



TOWN OF HAYMARKET PLANNING COMMISSION

REGULAR MEETING ~ AGENDA ~

Matt Caudle, Councilman
<http://www.townofhaymarket.org/>

15000 Washington Street, Suite 100
Haymarket, VA 20169

Monday, November 9, 2015

7:00 PM

Council Chambers

1. Call to Order

2. Public Hearings

- a. Sign Ordinance Zoning Text Amendment

3. Minutes Approval

- a. Planning Commission - Regular Meeting - Sep 14, 2015 7:00 PM
- b. Planning Commission - Work Session - Oct 6, 2015 4:30 PM

4. Citizens Time

5. Announcements

6. ARB & Town Council Update

7. New Business

- a. Chick-fil-A
- b. Sheetz
- c. Flood Plain Ordinance

8. Old Business

- a. Sign Ordinance Zoning Text Amendment
- b. PC By Laws
- c. Comp Plan Amendment
- d. Amendment to the Planned Land Use Map
- e. Robinson's Paradise

9. Town Planner Update/1 Mile Notices

10. Adjournment



TOWN OF HAYMARKET PLANNING COMMISSION

REGULAR MEETING ~ MINUTES ~

Matt Caudle, Councilman
<http://www.townofhaymarket.org/>

15000 Washington Street, Suite 100
Haymarket, VA 20169

Monday, September 14, 2015

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

Chairman Matt Caudle called the meeting to order.

1. Call to Order

Robert B. Weir: Present, Chairman Matt Caudle: Present, Josh Mattox: Present, James Carroll: Present, Maureen Carroll: Present, Commissioner Connor Leake: Present.

2. Minutes Approval

a. Planning Commission - Regular Meeting - Aug 10, 2015 7:00 PM
Weir has issues with the draft minutes and the way they were written and will be abstaining from the vote.

RESULT:	ACCEPTED [4 TO 0]
MOVER:	Matt Caudle, Chairman
SECONDER:	Connor Leake, Commissioner
AYES:	Matt Caudle, James Carroll, Maureen Carroll, Connor Leake
ABSTAIN:	Robert B. Weir, Josh Mattox

3. Citizens Time

No citizens spoke.

4. Public Hearings

a. Special Use Permit Application - In-Home Business
The Town Planner provides an update on the application.

Chairman Caudle opens the Public Hearing for those to speak for or against the application
No one comes forward.

Mrs. Carroll asks about Saturday. Will there be any cooking supplies delivered on Saturday?
The applicant is here tonight to answer any questions. Any deliveries that do come are thru Amazon and they will only be small packages.

RESULT:	CLOSED [UNANIMOUS]
MOVER:	Matt Caudle, Chairman
SECONDER:	Connor Leake, Commissioner
AYES:	Weir, Caudle, Mattox, Carroll, Carroll, Leake

b. Robinson's Paradise Rezoning/SUP
Chair Caudle opens the Public Hearing and asks for anyone to come speak for or against.

Town Planner gives brief explanation of the project. The applicant's representative, Mike Johnson, makes some brief points.

Tommy Utz. 6564 Jefferson Street.

What this does to me, and points out where his house is on the plans, everyone gets the paradise because everyone is going to get to see what they want to. We don't get to see what we want to see. We've been here for 20 years. All of this was built in the 80's. This is home to us. Robinsons Paradise is paradise because everything that they want they're getting. We're sacrificing our families for what they

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want to do. I say no, and if they wanted to do it, why not take those 7 lots from on other side of road, so we don't see the backside of their houses. Regardless of a 10' buffer, it's unacceptable. It's not the standard that you set up, and they had previous plan that was approved that they didn't want to do. In disagreement, and non favor.

Angela Chamberlain 6560 Jefferson Street.

Have the last property. Mr. Utz is right. When you look out you can either see 66 or you're going to see everyone's back yard. What is that for us. We've lost our view. We've lost everything that we moved there for. Where does my road begin and end? Where's my driveway? This is totally unacceptable. Everywhere I turn I see someone's house, back yard. Looking at 4 back yards or the highway. Is that what I will be looking at from now on? Is that what this paradise is now for me? There's got to be something else. This is not going to work.

Chris Layman 6566 Jefferson Street.

Aside from the aesthetic purposes of this, I have significant concerns. We're increasing the number of people from 17 to 19. A lot of cars. We already get a lot of traffic thru there. Don't see any fence or anything going in. Someone can park right off my driveway and walk right in their back door. You can't control people from doing that. There's nothing to keep people parking right along our driveway. Nothing to help with the flow of control. I've sat and waited to get out many times at the 4 way stop light. Construction is not going to fix that. Main concern about the traffic control and flow, number of cars it's going to add to the area. And what it does to our community.

Charles Robinson, Jr. 6522 Old Carolina Road.

It is Robinson's Paradise because my Mom named it. It's Walter Robin Lane because that's my Grandfather. Wouldn't be here today talking about this if it wasn't for the Robinson family. I go on record for all the Robinson family that we oppose this project as it stands on the new drawing. Robinsons paradise included not just 16 lots but it included 3 other lots behind my house. It included the house I live in and included my Grandmothers house, which is the old structure sitting on Lot 5 of the original plan. Now they want to rezone and cut it all out. It also included memorials and projects that tribute the Robinson family. Don't see any of that in there. It's all about money. And getting extra taxes, possibly for the Town of Haymarket. Now you're going to a higher density. More people and more houses. More money in the coffers of the Town of Haymarket, but what's it going to do to those of us that live there? We represent the Town of Haymarket. We grew up here. Did you grow up here? If you did you wouldn't let this project go thru. Not as presented now. When this bridge was still up, it may take 5 minutes to get out of my driveway. If I didn't back into my driveway I couldn't get out. Once the bridge reopens in the Spring, it's going to be the same way. And the way this project is and increasing more, it's going to be a nightmare. Haymarket is country. I realize it's grown and not like it used to be. But we don't have to add to it by going to R2 on that side of 66. If you decide to go thru with it, there's no reason what they cut out, all of it should be rezoned. On record to say to not approve. If it's a done deal and minds are mad up, all the area that's not part of rezoning, why not. Should all be rezoned. Just because we didn't want to sell parts we own they want to cut it out and redraw it. Don't let it go that way. Where does it go from here. Not in town a lot. When will this be voted on.

Caudle explains that this is just a hearing tonight. We are not voting tonight. We are listening.

Charles Robinson:

Actions speak louder than words. If you're listening, vote no.

Tommy Utz follow up.

One thing to move in to an area knowing that you agree to it, this is what it is. When we moved into the property all of this was fields. Nothing there. Everybody had their own place. We made that work. My problem is to come in and change the zoning. And flip it. You are listening to us tonight. How many people are going to want to move in to an area where you know a neighbor is a back yard to someone else. Most would say no. If you don't want it for you, then you can't want it for me.

Chair Caudle closes Public Hearing and appreciates everyone that spoke.

5. Announcements

Weir would like to save his announcement until the end of the meeting.

6. ARB & Town Council Update

ARB update (Commissioner Leake):

- Application for a shed on Fayette street approved on August 19, 2015
- The Very Thing for Her put in an application to paint their front door black. That was accepted and completed.
- 14881 Wash Street had put in an application for demolition. Did a small adjustment for a condition within the application. To demo the single story structure on the back.
- Sheetz had applied for light fixtures. That was accepted and approved.
Mrs. Carroll asks if that was different than the current light fixtures? No, these were LED fixtures for energy saving.

Town Council Update (Councilman Caudle):

- Caudle reports that at the last meeting it may be possible that the Old Carolina bridge may be opening earlier than originally thought, Spring of 2016. Possibly may open this Fall. They are slightly ahead of schedule. Also there are 167 businesses in town currently, and 15 of them have been in business in Town 20 years or longer. This speaks well of the Town and it's relationship with businesses.
- For the Harrover property, the Council heard recommendations from the PC and is doing a matrix to revisit at the next council meeting. Took 3 drawings from the last meeting. Will go back to Sympoetica and they will come back with another concept drawing to bring back to the PC. Town Council appreciates what PC has done.
- Town Engineer wants to clarify about the Old Carolina Bridge, that it is the goal of VDOT to have it open by the end of year. Enough to have traffic on it. Then do aesthetics afterward.

7. New Business

No new business.

8. Old Business

a. Special Use Permit - In-Home Business

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Matt Caudle, Chairman
SECONDER:	Connor Leake, Commissioner
AYES:	Weir, Caudle, Mattox, Carroll, Carroll, Leake

b. Robinson's Paradise Rezoning/SUP

Chair Caudle would recommend we table to the next Planning Commission meeting in order to give the applicant a chance to respond to the citizens comments this evening.

Weir has considerable additional issues for the applicant. Specific request for the SUP for the Driveway? Doesn't see a separate document. Sees references but not an actual application with signatures and such.

Town Planner Schneider says it is on page 3 of the plan.
Weir is looking for an application.
Schneider can get that. Was all meant to track together.

Weir asks if we have to vote on each one separately? SUP for shared driveway. Curious how it's being justified as shared driveway and not a pipestem?

Schneider: We list pipestem and shared driveways as 2 separate activities. In the Ordinance R1 and R2 is different in how it's described.

Weir: Shared is a driveway that occupies a portion of two parcels on a boundary line. Serves two parcels with road frontage. Haymarket Crossing is an example of his view of what a shared driveway is.

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The common and ordinary definition for a pipestem is generally a strip of land connecting lots to a public street that is owned and maintained by owners. In this case this is a strip of land that is bordered on both sides of the driveway by the lots of others that is not being served. Would consider this a pipestem and not a shared driveway. Pipestems are allowed in the R1. They are not allowed in the R2. As this is not a shared driveway by definition but rather a pipestem, I question how we can consider allowing the Special Use for special use not permitted? Only option available to the Planning Commission given that it doesn't fit the definition of a shared driveway, would be to entertain a motion to deny the SUP for not fitting the definitions in the R2. If that's the case, how does that impact all other motions that will have to be made with regard to not only the rezoning but the Comp Plan amendment. Can't see any way to justify this as a shared driveway and not a pipestem. Maybe should get with the property owner and figure out how they wish to address that.

Also Resident's issue of their views and adjoining uses that will be built on this property if the rezoning is adopted. Tend to agree with the residents. They're existing on R1 lots and you're sticking an R2 lot across the driveway from them. Doesn't find it compatible with the existing uses both on the south and the north side of the development. Puzzled piece shape of the development where you have a huge gap between Lot 7 and 8 incorporated by a parcel that's not part of the rezoning. Question how the sidewalk is going to work. Property that's not addressed on the other side of the new road. Understands that part of the justification is the manner in which the County has potentially rezoned or given long range land use status to the parcels to the north in the County. Recalls when these Comp Plan amendments were made, when the decisions were made, as to make this R1 and retain it as R1 most recently and that had a lot to do with the original long range land use plan of the County at the time. Can't justify a rezoning to be compatible with the ever changing long range land use plan of the County over the interest of the current residents that will also bounder it, and give difference to them as that's who we're supposed to be representing, not the County's interest.

Also an issue with the dual access point that this is going to create on Old Carolina Road both for the current driveway and for Walter Robinson's Lane. Would like a little more information on the sidewalk between Lot 7 and 8.

Lot of discussion on the power line issue. Applicant notes the power line would make it difficult for them. Whose interest do we represent and consider? Do we consider the current Residents that have issues with the potential of power lines going thru their area? Do we take this route off the map?

Mr. Carroll: In reading about the power line believes the applicant may have given the PC more power than we have. We can't tell Dominion Power where to put their lines. When we first addressed this in June, I was concerned about was parking. It's said that there are 5 spaces for just about every house, is there on-street parking avail at any place in this development.

Johnson: Not with this, it wouldn't be allowed.

Mr Carroll: Living in Haymarket Station, parking is always a problem. The real problem is where do on-street parkers park? It's a headache. Originally 16 homes versus the current proposed 26 it would seem some on-street parking would be practically impossible.

Johnson says there may be a possibility to accommodate that. Not ruling it out completely.

Mattos asks what is the current accommodation for traffic in and out Jefferson Street from Walter Robinson, general traffic management?

Johnson explains there are typical signage on any developments. Stop signs. VDOT is hesitant to give lights. 260 vehicles per day. To VDOT, that is considered light traffic.

Mattos: With this your dealing with the backs of people yards, also dealing with sound wall. Don't think we should develop every single lot as R1 or R2. Should be based on traffic volume, people who live here, visitors. Has concerns with R2 as Weir does. Would like to vote today if

possible. Regardless, if yes, we have to move forward. If no, we would ask the Developer to reconsider the R2 and address the major concerns.

Johnson would like to have an opportunity to take the comments received tonight and address them to see if we can come to some kind of accommodations, as opposed to getting a yes or no vote tonight.

Caudle says we are not going to vote tonight. It will be tabled. Take the citizen input, go back, reevaluate what you're doing. Have made some concession with the turning radius and the on-street parking. Progress is here, but we need to be mindful of those who moved out here, their way of life is changed. Heard from citizens about getting in and out, and heard passion about staring at back of peoples homes.

Johnson says whether this goes as a by-right use what we're proposing, there will be homes that will be facing backs of homes. Not possible to eliminate other lots that are already platted.

Weir: The initial threshold question is the pipestem. Last thing we want to see is this Board or Town Council is to approve a use not provided for. A nay vote throws the applicant back to ground zero. We're under a timeline. When do we have to take action? Schneider says we have 365 days for the Governing body. But that can be extended by permission of applicant. When does that decision deadline end? Schneider will have to find out.

Once that's determined, this body will have to make a determination of what we want to do. If enough time, defer to next month. If not seek the deferral from the applicant. We don't want to miss our statutory deadlines or ordinance deadlines.

Weir reads ordinance, 15.222 59 of the State Code. Local PC shall act with proposed plan within 60 days.

Applicants discretion to extend deadline. Sounds like applicant would agree to extend the deadline. Schneider will do more research.

Will another Public Hearing need to be done, when the new plans are done?
Will see what applicant changes when submitted. Typically is less intense, wouldn't need another one. Can make determination once feedback received.

Weir states it would be this body's decision. If significant subsequent changes made, would advise to schedule another Public Hearing. Not a fan of tabling items. Suggests if the Chair is willing to recognize, would move that we defer the SUP, Rezoning Application and Comp Plan Amendment for Robinsons Paradise for the meeting scheduled for October 13th. Mattox seconds.

Ayes: 6

Johnson asks for the residents contact information so they can reach out to them and address their concerns.

c. Enter into Closed Session

Move to enter into closed session pursuant to 2.2-3711 A(7) consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically a legal interpretation of Reed vs. Town of Gilbert as it applies to the Town's zoning ordinance.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Matt Caudle, Chairman
SECONDER:	Josh Mattox
AYES:	Caudle, Mattox, Carroll, Carroll, Leake
ABSENT:	Robert B. Weir

d. Certification of Closed Session

Move to certify that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public

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business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the Planning Commission

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Carroll
SECONDER:	Maureen Carroll
AYES:	Caudle, Mattox, Carroll, Carroll, Leake
ABSENT:	Robert B. Weir

e. Review of PC by Laws

To move for discussion at the October 6th Work Session. Each planner should have any revisions they would like to see.

Weir will not be at that meeting. Will forward personal comment. Giving the timing and content he is taking a cynical view. Strongly disagree with a variety of other ones, and suggest interested members review By Laws of other jurisdictions. Curious as to the genesis and cost of this process and where it initiated from. Doesn't recall anyone ever asking. Is cynical about how it appeared on the agenda as we did this last month.

5 minutes recess.

Martin Crim had provided revisions about 6 months ago. Was inadvertently omitted from the meeting then.

f. Sign Ordinance - Consultant Presentation

Chair Caudle calls the meeting back to order.

Milt Herd has a 30 minute presentation.

Weir has to leave 8:45. One issue to 58-346 special use signs. Note been appended. Note in red type. Churches should not be singled out for unique treatment in order to avoid any potential issues with the First Amendment considerations of the federal or loop of statute...signs for churches are placed under a certainly category. Has a concern with a note that singles out for unique treatment of one particular class of entity to the exclusion of similar notes regarding enforcement on other entities. Understand why it's there, just don't believe it should be there. Might create more issues than it solves. Equal enforcement across the board is the standard that we should be applying, and not setting forth any special consideration for one type of entity over another. If no enforceable ordinance, everything else is for naught.

Weir leaves the meeting 8:51 PM

Move that we will bring sign ordinance to the October 6th Work Session.

g. Comprehensive Plan

Town Planner will work with Mr. Herd on the Sign Ordinance with some refinements to Temporary Signs and bring it back to the Commission on the 6th.

Comp Plan: At last month's meeting we discussed the edits made in the Fall of 2013. Have a draft, gave the edits to date. Idea is to bring this forward at the same time you are considering your Council direction or resolution to look at the Land Use designation of the 5 lots on Washington Street, between Madison Street and St. Paul Drive. The idea was to vet those simultaneously. The plan you were given with the edits was more of an update.

Still expect on call planning consultants to do more a more rounded revision but that will come later. These are interim edits.

