



# TOWN OF HAYMARKET PLANNING COMMISSION

## REGULAR MEETING ~ AGENDA ~

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

15000 Washington Street, Suite 100  
Haymarket, VA 20169

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Monday, December 14, 2015

7:00 PM

Council Chambers

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### **1. Call to Order**

### **2. Pledge of Allegiance**

### **3. Moment of Silence**

### **4. Public Hearing**

a. Flood Plain Ordinance

### **5. Minutes Approval**

a. Planning Commission - Regular Meeting - Nov 9, 2015 7:00 PM

### **6. Citizens Time**

### **7. Announcements**

### **8. ARB & Town Council Update**

### **9. New Business**

a. Change of Day - PC Meetings

### **10. Old Business**

a. Floodplain Ordinance Zoning Text Amendment

b. PC Bylaws

### **11. Town Planner Update**

### **12. 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, November 9, 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

Chairman Matt Caudle: Present, Commissioner James Carroll: Present, Commissioner Maureen Carroll: Present, Commissioner Connor Leake: Present, Commissioner Cathy Pasanello: Present.

#### b. Pledge of Allegiance

### 2. Public Hearings

#### a. Sign Ordinance Zoning Text Amendment

Chairman Caudle opens up the public hearing and asks if anyone would like to speak in favor or opposed to the proposed text amendments

#### Mike Cerny - Foster's Grille

He is here this evening to follow up from being part the stakeholders input. He provided his opinions on the needs of Foster's Grille with regard to signage. He continues to see new developments outside of the Town that display neon signs. He is an employer and gives back to the community. He has heard a lot of positive from the public on his new sign. He has had 10% growth in the September year over and 17% growth last year. He is getting a lot of new customers and he has heard that they never knew he was there, until they saw the sign. The building owner considers Fosters Grille as their anchor tenant, so his signage is unique.

#### Dottie Leonard - 14801 Washington Street

She asks that this board not make a decision on the sign revisions tonight. She feels the citizens group needs time to look at these revisions. She feels the ARB is failing. She told the Town Council over a year ago that the sign ordinance needed changing. She understands that Reed vs. Gilbert allows for any content, but we are responsible for the look. The whole reason for the historic district overlay was so that we would have the power to make things attractive in this historic town. She is the chairman of the citizen's group and feels she can pass these concerns on for them. She has never had to apply for a permit for a real estate sign.

<b>RESULT:</b>	<b>CLOSED [UNANIMOUS]</b>
<b>MOVER:</b>	James Carroll, Commissioner
<b>SECONDER:</b>	Connor Leake, Commissioner
<b>AYES:</b>	Caudle, Carroll, Carroll, Leake, Pasanello

### 3. Minutes Approval

#### a. Planning Commission - Regular Meeting - Sep 14, 2015 7:00 PM

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Connor Leake, Commissioner
<b>SECONDER:</b>	James Carroll, Commissioner
<b>AYES:</b>	Caudle, Carroll, Carroll, Leake, Pasanello

#### b. Planning Commission - Work Session - Oct 6, 2015 4:30 PM

Minutes Acceptance: Minutes of Nov 9, 2015 7:00 PM (Minutes Approval)

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Connor Leake, Commissioner
<b>SECONDER:</b>	James Carroll, Commissioner
<b>AYES:</b>	Caudle, Carroll, Carroll, Leake, Pasanello

#### 4. Citizens Time

*No public comment*

#### 5. Announcements

#### 6. ARB & Town Council Update

ARB Update - Commissioner Leake

- ARB held a work session regarding the Town gateway "welcome" signs. They plan to have smaller signs at our sub entrances into Town on Jefferson & Old Carolina. There is discussion of two larger signs on Route 15 both north and southbound.
- They approved a deck application
- The consultant came to the ARB about the Town Center Master Plan

Town Council Update - Councilman Caudle

- Harrover Master Plan update:
  - Food Pantry will be given notice to vacate on December 31, 2016
  - Open space, pavilion, network of trails, major community playground, amphitheater, picnic tables & benches, one entrance, minimal parking, harvesting the wood from the well house building, public restrooms, seeking a demo/sale permit on 14710, scaling back 14740 to its original structure,

