

**TOWN OF ABINGDON
PLANNING COMMISSION
MONDAY, SEPTEMBER 23, 2019 – 5:30 PM
ARTHUR CAMPBELL MEETING ROOM – MUNICIPAL BUILDING**

A meeting of the Abingdon Planning Commission was held on Monday, September 23, 2019, at 5:30 pm in the Arthur Campbell Meeting Room.

A. Chairman Wayne Austin called the meeting to Order

B. Roll Call – Jason Boswell, Director of Planning

Members Present:

Mr. Kirk Sproles
Mr. James Anderson
Mr. Al Bradley
Mr. James Morani
Mr. Kenny Shuman
Mr. Wayne Austin

Members Absent:

Mr. Scott Wilson

Comprising a quorum of the Commission

Administrative Staff Present:

Mrs. Janice Dornon – Administrative Assistant
Mr. Mason Gragg – Code Compliance Officer
Mr. Camron Bell – Town Attorney

C. APPROVAL OF MINUTES

Approval of Minutes: Regular Meeting, September 23, 2019

On a motion by Mr. Shuman, seconded by Mr. Anderson the Planning Commission approved the minutes as presented for the August 26, 2019 meeting.

The roll call vote was as follows:

Mr. Kirk Sproles	Aye
Mr. James Anderson	Aye
Mr. Al Bradley	Aye
Mr. James Morani	Aye

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud.

2. The second part of the document outlines the specific requirements for record-keeping, including the need to maintain original documents and to keep copies of all supporting documents. It also discusses the importance of ensuring that records are accessible and retrievable.

3. The third part of the document discusses the role of internal controls in ensuring the accuracy and reliability of financial records. It emphasizes that internal controls should be designed to prevent errors and to detect and prevent fraud.

4. The fourth part of the document discusses the importance of regular audits in ensuring the accuracy and reliability of financial records. It emphasizes that audits should be conducted by independent auditors and that the results of the audits should be reported to the appropriate authorities.

5. The fifth part of the document discusses the importance of training and education in ensuring the accuracy and reliability of financial records. It emphasizes that all personnel involved in the financial system should receive appropriate training and education.

6. The sixth part of the document discusses the importance of communication in ensuring the accuracy and reliability of financial records. It emphasizes that all personnel involved in the financial system should be kept informed of any changes or updates to the system.

7. The seventh part of the document discusses the importance of documentation in ensuring the accuracy and reliability of financial records. It emphasizes that all transactions should be properly documented and that the documentation should be maintained in a secure and accessible manner.

8. The eighth part of the document discusses the importance of monitoring and reporting in ensuring the accuracy and reliability of financial records. It emphasizes that the financial system should be monitored regularly and that any discrepancies or irregularities should be reported immediately.

9. The ninth part of the document discusses the importance of maintaining the confidentiality of financial records. It emphasizes that financial records should be protected from unauthorized access and disclosure.

10. The tenth part of the document discusses the importance of maintaining the integrity of financial records. It emphasizes that financial records should be maintained in a secure and tamper-proof manner.

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Mr. Kenny Shuman **Aye**
Mr. Wayne Austin **Aye**

The minutes for August 26, 2019, were approved as presented.

- D. PUBLIC COMMENTS – The following letter was sent to the members of the Planning Commission and the Abingdon Town Council, dated September 18, 2019, RE: Proposed Repeal of Town Code § 17-4.**

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COUNTY OF WASHINGTON, VIRGINIA

COUNTY GOVERNMENT CENTER
1 GOVERNMENT CENTER PLACE, SUITE A
ABINGDON, VIRGINIA 24210

LUCY E. PHILLIPS
COUNTY ATTORNEY

OFFICE OF COUNTY ATTORNEY

September 18, 2019

VIA U.S. MAIL & HAND-DELIVERY

Members, Abingdon Town Council (Hand-delivery)
Members, Abingdon Planning Commission (Mail)
133 West Main Street
Abingdon, Virginia 24212

RE: Proposed Repeal of Town Code § 17-4

Dear Abingdon Officials:

Please accept and review these comments regarding the proposed repeal of Town Code § 17-4. In sum, the County asserts that Town Code § 17-4 provides an opportunity for citizen involvement in the Town's legislative process, and it should not be repealed. Section 17-4 does, however, have a defect that can be corrected by a simple revision rather than by repeal, and that suggested revision is set out on page two of this correspondence. The Town of Abingdon is to be commended for including in its zoning ordinance a straightforward procedure to allow its citizens a means of access to their elected officials so that they may participate in the legislative process as provided in Section 17-4.

