

ARTICLE VI. HEARING PROCEDURES FOR AMENDMENTS, APPEALS AND APPLICATIONS

Section 70: Hearings Required

Public hearings for consideration of amendments, appeals and applications shall be held by the town council, planning commission and board of zoning appeals as required by Title 15.2, Chapter 22, Code of Virginia, 1950 (as amended). (Amended 5/14/98)

Section 71: Notice of Hearing

- (a) Notice of hearings shall be given by publishing a notice once a week for two successive weeks in a newspaper published or having general circulation in the town, in accordance with Title 15.2-2204, Code of Virginia, 1950 (as amended). Every such advertisement shall contain a descriptive summary of the proposed action and a reference to the place or places within the town where copies of the proposed plans, ordinances or amendments may be examined. The notice shall specify the time and place of the hearing at which persons affected may appear and present their views, not less than six days nor more than twenty-one days after the second advertisement shall appear in such newspaper. In the case of a proposed amendment to the zoning map, the public notice shall state the general usage and density range of the proposed amendment and the general usage and density range, if any, set forth in the applicable part of the comprehensive plan. (Amended 5/14/98)
- (b) When a proposed zoning ordinance amendment, appeal or application involves 25 or fewer parcels, the applicant shall give written notice at least five days before the hearing to the owner, agent or occupant of each parcel involved and to the owners, their agent or occupant of all abutting property and property immediately across the street or road from the property affected. Notice shall be sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books or records. In the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner. The notice shall contain:
- (1) A summary of the proposed action;
 - (2) A reference of the place or places where copies of the proposed plans, ordinances, or amendments may be examined; and,
 - (3) The date, time and place of the public hearing.

If the hearing is continued, notice shall be remailed. The applicant shall provide a signed affidavit prior to the public hearing stating that the required written notices have been mailed. In addition, the applicant shall submit a list of the names and addresses of persons to whom the notice was mailed and a sample of the notice letter.

- (c) In cases of a change in the zoning map classification involving more than 25 but less than 500 parcels, the applicant shall give written notice at least five days before the hearing to the owner, agent or occupant of each parcel involved and to the owners, their agent or occupant of all abutting property and property immediately across the street or road from the property affected. Notice shall be sent by first class mail to the last known address of such owner as shown on the current real estate tax assessment books or records. In the case of a condominium or cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner. The notice shall contain:

- (1) A summary of the proposed action;
- (2) A reference of the place or places where copies of the proposed plans, ordinances, or amendments may be examined; and,
- (3) The date, time and place of the public hearing.

The applicant shall provide an affidavit prior to the public hearing stating that the required written notices have been mailed. In addition, the applicant shall submit a list of the names and addresses of persons to whom the notice was mailed and a sample of the notice letter.

- (d) When a proposed comprehensive plan or amendment thereto, a proposed change in zoning map classification, or an application for special exception or variance involves any parcel of land located within one-half mile of a boundary of an adjoining county or municipality, then in addition to notice required elsewhere, written notice shall also be given at least ten days before the hearing to the chief executive officer or his designee, of such adjoining county or municipality.
- (e) The applicant in any case which requires a public hearing shall post a sign or signs furnished by the administrator on each parcel involved at least 15 days prior to the hearing indicating the action proposed and the date, time and place of the public hearing. The sign shall be placed within ten feet of whatever boundary line of the property abuts a public road and shall be clearly visible from the road with the bottom of the sign not less than two and one-half feet above the ground. If more than one road abuts the property, then a sign shall be placed in the same manner as above for each abutting road. If no public road abuts the property, then signs shall be placed in the same manner as above on at least two boundaries of the property abutting land not owned by the applicant.

Section 72: Maintenance and Removal of Signs

- (a) Any sign required by Section 71 shall be maintained at all times by the applicant up to the time of the hearing.

- (b) The applicant shall provide an affidavit at the hearing showing compliance with the requirements of this section and continuous maintenance of the sign or signs up to the time of the hearing. No person, except the applicant or the administrator or an authorized agent of either, shall remove or tamper with any sign furnished during the period it is required to be maintained under this section. All signs erected under this ordinance shall be removed by the applicant within 15 days following the public hearing for which it was erected.

Sections 73 through 76: Reserved