Asks Commissioners to take a look at edits and bring back. Next step is to go ahead and schedule a Public Hearing for both the Comp Plan and Amendment to the Planned Land Use Map. Recommend both items go to the October 6th work session.

h. Amendment to the Planned Land Use Map

To be discussed at the October 6th Work Session.

Caudle asks for all to put their thoughts together prior to the Work Session, 4:30pm.

9. Town Planner Update/1 Mile Notice

a. 1 Mile Notice - Midwood Rezoning

Letter at the back of the packet, just for information purposes. Regarding Zoning for substations, Midwood.

Next Site Plan to come to the Commission should be Chick-fil-A.

Then Sheetz behind that.

Then the Ice rink will have Construction plans approved. Not sure when construction will begin.

Winterham re-doing the landscaping.

Look forward to Haymarket Day this weekend. Need volunteers.

Weir had an announcement he wanted to save for the end, but he left early.

10. Adjournment

a. Motion to Adjourn

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Matt Caudle, Chairman
SECONDER:	Josh Mattox
AYES:	Caudle, Mattox, Carroll, Carroll, Leake
ABSENT:	Robert B. Weir

Submitted:

Approved:

Sherrie Wilson, Deputy Clerk

Matt Caudle, Chairman

Minutes Acceptance: Minutes of Sep 14, 2015 7:00 PM (Minutes Approval)



TOWN OF HAYMARKET PLANNING COMMISSION

WORK SESSION ~ MINUTES ~

Matt Caudle, Councilman
<http://www.townofhaymarket.org/>

15000 Washington Street, Suite 100
Haymarket, VA 20169

Tuesday, October 6, 2015

4:30 PM

Council Chambers

A Work Session of the Planning Commission of the Town of Haymarket, VA, was held this evening in the Board Room, Commencing at 4:30 PM

Chairman Matt Caudle called the meeting to order.

1. Call to Order

Robert B. Weir: Absent, Chairman Matt Caudle: Present, Josh Mattox: Present, James Carroll: Present, Maureen Carroll: Present, Commissioner Connor Leake: Present.

2. Discussion Items

a. Sign Ordinance

An issue that Weir brought up in the 9/14/2015 meeting:

One issue to 58-346 special use signs. Note has been appended. Note in red type. Churches should not be singled out for unique treatment in order to avoid any potential issues with the First Amendment considerations of the federal or loop of statute...signs for churches are placed under a certainly category. Has a concern with a note that singles out for unique treatment of one particular class of entity to the exclusion of similar notes regarding enforcement on other entities. Understand why it's there, just don't believe it should be there. Might create more issues than it solves. Equal enforcement across the board is the standard that we should be applying, and not setting forth any special consideration for one type of entity over another.

Marchant gives an update. Milt Herd here, as well as Town Attorneys.

Herd gives an update on the Sign Ordinance. Planning Commission goes on a walk thru the Town to look at various signs. These are the General Notes/Discussion during that walk-around.

Comment/Question from Commission member:

Could standards for historic sites be separate from other standards?

Mr. Vanderpool:

We're not sure how the ARB relates to the new free speech opinion of the court. We do know that sign regulations must still be content-neutral.

Mr. Schneider summarized the issue and draft proposal for menu signs, property signs, freestanding signs and wall signs, as the members viewed examples of each type located along Washington Street.

Comment/Question from Commission member:

Are sign colors not covered by the draft regulations?

Mr. Schneider: no, except for ARB review.

Comment/Question from Commission member:

What about temporary roof signs like "Halloween" banners?

Some discussion of this issue occurred.

Mr. Schneider raised the issue of whether there should be a limit on the total number of signs on a given lot. He described the I-1 district sign regulations as having different standards than other districts. He then raised the issue of painted wall signs (requested by the Foster's Grille tenant) and asked what would happen if all tenants of a building wanted such a sign. He also asked whether individual letter signs should be allowed to be greater than the proposed two feet in height if they

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were located more than 100 feet from the front lot line.

Members reached no specific conclusions about the sign regulations during this walk-around.

b. Review of PC Bylaws

Weir is absent this evening. His comments from the 9/14/2015 meeting:

Giving the timing and content he is taking a cynical view. Strongly disagree with a variety of other ones, and suggest interested members review By Laws of other jurisdictions. Curious as to the genesis and cost of this process and where it initiated from. Doesn't recall anyone ever asking. Is cynical about how it appeared on the agenda as we did this last month.

Attorney Karen Cohen states there is one other change not on your version. Will have a clean copy for the next meeting.

Mattox: We did have a By Law change recently in the last few months. This came out of nowhere as events occurred, and is a false interpretation. Now we are doing a rewrite of the entire By Laws. These changes are to cover screw ups that occurred. The whole setup is uncalled for. We had enough interpretation before. In the meeting with the previous Chair, there was a call for adjournment. A second was to come thru, and then we received interruption. A motion to adjourn supersedes everything. A proper vote to bring Caudle in should have been 2 months ago. Would like to have an official vote with a quorum vote.

Mrs. Carroll disagrees. Says Caudle is the official Chair. To vote now is to say he's been in a fraudulent position. This was not pulled out of the air. This is why we have legal counsel. We are making our By Laws conform to the State laws.

Mattox states they already were conforming. The manner in which it occurred, including motion to adjourn supercedes everything. It was abruptly interrupted. Because of that process, he is not comfortable with the nominations that took place at that moment. If there is a flaw or issue, let's resolve it tonight or Tuesday.

Leake: To my knowledge, I remember the motion but don't remember second. Also remembers Weir recognizing Attorney Martin Crim, which gave him the floor. We weren't conforming with state law before.

Mattox: They currently do conform. Wants an updated copy of everything here. There are lots of obscure changes. Reads Weirs comments. We gave changes months ago and everyone seemed happy with them. Seems suspicious to me. Where did this initiated from?

Caudle: We've already taken a vote. It's been looked over by three attorney's. The reason Town Council wanted to go thru it again was that part of the document we were operating under did not match state code. We can't supercede state code. We as a Commission need to follow the state. We are cleaning this up so there are no misunderstandings in the future.

Mattox: Wants clarification to ensure an appointed Town Council member is up for re election for chair each year? Another part clarified for an annual vote to take place every year? We've had a rough start and wish this never occurred. Until By Laws are taken care of, which were done two months ago, we will still have animosity to each other and prohibit us to perform our duties.

Caudle: There's no animosity. We want to make sure we go thru this and get the language correct. If there are grudges, then we are not doing our sworn duty to uphold best interest of the citizens. We need to set aside personal feelings for good of the Town. Wants one clean document to review. Would like clarification on MRC 6, section 3.If missing 3 meetings. Is that for regular meetings? Would like it to say regularly scheduled meetings.

Mattox objects to another revision. Changed from 5 to 15 members? How do you constitute a quorum?

Cohen says the number of commissioners is from the state law. It is a range to be appointed by Town Council. Council can do any amount in that range.

Mr. Carroll points out on 3.2, 2nd half of statement. The terms. It seems to elude to the 2004 Planning Commission by Town Council. There are no more original members from 2004. Also, 4.2, receiving majority vote of voting membership.....rather than entire membership.

Mrs. Carroll hands out Special Rules that Manassas uses, for members to review and possibly use.

PC members want a clean version to review, not red lined. Mattox wants the edits from the August version.

Clerk will provide the August version to the attorney, to make the edits.

c. Comprehensive Plan

The Town Planner provides an update. Members received a copy. The Town has an On-call planning service. Town Council on Thursday approved a work order for them to proceed forward. Will start with the Zoning Ordinance, Subdivision Ordinance and come back to the Comp Plan. May be a more dramatic overhaul of the Comp Plan. Can answer any questions on the Plan. Would recommend to schedule a Public Hearing in November for the overall edits to the Plan.

d. Amendment to the Planned Land Use Map

Council initiated a review of the Planned Land Use for the 5 lots between Madison and St. Paul. Right now, several of those lots are planned Residential. The question that the Council wanted the PC to consider is having all lots that front Washington Street be considered for a Commercial Land Use designation. That requires an amendment to the Map in the Comp Plan. Would need to schedule a Public Hearing for next month's meeting.

Leake asks if his opinions is to go ahead with the amendment?

Yes, worth considering. The Town with it's history had lots that fronted Washington Street. These are the few lots that are left that are zoned and planned Residential. Think about how the Town's developed over the past. We've traded a Transitional Commercial District which was meant to transition from East to our downtown. The Planned Land Use map is only one tool in the tool box. Still requires a rezoning. Still requires the owner to come in and request the change. The Land Use designation is to say we anticipate Commercial there.

Mattox; recommends for the Public Hearing for the Sign Ordinance, schedule now for November 9th meeting.

For the Land Use Ordinance, could schedule it today, but prefer to read over it the next few days.

Intent was not to schedule those tonight. Intent was to schedule them at the next meeting.

Chair Caudle asks for everyone's thoughts.

Mattox: No problem moving forward. Those 5 lots, Transitional to Commercial, is more than feasible. Only concern is you're limited to small retail, whether it's 7-11 or a small convenient shop. Want to do in-depth research over the next few days to see what options there are. Also concerned about the VDOT layout, especially with any development in the 1-mile radius. How that traffic could impede on St. Paul, Bleight Drive, and those immediate areas and how that would impact. Otherwise, for it.

Leake: Is for it. If it was in the past where the plan was to have that all zoned Commercial from East to West, why did we change just those two?

Schneider: All those lots were planned. Madison Shoppes is currently zoned Commercial but planned Residential. The rest of the lots going towards St. Paul are zoned Residential and planned Residential. Madison Shoppes was always Commercial. Blue house was requested to be rezoned possibly late 90's, early 2000, to B1. Always the right of the land owner. They can come in to request rezoning of their property.

Mattox mentions the shared bike lanes going to those 5 lots. Would increase traffic turning into those, which would impact the bike lanes overall. Consider that as well.

Leake is for it. Think it should be done with other 2 being zoned Commercial already. And for the overall plan to where it's showing on the Land Use Map this can be for Commercial. Not saying that we're going to. Land owners would come in and apply for it.

Mrs Carroll: Know that this has been a very controversial issue. The History for me is cloudy. See the need to make this Transitional Commercial. Hear the need to make it that. And allow people who own these properties to apply for zoning and then use whatever regulatory measures we have to make the character of town in keeping with what the town wants. Open to that.

Mr Carroll: To clarify, a few months ago we had this resolution which was authored by the Town Council. We did not discuss it. Didn't come up for discussion at all.

Schneider explains, that the Council initiated it and referred to the PC. Chair at the time suggested to track it with the Comprehensive Plan, was deferred for several months. No there was not a specific discussion about it.

Mr Carroll says so this is simply whether or not we want to discuss this particular Resolution, which would entail further the rezoning, and the change in the Land Use for those 5 places? Recognizes that Mr. Watts would like to have his property, but who are the other owners? Are they requesting a change in the designation?

No, this was initiated by the Council to look at those lots as a whole. Those owners will be notified and there will be a Public Hearing. You're being asked as a Commission to hold a Public Hearing to consider whether or not the designation of those properties should be changed to something other than Residential. Then make that recommendation to the Council. Then Council will hold it's own Public Hearing, and then they will decide whether or not to officially change the Map, or keep it the same.

Caudle states there is a lot of support from Town Council. It would still be up to the owner to come in and make a formal application to change the zoning. The PC has the over site to say yes or no to whatever come before the board. The Town still has control over what the zoning will be. We need to move on this as it's been too long.

We can set a Public Hearing. We will wait for Weir's input as well.

3. Adjournment

a. Motion to Adjourn

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Josh Mattox
SECONDER:	James Carroll
AYES:	Caudle, Mattox, Carroll, Carroll, Leake
ABSENT:	Robert B. Weir

Submitted:

Approved:

Minutes Acceptance: Minutes of Oct 6, 2015 4:30 PM (Minutes Approval)

Sherrie Wilson, Town Clerk

Matt Caudle, Chairman

Minutes Acceptance: Minutes of Oct 6, 2015 4:30 PM (Minutes Approval)



TO: Town of Haymarket Planning Commission
SUBJECT: Chick-fil-A
DATE: 11/09/15

Chick-fil-A currently has a Zoning Text Amendment, Special Use Permit Application, and Site Plan Amendment before the Town. A Joint Public Hearing is requested to be held with Town Council at their December 7, 2015 meeting.



TO: Town of Haymarket Planning Commission
SUBJECT: Sheetz
DATE: 11/09/15

Sheetz currently has a Zoning Text Amendment, Special Use Permit Application, and a Preliminary Site Plan before the Town. It is requested to have a Joint Public Hearing with the Town Council at their December 7, 2015 Meeting.



TO: Town of Haymarket Planning Commission
SUBJECT: Flood Plain Ordinance
DATE: 11/09/15

Background from the Town Engineer, Holly Montague:

- In August the Town Engineer received notice from the Virginia Department of Conservation and Recreation (DCR) on behalf of the Federal Emergency Management Agency (FEMA) that they wanted to schedule a National Flood Insurance Program (NFIP) Community Assistance Visit (CAV). The purpose of this meeting was to go over our current Floodplain Ordinance, review our program, identify any problems in our ordinances or program and offer guidance.
- The Community Assistance Visit was held August 26. At this meeting, the DCR identified that our Floodplain ordinance was out of date. They recommended we completely delete our current Flood Plain Ordinance and provided a template ordinance to use.
- On November 4 the DCR informed the Town Engineer that the draft ordinance was acceptable and requested it be processed for adoption.
- A Planning Commission Public Hearing must be held to delete the current Floodplain Ordinance and replace it with the attached Floodplain Ordinance.
- Staff recommends the Planning Commission schedule a joint Planning Commission/Town Council Public Hearing for December 7, 2015 (along with the other joint Public Hearings) for the Floodplain Ordinance Change. Staff further recommends that the Planning Commission pass a motion of support for the attached Floodplain Ordinance for the Town Council once the Public Hearing is held.

ATTACHMENTS:

- 02 2015-11-03-DCR_Haymarket Flood Plain ordinance (PDF)

ORDINANCE NO. ____

AN ORDINANCE AMENDING ORDINANCE NO.2015-017, THE ZONING ORDINANCE OF THE TOWN OF HAYMARKET, VIRGINIA, BY ESTABLISHING FLOODPLAIN DISTRICTS, BY REQUIRING THE ISSUANCE OF PERMITS FOR DEVELOPMENT, AND BY PROVIDING FACTORS AND CONDITIONS FOR VARIANCES TO THE TERMS OF THE ORDINANCES.

BE IT ENACTED AND ORDAINED BY THE TOWN OF HAYMARKET, VIRGINIA, as follows:

CHAPTER 58 -ARTICLE XV FLOODPLAIN DISTRICTS**DIVISION I – GENERAL PROVISIONS**Section 58-596 – Statutory Authorization and Purpose [44 CFR 59.22(a)(2)]

This ordinance is adopted pursuant to the authority granted to localities by Va. Code § 15.2 - 2280.

The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by

- A. regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- B. restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- C. requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and,
- D. protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

58-597. – Applicability

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of the Town of Haymarket and identified as areas of special flood hazard *identified by the community or* shown on the flood insurance rate map (FIRM) or included in the flood insurance study (FIS) that are provided to the Town of Haymarket by FEMA.

58-598. - Compliance and Liability

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.
- C. This ordinance shall not create liability on the part of the Town of Haymarket or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

58-599. – Records [44 CFR 59.22(a)(9)(iii)]

Records of actions associated with administering this ordinance shall be kept on file and maintained by or under the direction of the Floodplain Administrator in perpetuity.

58-600. - Abrogation and Greater Restrictions [44 CFR 60.1(b)]

To the extent that the provisions are more restrictive, this ordinance supersedes any ordinance currently in effect in flood-prone districts. To the extent that any other existing law or regulation is more restrictive or does not conflict it shall remain in full force and effect.

These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.

58-601. - Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

58-602. - Penalty for Violations [44 CFR 60.2(e)]

Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of planning or any authorized employee of the Town of Haymarket shall be guilty of the appropriate violation and subject to the penalties thereof.

The VA USBC addresses building code violations and the associated penalties in Section 104 and Section 115. Violations and associated penalties of the Zoning Ordinance of the Town of Haymarket are addressed in Section 58-2 of the Zoning Ordinance.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the Town of Haymarket to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

58-603. - Definitions [44 CFR 59.1]

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:

Appurtenant or accessory structure - Accessory structures not to exceed 200 sq. ft.

Base flood - The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation - The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.

Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.

Board of Zoning Appeals - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.

Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or

alter the flow capacity of a floodplain.

Existing construction – For the purposes of the insurance program, structures for which the “start of construction” commenced before January 17, 1990. “Existing construction” may also be referred to as “existing structures” and “pre-FIRM.”

Flood or flooding -

1. A general or temporary condition of partial or complete inundation of normally dry land areas from
 - a. the overflow of inland or tidal waters; or,
 - b. the unusual and rapid accumulation or runoff of surface waters from any source.
 - c. mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.

Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS) – a report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.

Flood proofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community.

Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown

factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

Functionally dependent use - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure - Any structure that is

1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either
 - a. by an approved state program as determined by the Secretary of the Interior; or,
 - b. directly by the Secretary of the Interior in states without approved programs.