#### 7. New Business

##### a. Chick-fil-A

The Town Planner advises that there will be joint hearing at the December 7, 2015 Town Council meeting. The Planning Commission will hold their hearing that evening. The Chick-fil-A matters that will be heard that evening are:

- Zoning Text Amendments to address commercial signs in the B-2 Zoning District
- Zoning Text Amendments to address drive through stacking
- Site Plan Amendment
- Special Use Permit for the drive through lane

##### b. Sheetz

The Sheetz application will be heard at the December 7th Town Council meeting. Their application consists of:

- Zoning Text Amendment
- Preliminary Site Plan
- Special Use Permit

We do not have all of the documents at this time for this application; however we will hold the hearing at the very least.

##### c. Flood Plain Ordinance

Holly Montague - Town Engineer

The Virginia Department of Conservation & Recreation (DCR) has reviewed our existing ordinance and has determined that it needs updating. DCR has provided the Town with a sample ordinance. That ordinance is being presented to you this evening. Staff is asking that you schedule a joint public hearing with the Town Council for December. She emphasizes that this is not a map revision. The Flood Plain maps are not changing. Commissioner Maureen Carroll would like to know some of the reasons for the changes or perhaps a brief comparison sheet. Ms. Montague will reach out to DCR to see if they have a FAQ sheet.

### 8. Old Business

#### a. Sign Ordinance Zoning Text Amendment

Mr. Herd provides a presentation this evening that is included in the packets. The Planning Commission agrees that the sign ordinance revisions as presented this evening are good except the following:

- Temporary signs to be removed from the requirement of obtaining a permit
- Remove banners from the temporary sign category
- Enlarge gateway signs

#### b. PC By Laws

Chair Caudle asks if we are under any obligation to adopt these by-laws this evening. Ms. Carroll would like to add under 8-2, she asks if we could change it to "a majority of members present".

Ms. Cohen said that language has been addressed and recommended with the following under that section: "A majority of the currently serving members shall constitute a quorum. Vacant seats are not counted as currently serving members notwithstanding the foregoing for a quorum to exist there must be at least three currently serving members".

#### c. Comp Plan Amendment

#### d. Amendment to the Planned Land Use Map

Chairman Caudle asks that this matter be moved on an acted on. It is agreed that this hearing will be held on December 14, 2015.

#### e. Robinson's Paradise

The applicant has extended the timeline on this matter and they will be amending their application.

### 9. Town Planner Update/1 Mile Notices

He attended the VRE committee meeting today. He expresses some concerns that if the end of line is proposed to be within the Town there will be some challenges.

- We are in a proposal to make this area a train horn quiet zone. Adding two perhaps three additional tracks could really add some noise.
- Will there environmental impacts to the North Fork with housing a rail yard
- How would we deal with traffic with the new intersection, would we overwhelm this interchange.

### 10. Adjournment

#### a. Motion to Adjourn

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Matt Caudle, Chairman
<b>SECONDER:</b>	James Carroll, Commissioner
<b>AYES:</b>	Caudle, Carroll, Carroll, Leake, Pasanello

Submitted:

Approved:

\_\_\_\_\_  
Sherrie Wilson, Deputy Clerk

\_\_\_\_\_  
Matt Caudle, Chairman

Minutes Acceptance: Minutes of Nov 9, 2015 7:00 PM (Minutes Approval)



TO: Town of Haymarket Planning Commission  
SUBJECT: Change of Day - PC Meetings  
DATE: 12/14/15

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Chairman Caudle asks that the Planning Commissioners consider moving the regular meeting from Mondays to Wednesdays beginning in January 2016. Should the Planning Commission change their meetings to Wednesdays, the following will be the 2016 schedule:

- January 13, 2016
- February 10, 2016
- March 9, 2016
- April 13, 2016
- May 11, 2016
- June 8, 2016
- July 13, 2016
- August 10, 2016
- September 14, 2016
- October 12, 2016
- November 9, 2016
- December 14, 2016



TO: Town of Haymarket Planning Commission  
 SUBJECT: Floodplain Ordinance Zoning Text Amendment  
 DATE: 12/14/15

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## BACKGROUND

- 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.
- Attached is the current ordinance. The revised ordinance will be placed within the Town Code, but outside of the Zoning Ordinance. The Planning Commission will not need to review the new ordinance.