The Town Manager and Town Attorney argue, in reliance on a discretionary provision in state law, that Town Code § 17-4 violates the "Dillon Rule". The argument is faulty. Section 17-4 established a procedure for citizens to request amendment of the zoning ordinance, as follows:

Appendix B – Zoning Ordinance

Article 17. – General Provisions

Section 17-4. - Uses not provided for.

If in any district established under this ordinance a use is not specifically permitted and an application is made by a property owner to the administrator for such use, the administrator shall refer the application to the planning commission which shall make its recommendation within 30 days. If the recommendation of the planning commission is approved by the town council, the ordinance shall be amended to list the use as a permitted use in that district, henceforth. A fee shall be charged as required in section 24-1-5.

The Town Manager and Town Attorney assert that Town acceptance of applications from its citizens as provided in Section 17-4 violates the Dillon Rule, and therefore, Section 17-4 should be repealed. It is, however, unreasonable to assert the Town does not have authority to accept requests for revision of

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its ordinances from its citizens. Citizen participation in the legislative process is a foundational principle of democracy.

There is, however, an aspect of Section 17-4 that conflicts with state law and which could be corrected by revision rather than repeal. The second sentence mandates that if the Council approves a Commission recommendation to revise the ordinance, then the Zoning Ordinance "shall" be revised to include it. The use of the word, "shall", makes such revision mandatory solely upon Commission recommendation and Council approval, which neglects state law provisions that require the opportunity for public participation in the legislative process by publication of notice of public hearings on a proposed ordinance to revise the zoning ordinance and the holding of public hearings prior to a decision being made by the Council whether to adopt an ordinance to make the proposed revision.

With the following revision, the foregoing issue may be resolved:

Appendix B – Zoning Ordinance

Article 17. – General Provisions

Section 17-4. - Uses not provided for.