Hydrologic and Hydraulic Engineering Analysis – Analyses performed by a *licensed* professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the *base flood*, other frequency floods, *flood* elevations, *floodway* information and boundaries, and *flood* profiles.

Letters of Map Change (LOMC) - A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective *Flood Insurance Rate Map* or *Flood Insurance Study*. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated *special flood hazard area*. A LOMA amends the current effective *Flood Insurance Rate Map* and establishes that a land as defined by meets and bounds or *structure* is not located in a *special flood hazard area*.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to *flood zones*, *flood* elevations, *floodplain* and *floodway* delineations, and planimetric features. A Letter of Map Revision Based on Fill

(LOMR-F), is a determination that a *structure* or parcel of land has been elevated by fill above the *base flood elevation* and is, therefore, no longer exposed to *flooding* associated with the *base flood*. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the *community's* floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed *flood* protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of *special flood hazard areas*. A CLOMR does not revise the effective *Flood Insurance Rate Map* or *Flood Insurance Study*.

Lowest adjacent grade - the lowest natural elevation of the ground surface next to the walls of a structure.

Lowest floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level - is an elevation point that represents the average height of the ocean's surface (such as the halfway point between the mean high tide and the mean low tide) which is used as a standard in reckoning land elevation.

New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after January 17, 1990, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. Such structure is also referred to as "post-FIRM."

Post-FIRM structures - A structure for which construction or substantial improvement occurred on or after January 17, 1990.

Pre-FIRM structures - A structure for which construction or substantial improvement occurred before January 17, 1990.

Recreational vehicle - A vehicle which is

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. designed to be self-propelled or permanently towable by a light duty truck; and,
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Repetitive Loss Structure – A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a 10-year period, in which the cost of the repair, on the average, equalled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

Severe repetitive loss structure - a structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage – (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

Shallow flooding area – A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Division III, Section 58-612 of this ordinance.

Start of construction - For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. – 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or

sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure - for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the *start of construction* of the improvement. This term includes structures which have incurred *substantial damage* regardless of the actual repair work performed. The term does not, however, include either:

1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. any alteration of a *historic structure*, provided that the alteration will not preclude the structure's continued designation as a *historic structure*.
3. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

Violation - the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

DIVISION II - ADMINISTRATION

58-604. - Designation of the Floodplain Administrator [44 CFR 59.22(b)]

The *Town Manager or his designee* is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

- (A) Do the work themselves. In the absence of a designated Floodplain Administrator, the duties are conducted by the Town of Haymarket chief executive officer.
- (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- (C) Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

58-605. - Duties and Responsibilities of the Floodplain Administrator [44 CFR 60.3]

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- (A) Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
- (B) Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- (C) Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- (D) Review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
- (E) Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety

and Floodplain Management), and other appropriate agencies (VADEQ, USACE) and have submitted copies of such notifications to FEMA.

(F) Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.

(G) Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.

(H) Review Elevation Certificates and require incomplete or deficient certificates to be corrected.

(I) Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the Town of Haymarket, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.

(J) Maintain and permanently keep records that are necessary for the administration of these regulations, including:

(1) Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and

(2) Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, inspection records, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.

(K) Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.

(L) Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.

(M) Administer the requirements related to proposed work on existing buildings:

1) Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.

2) Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct. Prohibit the non-compliant repair of substantially damaged buildings except for temporary

emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.

(N) Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.

(O) Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Haymarket have been modified and:

(1) Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and

(2) If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

(P) Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.

(Q) It is the duty of the Community Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

58-606. - Use and Interpretation of FIRMs [44 CFR 60.3]

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

- (A) Where field surveyed topography indicates that adjacent ground elevations:
- (1) Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;
 - (2) Are above the base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.
- (B) In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.
- (C) Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
- (D) Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
- (E) If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:
- (1) Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
 - (2) Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Division III, Section 58-612(A) of this ordinance and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
 - (3) Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

58-607. - Jurisdictional Boundary Changes [44 CFR 59.22, 65.3]

The County floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22 (a) (9) (v) all NFIP participating communities must notify the Federal Insurance Administration and optionally the State Coordinating Office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that all Flood Insurance Rate Maps accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

58-608. - District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by the Town of Haymarket where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency. A completed LOMR is a record of this approval.

58-609. - Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

58-610. – Submitting Model Backed Technical Data [44 CFR 65.3]

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. The community may submit data via a LOMR. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

58-611. – Letters of Map Revision

When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a Conditional Letter of Map Revision and then a Letter of Map Revision.

Example cases:

- Any development that causes a rise in the base flood elevations within the floodway.
- Any development occurring in Zones AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
- Alteration or relocation of a stream (including but not limited to installing culverts and bridges) *44 Code of Federal Regulations §65.3 and §65.6(a)(12)*

DIVISION III - ESTABLISHMENT OF ZONING DISTRICTS

58-612. - Description of Special Flood Hazard Districts [44 CFR 59.1, 60.3]

A. Basis of Districts

The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS dated August 3, 2015, and panels 59 and 67 of the FIRM dated January 5, 1995, prepared by the Federal Emergency Management Agency for Prince William County, Virginia and Incorporated Areas, and any subsequent revisions or amendments thereto.

The Town of Haymarket may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a “Local Flood Hazard Map” using best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.

The boundaries of the SFHA Districts are established as shown on the FIRM which is declared to be a part of this ordinance and which shall be kept on file at the Town of Haymarket offices.

1. The **Floodway District** is in an **AE Zone** and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in the above-referenced FIS and shown on the accompanying FIRM.

The following provisions shall apply within the Floodway District of an AE zone [44 CFR 60.3(d)]:

- a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies – with the Town of Haymarket endorsement – for a Conditional Letter of Map Revision (CLOMR), and receives the approval of the Federal Emergency Management Agency.

If Division III Section 58-612 A.1.a. is satisfied, all new construction and substantial

improvements shall comply with all applicable flood hazard reduction provisions of Division IV.

b. The placement of manufactured homes (mobile homes) is prohibited, except when replacing an existing manufactured home in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

2. The **AE Zones** on the FIRM accompanying the FIS shall be those areas for which one-percent annual chance flood elevations have been provided and the floodway has **not** been delineated. The following provisions shall apply within an AE zone [44 CFR 60.3(c)] where FEMA has provided base flood elevations:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the Town of Haymarket.

Development activities in Zones AE on the Town of Haymarket's FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies – with the Town of Haymarket's endorsement – for a Conditional Letter of Map Revision, and receives the approval of the Federal Emergency Management Agency.

3. The **A Zone** on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply [44 CFR 60.3(b)]:

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one percent annual chance floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted practices, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations,

etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood level *plus eighteen (18) inches*.

During the permitting process, the Floodplain Administrator shall obtain:

- 1) The elevation of the lowest floor (in relation to mean sea level), including the basement, of all new and substantially improved structures; and,
- 2) If the structure has been flood-proofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been flood-proofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

58-613. - Overlay Concept

The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

DIVISION IV - DISTRICT PROVISIONS [44 CFR 59.22, 60.2, 60.3]

58-614. – Permit and Application Requirements

A. Permit Requirement

All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of

this Ordinance and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the Town of Haymarket Subdivision Regulations. Prior to the issuance of any such permit, the Floodplain Administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

B. Site Plans and Permit Applications

All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

1. The elevation of the Base Flood at the site.
2. The elevation of the lowest floor (including basement).
3. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
4. Topographic information showing existing and proposed ground elevations.

58-615. - General Standards

The following provisions shall apply to all permits:

- A. New construction and substantial improvements shall be built according to this ordinance and the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

In addition to provisions A – H above, in all special flood hazard areas, the additional provisions shall apply:

- I. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required agencies, and the Federal Emergency Management Agency.
- J. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

58-616. - Elevation and Construction Standards [44 CFR 60.3]

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with Division III Section 58-612, the following provisions shall apply:

A. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) in Zones AE and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above the base flood level *plus eighteen (18) inches*.

B. Non-Residential Construction

- 1) New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the base flood level *plus eighteen (18) inches*.
- 2) Non-residential buildings located in all AE zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE *plus two feet* are water tight with walls substantially

impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the Floodplain Administrator.

C. Space Below the Lowest Floor

In zones A and AE, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. Not be designed or used for human habitation, but shall be used solely for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
2. be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
 - e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 - f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and

requires openings as outlined above.

D. Standards for Manufactured Homes and Recreational Vehicles

1. In zones A, and AE, all manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in Division IV, Section 58-615 and Section 58-616.
2. All recreational vehicles placed on sites must either
 - a. be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
 - b. meet all the requirements for manufactured homes in Division IV Section 58-616(D)(1).

58-617. - Standards for Subdivision Proposals

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- D. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

DIVISION V – EXISTING STRUCTURES IN FLOODPLAIN AREAS

Any structure or use of a structure or premises must be brought into conformity with these provisions when it is changed, repaired, or improved unless one of the following exceptions is established before the change is made:

- A. The floodplain manager has determined that
 - a. change is not a substantial repair or substantial improvement AND
 - b. no new square footage is being built in the floodplain that is not complaint AND
 - c. no new square footage is being built in the floodway AND
 - d. the change complies with this ordinance and the VA USBC AND
 - e. *the change, when added to all the changes made during a rolling 5 year period does not constitute 50% of the structure's value.*
- B. The changes are required to comply with a citation for a health or safety violation.
- C. The structure is a historic structure and the change required would impair the historic nature of the structure.

DIVISION VI - VARIANCES: FACTORS TO BE CONSIDERED [44 CFR 60.6]

Variations shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variations may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

Variations may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one percent (1%) chance flood elevation.
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.

- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- J. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- M. Such other factors which are relevant to the purposes of this ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing that the issuance of a variance to construct a structure below the one percent (1%) chance flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

DIVISION VII – ENACTMENT

Enacted and ordained this ____ day of _____, 20____. This ordinance, number ____ of the Town of Haymarket, Virginia, shall become effective upon passage.

Signature

Title

Attested

Attachment: 02 2015-11-03-DCR_Haymarket Flood Plain ordinance (2624 : Flood Plain Ordinance)



TO: Town of Haymarket Planning Commission
SUBJECT: Sign Ordinance Zoning Text Amendment
DATE: 11/09/15

ATTACHMENTS:

- Ad & Sign Ordinance ZTAs - PC 11-09-2015 (PDF)



NOTICE OF PUBLIC HEARING AND INTENTION TO RECOMMEND AMENDMENT OF THE ZONING TEXT AND ADOPTION OF A SIGN AREA MAP RELATING TO TOWN CODE CHAPTER 58, ARTICLE IX, SIGNS

KINDLY TAKE NOTICE that the Planning Commission of Haymarket, Virginia will hold a public hearing on the 9th day of November 2015 beginning at 7:00 p.m. local time at the Town Hall of Haymarket, 15000 Washington Street, #100, Haymarket, Virginia 20169, for the purposes of considering and recommending ordinance amendments to Chapter 58 of the Zoning Ordinance, Article IX, Signs, and the adoption of a map in connection with those ordinance amendments.

The proposed text amendments comprehensively change the sign provisions of the zoning ordinance, adopting new definitions and new regulations of sign height, size, materials, illumination, and location. In connection with the text amendments, the Town proposes to adopt a Sign Area map that divides the Town into a Gateway Sign Area, a Core Sign Area, and a Residential Sign Area. The Sign Area map does not affect general usage, density range, or use classification of any parcel.

The proposed ordinance amendments and Sign Area map are available for public inspection during normal business hours at the Clerk's Office of the Town of Haymarket, 15000 Washington Street, Suite 100, Haymarket, Virginia 20169 immediately upon the advertising of this notice. All are invited to attend the public hearing at the time and place aforesaid and present their views. The hearing is being held in a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility to the facility should contact the Town Clerk at the above address or by telephone at (703) 753-2600.

PLANNING COMMISSION TOWN OF HAYMARKET, VIRGINIA

REVISED DRAFT
Amendments to Town of Haymarket Sign Regulations
October 15, 2015

Prepared by the Team of EPR, PC; Herd Planning & Design, Ltd.; and Sympoetica

***NOTE:** Since the completion of the original 5-21-15 draft regulations, the U. S. Supreme Court issued a ruling in *Reed v. Gilbert* that further restricts the power to regulate sign content. This draft incorporates the guidance of that ruling as best it can be interpreted.*

Summary of Changes from Original Draft Regulations (5-21-15):

This draft:

1. Further “scrubs” the text to eliminate references to the content of signs, in response to the *Reed v. Gilbert* decision (except for specific signs indicated by the Court opinion). These limitations include the *function* of signs, which is de facto content. The biggest challenge this causes is for regulating Temporary Signs. The approach offered in this draft is to define temporary signs by the nature of their materials, and then restrict all temporary signs, regardless of purpose, to the same time limits, but also allow the zoning administrator to grant extensions if the purpose continues (i.e., a real estate sign for a property that hasn’t sold).
2. Makes temporary signs exempt from ARB review (as a practical matter, as well as to be cautious in light of Reed).
3. Further increases the permitted area of most signs, in response to comments that the incremental enlargements first proposed were not significant enough.
4. Includes illustrations for key definitions.
5. Includes a provision under nonconformities that allows an existing industrially zoned lot to reconfigure the number, types, and locations of signs on site as long as the total sign area for the lot is not increased and that existing maximum heights are maintained. This aims to provide adequate flexibility for existing gas stations and fast food restaurants without encumbering other sites.
6. Includes an alternative map to show proposed Sign Areas. The original map used the Town’s future land use map as a base. This draft includes an alternative version that uses the zoning map as a base. Either is logical because the sign areas are based on both future land use and zoning districts. However, the zoning map may be clearer because the sign area map is part of the zoning regulations, and not a policy document. One of these must be chosen over the other.
7. Includes substantial amendments based on recommendations by the Town Attorney’s office stemming from their review and from work they have done with Virginia’s Local Government Attorney’s group on interpreting *Reed v. Gilbert*.
8. Reinstates a permission to use neon lights (for window signs only).

Format of this Draft:

- Existing text is shown in black Times New Roman font.
- Recommended revised language is shown in underlined and ~~strike-through~~.
- Explanatory notes or commentary is show in *red Times New Roman italic font, or red arial font*.

Contents:

Article IX. Signs

- Sec. 58-336. Purpose.
- Sec. 58-337. Applicability
- Sec. 58-338. Permit Required
- Sec. 58-339. Exemptions.
- Sec. 58-340. Prohibited signs.
- Sec. 58-341. Temporary signs
- Sec. 58-342. Process for permitting
- Sec. 58-343. Enforcement
- Sec. 58-344. General requirements for all signs
 - (1) Sign area computations.
 - (2) Placement of signs.
 - (3) Materials, colors, and styles.
 - (4) Lighting.
 - (5) Substitution.
- Sec. 58-345. Permanent sign standards - Type, Number, Area, and Height of signs
- Sec. 58-346. Structural and maintenance requirements.
- Sec. 58-347. Nonconforming signs.
- Sec. 58-348. Definitions.
- Sec. 58-349-380. Reserved.
- Sign Areas Map** *(to become part of the Town Zoning Map)*

Sec. 58-336. Findings, purpose and intent; interpretation. *[amended as per Town Attorney recommendations, based on recent work by the Local Government Attorneys group (LGA), and on case law]*

- (a) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and wheeled traffic, while providing convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech and in a manner consistent with the Town's Comprehensive Plan. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article, which can be given effect without the invalid provision.
- (b) Signs not expressly permitted as being allowed by right or by special use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the Town Council are forbidden.
- (c) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (a) of this section.
- (d) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- (e) These regulations distinguish between portions of the Town designed for primarily vehicular access and portions of the Town designed for primarily pedestrian access.
- (f) These regulations do not regulate every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the Town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- (g) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

(Ord. of 12-7-2009)

Sec. 58-337. Applicability

The provisions of this article apply to all property within the corporate limits of the town.

Sec. 58-338. Permit Required.

Except when otherwise exempted by this article, no sign shall be erected, constructed, posted,

painted, altered, or relocated, unless and until a zoning permit has been issued by the zoning administrator and where provided for in this article, subsequent to an approval of a certificate of appropriateness by the architectural review board (ARB).

[moved up from 58-342]

Sec. 58-339. Exemptions.

Sign permits shall not be required for the following signs; however, all applicable regulations of this chapter shall apply.

- (a) Signs erected by a governmental body or required by law, including official traffic signs or sign structures, provisional warning signs or sign structures, and temporary signs indicating danger.
- (b) Minor Signs not exceeding three (3) total signs per separate road frontage per lot, and not less than 30 feet apart. *[separation distance reduced from 50 feet to provide for common modern commercial sites]*
- (c) Change of message or content of an approved Sign.
- (d) Flags, provided, however, that no single flag shall exceed twenty-four (24) square feet in area and no single lot shall display more than three flags in commercial or industrial zoning districts. *[modified in light of Reed v. Gilbert]*
- (e) Certain Temporary Signs as set forth in 58-341(1).

(Ord. of 12-7-2009)

Sec. 58-340. Prohibited signs.