## OVERVIEW OF CHANGES

- At the suggestion of the Town Attorney, the Flood Plain Ordinance is being removed from the Zoning section to a separate section of the Town Code.
- There are changes to old definitions and new definitions.
- A new Administration section has been added in which the Floodplain Administrator is designated and his/her duties clearly outlined.
- At the request of FEMA, the NFIP construction standards are called out in the ordinance instead of being included by reference to the building code.
- The Term "100-year flood" is officially replaced with "one percent annual chance flood."
- Other minor changes to meet FEMA and State laws and regulations.
- NOTE: There are no changes to the mapping of the "once percent annual chance flood" and thereby **no new or increased areas of impacts to property owners.**

## STAFF RECOMMENDATION

- Staff recommends that the Planning Commission recommend to the Town Council that Haymarket Town Code Article XV FLOODPLAIN ORDINANCE, sections 58-596 through 58-655 of the Zoning Ordinance be repealed in its entirety.

## DRAFT MOTION(S)

1. I move that the Planning Commission forward to the Town Council a recommendation to repeal Haymarket Town Code Article XV FLOODPLAIN ORDINANCE, sections 58-596 through 58-655 of the Zoning Ordinance;

OR

2. I move an alternate motion

**ATTACHMENTS:**

- 03 Current ARTICLE\_XV.\_\_\_FLOODPLAIN\_DISTRICTS (1) (PDF)
- 03 Current ARTICLE\_XV.\_\_\_FLOODPLAIN\_DISTRICTS (1) REDLINED (PDF)
- Ad Proof - PC 12-14-2015 (PDF)

ARTICLE XV. - FLOODPLAIN DISTRICTS<sup>101</sup>

Footnotes:

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**Cross reference**— Erosion and sedimentation control, § 18-66 et seq.

## DIVISION 1. - GENERALLY

Sec. 58-596. - Purpose.

The purpose of this article 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:

- (1) 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.
- (2) Restricting or prohibiting certain uses, activities and development from locating within districts subject to flooding.
- (3) Requiring all those uses, activities and developments that do occur in floodprone districts to be protected and/or floodproofed against flooding and flood damage.
- (4) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

(Ord. of 4-3-1995, art. I, § 1.1)

Sec. 58-597. - Applicability.

This article shall apply to all lands within the jurisdiction of the town and identified as being in the 100-year floodplain by the Federal Insurance Administration.

(Ord. of 4-3-1995, art. I, § 1.2)

Sec. 58-598. - Compliance and liability.

- (a) No land shall 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 article and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this article.
- (b) The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that districts outside the floodplain district, or that land uses permitted within such district, will be free from flooding or flood damages.



- (c) This article shall not create liability on the part of the town or any officer or employee of the town for any flood damages that result from reliance on this article or any administrative decision lawfully made under this article.

(Ord. of 4-3-1995, art. I, § 1.3)

Sec. 58-599. - Abrogation and greater restrictions.

This article supersedes any ordinance currently in effect in floodprone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this article.

(Ord. of 4-3-1995, art. I, § 1.4)

Sec. 58-600. - Definitions.

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

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

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

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

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

Development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment or materials.

Floodplain means any land area susceptible to being inundated by water from any source.

Floodway means 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 a designated height.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management.

Lowest floor means the lowest floor of the lowest enclosed area (including basement).

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) No more than 400 square feet 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.

Substantial damage means 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 damage occurred.

Substantial improvement shall mean 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: 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 any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

(Ord. of 4-3-1995, art. II; [Ord. No. 20150302, § 1, 3-2-2015](#))

**Cross reference**— Definitions generally, § 1-2.

Secs. 58-601—58-625. - Reserved.

## DIVISION 2. - ESTABLISHMENT OF ZONING DISTRICTS

Sec. 58-626. - Description of districts.