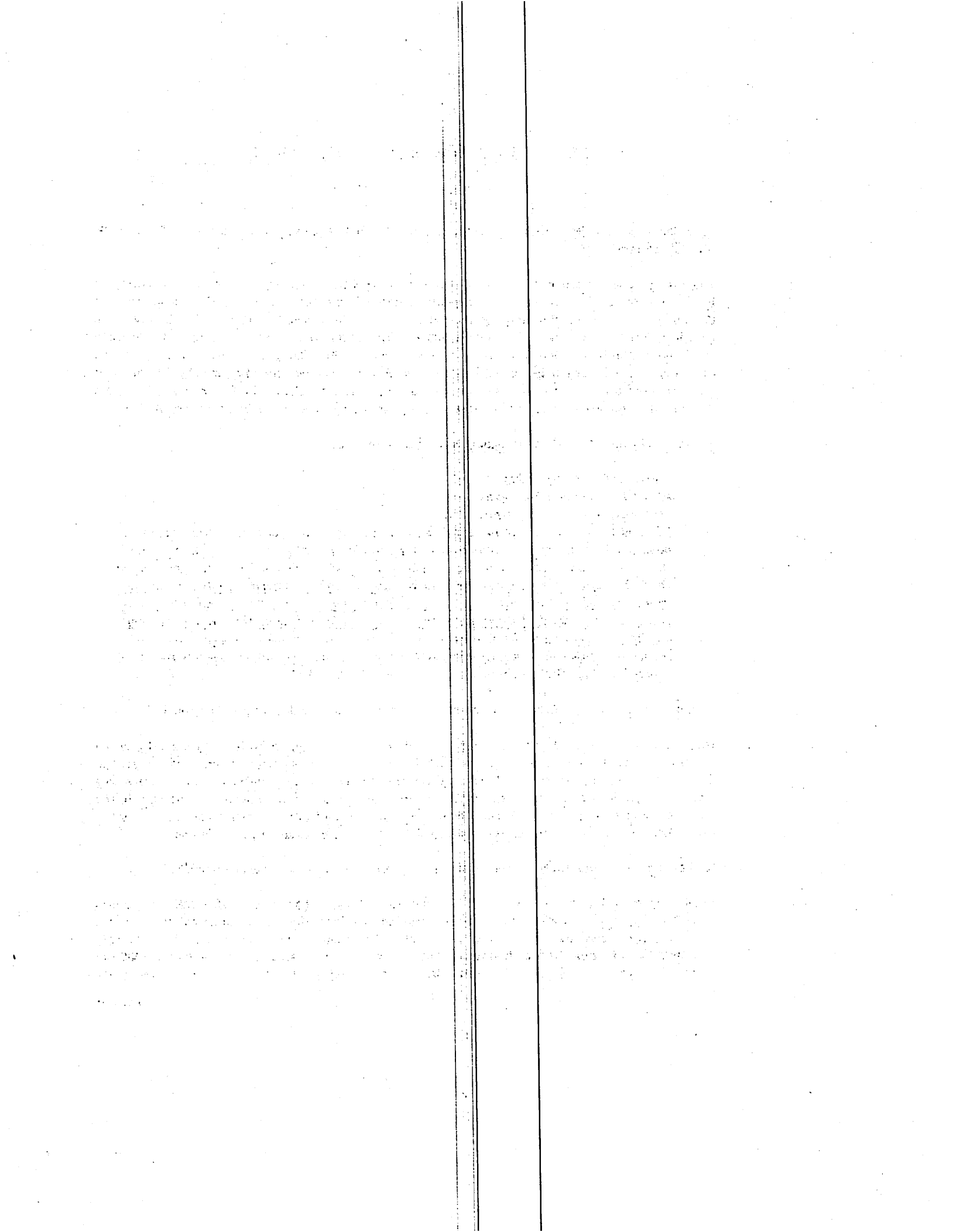
If in any district established under this ordinance a use is not specifically permitted and an application is made by a property owner to the administrator for such use, the administrator shall refer the application to the planning commission which shall make its recommendation within 30 days. After review of the planning commission recommendation, the council may initiate procedures in accordance with state law for consideration of adoption of an ordinance to amend the zoning ordinance in accordance with the property owner's application. ~~If the recommendation of the planning commission is approved by the town council, the ordinance shall be amended to list the use as a permitted use in that district, henceforth.~~ A fee shall be charged as required in section 24-1-5.

(Proposed new language indicated by underline and language to be deleted by strikethrough.)

The foregoing suggested amendment is consistent with Va. Code §§ 15.2-2204 and -2285(B), which established the mandatory procedures for localities to adopt and revise zoning ordinances. In fact, Va. Code § 15.2-2285(B) references "applicant" in the context of a request for zoning ordinance amendment, which clearly contemplates the opportunity for a citizen to apply for amendment of the zoning ordinance. A copy of these sections of state law as well as of the section relied upon by the Town Manager and Town Attorney is provided with this correspondence for your reference.

Further, please consider the weaknesses of the argument in support of repeal of Section 17-4:

1. The argument for repeal of Section 17-4 relies upon analysis of Va. Code § 15.2-2286, which lists zoning ordinance provisions that **may** be included in a local zoning ordinance but that are not mandatory provisions. ("A zoning ordinance **may** include, among other things, reasonable regulations and provisions as to any or all of the following matters: ..." Va. Code § 15.2-2286.) In contrast, Va. Code §§ 15.2-2204 and -2285(B) established procedures that are mandatory for



COUNTY OF WASHINGTON, VIRGINIA

LUCY E. PHILLIPS
COUNTY ATTORNEY

OFFICE OF COUNTY ATTORNEY

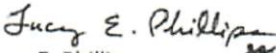
adoption or amendment of a local zoning ordinance. (*"The local planning commission shall not recommend nor the governing body adopt any plan, ordinance or amendment thereof until"* Va. Code § 15.2-2204.) I have highlighted the words, "may" and "shall", because "may" is construed in statutory construction as establishing a discretionary opportunity as opposed to "shall", which is construed to establish a mandatory requirement. The suggested revision of Section 17-4, provided above, is consistent with the mandatory provisions of state law regarding amendment of a zoning ordinance and would not sacrifice an opportunity for citizen involvement in the legislative process.