The following signs are prohibited:

- (a) Flashing Signs or signs lighted in a varying degree including strobe lights. For the purposes of this article, a sign that has a change rate or dwell time of four (4) seconds or longer does not fit within the prohibition noted herein.
- (b) Moving or Rotating Signs.
- (c) Portable Signs with the exception of A-frame Signs.
- (d) Off-premises signs, except as specifically authorized in Sec. 58-345 (a).
- (e) Inflatable signs.
- (f) Signs or parts of a sign located anywhere on the roof or wall of a building so that they shall extend above or beyond the perimeter of the building's roof, wall or parapet wall or into a front, side or rear yard setback.
- (g) Signs illuminated with sodium halide lights; and any internally illuminated sign that emits lighting levels in excess of 100 lumens.
- (h) Electronic message boards.
- (i) Abandoned sign structures.
- (j) Changeable copy signs, except as specifically permitted by this Zoning Ordinance.
- (k) Any signs, including posters and handbills, affixed to any structures, trees or other natural vegetation, rocks or poles.
- (l) Any sign that may be confused with or obstruct the view of any authorized traffic sign or signal, or obstruct the sight-distance triangle at any road intersection, or extend into the public right-of-way or otherwise create a distraction for drivers.
- (m) Portable signs, including those on wheels, except A-Frame/sandwich boards complying with the

provisions of 58-341(1)(a).

- (n) Signs that prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part or otherwise adversely affect safety or are in violation of any building code or other applicable law.
- (o) Signs that emit smoke, visible vapors, particles, normally detectable sound or odor shall not be permitted, including open flames used to attract public attention.
- (p) Mirrors or mirror devices on, in, or as part of a sign.
- (q) Parasail Signs

(Ord. of 12-7-2009)

Sec. 58-341. Temporary signs

- (1) *Temporary signs for which a permit is not required.* The following temporary signs may be erected or constructed without a permit; however, all applicable code requirements in this chapter shall apply.
 - (a) *Temporary A-Frame.* Any such sign must not be more than an aggregate of twelve (12) square feet or less in a sandwich board design as defined herein. The sign may only be displayed during business hours. The placement of the sign shall not impede pedestrian, wheelchair, or vehicular traffic flow. Only one such sign is permitted per business, or one sign per thirty (30) linear feet of sidewalk, whichever is more restrictive.
 - (b) *Temporary Wall Sign.* Such signs may be displayed for up to 45 consecutive days and shall not exceed three (3) square feet in area. *[this provision has been added to better accommodate Reed]*
 - (c) *Temporary Signs required to be posted by law.* Any such sign shall be removed the day after the last day for which it is required to be displayed. The administrator may require proof of legal requirement for the posting of the sign. These signs are permitted in all zoning districts.
- (2) *Temporary Signs for which a permit is required.* Except for Temporary Signs for which a permit is not required pursuant to 58-341 (1), Temporary Signs may be erected or constructed after receiving a permit from the zoning administrator. Such Temporary Signs shall be either Freestanding Signs, Wall Signs, or Banner Signs may be displayed for up to 45 consecutive days and shall not exceed one sign per location, nor eight (8) square feet in area and four (4) feet in height. These signs are permitted in all zoning districts. The zoning administrator may extend the time limit by up to 45 days upon application by the owner at the end of the initial 45 day period, if the applicant shows that the sign is maintained in sound condition and the purpose for it still pertains. *[deleted reference to "non-commercial" in light of Reed v. Gilbert]*

(Ord. of 12-7-2009)

Sec. 58-342. Process for permitting.

- (a) *Permit required.* Except when otherwise exempted by this article, no sign shall be erected, constructed, posted, painted, altered, or relocated, unless and until a zoning permit has been issued by the zoning administrator and where provided for in this article, subsequent to an approval of a certificate of appropriateness by the architectural review board (ARB).
- (b) *Permit process.* Before any zoning permit is issued, the applicant shall submit to the administrator a sign permit application and an application for certificate of appropriateness when applicable provided by the administrator, together with drawings and/or specifications as may be necessary to fully advise and acquaint the administrator with the location, construction, materials, manner of illuminating and/or securing or fastening, and number of signs applied for, and the style of the wording of the sign or advertisement to be carried on the sign.

- (c) *Approval of permit.* For signs not requiring architectural review, the zoning administrator shall act on the permit application within 14 days of acceptance of the application. For signs requiring action by the architectural review board, the board shall act on ~~any sign~~ the application within sixty (60) days after acceptance of the application by the zoning administrator, in accordance with Secs. 58-554 – 58-562 of this chapter, and the Historic District Design Guidelines adopted by the Town Council as amended, unless such timeline is extended by the applicant in writing. The zoning administrator shall issue a zoning permit within three (3) business days following approval by the ARB.

[Note: If two weeks is provided to process the application for the ARB and the ARB meets monthly, then 45 days is the typical maximum time limit for consideration (and likely action) by the ARB.

Also Note: The following amendment to Sec. 58-558 should be made to be consistent with the above language:

Procedure for meetings.

~~...(c) The board shall meet monthly within 30 days after notification by the town clerk of ~~an~~ to review any application for a certificate of appropriateness requiring action by the board that has been received and accepted within the preceding forty-five (45) days. 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. If no applications have been received for review sooner than five (5) days prior to the next scheduled board meeting, and there is no other business for the board, the Chairman may cancel that meeting.~~

Note that in the above passage, the term “hearing” refers to the act of considering the application rather than the form of the meeting.]

- (d) *Building codes; inspections.* Structural and safety features and electrical systems shall be in accordance with the requirements of the applicable codes and ordinances. No sign shall be approved for use unless it has been inspected by the department issuing the permit and is found to be in compliance with all the requirements of this chapter and applicable technical codes. All signs which are electrically illuminated shall require a separate electrical permit and inspection.
- (e) *General permit application requirements.* Submission requirements for architectural review board sign guidelines as set forth in the Historic District Design Guidelines adopted by the Town Council, as amended, shall be followed for selecting the type of sign, location, colors, lettering style, materials and type of illumination (if applicable). Sign permit application(s) also require:
- (i) An application for a certificate of appropriateness, as applicable.
 - (ii) A plat showing location of existing and proposed sign(s) on building façade(s) or grounds and exterior dimensions of buildings subject to the sign permit.
 - (iii) Scaled drawings showing dimensions, scale, and elevation of proposed sign(s) to include specific materials, hardware, and methods of mounting and illumination.
- (f) All signs shall be erected within one year from the date of approval of the sign permit; otherwise, the permit shall become null and void and a new permit shall be required. The zoning administrator may grant one extension of the permit for a period of six (6) months, but in no case shall a permit be valid for more than a total of eighteen (18) months. Extensions may be granted only when the proposed sign is in compliance with all current applicable regulations.

(Ord. of 12-7-2009)

Sec. 58-343. Enforcement

Violations of this Article constitute violations of the zoning code and the Town may obtain compliance through any of the methods available for other zoning violations. In addition, a nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. Such structure sign shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the zoning administrator or designee shall give the owner fifteen (15) days' written notice to remove it. Upon failure to comply with this notice, the zoning administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

Sec. 58-344. General requirements for all signs

(1) Sign area computations.

- (a) The surface area of any sign permitted under this article is determined by measuring the entire face of the sign including any wall work incidental to its decoration, but excluding support elements whose sole purpose and function is to support the sign, except as noted below:
- (b) The surface area of any sign made up only of individual letters or figures shall include the space between such letters or figures.
- (c) Whenever one sign contains information on both sides, one side only shall be used in computing the surface area of the sign.

(2) Placement of signs

Signs shall be placed so they do not obstruct vehicles, pedestrians, or the signs of adjacent businesses and so that they follow architectural review board placement guidelines. Unless otherwise provided for in this chapter, permanent signs shall be located:

- (a) At least ten (10) feet from any lot line within the Gateway Sign Area, or no closer than the building façade is to the lot line, whichever is less.
- (b) At least five (5) feet to any lot line within the Core Sign Area, or no closer than the building façade is to the lot line, whichever is less.
- (c) At least ten (10) feet to any lot line within the Residential Sign Area, or no closer than the building façade is to the lot line, whichever is less.

(3) Materials, colors, and styles

All materials, colors, and styles of non-temporary signs are subject to approval by the architectural review board in accordance with the Historic District Design Guidelines adopted by the Town Council, as amended.

(4) Lighting.

No sign shall be permitted to have an illumination spread of more than 0.05 foot candle at the lot line, shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling unit.

(5) Substitution.

Wherever this Article permits a sign with commercial content, non-commercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height and construction.

Sec. 58-345. Permanent sign standards - type, number, area, and height of signs

(a) Signs in Commercial and Industrial Zoning Districts

Sign Type	Table (a)(i) Maximum Limits on Sign Dimensions for Lots in B-1 Zoning District					
	B-1 Zoning in Core and Residential Sign Map Areas as shown on Zoning Map			B-1 Zoning in Gateway Sign Map Area as shown on Zoning Map		
Sign Type	Number	Area (Sq. Ft.)	Height (Ft.)	Number	Area (Sq. Ft.)	Height (Ft.)
Window ⁵	Not limited	Lesser of 20% of window area or 6 Sq. Ft.	Not limited	Not limited	Lesser of 20% of window area or 6 Sq. Ft.	Not limited
Freestanding	1 per road front; 2 maximum per lot	18 per sign; 24 Total	8	1 per road front; 2 maximum	24 per sign; 36 Total	10
Projecting ¹	1 per business	9	No less than 9	1 per business	9	No less than 9
Wall ²	1 per business per road frontage	12	15 ft. above floor level	1 per business per road front.	12	15 ft. above floor level
Individual Letter	1 per business per road frontage	1.5 Ft. letter height. 18 Sq Ft. total area.	15 ft. above floor level	1 per business per road frontage	1.5 ft. letter height; 18 S. F. total area. If setback 100 ft. or >, 2 Ft. Ht., 20 S. F. total area.	15 ft. above floor level
Directory (Wall or Freestanding) (In addition to other permitted Free-standing or Wall signs)	1 per multi-tenant building or site, in addition to other permitted signs	32 if less than 100 Ft road frontage. 48 if 100 Ft. or more lot width on any side.	8	1 per multi-tenant building or site, in addition to other permitted signs	32 if less than 100 Ft road frontage. 56 if 100 Ft or more lot width on any side.	10
Canopy ³	Permitted	Letters not more than 12 inches high.	Not limited	Permitted	Letters not more than 12 inches high.	Not limited
Secondary Entrance	1 per business	4	Not limited	1 per business	4	Not limited
Minor signs (see Sec. 58-339(b))	(see Sec. 58-339(b))	(see Sec. 58-339(b))	(see Sec. 58-339(b))	(see Sec. 58-339(b))	(see Sec. 58-339(b))	(see Sec. 58-339(b))
Internally Illuminated	Not permitted except one neon window sign not more than 15" high by 24" wide ⁴	n/a	n/a	Not permitted except one neon window sign not more than 15" high by 24" wide ⁴	n/a	n/a
A-Frame (see in Sec. 58-341(1)(a))	1 per 30 feet of frontage	12	5 feet	1 per 30 feet of frontage	12	5
Off premises	Not permitted	n/a	n/a	Not permitted	n/a	n/a
Painted	Not permitted	n/a	n/a	1 on side or rear wall	Shall not exceed 15% of that wall area	As per other standards
Temporary (freestanding, banner, or wall only)	1 per lot	8	4	1 per lot	8	4
Address numbers	One set per building	n/a	Letters not >12"	One set per building	n/a	Letters not > 12"

¹Shall be mounted perpendicular to principal building façade; shall project no greater than four (4) feet from building and no closer than one foot to back of curb.

²Shall be mounted flat on building façade; letters shall not exceed 42 18 inches in height and shall not extend more than six inches from surface of building. Signs shall be no higher than 15 feet above the floor level on which the sign is placed.

³To be placed only in valance of the building with a margin of a minimum of one inch above and below the letters.

⁴Such signs shall not flash and shall be "on" only during posted hours of business.

⁵May include a neon sign subject to the size limits contained in this table under internally illuminated signs.

Table (a)(ii) Maximum Limits on Sign Dimensions for Lots in B-2 and I-1 Zoning Districts						
Sign Type	B-2 Zoning as shown on Zoning Map			I-1 Zoning as shown on Zoning Map		
	Number	Area in square feet (S. F.)	Height In feet (Ft.)	Number	Area in square feet (S. F.)	Height In feet (Ft.)
Window ⁸	Not limited	Lesser of 20% of window area or 6 S. F.	Not limited	Not limited	Lesser of 20% of window area or 10 S. F.	Not < 5 Ft.
Freestanding	1 per road front; 2 maximum per lot	24 per sign; 36 total	10	1 per road front; 2 maximum per lot	36 total	15
Projecting ¹	1 per business	12	No less than 9	1 per business	12	No less than 9
Wall ²	1 per business, plus 1 for end units	9	15 above floor level	1 per tenant	12 ; 1 SF per linear foot of property width ⁴	15 above floor level
Individual Letter	1 per business per road frontage	1.5 Ft. letter height. 18 Sq Ft. total area. If setback 100 ft or >, 2 ft. ht. 20 S. F. area.	15 above floor level	1 per business per road frontage	1.5 ft. letter height per 10 ft bldg. height. w/ maximum 2 ft. letter ht. and 20 S. F. area.	15 above floor level
Directory (Wall or Freestanding) (In addition to other permitted Freestanding or Wall signs)	1 per multi-tenant building or site	32 if less than 100 Ft road frontage. 48 if 100 Ft. or more lot width on any side.	10	1 per multi-tenant building	4.5 Sq. Ft. per tenant;	15
Canopy ³	Permitted	letters not > 12 inches high	Not limited	Permitted	letters not more than 12 inches high	Not limited
Secondary Entrance	1 per business	4	Not limited	1 per business	4	Not limited
Minor signs (see Sec. 58-339(b))	(see Sec. 58-339(b))	(see Sec. 58-339(b))	(see Sec. 58-339(b))	(see Sec. 58-339(b))	(see Sec. 58-339(b))	(see Sec. 58-339(b))
Internally Illuminated	Not permitted except one neon sign window not more than 15" high by 24" wide ⁷	n/a	n/a	Permitted for freestanding signs	As per other standards in this article	As per other standards
A-Frame (see Sec. 58-341(1)(a))	1 per 30 feet of frontage	12	5	Not permitted	n/a	n/a
Off premises	Not permitted	n/a	n/a	1 freestanding sign on contiguous lot ⁶	As per other standards	As per other standards
Painted	1 on side or rear wall	Shall not exceed 15% of that wall area	As per other standards	Not permitted	n/a	n/a
Temporary (freestanding, banner or wall only)	1 per lot	8	4	1 per lot	8	4
Address numbers	One set per building	n/a	Letters not > 12"	One set per buildg	n/a	Letters not > 12"

¹ Shall be mounted perpendicular to principal building façade; shall project no greater than four (4) feet from building and no closer than one foot to back of curb.

² Shall be mounted flat on building façade; letters shall not exceed 42 18 inches in height and shall not extend more than six inches from surface of building. Signs shall be no higher than 15 feet above the floor level on which the sign is placed, or to the top of the ceiling height of that floor. For industrial zoning, a maximum 3 SF sign is allowed for each tenant if a common entrance, or maximum 8 SF per tenant for each multiple entrance. For shopping centers in B-2, all property signage must be located in the sign band provided above the building canopy. The sign shall occupy a maximum sign area not taller than 18 inches and not longer than 65 percent of the tenant's unit width. Such signs will not exceed 48 square feet in area. Any store in excess of 10,000 sq ft shall have a maximum sign area not taller than 24 inches and not longer than 40% of tenant's unit width.

³ To be placed only in valance of the building with a margin of a minimum of one inch above and below the letters.

⁴ Applies to retail shopping space constructed in excess of 75 feet from edge of public right of way and not within 500 feet of residential property. If the tenant is located in an end unit, it is permitted to install an additional sign. Total area of second sign may not exceed the result of one and one half times the width of the store. All property signage must be located in the sign band provided above the building canopy. The sign shall occupy a maximum sign area not taller than two feet and not longer than 80 percent of the tenant's unit width. Such signs will not exceed 48 square feet in area. Any store in excess of 40,000 square feet shall occupy a maximum sign area not taller than 3.5 feet and not longer than 80 percent of the tenant's unit width.

⁵ Such signs shall be no closer than 10 feet to any street line, travel lane or access road.

⁶ Off premise sign is contingent on permission from owner of property on which the sign is located. No such sign may be located within 30 feet of any other sign.

⁷ Such signs shall not flash and shall be "on" only during posted hours of business.

⁸ May include a neon sign subject to the size limits contained in this table under internally illuminated signs.

