

ORDINANCE NO. 2024-03

THE MAYOR AND COUNCIL OF
THE TOWN OF NEW MARKET

FOR THE PURPOSE OF AMENDING ARTICLE IV, DISTRICT REGULATIONS
SECTION 1.4.1 PUBLIC USES, SUBSECTION j. PUBLIC UTILITIES,
PRINCIPAL PERMITTED USES, AND SECTION 8 MIXED RESIDENTIAL
SERVICE DISTRICT SUBSECTION 8.3 SUPPLEMENTAL REGULATIONS OF THE
LAND DEVELOPMENT ORDINANCE:

WHEREAS, per Article III Section 3.1 of Ordinance 2009-01
states that" The Town Council may from time to time amend,
supplement, change, modify, or repeal by ordinance the
regulations of this Ordinance and any amendment may be initiated
by resolution of the Town Council; and

WHEREAS, per Article III Section 3.4, Before taking any
action on any proposed amendment, supplement, change,
modification, or repeal, the Town Council shall submit the
proposal to the Planning Commission for review and
recommendation. The Planning Commission may hold a hearing on
any proposed amendment, supplement, or change before submitting
its recommendation to the Town Council; and

WHEREAS, the Planning Commission voted on May 2, 2024, to
recommend approval of this proposal and had confirmed both that
there is a public need for the proposed amendment and that the
proposed amendment is consistent with the Comprehensive Plan as
required by per Article III Section 3.4; and

WHEREAS, per Article III Section 3.5, the Town Council held
a public hearing on June 10, 2024, to hear public comment on
this amendment and has published notice of the time and place of
the public hearing, together with a summary of the proposed
regulation in at least one newspaper of general circulation
within the Town, once a week for two successive weeks, with the
first notice to be published at least 14 days before the hearing
and the notices have indicated where the proposed amendment and
documents relating to the amendment may be reviewed, which may
include a reference to internet publication of documentation by
the Town.

NOW, THEREFORE, The Mayor and Council of The Town of New
Market ordains as follows:

ARTICLE IV, DISTRICT REGULATIONS SECTION 1.4.1.J is amended to provide as follows:

***j. Public Utility Facility.** Buildings, structures, or other facilities used or intended to be used by any public agency or utility. (Private or non-governmental utility facilities are included under “private utility facilities” below.) This category includes buildings or structures that house or contain facilities for the operation of publicly-owned or publicly-licensed water, wastewater, waste disposal, or electricity services. This use also includes water storage tanks; radio, television, and microwave transmission or relay towers; and electric or gas substations, water or wastewater pumping stations, or similar structures used as an intermediary switching, boosting, distribution, or transfer station of electricity, natural gas, water, wastewater, cable television, or telephone services. This category includes passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, water, sewage, communication signals, or other similar services on a local level. Additionally, a public utility facility means any energy device and/or system that generates energy from renewable energy resources including solar, hydro, wind, biofuels, wood, geothermal, or similar sources. Accessory uses may include control, monitoring, data, or transmission equipment.*

AG	OS	R-1	R-2	RM in d.u.	RM not in d.u.	MRS	MC	MCI	AP	I	EDF
						P		P		P	

ARTICLE IV, DISTRICT REGULATIONS SECTION 8.6 SUPPLEMENTAL REGULATIONS is amended to provide as follows:

8.6.4 *Public Utility uses built after date of the LDO Ordinance Amendment must be located on a building lot that is a minimum of 4.5 acres and may be permitted as a primary permitted use or an accessory use to an existing Public Use with up to two structures added.*

8.6.5 *Public Utility uses that are a component of a system that requires a franchise agreement with the town shall comply with the terms of that franchise agreement.*

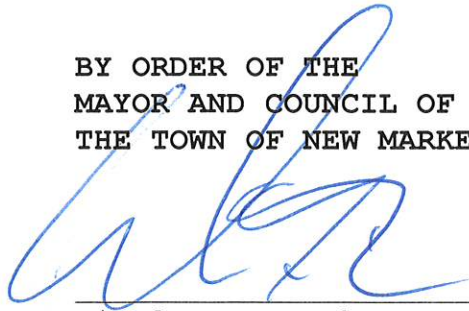
AND, IT IS FURTHER ORDAINED, that this Ordinance shall become effective on the 1st day of July, 2024.

ATTEST:

BY ORDER OF THE
MAYOR AND COUNCIL OF
THE TOWN OF NEW MARKET



Town Clerk



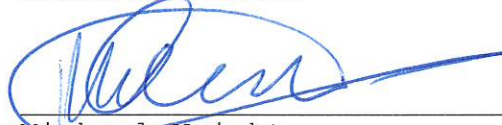
Winslow F. Burhans, III, Mayor

Council Members:



Dennis Kimble

Shannon Rossman



Michael Wright

Chris Weatherly



Matthew Chance

INTRODUCED: May 9, 2024

ENACTED: June 10, 2024

EFFECTIVE: July 1, 2024