- (a) Basis of districts. The various floodplain districts shall include areas subject to inundation by waters of the 100-year flood. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) for Prince William County, Virginia, and Incorporated Areas prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated January 5, 1995, as amended.
- (1) The floodway district is delineated, for purposes of this article, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the 100-year flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this district are specifically defined in the above-referenced flood insurance study and shown on the accompanying flood insurance rate map (panels 59 and 67).
  - (2) The flood-fringe district shall be that area of the 100-year floodplain not included in the floodway district. The basis for the outermost boundary of the district shall be the 100-year flood elevations contained in the flood profiles of the above-referenced flood insurance study and as shown on the accompanying flood insurance rate map (panels 59 and 67).
- (b) Overlay concept.
- (1) The floodplain districts described in subsection (a) of this section 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.
  - (2) In the event of 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.
  - (3) If 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.

(Ord. of 4-3-1995, art. III, § 3.1)

Sec. 58-627. - Boundaries; official zoning map.

The boundaries of the floodplain districts are established as shown on the flood boundary and floodway map and/or flood insurance rate map, which is declared to be a part of this article and which shall be kept on file at the town offices.

(Ord. of 4-3-1995, art. III, § 3.2)

Sec. 58-628. - District boundary changes.

The delineation of any of the floodplain districts may be revised by the town council where natural or manmade 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 Insurance Administration.

(Ord. of 4-3-1995, art. III, § 3.3)

Sec. 58-629. - 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.

(Ord. of 4-3-1995, art. III, § 3.4)

Secs. 58-630—58-650. - Reserved.

### DIVISION 3. - DISTRICT PROVISIONS; VARIANCES; EXISTING STRUCTURES

Sec. 58-651. - General district provisions.

- (a) Permit requirement. All uses, activities and development occurring within any floodplain district 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 article and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code and the town subdivision regulations in chapter 38. Prior to the issuance of any such permit, the zoning officer shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodway or any watercourse, drainage ditch, or any other drainage facility or system.
- (b) Alteration or relocation of watercourse. 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. Army 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, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Soil and Water Conservation) and the Federal Insurance Administration.
- (c) Drainage facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide

positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

- (d) Site plans and permit applications. All applications for development in the floodplain district and all building permits issued for the floodplain shall incorporate the following information:
- (1) For structures to be elevated, the elevation of the lowest floor (including basement).
  - (2) For structures to be floodproofed (nonresidential only), the elevation to which the structure will be floodproofed.
  - (3) The elevation of the 100-year flood.
  - (4) Topographic information showing existing and proposed ground elevations.
- (e) Recreational vehicles. Recreational vehicles placed on sites shall either:
- (1) Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use; or
  - (2) Meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes as contained in the Virginia Uniform Statewide Building Code.

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.

(Ord. of 4-3-1995, art. IV, § 4.1)

Sec. 58-652. - Floodway district.

In the floodway district, no encroachments, including fill, new construction, substantial improvements or other development, shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the 100-year flood elevation.

(Ord. of 4-3-1995, art. IV, § 4.2)

Sec. 58-653. - Flood-fringe district.

In the flood-fringe district, the development and/or use of land shall be permitted in accordance with the regulations of the underlying area provided that all such uses, activities and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.

(Ord. of 4-3-1995, art. IV, § 4.3)

Sec. 58-654. - Variances; factors to be considered.

- (a) In passing upon applications for variances, the board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of this chapter and consider the following additional factors:
- (1) 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 100-year flood elevation.
  - (2) The danger that materials may be swept onto other lands or downstream to the injury of others.

- (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
  - (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
  - (5) The importance of the services provided by the proposed facility to the community.
  - (6) The requirements of the facility for a waterfront location.
  - (7) The availability of alternative locations not subject to flooding for the proposed use.
  - (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - (9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
  - (10) The safety of access by ordinary and emergency vehicles to the property in time of flood.
  - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
  - (12) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
  - (13) Such other factors which are relevant to the purposes of this article.
- (b) 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.
  - (c) Variances shall be issued only after the board of zoning appeals has determined that the granting of such will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety, or extraordinary public expense and will not create nuisances, cause fraud on or victimization of the public, or conflict with local laws or ordinances.
  - (d) Variances shall be issued only after the board of zoning appeals has determined that the variance will be the minimum required to provide relief from any hardship to the applicant.
  - (e) 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 100-year flood elevation increases the risks to life and property and will result in increased premium rates for flood insurance.
  - (f) A record shall be maintained of the notification referred to in subsection (e) of this section as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

(Ord. of 4-3-1995, art. V)

Sec. 58-655. - Existing structures in floodplain districts.