(b) Signs in Residential Zoning Districts

Table (b) Maximum Limits on Sign Dimensions for Lots in Residential Zoning Districts (R-1 and R-2)									
	Residential Uses			Residential Projects ¹			Non-Residential Uses		
Sign Type	Number	Area (Sq. Ft.)	Height (Ft.)	Number	Area (Sq. Ft.)	Height (Ft.)	Number	Area (Sq. Ft.)	Height (Ft.)
Address numbers	One set per building	n/a	Letters not more than 6 inches	One set per project ¹	3	Letters not more than 6 inches	One set per building	n/a	Letters not more than 6 inches
Hanging address numbers	1 per building	2 Sq. Ft.	Not more than 6 feet from existing grade	Not permitted	n/a	n/a	1 per building	2 Sq. Ft.	Not more than 6 feet from existing grade
Minor signs (see Sec. 58-339(b))	(see Sec. 58-339(b))	(see Sec. 58-339(b))	(see Sec. 58-339(b))	(see Sec. 58-339(b))	(see Sec. 58-339(b))	(see Sec. 58-339(b))	(see Sec. 58-339(b))	(see Sec. 58-339(b))	(see Sec. 58-339(b))
Freestanding Signs <i>Modified in light of Reed v. Gilbert</i>	1 per lot	6 sq. ft.	Not more than 4 feet from existing grade	1 per site entrance	24 Sq. Ft.	5 feet	1 per separate road frontage	24 Sq. Ft.	5 feet
Wall Signs	1 per lot	6 sq. ft.	n/a	n/a	n/a	n/a	1 per separate road frontage	12 Sq. Ft.	12 ft.

¹Includes subdivisions and other types of residential projects built as a unified development.

Sec. 58-346. Structural and maintenance requirements.

All signs shall be maintained in good condition and remain structurally safe. Any sign that has deteriorated to a state of peeling, cracking, splitting, fading or rusting, is in violation of this ordinance and subject to enforcement.

Sec. 58-347. Nonconforming signs.

- (a) Any sign lawfully in existence on the date of enactment of this article may be maintained even though it does not conform with the provisions of this article.
- (b) No nonconforming sign may be enlarged or altered in such a manner as to expand the nonconformity, nor may illumination be added to any nonconforming sign, except as provided in Sec. 58-347 (h).
- (c) A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this article.
- (d) A nonconforming sign destroyed by any cause may not be repaired, reconstructed or replaced except in conformity with this article. For the purposes of this section, a nonconforming sign is destroyed if damaged to an extent that the cost of repairing the sign to its former condition or replacing it with an equivalent sign equals or exceeds fifty (50) percent of the appraised value of the sign so damaged.

Attachment: Ad & Sign Ordinance ZTAs - PC 11-09-2015 (2623 : Sign Ordinance Zoning Text Amendment)

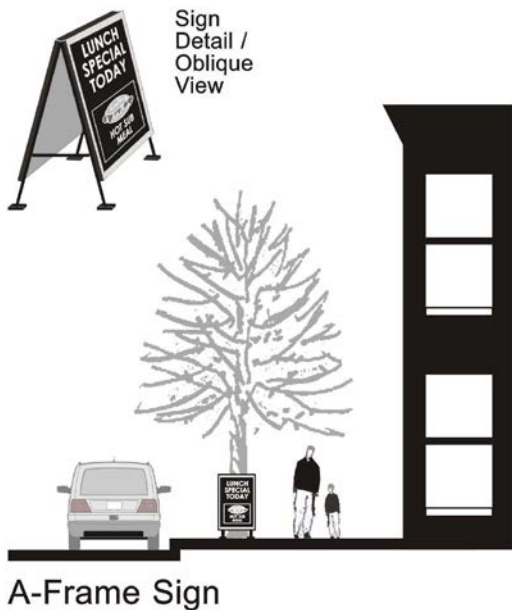
- (e) The message of a nonconforming sign may be changed so long as this does not create any new nonconformities.
- (f) A pre-existing sign must be removed if the structure, building or use to which it is accessory is destroyed, or demolished to an extent exceeding 50 percent of the appraised value of the principal structure, building or use.
- (g) The sign copy of non-conforming signs may be changed to accommodate similar businesses occupying the same location. However, whenever the use changes to a conforming use, all nonconforming signs must be replaced or modified so that all signs on the location conform with the then-existing sign ordinance.
- (h) Existing signs on an industrially zoned lot may be reconfigured so as to increase the number of signs, the mix of sign types, and the location of signs, as long as the total area of all signs on the lot is not increased, that existing maximum sign heights are maintained, and as long as all other requirements of this article are met.
[This new provision is aimed at allowing existing uses, such as the gas station on Rt. 15, to reconfigure the existing signs without creating undue affect on all other commercial properties in the Town.]

Sec. 58-348. Definitions.

[Note: Zoning definitions are typically consolidated into a single article for ease of use, preferably at the end of the ordinance for convenient reference. A major issue with the Town’s current ordinance is that there are two sets of definitions for signs and they are not consistent. There is Sec. 58-347 below, but also certain sign definitions in Sec. 58-1.]

Illustrations show only the form of defined signs. Dimensional standards are shown only in the text of this article.

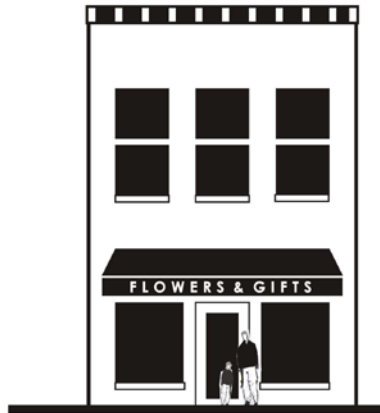
- (1) *A-Frame sign.* A temporary, portable sign used at a place of business to provide information to pedestrians and slow moving vehicles. The sign may be one or two sided.



- (2) *Animated sign.* A sign which changes physical position or involves the use of motion, rotation, or the appearance of motion.
- (3) *Awning sign.* See canopy sign.

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- (4) *Banner sign.* A temporary sign made of cloth, paper, vinyl or like material attached to a wall so as to remain in a generally stationary position.
- (5) *Bench sign.* A sign painted, located on, or attached to any part of the surface of a bench, seat or chair placed on or adjacent to a public place or roadway.
- (6) *Billboard sign.* (see off-premises sign)
- (7) *Canopy sign.* A sign placed directly on or attached to the surface of an awning or canopy.



Canopy/Awning Sign



Canopy/Awning Sign

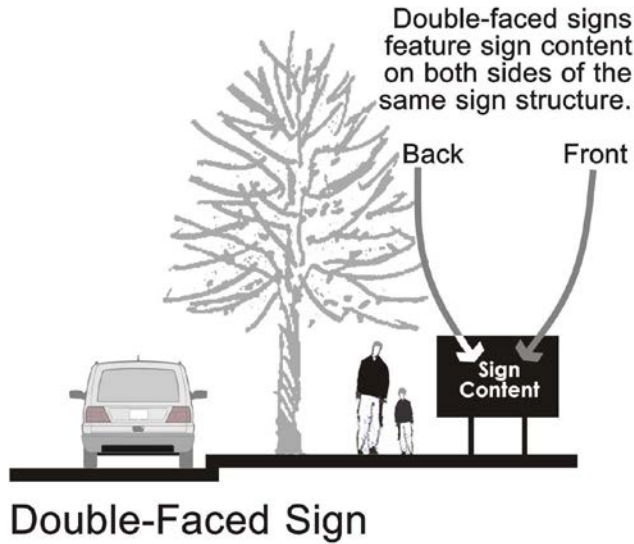
- (8) *Changeable copy sign.* A sign or part of a sign that is designed so that characters, letters or illustrations can be mechanically or physically changed or rearranged without altering the face or surface of the sign.
- (9) *Directory sign, Wall.* A wall sign listing the tenants or occupants of a building or group of buildings. (also see menu sign)
- (10) *Directory sign, Freestanding.* A freestanding sign listing the tenants or occupants of a building or group of buildings. (also see directory sign)



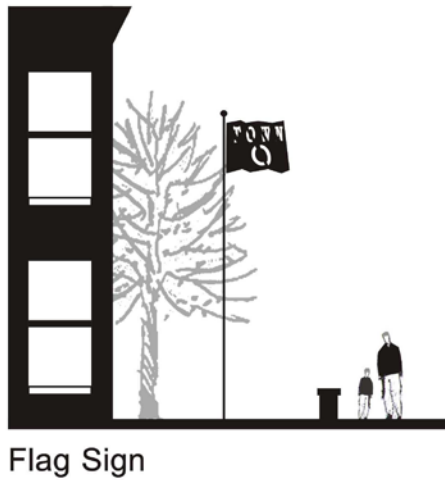
Directory Sign

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- (11) *Double-faced sign.* A sign with two parallel or nearly parallel faces, back to back, upon which advertising is displayed.

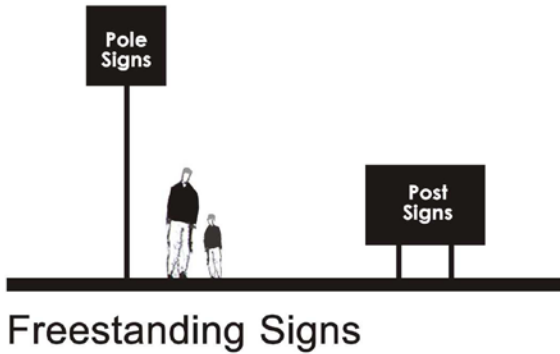


- (12) *Electronic message board.* Any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.
- (13) *Flags.* Cloth or similar flexible fabric attached to a pole at one end such that the material can bend or flutter from the point (s) of attachment. *[Modified in light of Reed]*



- (14) *Flashing sign.* Any illuminated sign on which there is artificial light which is not stationary or constant in intensity or color at all times when such sign is in use.

- (15) *Freestanding sign.* Sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure, or a monument form without separate supporting elements.



- (16) *Government sign.* Government signs that are approved by the town council or installed for the public benefit by the Town of Haymarket.
- (17) *Hanging address numbers.* House numbers hanging from a lamppost or similar structure.
- (18) *Hanging sign.* (see Projecting sign)
- (19) *Identification sign for places and institutions.* A sign which displays the identification information for a public building, public park, playground, community building, hospital, cemetery, children's home, orphanage, place of religious worship, fraternal organization, apartment complex, assisted living facility or nursing home, or residential subdivision.
- (20) *Illuminated sign.* A sign illuminated in any manner by an artificial light source, whether internally or externally lit. Externally illuminated signs are those that have a light source projecting onto the face of the sign either by downlighting or indirectly with fluorescent, halogen or a source that gives off natural white light. Internally illuminated signs are those that have a light source inside or behind the sign structure or sign face which projects lights through or from the sign face.

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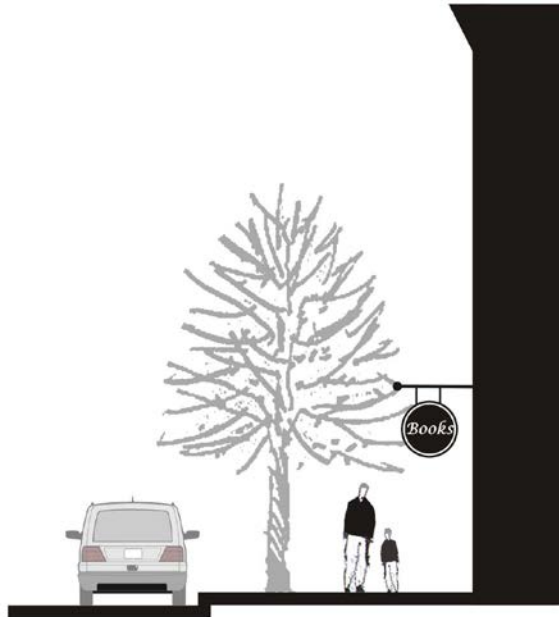
(21) *Individual letter sign.* A sign made up of letters only that are attached directly to the building.



Individual Letter Sign

- (22) *Inflatable sign.* Any display capable of being expanded by air or other gas and used on a temporary or permanent basis to advertise a product or event.
- (23) *Location.* A lot, parcel, building site or tenant space.
- (24) *Marquees sign.* (See canopy sign)
- (25) *Menu sign.* (see directory sign)
- (26) *Minor sign.* A small, adjunct sign for specific functional purposes. Examples include trespassing signs, security warning signs, on-site directional signs, and the like.
- (27) *Moving or Rotating Sign -* An environmentally activated sign or other display with mechanical motion powered by natural, manual, mechanical, electrical or other means, including but not limited to pennant strings, streamers, spinners, propellers, and search lights. Hand held signs are not included; see Portable Sign.
- (28) *Neon sign.* A sign that uses light-emitting gas to convey a message in a form such as letters, numbers, and figures.
- (29) *Off-premise sign.* A sign which directs attention to a business, commodity, service or establishment conducted sold or offered at a location other than the premises on which the sign is erected.
- (30) *Painted sign.* Any sign painted on the exterior surface of a building; includes a mural sign.
- (31) *Parasail sign.* Any sign that is inflated, either by the wind or by mechanical means, and has motion in accord with air currents or air pumps.
- (32) *Political sign.* A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election. Political signs are regulated the same as other temporary signs.
- (33) *Portable sign.* Any sign not permanently affixed to a building, structure or the ground. This category includes, but is not limited to, signs attached to or placed on vehicles not used for the daily conduct of the business, banners, balloons, and similar devices used to attract attention, including hand held signs.

(34) *Projecting sign.* (Also Hanging Sign) A sign attached to a building, approximately perpendicular to the building wall.



Projecting/Hanging Sign

(35) *Real estate sign.* A temporary sign that advertises the property on which it is located, for sale, rent, or lease, regulated the same as other temporary signs.

(36) *Roof sign.* Any sign erected, constructed, and maintained wholly upon or over the roof of any building (not permitted by this ordinance).



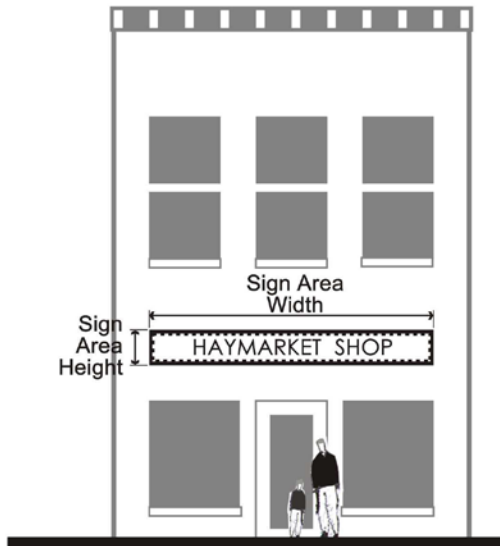
Roof Sign (Not Permitted)

(37) *Seasonal sign.* A temporary sign identifying an open-air market, farmers' market or the sale of seasonal products, regulated the same as other temporary message signs.

(38) *Secondary entrance sign.* A wall sign identifying a business or tenant's alternative entrance. *[subsumed under "minor signs"]*

(39) *Security and warning sign.* Signs posted on private property warning the public against trespassing, or similar messages. *[subsumed under "minor signs"]*

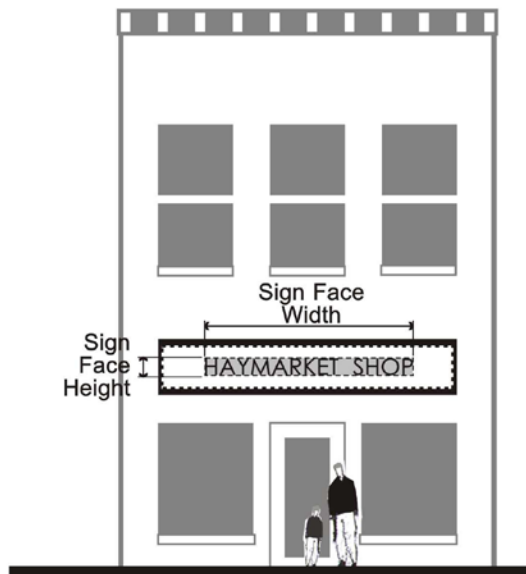
- (40) *Sign*. Any display, temporary or permanent, of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations, by any means whereby they are made visible for the purpose of making anything known.
- (41) *Sign area*. The entire face of a sign, including the advertising surface and any framing, trim or molding, but not including the supporting structure. Sign area is calculated by standard mathematical formulas such as height times width for rectilinear signs, Πr^2 for circular signs, and the applicable standard mathematical formula for other geometrical shapes.



Sign Area

For area calculation, see definition in ordinance.

- (42) *Sign face*. The area or display surface used for the message, not including any framing, trim or molding, or the support structure. Face area is calculated using the same mathematical formulas as for sign areas.

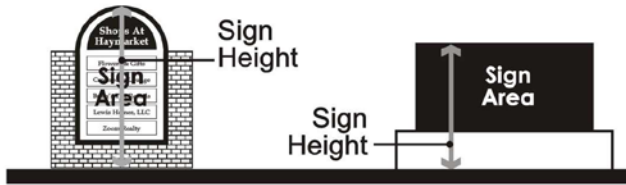
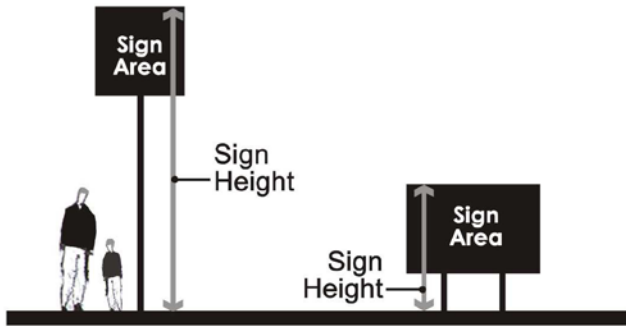


Sign Face

For area calculation, see definition in ordinance.

