Fairground/Carnival/Circus	1 per 400 SF of NFA	
Miniature Golf/Driving Range	2 per tee for 36 tees, then 1 per tee	
Public Recreational Facility or Club; Commercial, indoor, fitness and sports activities	1 per 300 SF of GFA	
Active recreational uses, parks and playgrounds	3 per acre	
Hard or soft courts	4 per court	
Indoor uses not pools or courts	1 per 250 SF of NFA	
Retail, ancillary use	1 per 300 SF of NFA	
Swimming pools	1 per 150 SF of water space	
Freestanding restaurant (w/o drive-in or fast food)	1 per 100 SF of GFA	1 per 40,000 SF GFA
Freestanding drive-in, drive-up, drive-through, including fast food	1 per 100 SF of GFA	1 per 40,000 SF GFA
In line (attached)	1 per 100 SF of GFA	1 per 40,000 SF GFA
Outdoor craft/antique shows/sales; farmers markets	1 per 500 SF of GFA of sales area	
Veterinary or dog or cat hospital, kennels	1 per 300 SF of GFA	
Theater and similar establishment	1 per 3.5 seats by design capacity	1
Any other commercial use not otherwise listed	1 per 300 SF of GFA	

¹Employee always refers to the number of employees on the largest shift

²Code of Virginia (§ 15.2-2291) requires that group homes be regulated like single family homes

Draft Text Amendments to Parking Regulations – Planning Commission Recommendations
December 8, 2014

Institutional Uses	Minimum Parking	Minimum Loading
Schools, public and private	1 per classroom and other room used by students plus 0.2 per student above driving age	
Municipal Building	1 per 300 SF of GFA	
Other Public uses	(Same as municipal building)	
Churches; Religious Institution ¹	1 per 5 seats of design capacity	1 per 100,000 SF of GFA
Places of Assembly, Private Clubs, Lodges or Meeting Halls	1 per 5 seats of design capacity	1 per 100,000 SF of GFA
Self Storage center/Mini Warehouse	1 per 250 SF of GFA of office space plus 1 per employee	
General Manufacturing, Assembly and Manufacture	1 per 1,000 SF of GFA	1 per 50,000 SF of GFA
Cabinets, furniture and upholstery shops	1 per 1,000 SF of GFA	1 per 50,000 SF of GFA
Laboratories, pharmaceutical and/or medical	1 per 300 SF of GFA	1 per 50,000 SF of GFA
Monumental stone works	1 per 300 SF of GFA of enclosed area (interior space)	1 per 50,000 SF of GFA
Outdoor storage of equipment	1 per 300 SF of GFA of office area	1 per 50,000 SF of GFA
Warehouse and wholesale businesses, storage warehouses	1 per 1,000 SF of GFA	1 per 50,000 SF of GFA
If office space exceeds 50% of net floor area of any industrial use	(parking for the office areas must meet parking requirements for office uses)	

(b) Shared Parking. The minimum required parking spaces may be reduced if a land owner can provide parking that will be shared by complementary adjacent land uses. Such a proposal must be prepared using the methods set forth in the latest edition of the *Shared Parking Manual* of the Urban Land Institute (ULI). The necessary calculations and other data that show the suitability of a shared parking proposal must be submitted to the Town in conjunction with a site plan or other applicable development application, and will be evaluated by the Town as part of the normal application review process.

(Code 1989, § 12-11; Ord. of 3-19-1990; Res. of 4-2-1990; Res. of 6-4-1990; Ord. of 7-6-1998, § 1(12-11); Ord. of 6-2-2003; Ord. of 11-15-2011; Ord. No. 20121221, 5-6-2013)

Cross reference— Parking generally, § 46-81 et seq.

Draft Text Amendments to Parking Regulations – Planning Commission Recommendations
December 8, 2014

Other Related Proposed Amendments

Sec. 58-1. Definitions.

Accessory Apartment means a dwelling unit that is attached and subordinate to the main or primary use of the building.

Dwelling unit means one or more rooms in a building designed or used as a place of residence for one household.

Other low intensity commercial use means a commercial use that is permitted or permissible by this ordinance but is not otherwise defined and does not exceed 0.30 floor area ratio of gross developed square feet of space.

Service Bay means an enclosed or partially enclosed area where motor vehicles are parked while they are serviced or repaired.

Service Stall means a non-enclosed area where motor vehicles are parked while they are serviced or repaired, which may be covered but not enclosed by walls or doors.

Square feet, gross means all enclosed, usable space within a structure, including unfinished service areas such as stairwells and elevators.

Square feet, net means all enclosed, usable finished space within a structure, not including unfinished service areas such as stairwells and elevators.



TO: Town of Haymarket Planning Commission
SUBJECT: Comprehensive Plan
DATE: 01/13/15

The Town Planner will update on this item.