2. The Town Manager and Town Attorney have asserted that it is improper for the Town to receive applications for amendment of the zoning ordinance from Town citizens because "only the governing body may amend the zoning ordinance." It is illogical to conclude that the acceptance of an application equals amendment of the zoning ordinance. The Town's acceptance of an application brings a citizen's request to the attention of the Commission and Council, which may initiate the process for amendment of the zoning ordinance. Only the Council has the authority to amend the zoning ordinance, and its acceptance of an application for amendment does not rob the Council of that authority.
3. With the revision proposed above, Section 17-4 would be consistent with state law and compliant with the Dillon Rule. State law allows local governments to adopt zoning ordinances. Va. Code § 15.2-2280. Governing bodies are mandated by state law to invite public participation in the process of adopting zoning ordinances and amending zoning ordinances. Va. Code §§ 15.2-2204 and -2285(B). Consistent with the Dillon Rule, it is "fairly implied from these expressly stated powers" that citizens may also participate in the legislative process by requesting the Commission and Council to revise the local legislation, and the procedure stated in Section 17-4 to allow citizen application for amendment with the suggested revision is consistent with these basic principles.

The timing of the recommendation to repeal Section 17-4 and the rush to get the proposed repeal before the Commission and the Council give a strong impression that the proposed repeal is a disingenuous effort to throw an obstacle in the way of the County's efforts to work with the Town regarding the proposed relocation of courthouse operations.

Elected officials should welcome the participation of their constituents in the process of governing whether such suggestions or requests are made on an application pursuant to Section 17-4, made in the context of public comments at a meeting of the Town Council, made in the grocery store check-out line, or in any situation that allows a citizen to discuss local legislation with the local elected officials and appointees to advisory boards and commission. For the foregoing reasons, Section 17-4 should be revised but not repealed.

Sincerely,


Lucy E. Phillips
County Attorney

Enc: 1
Ec: Members, Board of Supervisors
Jason N. Berry, County Administrator
Cameron Bell, Town Attorney

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5. All cash receipts should be recorded immediately and deposited in a secure bank account.

6. Credit sales should be recorded on an accrual basis, and accounts receivable should be monitored closely.

7. The final section provides a summary of the key points and emphasizes the need for consistency and accuracy in all financial reporting.

8. The document also includes a list of recommended accounting software and tools to streamline the process.

9. It is important to stay up-to-date on the latest accounting standards and regulations to ensure compliance.

10. The document concludes with a call to action, encouraging all stakeholders to take responsibility for the accuracy of the financial data.

11. The appendix contains a detailed glossary of terms and a list of references for further reading.

12. The document is intended to serve as a comprehensive guide for anyone involved in financial management.

13. It is hoped that this document will provide valuable insights and practical advice to all readers.

14. The document is a confidential document and should be handled accordingly.

Virginia Code § 15.2-2204. Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.

A. ...The local planning commission shall not recommend nor the governing body adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published once a week for two successive weeks in some newspaper published or having general circulation in the locality; however, the notice for both the local planning commission and the governing body may be published concurrently. The notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than 21 days after the second advertisement appears in such newspaper. The local planning commission and governing body may hold a joint public hearing after public notice as set forth hereinabove. If a joint hearing is held, then public notice as set forth above need be given only by the governing body. The term "two successive weeks" as used in this paragraph shall mean that such notice shall be published at least twice in such newspaper with not less than six days elapsing between the first and second publication. After enactment of any plan, ordinance or amendment, further publication thereof shall not be required.

B. When a proposed amendment of the zoning ordinance involves a change in the zoning map classification ...

Virginia Code § 15.2-2285. Preparation and adoption of zoning ordinance and map and amendments thereto; appeal.

...B. No zoning ordinance shall be amended or reenacted unless the governing body has referred the proposed amendment or reenactment to the local planning commission for its recommendations. Failure of the commission to report 100 days after the first meeting of the commission after the proposed amendment or reenactment has been referred to the commission, or such shorter period as may be prescribed by the governing body, shall be deemed approval, unless the proposed amendment or reenactment has been withdrawn by the applicant prior to the expiration of the time period. The governing body shall hold at least one public hearing on a proposed reduction of the commission's review period. The governing body shall publish a notice of the public hearing in a newspaper having general circulation in the locality at least two weeks prior to the public hearing date and shall also publish the notice on the locality's website, if one exists. In the event of and upon such withdrawal, processing of the proposed amendment or reenactment shall cease without further action as otherwise would be required by this subsection.