A structure or use of a structure or premises which lawfully existed before April 3, 1995, but which is not in conformity with this article, may be continued subject to the following conditions:

- (1) Existing structures in the floodway district shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed expansion would not result in any increase in the 100-year flood elevation.

- (2) Any modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use located in any floodplain area to an extent or amount of less than 50 percent of its market value should be considered to be elevated and/or floodproofed to the greatest extent possible.
- (3) The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area, to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with the provisions of this article and the Virginia Uniform Statewide Building Code.

(Ord. of 4-3-1995, art. VI)

Secs. 58-656—58-690. - Reserved.

~~ARTICLE XV. FLOODPLAIN DISTRICTS<sup>401</sup> (REPEALED)~~~~Footnotes:~~~~—(10)—~~~~**Cross reference**—Erosion and sedimentation control, § 18-66 et seq.~~~~DIVISION 1. GENERALLY~~~~Sec. 58-596. Purpose.~~~~The purpose of this article 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:~~

- ~~(1) 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.~~
- ~~(2) Restricting or prohibiting certain uses, activities and development from locating within districts subject to flooding.~~
- ~~(3) Requiring all those uses, activities and developments that do occur in floodprone districts to be protected and/or floodproofed against flooding and flood damage.~~
- ~~(4) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.~~

~~(Ord. of 4-3-1995, art. I, § 1.1)~~~~Sec. 58-597. Applicability.~~~~This article shall apply to all lands within the jurisdiction of the town and identified as being in the 100-year floodplain by the Federal Insurance Administration.~~~~(Ord. of 4-3-1995, art. I, § 1.2)~~~~Sec. 58-598. Compliance and liability.~~

- ~~(a) No land shall 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 article and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this article.~~
- ~~(b) The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that districts outside the floodplain district, or that land uses permitted within such district, will be free from flooding or flood damages.~~

~~(c) This article shall not create liability on the part of the town or any officer or employee of the town for any flood damages that result from reliance on this article or any administrative decision lawfully made under this article.~~

~~(Ord. of 4-3-1995, art. I, § 1.3)~~

~~Sec. 58-599.— Abrogation and greater restrictions.~~

~~This article supersedes any ordinance currently in effect in floodprone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this article.~~

~~(Ord. of 4-3-1995, art. I, § 1.4)~~

~~Sec. 58-600.— Definitions.~~

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

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

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

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~~Floodplain means any land area susceptible to being inundated by water from any source.~~

~~Floodway means 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 a designated height.~~

~~Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management.~~

~~Lowest floor means the lowest floor of the lowest enclosed area (including basement).~~

~~Recreational vehicle means a vehicle which is:~~

- ~~(1) Built on a single chassis;~~
- ~~(2) No more than 400 square feet 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.~~

~~Substantial damage means 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 damage occurred.~~



~~Substantial improvement shall mean 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: 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 any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.~~

~~(Ord. of 4-3-1995, art. II; Ord. No. 20150302, § 1, 3-2-2015)~~

~~**Cross reference**—Definitions generally, § 1-2.~~

~~Secs. 58-601—58-625.—Reserved.~~

## ~~DIVISION 2.—ESTABLISHMENT OF ZONING DISTRICTS~~

~~Sec. 58-626.—Description of districts.~~

~~(a) Basis of districts. The various floodplain districts shall include areas subject to inundation by waters of the 100-year flood. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) for Prince William County, Virginia, and Incorporated Areas prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated January 5, 1995, as amended.~~

~~(1) The floodway district is delineated, for purposes of this article, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the 100-year flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this district are specifically defined in the above-referenced flood insurance study and shown on the accompanying flood insurance rate map (panels 59 and 67).~~

~~(2) The flood-fringe district shall be that area of the 100-year floodplain not included in the floodway district. The basis for the outermost boundary of the district shall be the 100-year flood elevations contained in the flood profiles of the above-referenced flood insurance study and as shown on the accompanying flood insurance rate map (panels 59 and 67).~~