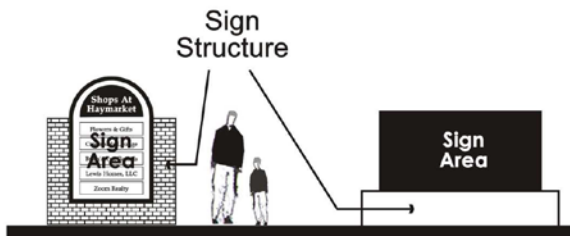
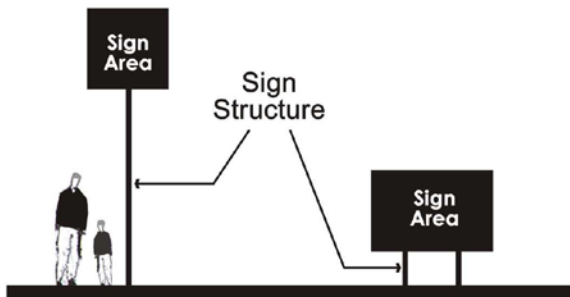
Attachment: Ad & Sign Ordinance ZTAs - PC 11-09-2015 (2623 : Sign Ordinance Zoning Text Amendment)

(43) *Sign height.* Distance measured in feet and inches from the ground below the sign to highest point of sign to include sign structure, or in the case of wall signs on upper floors, from the floor level immediately below the sign to the highest point of the sign. Artificially increasing the height of the sign by berming or mounding dirt or other material at the sign base is prohibited.



Sign Height

(44) *Sign structure.* Sign structure includes the supports, uprights, bracing, and framework of any structure, be it single-faced, double-faced, V-type, or otherwise exhibiting sign.



Sign Structure

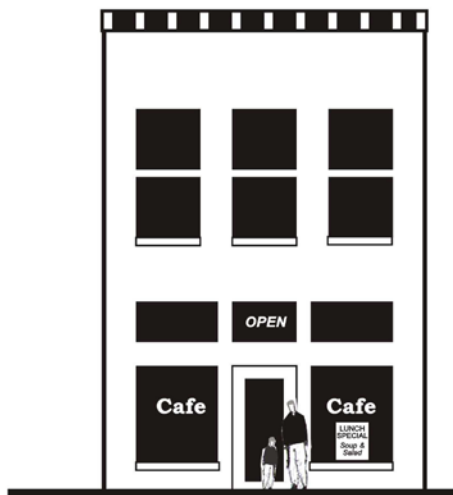
(45) *Special event sign.* A temporary sign announcing an educational, historical, civic, philanthropic or religious drive or event.

- (46) *Temporary sign.* A sign designed or intended, based on materials and structural components, to be displayed for a specified or limited period of time, regardless of type or style of sign. Examples include real estate signs, contractor’s signs, and one-time event signs.
- (47) *Vehicle sign.* A sign on a truck, bus or other vehicle, while in use in the normal course of business. Refer to Sec. 58-340 for limitations on vehicle signs.
- (48) *Vehicle sign, parked.* A sign placed, affixed or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by this article. Refer to Sec. 58-340 for limitations on vehicle signs.
- (49) *Wall sign.* Any signs or lettering, projecting not more than eight inches, which are placed against or attached to the front, rear, or side wall of a building, but shall not include identification signs for occupants of premises as defined herein, nor painted or mural signs as defined herein.



Wall Sign

- (50) *Window sign.* A sign painted, stenciled, or affixed on a window.



Window Sign

- (51) *Yard sale sign.* A temporary sign advertising private sales of personal property (such as garage sales or rummage sales) regulated the same as other temporary signs.

(Ord. of 12-7-2009)

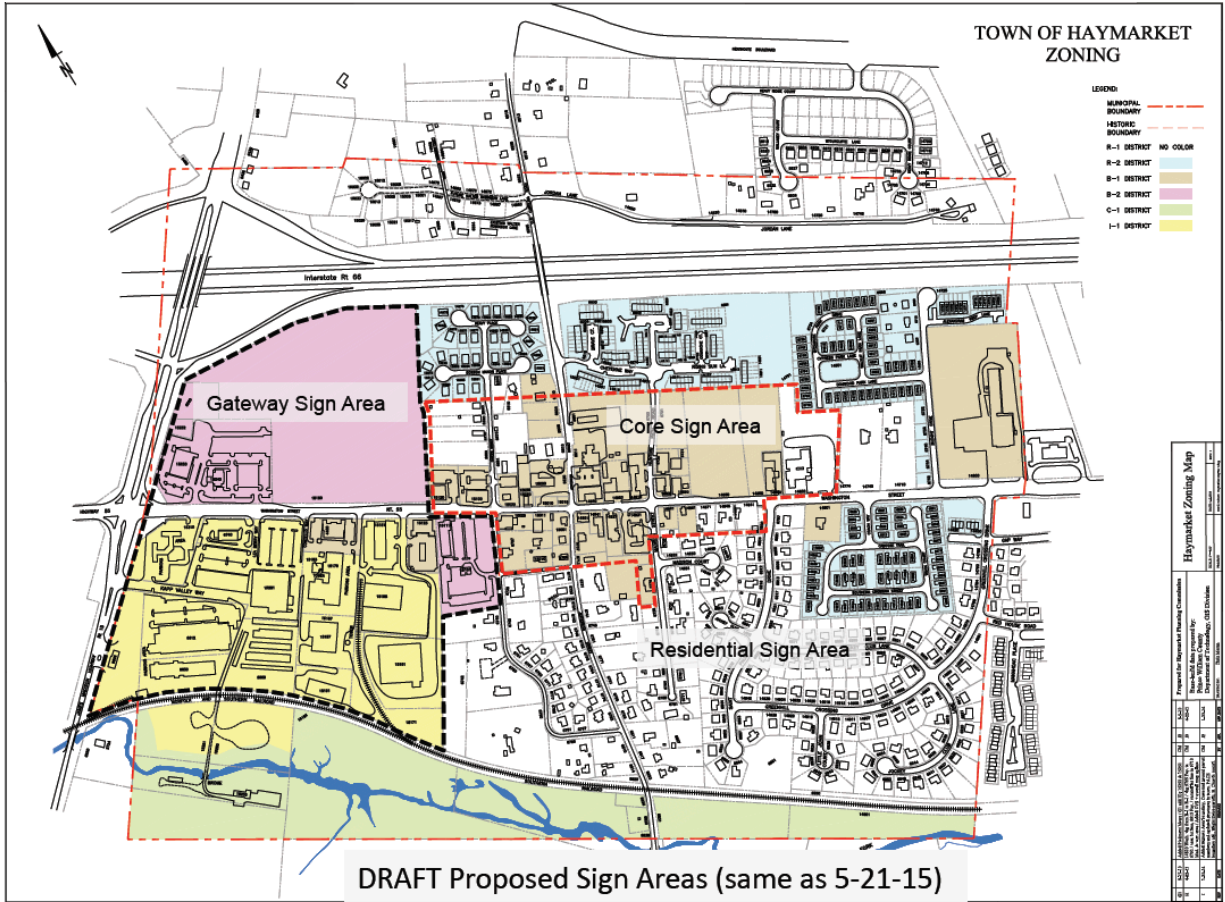
Sec. 58-349-380. Reserved.

Attachment: Ad & Sign Ordinance ZTAs - PC 11-09-2015 (2623 : Sign Ordinance Zoning Text Amendment)

Sign Area Map

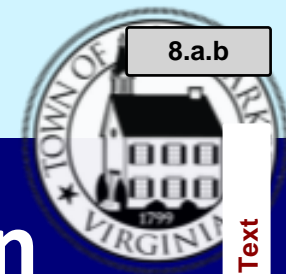
[Note: This map could either be incorporated into the Zoning Map itself or could be shown as depicted below, superimposed on the Zoning Map as part of the zoning text. As a practical matter, the best option would be to incorporate it into the actual Zoning Map so as to avoid confusion.]

[Also note that the map below shows the proposed sign areas overlaid on the Zoning Map, whereas the original draft map (5-21-15), was overlaid on the Town's Future Land Use Map from the Comprehensive Plan. The Town could use either of these base maps to show the Sign Areas as a regulatory tool, but the better choice would be the Zoning Map as shown here.]



Attachment: Ad & Sign Ordinance ZTAs - PC 11-09-2015 (2623 : Sign Ordinance Zoning Text Amendment)

Haymarket DRAFT Sign Ordinance

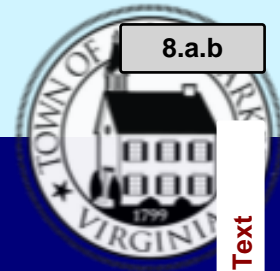


8.a.b

Presentation to Planning Commission November 9, 2015

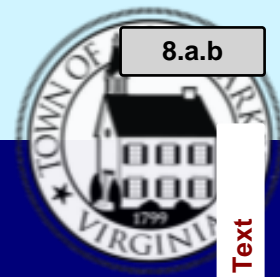


Attachment: Haymarket PC Pres 11-9-15 v1 (2623 : Sign Ordinance Zoning Text



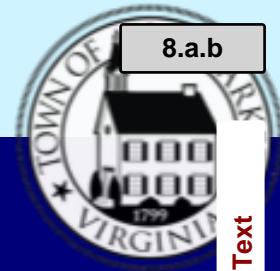
Purpose: Rewrite Sign Regulations

- Simpler
- User-friendly and understandable
- Efficient administration
- Effective for businesses and the public
- Up to current industry standards where appropriate
- Up to current legal standards.



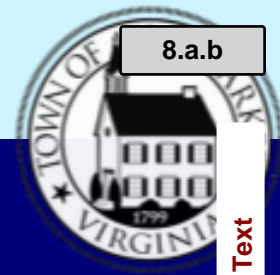
Scope of Work

- Analyzed Current Sign Regulations
- Field Inventory and Stakeholder Input
- “Best Practices” Research
- Prepared and Revised Draft Ordinance



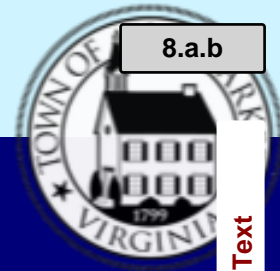
Key Points of Stakeholder Input

- **Lack of visual identity at Town's entry points**
- **Lack of identification for industrial sites on Rt. 15**
- **Better sign visibility for multi-tenant buildings**
- **Some desire for larger and painted wall signs**
- **Some desire for internally illuminated and larger**
- **More timely approval process**
- **Tension between visibility and historic character**



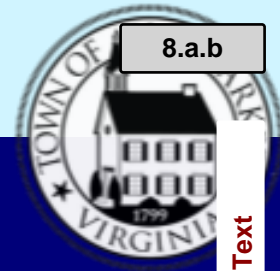
Key Issues

1. Overarching Issues (balance needs; simplify)
2. Permitting Process and Administration
3. Location standards
4. Size Standards (area, height, calculation, etc.)
5. Sign Types
6. Non-conformities, variances
8. Definitions
9. Organization of the Regulations
10. Legal issues (**NEW: Reed v. Gilbert Decision**)



Major Changes since September Draft

1. Upgraded Purpose Section as per Town Attorney
2. Added provisions for grouping “minor signs”
3. Further “scrubbed” signs to eliminate content distinctions
4. No permit required for Temporary Wall Signs up to 3 sq. ft. up to 45 consecutive days



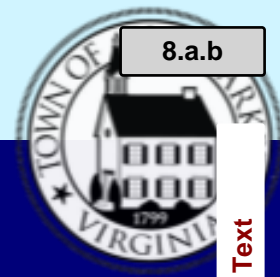
Major Changes since September Draft

5. New Upgrades for Temporary signs (since Oct 15 Draft):

- Allow 16 sq. ft. of temporary signs per residential property as free-standing or wall signs (*from LGA*).
- Clarify that window signs are permitted in residential districts (*LaDue v. Gilleo*):

“On residential property, window signs, provided that the total extent of window signs do not obstruct more than 25% of the total area of all windows on each building façade”

Haymarket DRAFT Sign Ordinance

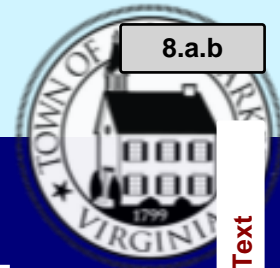


8.a.b

Major Changes since September Draft

6. ARB may cancel meeting if no applications received < 5 days before scheduled meeting [*not 15 days*]
7. Allow only 15 days to remove violations [*not 30 days*]
8. Added specific limits on lighting levels
9. Added provision allowing non-commercial content
10. Increased maximum sign area in B-1, B-2 and I-1

Attachment: Haymarket PC Pres 11-9-15 v1 (2623 : Sign Ordinance Zoning Text

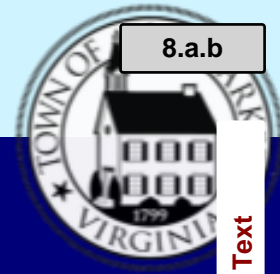


1. Overarching Issues - Recommendations

- a. Need to Balance Historic and Modern Needs
- b. Need Simplified, “user-friendly” Ordinance

Thus, the strategy taken is to:

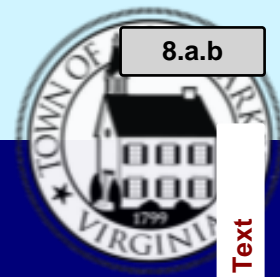
- Generally keep ARB review, but
- Refine sign regs to provide better visibility, and
- Tailor sign regs to directly address key issues



2. Permit Process & Administration

- a. Continue to apply historic district guidelines (ARB)

- b. Clarify max 60-day period for ARB action;
Apps to be heard at next meeting of ARB =
Approval typically in < 45 days.



3. Location Standards

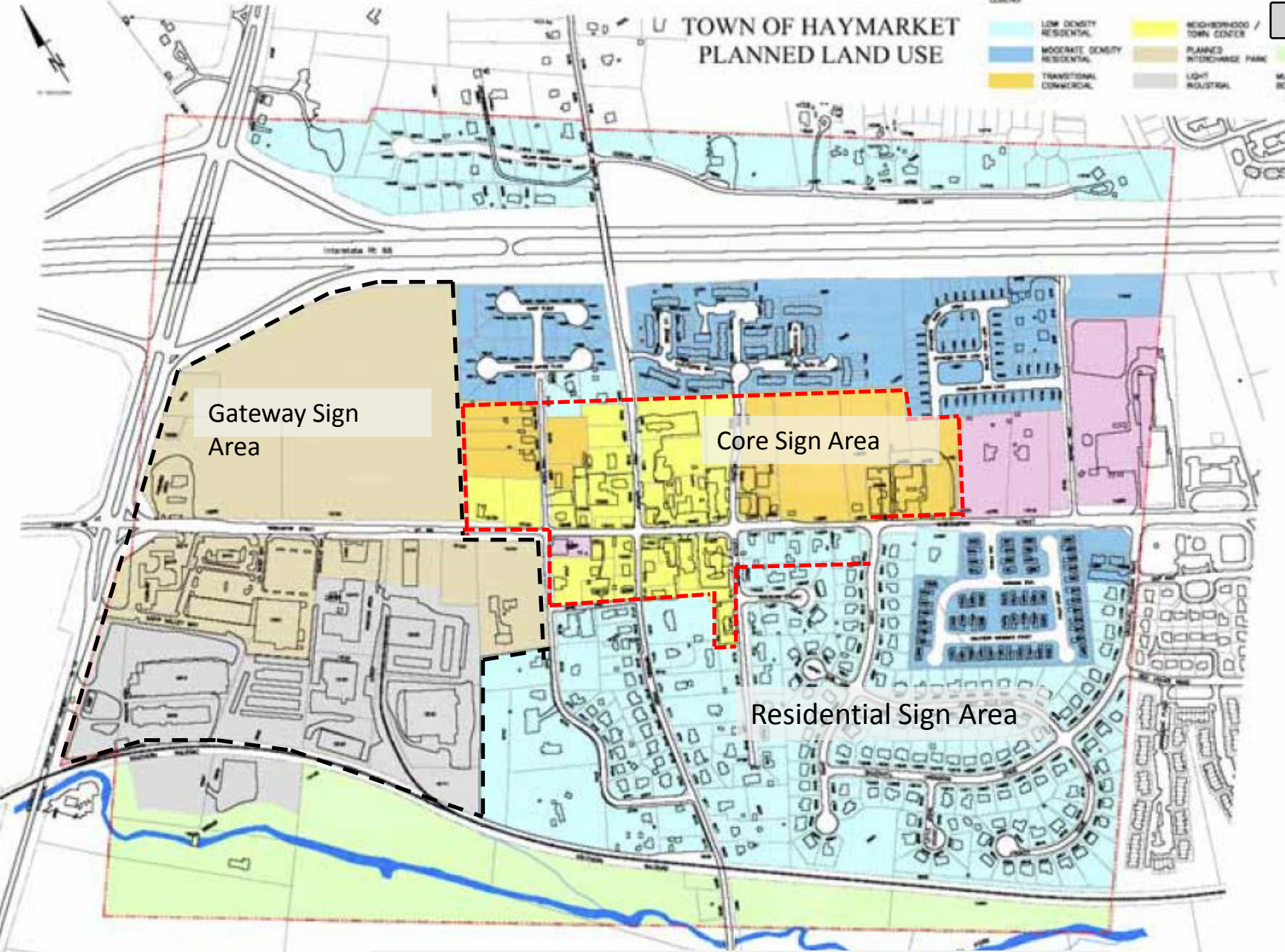
a. Standards applied to location

- Apply sign standards by zoning districts and land uses, including new “Sign Map Areas” based on the Comp Plan (to be shown on zoning map)
- Designate three “Sign Map Areas”: *Gateway, Core, and Residential*