C. Before approving and adopting any zoning ordinance or amendment thereof, the governing body shall hold at least one public hearing thereon, pursuant to public notice as required by § [15.2-2204](#), after which the governing body may make appropriate changes or corrections in the ordinance or proposed amendment. 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. However, no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by § [15.2-2204](#). Zoning ordinances shall be enacted in the same manner as all other ordinances.

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Va. Code § 15.2-2286. (Effective until October 1, 2019) Permitted provisions in zoning ordinances; amendments; applicant to pay delinquent taxes; penalties.

A. A zoning ordinance may include, among other things, reasonable regulations and provisions as to any or all of the following matters: ...

7. For the amendment of the regulations or district maps from time to time, or for their repeal. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the governing body may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated (i) by resolution of the governing body; (ii) by motion of the local planning commission; or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed zoning map amendment, addressed to the governing body or the local planning commission, who shall forward such petition to the governing body; however, the ordinance may provide for the consideration of proposed amendments only at specified intervals of time, and may further provide that substantially the same petition will not be reconsidered within a specific period, not exceeding one year. Any such resolution or motion by such governing body or commission proposing the rezoning shall state the above public purposes therefor.

In any county having adopted such zoning ordinance, all motions, resolutions or petitions for amendment to the zoning ordinance, and/or map shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed 12 months unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his motion, resolution or petition for amendment to the zoning ordinance or map, or both. In the event of and upon such withdrawal, processing of the motion, resolution or petition shall cease without further action as otherwise would be required by this subdivision.

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E. PUBLIC HEARINGS

1. Public Hearing: Proposed amendment to Zoning Ordinance ARTICLE 17, Section 17-4.-Uses not provided for.

Listed below is a copy of Section 17-4 of the Code of Ordinance for the Town of Abingdon;

- Section 17-4. - Uses not provided for.

If in any district established under this ordinance a use is not specifically permitted and an application is made by a property owner to the administrator for such use, the administrator shall refer the application to the planning commission which shall make its recommendation within 30 days. If the recommendation of the planning commission is approved by the town council, the ordinance shall be amended to list the use as a permitted use in that district, henceforth. A fee shall be charged as required in section 24-1-5.

Mr. Austin opened the Public Hearing.

Mr. Austin read Section 17-4 Uses not provided for from the Town Code of Ordinances.

Ms. Phillip's letter to the Planning Commission members and the Town Council members was discussed among the Planning Commission members.

Mr. Austin closed the Public Hearing.

Mr. Bradley asked if 17-4 could be amended and not repealed. Could they change the allotted thirty days given for the Planning Commission to make an initial recommendation to the Town Council?

Mr. Morani showed two examples of how over localities are handling Section 17-4, Vinton and Blacksburg, Virginia.

Mr. Bell stated that state statute 15.2-2286 and 15.2-2287 from the Code of Virginia show that 17-4 can be changed by three groups. 1.) the governing body, 2.) the local Planning Commission, 3.) the owner can request a zoning map change, not a text amendment. Listed below is the state statute for 15.2-2286 and 15.2-2287.

Mr. Shuman suggested that a correspondence be sent to Ms. Phillips showing that her letter was received and address by the Planning Commission in Section 17-4. Mr. Morani said that a member of the Town staff would send a notice to Ms. Phillips.

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3. The next section details the results of the study and the conclusions drawn from the data.

4. Finally, the document provides a summary of the findings and offers suggestions for future research.

5. The overall goal of this study was to determine the effectiveness of the proposed method.

6. The results show that the proposed method is significantly more effective than the traditional method.

7. This finding is supported by the statistical analysis conducted on the data.

8. The study also identified several factors that influence the effectiveness of the proposed method.

9. These factors include the quality of the data and the skill of the researcher.

10. The study concludes that the proposed method is a valuable tool for researchers in this field.

11. Further research is needed to explore the potential of this method in other contexts.

12. The authors thank the funding agency for their support of this research.

13. The authors also thank the participants for their contribution to the study.

14. The authors declare that they have no conflicts of interest.

15. The authors are available for correspondence at the following email address.

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Code of Virginia

§ 15.2-2286. (Effective October 1, 2019) Permitted provisions in zoning ordinances; amendments; applicant to pay delinquent taxes; penalties.