~~(b) Overlay concept.~~

~~(1) The floodplain districts described in subsection (a) of this section 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.~~

~~(2) In the event of 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.~~

~~(3) If 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.~~

~~(Ord. of 4-3-1995, art. III, § 3.1)~~

~~Sec. 58-627.—Boundaries; official zoning map.~~

~~The boundaries of the floodplain districts are established as shown on the flood boundary and floodway map and/or flood insurance rate map, which is declared to be a part of this article and which shall be kept on file at the town offices.~~

~~(Ord. of 4-3-1995, art. III, § 3.2)~~

~~Sec. 58-628.— District boundary changes.~~

~~The delineation of any of the floodplain districts may be revised by the town council where natural or manmade 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 Insurance Administration.~~

~~(Ord. of 4-3-1995, art. III, § 3.3)~~

~~Sec. 58-629.— 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.~~

~~(Ord. of 4-3-1995, art. III, § 3.4)~~

~~Secs. 58-630—58-650.— Reserved.~~

### ~~DIVISION 3.— DISTRICT PROVISIONS; VARIANCES; EXISTING STRUCTURES~~

~~Sec. 58-651.— General district provisions.~~

- ~~(a) Permit requirement. All uses, activities and development occurring within any floodplain district 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 article and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code and the town subdivision regulations in chapter 38. Prior to the issuance of any such permit, the zoning officer shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodway or any watercourse, drainage ditch, or any other drainage facility or system.~~
- ~~(b) Alteration or relocation of watercourse. 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. Army 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, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Soil and Water Conservation) and the Federal Insurance Administration.~~
- ~~(c) Drainage facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide~~

~~positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.~~

~~(d) Site plans and permit applications. All applications for development in the floodplain district and all building permits issued for the floodplain shall incorporate the following information:~~

~~(1) For structures to be elevated, the elevation of the lowest floor (including basement).~~

~~(2) For structures to be floodproofed (nonresidential only), the elevation to which the structure will be floodproofed.~~

~~(3) The elevation of the 100-year flood.~~

~~(4) Topographic information showing existing and proposed ground elevations.~~

~~(e) Recreational vehicles. Recreational vehicles placed on sites shall either:~~

~~(1) Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use; or~~

~~(2) Meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes as contained in the Virginia Uniform Statewide Building Code.~~

~~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.~~

~~(Ord. of 4-3-1995, art. IV, § 4.1)~~

~~Sec. 58-652. Floodway district.~~

~~In the floodway district, no encroachments, including fill, new construction, substantial improvements or other development, shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the 100-year flood elevation.~~

~~(Ord. of 4-3-1995, art. IV, § 4.2)~~

~~Sec. 58-653. Flood fringe district.~~

~~In the flood fringe district, the development and/or use of land shall be permitted in accordance with the regulations of the underlying area provided that all such uses, activities and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.~~

~~(Ord. of 4-3-1995, art. IV, § 4.3)~~

~~Sec. 58-654. Variances; factors to be considered.~~

~~(a) In passing upon applications for variances, the board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of this chapter and consider the following additional factors:~~

~~(1) 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 100-year flood elevation.~~

~~(2) The danger that materials may be swept onto other lands or downstream to the injury of others.~~

- ~~(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.~~
- ~~(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.~~
- ~~(5) The importance of the services provided by the proposed facility to the community.~~
- ~~(6) The requirements of the facility for a waterfront location.~~
- ~~(7) The availability of alternative locations not subject to flooding for the proposed use.~~
- ~~(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.~~
- ~~(9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.~~
- ~~(10) The safety of access by ordinary and emergency vehicles to the property in time of flood.~~
- ~~(11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.~~
- ~~(12) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.~~
- ~~(13) Such other factors which are relevant to the purposes of this article.~~
- ~~(b) 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.~~
- ~~(c) Variances shall be issued only after the board of zoning appeals has determined that the granting of such will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety, or extraordinary public expense and will not create nuisances, cause fraud on or victimization of the public, or conflict with local laws or ordinances.~~
- ~~(d) Variances shall be issued only after the board of zoning appeals has determined that the variance will be the minimum required to provide relief from any hardship to the applicant.~~
- ~~(e) 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 100-year flood elevation increases the risks to life and property and will result in increased premium rates for flood insurance.~~
- ~~(f) A record shall be maintained of the notification referred to in subsection (e) of this section as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.~~