TOWN OF HAYMARKET PLANNED LAND USE

LEGEND

	LOW DENSITY RESIDENTIAL		NEIGHBORHOOD / TOWN CENTER		CONSERVANCY
	MODERATE DENSITY RESIDENTIAL		PLANNED INTERCHANGE PARK		MINORIAL BOUNDARY
	TRANSITIONAL COMMERCIAL		LIGHT INDUSTRIAL		



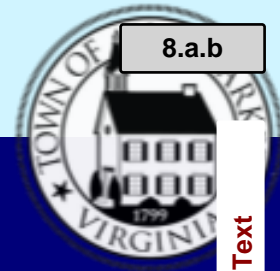
Gateway Sign Area

Core Sign Area

Residential Sign Area

Attachment: Haymarket PC Pres 11-9-15 v1 (2623 : Sign Ordinance Zoning Text

Haymarket DRAFT Sign Ordinance



8.a.b

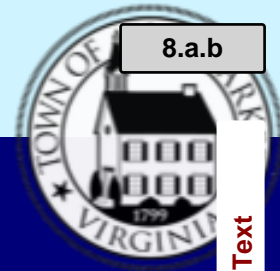
b. Off-street businesses and multi-tenant buildings

Soften standards for “off-premise” signs in industrial district and directory signs in commercial and industrial:

- Allow one off-premise sign on a contiguous lot for industrial district;
- Allow a directory sign for a building or for a site

Attachment: Haymarket PC Pres 11-9-15 v1 (2623 : Sign Ordinance Zoning Text

Haymarket DRAFT Sign Ordinance



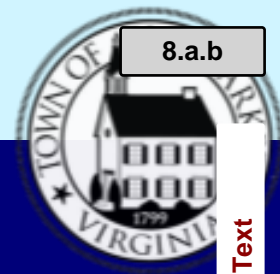
8.a.b

c. Number, size, and placement of signs (directory, off-site, spacing, etc.)

Allow > one sign per lot in I-1, B-1, B-2, but:

- Total sign area may not exceed max. for type;
- Total sign area limited for the district and to overall frontage length of the lot;
- Total number of signs limited by lot frontage, by business, or by site, depending on sign type.

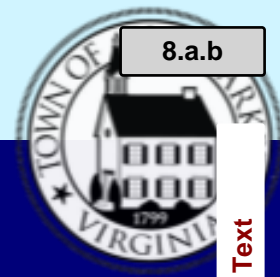
Attachment: Haymarket PC Pres 11-9-15 v1 (2623 : Sign Ordinance Zoning Text



4. Size Standards

a. Sign Area Recommendations:

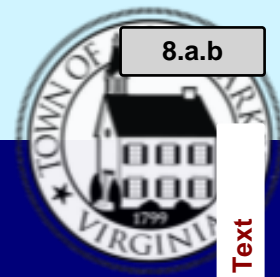
- Allow slightly larger sign area & height (50% to 100%);
- Avoid motor vehicle speed as main criterion;
- B-1: Expand max. directory sign area up to 48 S. F. or 56 for >100' lot width, and height to 8 or 10 feet;
- B-2: Expand max. directory sign area up to 48 S. F. or 56 for >100' lot width, and height to 10 feet;
- I-1: Expand max. directory sign area to 4.5 S.F. per tenant and height from 6 to 15 feet for industrial uses.



b. Area Calculation Recommendations:

- Establish fixed “baseline” sign area (and height) for each sign type within each sign map area.
- Allow larger directory signs for wider frontages.
- Regulate signs by lot, sign map area, and sign type, rather than by building or tenant (except wall signs and address signs).

Haymarket DRAFT Sign Ordinance



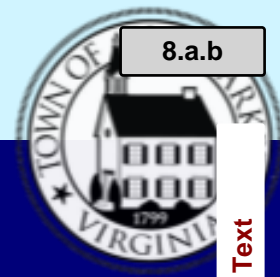
8.a.b

c. Letter Size Recommendations:

- Limit letter sizes only for signs with only letters.
- Allow a marginal (50%) increase in letter size from the current standard (12" to 18"), except in Gateway Area allow two feet height if setback 100 feet or more.
- Add limits to total sign area for letter signs (similar to wall signs) of 18 S.F. for B-1 in Core Area, and 20 S.F. for B-2, I-1, and B-1 in Gateway Area.

d. Present Size Requirements in Tabular Format

Attachment: Haymarket PC Pres 11-9-15 v1 (2623 : Sign Ordinance Zoning Text

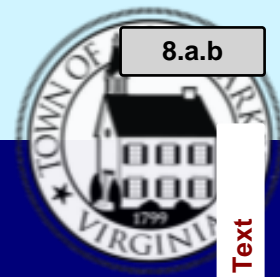


5. Sign Types Recommendations

a. Illumination

- Allow internally illuminated freestanding signs in the industrial zoning district (within gateway sign area).
- Allow neon lighted window signs only with existing size limits (15” x 24”).

Haymarket DRAFT Sign Ordinance



8.a.b

b. Painted signs

Issues include:

- Maintenance, visual impact, historic character.

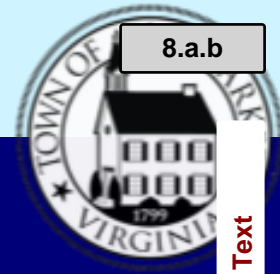
Recommendation:

- Allow in B-1 and B-2 districts in gateway area; limit to only side or rear walls; limit area of coverage to not >15% of total surface of the wall.

c. Sandwich Boards (A-Frames)

Continue to allow A-Frames with max size of 12 S. F., but limit to one per business or one per 30 linear feet.

Haymarket DRAFT Sign Ordinance



8.a.b

d. Temporary signs

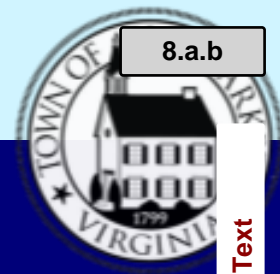
- Define to exclude content limits:

“Temporary sign. A sign designed or intended, based on materials and structural components, to be displayed for a specified or limited period of time, regardless of type or style of sign.”

- Differentiate between permitted and non-permitted signs.
- Require only Administrator approval

Attachment: Haymarket PC Pres 11-9-15 v1 (2623 : Sign Ordinance Zoning Text

Haymarket DRAFT Sign Ordinance

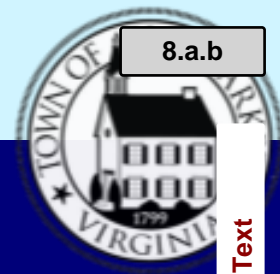


8.a.b

Temporary signs in all districts:

- Freestanding, wall or banner
- Displayed for no > 45 consecutive days
- One sign per location
- 8 sq. ft. in area and 4 feet in height (16 s. f. in residential)
- Administrator may extend for additional 45 days

Attachment: Haymarket PC Pres 11-9-15 v1 (2623 : Sign Ordinance Zoning Text

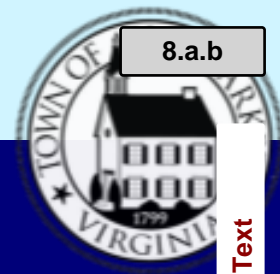


6. Legal Recommendations

- a. U. S. First Amendment (**and Reed v. Gilbert**)
No limits on content except for public safety and possibly off-premise and one-time events.

- b. U. S. Lanham Act
Branding limits only for historic compatibility, and apply the least restrictions possible.

- c. U. S. Religious Land Use and Institutionalized Persons Act (RLUIPA)
Delete references to “church” or religious signs - include churches in broad category of institutional.



7. Non-Conformities

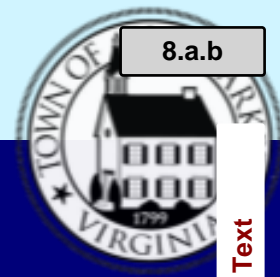
- Avoid variances and respect property rights while aiming for eventual compliance to code.

8. Definitions

- Updated for clarity and added illustrations
- Integrate with Sec. 58-1.

9. Organization of Regulations

- Grouped related provisions
- Put definitions at the end
- Tables to show standards



10. Related Planning Policy Issues & Options

- Gateway Entrance Features
- General Level of Street Lighting
- Pedestrian vs. Motor Vehicle Mobility
- Business Promotion



TO: Town of Haymarket Planning Commission
SUBJECT: PC By Laws
DATE: 11/09/15

Attached is a Summary of the By Law revisions. Also are the revised bylaws (both a mark-up of the last adopted version, and a clean version).

ATTACHMENTS:

- Memorandum - Summary of Bylaws Revisions (PDF)
- Planning Commission By-Laws Effective 08-10-2015 (VFN Rev1 Clean) (PDF)
- Planning Commission By-Laws Effective 08-10-2015 (VFN Rev1) (PDF)

MEMORANDUM

To: Planning Commission
CC: Sherrie Wilson, Deputy Clerk/Treasurer
 Marchant Schneider, Town Planner
From: Martin Crim
 Karen Cohen
Subject: Revision of Planning Commission Bylaws
Date: October 9, 2015

Summary of Bylaws Revisions

Art. I

States within the bylaws the rule that state law prevails in the event there is any conflict between these bylaws and state law.

Art. II

Minor language change to track state code provision that local planning commissions “shall serve primarily in an advisory capacity to the governing bodies.” Va. Code 15.2-2210.

Art. III

3-1: Tracks state code requirement that “[a] local planning commission shall consist of not less than five nor more than fifteen members, appointed by the governing body”; for clarification, added provision that, as of the effective date of the bylaws, Town Council has approved a seven-member Commission.¹

3-2: Tracks state code regarding terms of office for the two Commission members that are different (*i.e.*, the Town Council member and the administrative official member) from the remaining members. Per work session discussion, deletes future tense reference to the staggered terms of the initial members and tracks state code requirement for “subsequent” terms (referring generally, for context, to the statutorily mandated initial staggered terms).

3-5: State code provides that, in addition to removal for malfeasance, “a member of a local

¹ Meeting of Town Council, August 4, 2014, the following motion was unanimously adopted: “I move to approve the addition of two members to the Planning Commission per the state code 15.2-2212 that allows jurisdictions in the State of Virginia to have up to fifteen members on the appointed Planning Commission. Further, I move to approve the addition of two members to the Town’s Architectural Review Board and authorize the Town Clerk to advertise the open positions [on] the PC and ARB as soon as possible.”

planning commission may be removed from office by the local governing body without limitation in the event that the commission member is absent from any three consecutive meetings of the commission, or is absent from any four meetings of the commission within any 12-month period.” At the work session, Chairman Caudle indicated he would like Town Council to exercise its discretion with regard to removal for absences within certain parameters, such that only absences from *regular* meetings will be counted and that excused absences due to illness, death in family, or the like, would not count toward the tally of absences. Chairman Caudle asked the Town Attorney to clarify how this could be accomplished. The state code grants Town Council discretion with regard to removal for absences as set forth therein (absence from 3 consecutive meetings; 4 in a year). If the Commission desires, it may adopt a resolution recommending that Town Council adopt the Commission’s recommended policies regarding removal of a commissioner for absences. Ultimately, however, the state code expressly grants discretion to the governing body in this area (removal of a Commissioner for absences), so it would be up to Town Council whether to adopt policies recommended by the Commission.

3-6: Section 3-2 addresses the terms of the one Town Council member and the one administrative branch member (so prior edit to 3-6 has been removed). Section 3-6 was unclear; this has been clarified.

Art. IV

4-1: Changes track state code provision that the officers of the commission are a chairman and vice-chairman. Changes reflect Town’s custom of having the clerk act as the secretary, and require the clerk to be a Town employee to comply with the Public Records Act and FOIA. The only state code reference to the duties of the “secretary” is Va. Code 15.2-2214, providing for the secretary to mail notice of a special meeting. Change allows the clerk to act as the secretary for such purpose.

4-2: Changes clarify that the officers of the Planning Commission are the chairman and vice chairman, “whose terms shall be for one (1) year.” Va. Code 15.2-2217. An action of the planning commission authorized by a majority vote of those present and voting is valid; revised this section’s conflicting voting requirement to bring into conformity with state law. Va. Code 15.2-2215.

4-3; 4-4: Clarified language on expiration of term of office and filling of vacancies; no substantive change. The one-year term of the chairman and vice chairman is now referenced at the very beginning of this article (in § 4-1) for added clarity; it is, therefore, removed from here.

Art. V

5-1-4: Clarified (so as not to *require* such officer to “be informed immediately of any official communication” (which may not be possible); rather, to say that “when informed” he/she is to report at the next meeting)

Art. VI

Conforms to state law the vote required for action of the Commission.

Art. VII

7-1: State law requires the Planning Commission to meet *at least* annually. This Commission meets more frequently (monthly). For flexibility, added provision to clarify that chairman may cancel if there is no pending business, so long as the Commission meets at least once every two months.

7-2: Written notice of special meetings is required to be *mailed* at least 5 days before a special meeting per state code; for convenience of members, added that the notice must be emailed, too.

Art. VIII

Adds that a quorum is necessary for a vote on any matter. This restates a procedural rule to make it clear in the bylaws without having to refer to Robert’s Rules.

Art. IX

Added “intentionally omitted” so you would not have to re-number.

Art. X

Simplified 10-2, since state law provides the notice requirements.

Art. XII

Conforms to state law the vote required for action of the Commission.

General Note: Capitalized Planning Commission, Commission, Chair, Vice-Chair and Clerk throughout to achieve consistency.

BYLAWS

Town of Haymarket, Virginia

Planning Commission



Adopted and Effective _____, 2015

Attachment: Planning Commission By-Laws Effective 08-10-2015 (VFN Rev1 Clean) (2625 : PC By Laws)

ARTICLE I – AUTHORIZATION

- 1-1. This Planning Commission is established in conformance with a resolution adopted by the Haymarket Town Council on March 2004; and in accord with the provisions of Section 15.2-2210, Code of Virginia (1997), as amended.
- 1-2. The official title of this Planning Commission shall be the “Town of Haymarket Planning Commission,” hereinafter referred to as the “Commission.”
- 1-3. These bylaws shall be interpreted to be consistent with state law; to the extent there is a conflict between these bylaws and state law, the provisions of state law shall govern.

ARTICLE II – PURPOSE

- 2-1. The purpose of the Commission is primarily to advise the Town Council with respect to anticipating and guiding future development and change by preparing plans, ordinances, capital improvements programs, studies, reports, and other documents for consideration by the Town Council.

ARTICLE III – MEMBERSHIP

- 3-1. As of the effective date of these Bylaws, Town Council has approved a seven-member Commission. The Commission shall consist of not less than five nor more than fifteen members appointed by the Town Council, all of whom shall be residents of the Town of Haymarket and qualified by knowledge and experience to make decisions on questions of community growth and development; provided, that at least one-half of the members so appointed shall be owners of real property. One member may be a member of the Town Council and one member may be an administrative official of the Town government.
- 3-2. The terms of office for the member who is a member of the Town Council and the member who is an administrative official shall be coextensive with the term of office to which he or she has been elected or appointed, unless the Town Council, at the first regular meeting each year, appoints others to serve as their representatives. As to the remaining members of the Commission, upon expiration of the statutorily mandated staggered terms of the members first appointed, subsequent appointments shall be for terms of four (4) years each or such other terms as established by the Town Council.
- 3-3. Any vacancy in membership shall be filled by appointment of the Town Council and shall be for the unexpired portion of the term only.
- 3-4. Any member of the Commission shall be eligible for reappointment.

- 3-5. Any member of the Commission may be removed by the Town Council for malfeasance in office or other grounds permitted by law. In either such event, a successor shall be appointed by the Town Council for the unexpired portion of the term of the member who has been removed.
- 3-6. The term of a Commission member shall expire upon the swearing in of his or her successor or if the Commission member is re-appointed, then his or her prior term expires upon such reappointment to another term.
- 3-7. The Town Council may provide for the payment of expenses incurred by Commission members in the performance of their official duties and compensation for services.