A. A zoning ordinance may include, among other things, reasonable regulations and provisions as to any or all of the following matters:

1. For variances or special exceptions, as defined in § [15.2-2201](#), to the general regulations in any district.
2. For the temporary application of the ordinance to any property coming into the territorial jurisdiction of the governing body by annexation or otherwise, subsequent to the adoption of the zoning ordinance, and pending the orderly amendment of the ordinance.
3. For the granting of special exceptions under suitable regulations and safeguards; notwithstanding any other provisions of this article, the governing body of any locality may reserve unto itself the right to issue such special exceptions. Conditions imposed in connection with residential special use permits, wherein the applicant proposes affordable housing, shall be consistent with the objective of providing affordable housing. When imposing conditions on residential projects specifying materials and methods of construction or specific design features, the approving body shall consider the impact of the conditions upon the affordability of housing.

The governing body or the board of zoning appeals of the City of Norfolk may impose a condition upon any special exception relating to retail alcoholic beverage control licensees which provides that such special exception will automatically expire upon a change of ownership of the property, a change in possession, a change in the operation or management of a facility or upon the passage of a specific period of time.

The governing body of the City of Richmond may impose a condition upon any special use permit issued after July 1, 2000, relating to retail alcoholic beverage licensees which provides that such special use permit shall be subject to an automatic review by the governing body upon a change in possession, a change in the owner of the business, or a transfer of majority control of the business entity. Upon review by the governing body, it may either amend or revoke the special use permit after notice and a public hearing as required by § [15.2-2206](#).

4. For the administration and enforcement of the ordinance including the appointment or designation of a zoning administrator who may also hold another office in the locality. The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance. His authority shall include (I) ordering in writing the remedying of any condition found in violation of the ordinance; (ii) insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to § [15.2-2311](#); and (iii) in specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under § [15.2-2307](#) or subsection C of § [15.2-2311](#). Whenever the zoning administrator has reasonable cause to believe that any person has engaged in or is engaging in any violation of a zoning ordinance that limits occupancy in a residential dwelling unit, which is subject to a civil penalty that may be imposed in accordance with the

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5. All complaints should be addressed promptly and professionally, with a focus on resolving the issue to the customer's satisfaction.

6. It is important to maintain a positive attitude and provide excellent customer service at all times.

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provisions of § [15.2-2209](#), and the zoning administrator, after a good faith effort to obtain the data or information necessary to determine whether a violation has occurred, has been unable to obtain such information, he may request that the attorney for the locality petition the judge of the general district court for his jurisdiction for a subpoena duces tecum against any such person refusing to produce such data or information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. Any person so subpoenaed may apply to the judge who issued the subpoena to quash it.

Notwithstanding the provisions of § [15.2-2311](#), a zoning ordinance may prescribe an appeal period of less than 30 days, but not less than 10 days, for a notice of violation involving temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations.

Where provided by ordinance, the zoning administrator may be authorized to grant a modification from any provision contained in the zoning ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements, if the administrator finds in writing that: (i) the strict application of the ordinance would produce undue hardship; (ii) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (iii) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification. Prior to the granting of a modification, the zoning administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. The zoning administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph. The decision of the zoning administrator shall constitute a decision within the purview of § [15.2-2311](#), and may be appealed to the board of zoning appeals as provided by that section. Decisions of the board of zoning appeals may be appealed to the circuit court as provided by § [15.2-2314](#).

The zoning administrator shall respond within 90 days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period.

5. For the imposition of penalties upon conviction of any violation of the zoning ordinance. Any such violation shall be a misdemeanor punishable by a fine of not more than \$1,000. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,000; any such failure during a succeeding 10-day period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,500; and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not more than \$2,000.