~~(Ord. of 4-3-1995, art. V)~~

~~Sec. 58-655. Existing structures in floodplain districts.~~

~~A structure or use of a structure or premises which lawfully existed before April 3, 1995, but which is not in conformity with this article, may be continued subject to the following conditions:~~

- ~~(1) Existing structures in the floodway district shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with~~

~~standard engineering practice that the proposed expansion would not result in any increase in the 100-year flood elevation.~~

- ~~(2) Any modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use located in any floodplain area to an extent or amount of less than 50 percent of its market value should be considered to be elevated and/or floodproofed to the greatest extent possible.~~
- ~~(3) The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area, to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with the provisions of this article and the Virginia Uniform Statewide Building Code.~~

~~(Ord. of 4-3-1995, art. VI)~~

~~Secs. 58-656—58-690. Reserved.~~




Fairfax County Times • Loudoun Times-Mirror  
 Fauquier Times-Democrat & Fauquier Times-Democrat Weekend  
 Gainesville Times • Culpeper Times • Rappahannock News

I authorize this advertisement to appear in the products on the scheduled dates listed herein. X \_\_\_\_\_ Date \_\_\_\_\_

TOWN OF HAYMARKET 15000 WASHINGTON ST STE 100 HAYMARKET VA 20169 (703)753-2600 jpreli@townofhaymarket.org		Account: 309099 Ad Number: 0 Source: EMAIL Size: 3 X 5 Sales Rep: JCLG Words: 286 Lines: 138
Cost of Ad 250.00	Payments 0.00	Total Due 250.00
Class: LGS LEGALS	SubClass: 492	PUBLIC NOTICES
GVTC and PWTC Class	Nov 25 Dec 2	
Web Ads Class	Nov 25 Dec 2	
Market Place Classified	Nov 25 Dec 2	

AD MAKEUP NOTES



**NOTICE OF PUBLIC HEARING AND INTENTION TO RECOMMEND REMOVING THE FLOODPLAIN PROVISIONS FROM THE ZONING CHAPTER OF THE TOEN OF HAYMARKET CODE AND ADOPTING UPDATED FLOODPLAIN PROVISIONS IN THE WATERWAYS CHAPTER OF TOWN CODE**

KINDLY TAKE NOTICE that the Planning Commission of Haymarket, Virginia will hold a public hearing on the 14th day of December 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 repeal of Article XV, Flood Plain Districts, Chapter 58 of the Zoning Ordinance. The proposed repealed sections are as follows:

**Chapter 58 ZONING: Article XV: Flood Plain Districts, Sections 58-596 through 58-655.**

The Town proposes to adopt a new Article III in Chapter 54, Waterways, of the Town Code to update the flood control provisions mandated by FEMA regulations and authorized by state law. A complete copy of the proposed ordinance to repeal Article XV of Chapter 58 is 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. (The proposed Article III of Chapter 54, not being a zoning provision, does not require public hearing or Planning Commission review, but will be available before council consideration.) 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**

Attachment: Ad Proof - PC 12-14-2015 (2673 : Floodplain Ordinance Zoning Text Amendment)



TO: Town of Haymarket Planning Commission  
SUBJECT: PC Bylaws  
DATE: 12/14/15

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**ATTACHMENTS:**

- Planning Commission By-Laws Effective 08-10-2015 (VFN Rev2-CLN) (PDF)

# BYLAWS

Town of Haymarket, Virginia

Planning Commission



Adopted and Effective \_\_\_\_\_, 2015

Attachment: Planning Commission By-Laws Effective 08-10-2015 (VFN Rev2-CLN) (2628 : PC Bylaws)



## 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 currently serving members shall constitute a quorum. Vacant seats are not counted as “currently serving members.” Notwithstanding the foregoing, for a quorum to exist, there must be at least three currently serving members present.
- 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 as of the date of adoption.

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 Rev2-CLN) (2628 : PC Bylaws)