ARTICLE IV – SELECTION OF OFFICERS

- 4-1. The Commission shall elect from the appointed members a Chairman and a Vice-Chairman, whose terms shall be for one (1) year. A clerk shall serve at the request of the Commission and shall be an employee of the Town government. The Clerk shall be deemed “secretary” for the purposes of complying with Va. Code § 15.2-2214.
- 4-2. Nomination for the offices of Chairman and Vice-Chairman shall be made from the floor with the election to immediately follow at the regular July meeting each year or if a quorum is not present, or if no one is elected, then the nomination and election of officers shall be held as reasonably close in time as possible to such regularly scheduled meeting. A candidate receiving a majority vote of those present and voting shall be declared elected.
- 4-3. Said officers shall serve until the expiration of their terms of office or until a successor takes office.
- 4-4. Any vacancy in office of Chairman or Vice-Chairman shall be filled for the unexpired portion of the term in the same manner as such officers are originally chosen, with the election taking place as reasonably close in time as possible to when the vacancy occurs.

ARTICLE V – DUTIES OF OFFICERS

- 5-1. The Chairman shall be a member of the Commission and shall:
 - 5-1-1. Preside at all meetings.
 - 5-1-2. Appoint all committees.
 - 5-1-3. Rule on all procedural questions (subject to a reversal by a majority vote by the members present and voting).
 - 5-1-4. When informed immediately of any official communication, report same at the next regular Commission meeting.

- 5-1-5. Certify all official documents involving the authority of the Commission.
- 5-1-6. Certify all minutes as true and correct copies.
- 5-1-7. Carry out other duties as assigned by the Commission.
- 5-2. The Vice-Chairman shall be a member of the Commission and shall:
 - 5-2-1. Act in the absence or inability of the Chairman to act, with the full powers of the Chairman.
- 5-3. The Clerk shall:
 - 5-3-1. Record attendance at all meetings.
 - 5-3-2. Record the minutes of the Commission meetings.
 - 5-3-3. Notify all members of all meetings.
 - 5-3-4. Maintain a file of all official Commission records and reports.
 - 5-3-5. Certify all maps, records, and reports of the Commission.
 - 5-3-6. Give notice and be responsible for publishing public notices of all Commission public hearings and public meetings.
 - 5-3-7. Attend to the correspondence necessary for the execution of the duties and functions of the Commission.

ARTICLE VI – COMMITTEES

- 6-1. Committees, standing or special, may be appointed by the Chairman, to serve as needed. Such committees shall be subject to the approval of the Commission by a vote in accordance with Article VIII hereof.

ARTICLE VII – MEETINGS

- 7-1. Regular meetings of the Commission shall be held at least once a month. If the Commission has no pending business, the Chairman may cancel the meeting by notice through the Clerk; provided, however, that the Commission shall meet at least once every two months. Special meetings shall be called as needed in accordance with § 7-2 of these bylaws. When a meeting date falls on a legal holiday, the meeting shall be held on the day following unless otherwise designated by the Commission.
- 7-2. Special meetings may be called by the Chairman or by two (2) members upon written request to the Clerk. The Clerk shall mail and email to all members, at least five (5) days before a special meeting, a written notice giving the time, place and purpose of the meeting.
- 7-3. All meetings of the Commission shall be open to the public unless closed in accordance with the Virginia Freedom of Information Act.

ARTICLE VIII – VOTING

- 8-1. The presence of a quorum is necessary for a vote on any matter.
- 8-2. A majority of the members shall constitute a quorum.
- 8-3. No action of the Commission shall be valid unless authorized by a majority vote of those present and voting.

ARTICLE IX – ORDER OF BUSINESS

- 9-1. The order of business for a regular meeting shall be:
 - 9-1-1. Call to order by Chairman.
 - 9-1-2. Roll call.
 - 9-1-3. Determination of a quorum.
 - 9-1-4. Public expression.
 - 9-1-5. Reading of minutes.
 - 9-1-6. (Intentionally Omitted).
 - 9-1-7. Report of standing committees.
 - 9-1-8. Report of special committees.
 - 9-1-9. Unfinished business.
 - 9-1-10. New business.
 - 9-1-11. Adjournment.
- 9-2. Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order applicable to small boards.
- 9-3. The Commission shall keep a set of minutes of each meeting, and these minutes shall become a public record.
- 9-4. The Clerk and Chairman shall sign all minutes and, at the end of the year, shall certify that the minutes of the preceding year are a true and correct copy.

ARTICLE X – PUBLIC HEARING

- 10-1. The procedures normally followed for a public hearing involving a rezoning application, use permit, etc., amendment of the Zoning or Subdivision Ordinance, or matter other than the consideration of the comprehensive plan or part thereof, shall be:
 - 10-1-1. Call to order; determination of quorum.
 - 10-1-2. Description of properties in issue.
 - 10-1-3. Applicant's presentation including witnesses in support of application (fifteen minutes).

- 10-1-4. Interested witnesses’ presentation in opposition to application (twenty minutes).
- 10-1-5. Applicant’s rebuttal (five minutes).
- 10-1-6. The normal time limitations are set forth in parentheses, but may be shortened or extended as determined by the Planning Commission.
- 10-1-7. Planning Commission discussion and action.
- 10-1-8. An applicant may appear in his own behalf, or be represented by an attorney or agent at the hearing.
- 10-1-9. In the absence of a personal appearance by the applicant or his agent, the Planning Commission may proceed to vote on the application on the record before it.
- 10-2. The Planning Commission shall publish a notice of public hearing in accordance with state law.
- 10-3. The procedures normally followed for a hearing involving consideration of the comprehensive plan or a part thereof shall be:
 - 10-3-1. Call to order, determination of a quorum.
 - 10-3-2. Description of area under study, together with presentation, by the Planning Commission or its representative of recommendations for development of the area.
 - 10-3-3. Call by Chairman for names of interested parties who wish to speak to the proposed plan.
 - 10-3-4. Presentation by interested parties to the proposed plan. (Time limitations as announced by the Chairman.)
 - 10-3-5. Planning Commission – staff discussion of the proposed plan.
 - 10-3-6. Planning Commission discussion and action.
- 10-4. The Planning Commission shall keep a set of minutes of all meetings, including the names and addresses of all witnesses giving testimony before the Planning Commission.

ARTICLE XI – CORRESPONDENCE

- 11-1. All official papers and plans involving the authority of the Planning Commission shall bear the signature of the Chairman, together with the certification signed by the Clerk.

ARTICLE XII – AMENDMENTS

- 12-1. These Bylaws may be amended by a vote of the Commission in accordance with Article VIII hereof after thirty (30) days’ prior notice.

Done and adopted this ____ day of _____, 20____, to be effective _____.

BY:

Matthew Caudle, Chairman of the Planning Commission

ATTEST:

Sherrie Wilson, Clerk of the Planning Commission

Attachment: Planning Commission By-Laws Effective 08-10-2015 (VFN Rev1 Clean) (2625 : PC By Laws)

BYLAWS

Town of Haymarket, Virginia

Planning Commission



Adopted and Effective ~~August 10~~ _____, 2015

Attachment: Planning Commission By-Laws Effective 08-10-2015 (VFN Rev1) (2625 : PC By Laws)

ARTICLE I – AUTHORIZATION

- 1-1. This Planning Commission is established in conformance with a resolution adopted by the Haymarket Town Council on March 2004; and in accord with the provisions of Section 15.2-2210, Code of Virginia (1997), as amended.
- 1-2. The official title of this ~~planning commission~~Planning Commission shall be the “Town of Haymarket Planning Commission,” hereinafter referred to as the “Commission.”
- 1-3. These bylaws shall be interpreted to be consistent with state law; to the extent there is a conflict between these bylaws and state law, the provisions of state law shall govern.

ARTICLE II – PURPOSE

- 2-1. The purpose of the Commission is primarily to ~~assist~~advise the Town Council with respect to anticipateing and guideing future development and change by preparing plans, ordinances, capital improvements programs, studies, reports, and other documents for consideration by the Town Council.

ARTICLE III – MEMBERSHIP

- 3-1. As of the effective date of these Bylaws, Town Council has approved a seven-member Commission. The Commission ~~may shall~~ consist of not less than five nor more than fifteen seven (7) members appointed by the Town Council, ~~a~~all of whom ~~members~~ shall be residents of the Town of Haymarket and qualified by knowledge and experience to make decisions on questions of community growth and development; provided, that, –~~At~~ least one-half of the members so appointed shall be owners of real property. One member may be a member of the Town Council and one member may be an administrative official of the Town government.
- 3-2. The terms of office for the members who is a member of the Town Council and the member who is an administrative official shall be coextensive with their ~~terms~~ of office to which he or she has been elected or appointed, unless the Town Council, at the first regular meeting each year, appoints others in their stead to serve as their representatives. ~~The terms of the other original members shall be for one (1), two (2), three (3), and four (4) years.~~ As to the remaining members of the Commission, upon expiration of the statutorily mandated staggered terms of the members first appointed, Ssubsequent ~~members~~ appointments shall be ~~appointed~~ for terms of four (4) years each or such other terms as established by the Town Council.

- 3-3. Any vacancy in membership shall be filled by appointment of the Town Council and shall be for the unexpired portion of the term only.
- 3-4. Any member of the Commission shall be eligible for reappointment.
- 3-5. Any member of the Commission may be removed by the Town Council for malfeasance in office or other grounds permitted by law. In either such event, a successor shall be appointed by the Town Council for the unexpired portion of the term of the member who has been removed.
- 3-6. The term of a Commission member shall expire upon the swearing in of his or her the new-successor commission or if the Commission member is re-appointed, then his or her prior term expires upon such reappointment to another term-of-commissioner.
- 3-7. The Town Council may provide for the payment of expenses incurred by Commission members in the performance of their official duties and compensation for services.

ARTICLE IV – SELECTION OF OFFICERS

- 4-1. The Commission shall elect from the appointed members a Chairman and a Vice-Chairman, whose terms shall be for one (1) year. Officers of the Commission shall consist of a chairman and vice-chairman. The chairman and vice-chairman shall be elected by the membership. A clerk shall serve at the request of the Commission and may be a member of the Commission, shall be an employee of the Town government, or a citizen volunteer. The Clerk shall be deemed “secretary” for the purposes of complying with Va. Code § 15.2-2214.
- 4-2. Nomination of officers for the offices of Chairman and Vice-Chairman shall be made from the floor with the election to immediately follow at the regular July meeting each year or if a quorum is not present, or if no one is elected, then the nomination and election of officers shall be held as reasonably close in time as possible to such regularly scheduled meeting. Election of officers shall follow immediately. A candidate receiving a majority vote of those present and voting of the entire membership shall be declared elected.
- 4-3. The term of office shall be for one (1) year. Said officers shall serve until the expiration of their terms of office or until a successor takes office.
- 4-4. Any vacancies-vacancy in office of Chairman or Vice-Chairman shall be filled for the unexpired portion of the term in the same manner as the-such officers are originally chosen, with the election taking place as reasonably close in time as possible to when the vacancy occurs.

ARTICLE V – DUTIES OF OFFICERS

- 5-1. The Chairman shall be a member of the Commission and shall:
- 5-1-1. Preside at all meetings.
- 5-1-2. Appoint all committees.
- 5-1-3. Rule on all procedural questions (subject to a reversal by a ~~two-thirds (2/3)~~ majority vote by the members present and voting).
- 5-1-4. ~~Be~~ When informed immediately of any official communication, ~~and~~ report same at the next regular ~~commission~~ Commission meeting.
- 5-1-5. Certify all official documents involving the authority of the Commission.
- 5-1-6. Certify all minutes as true and correct copies.
- 5-1-7. Carry out other duties as assigned by the Commission.
- 5-2. The Vice-Chairman shall be a member of the Commission and shall:
- 5-2-1. Act in the absence or inability of the ~~chairman~~ Chairman to act, with the full powers of the ~~chairman~~ Chairman.
- 5-3. The Clerk shall:
- 5-3-1. Record attendance at all meetings.
- 5-3-2. Record the minutes of the Commission meetings.
- 5-3-3. Notify all members of all meetings.
- 5-3-4. Maintain a file of all official Commission records and reports.
- 5-3-5. Certify all maps, records, and reports of the Commission.
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ARTICLE VI – COMMITTEES

- 6-1. Committees, standing or special, may be appointed by the Chairman, to serve as needed. Such committees shall be subject to the approval of ~~a majority vote of the Commission~~ by a vote in accordance with Article VIII hereof.

ARTICLE VII – MEETINGS

- 7-1. Regular meetings of the Commission shall be held at least once a month. If the Commission has no pending business, the Chairman may cancel the meeting by notice through the Clerk; provided, however, that the Commission shall meet at least once every two months. Special meetings shall be called as needed in accordance with § 7-2 of

[these bylaws](#). When a meeting date falls on a legal holiday, the meeting shall be held on the day following unless otherwise designated by the Commission.

- 7-2. Special meetings may be called by the ~~chairman~~Chairman or by two (2) members upon written request to the ~~clerk~~Clerk. The ~~clerk~~Clerk shall mail [and email](#) to all members, at least five (5) days before a special meeting, a written notice giving the time, place and purpose of the meeting.
- 7-3. All meetings of the Commission shall be open to the public [unless closed in accordance with the Virginia Freedom of Information Act](#).

ARTICLE VIII – VOTING

- 8-1. [The presence of a quorum is necessary for a vote on any matter](#).
- ~~8-2.~~ A majority of the members shall constitute a quorum.
- ~~8-23.~~ No action of the Commission shall be valid unless authorized by a majority vote of those present and voting.

ARTICLE IX – ORDER OF BUSINESS

- 9-1. The order of business for a regular meeting shall be:
- 9-1-1. Call to order by ~~chairman~~Chairman.
- 9-1-2. Roll call.
- 9-1-3. Determination of a quorum.
- 9-1-4. Public expression.
- 9-1-5. Reading of minutes.
- 9-1-6. [\(Intentionally Omitted\)](#).
- 9-1-7. Report of standing committees.
- 9-1-8. Report of special committees.
- 9-1-9. Unfinished business.
- 9-1-10. New business.
- 9-1-11. Adjournment.
- 9-2. Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order [as tailored by the Chairperson applicable to small boards](#).
- 9-3. The Commission shall keep a set of minutes of each meeting, and these minutes shall become a public record.
- 9-4. The ~~clerk~~Clerk and ~~chairman~~Chairman shall sign all minutes and, at the end of the year, shall certify that the minutes of the preceding year are a true and correct copy.

ARTICLE X – PUBLIC HEARING

- 10-1. The procedures normally followed for a public hearing involving a rezoning application, use permit, etc., amendment of the Zoning or Subdivision Ordinance, or matter other than the consideration of the comprehensive plan or part thereof, shall be:
- 10-1-1. Call to order; determination of quorum.
- 10-1-2. Description of properties in issue.
- 10-1-3. Applicant's presentation including witnesses in support of application (fifteen minutes).
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- 10-1-5. Applicant's rebuttal (five minutes).
- 10-1-6. The normal time limitations are set forth in parentheses, but may be shortened or extended as determined by the Planning Commission.
- 10-1-7. Planning Commission discussion and action.
- 10-1-8. An applicant may appear in his own behalf, or be represented by an attorney or agent at the hearing.
- 10-1-9. In the absence of a personal appearance by the applicant or his agent, the Planning Commission may proceed to ~~dispose of~~vote on the application on the record before it.
- 10-2. The Planning Commission shall publish a notice of public hearing ~~at least once a week for two consecutive weeks in a newspaper of general circulation prior to conducting the hearing in accordance with state law.~~
- 10-3. The procedures normally followed for a hearing involving consideration of the comprehensive plan or a part thereof shall be:
- 10-3-1. Call to order, determination of a quorum.
- 10-3-2. Description of area under study, together with presentation, by the Planning Commission or its representative of recommendations for development of the area.
- 10-3-3. Call by Chairman for names of interested parties who wish to speak to the proposed plan.
- 10-3-4. Presentation by interested parties to the proposed plan. (Time limitations as announced by the Chairman.)
- 10-3-5. Planning Commission – staff discussion of the proposed plan.
- 10-3-6. Planning Commission discussion and action.
- 10-4. The Planning Commission shall keep a set of minutes of all meetings, including the names and addresses of all witnesses giving testimony before the Planning Commission.

ARTICLE XI – CORRESPONDENCE

- 11-1. All official papers and plans involving the authority of the Planning Commission shall bear the signature of the Chairman, together with the certification signed by the ~~clerk~~Clerk.

ARTICLE XII – AMENDMENTS

12-1. These Bylaws may be amended by a majority-vote of the Commission in accordance with Article VIII hereof ~~entire membership~~ after thirty (30) day's' prior notice.

Done and adopted this _____ day of _____, 20____, to be effective _____.

BY:

Matthew Caudle, Chairman of the Planning Commission

ATTEST:

Sherrie Wilson, Clerk of the Planning Commission

Attachment: Planning Commission By-Laws Effective 08-10-2015 (VFN Rev1) (2625 : PC By Laws)



TO: Town of Haymarket Planning Commission
SUBJECT: Comp Plan Amendment
DATE: 11/09/15

The Town Planner will update on this item.



TO: Town of Haymarket Planning Commission
SUBJECT: Amendment to the Planned Land Use Map
DATE: 11/09/15

The Town Planner will report on this item.



TO: Town of Haymarket Planning Commission
SUBJECT: Robinson's Paradise
DATE: 11/09/15

The Town Planner will report on this item.