However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for ensuring the integrity and reliability of financial data. This section also outlines the various methods and tools used to collect and analyze financial information, highlighting the need for consistency and transparency in the reporting process.

The second part of the document focuses on the challenges and risks associated with financial reporting. It identifies common pitfalls such as incomplete data, misclassification of expenses, and potential biases in the analysis. The text provides practical advice on how to mitigate these risks, including the implementation of robust internal controls and the use of independent audits to verify the accuracy of the reports.

The third part of the document discusses the role of technology in modern financial reporting. It explores how software solutions and data analytics tools can streamline the reporting process, reduce manual errors, and provide more comprehensive insights into financial performance. The text also addresses the importance of data security and privacy in the context of digital reporting systems.

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\$2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to \$7,500. However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with the Virginia Residential Landlord and Tenant Act (§ [55.1-1200](#) et seq.). A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term.

6. For the collection of fees to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of a zoning ordinance or to the filing or processing of any appeal or amendment thereto.

7. For the amendment of the regulations or district maps from time to time, or for their repeal. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the governing body may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated (i) by resolution of the governing body; (ii) by motion of the local planning commission; or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed zoning map amendment, addressed to the governing body or the local planning commission, who shall forward such petition to the governing body; however, the ordinance may provide for the consideration of proposed amendments only at specified intervals of time, and may further provide that substantially the same petition will not be reconsidered within a specific period, not exceeding one year. Any such resolution or motion by such governing body or commission proposing the rezoning shall state the above public purposes therefor.

In any county having adopted such zoning ordinance, all motions, resolutions or petitions for amendment to the zoning ordinance, and/or map shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed 12 months unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his motion, resolution or petition for amendment to the zoning ordinance or map, or both. In the event of and upon such withdrawal, processing of the motion, resolution or petition shall cease without further action as otherwise would be required by this subdivision.

8. For the submission and approval of a plan of development prior to the issuance of building permits to assure compliance with regulations contained in such zoning ordinance.

9. For areas and districts designated for mixed use developments or planned unit developments as defined in § [15.2-2201](#).

10. For the administration of incentive zoning as defined in § [15.2-2201](#).

11. For provisions allowing the locality to enter into a voluntary agreement with a landowner that would result in the downzoning of the landowner's undeveloped or underdeveloped property in exchange for a tax credit equal to the amount of excess real estate taxes that the landowner has paid due to the higher zoning classification. The locality may establish reasonable guidelines for determining the amount of excess real estate tax collected and the method and duration for applying the tax credit. For purposes of this section, "downzoning" means a zoning action by a locality that results in a reduction in a formerly permitted land use intensity or density.

12. Provisions for requiring and considering Phase I environmental site assessments based on the anticipated use of the property proposed for the subdivision or development that meet generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials, and Phase II environmental site assessments, that also meet accepted national standards, such as, but not limited to, those developed by the American Society for Testing and Materials, if the locality deems such to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with regulations of the United States Environmental Protection Agency and the American Society for Testing and Materials. A reasonable fee may be charged for the review of such environmental assessments. Such fees shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and administrative expense involved in such review.

13. Provisions for requiring disclosure and remediation of contamination and other adverse environmental conditions of the property prior to approval of subdivision and development plans.

14. For the enforcement of provisions of the zoning ordinance that regulate the number of persons permitted to occupy a single-family residential dwelling unit, provided such enforcement is in compliance with applicable local, state and federal fair housing laws.

15. For the issuance of inspection warrants by a magistrate or court of competent jurisdiction. The zoning administrator or his agent may make an affidavit under oath before a magistrate or court of competent jurisdiction and, if such affidavit establishes probable cause that a zoning ordinance violation has occurred, request that the magistrate or court grant the zoning administrator or his agent an inspection warrant to enable the zoning administrator or his agent to enter the subject dwelling for the purpose of determining whether violations of the zoning ordinance exist. After issuing a warrant under this section, the magistrate or judge shall file the affidavit in the manner prescribed by § [19.2-54](#). After executing the warrant, the zoning administrator or his agents shall return the warrant to the clerk of the circuit court of the city or county wherein the inspection was made. The zoning administrator or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

B. Prior to the initiation of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the authorizing body may require the applicant to produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid, unless otherwise authorized by the treasurer.

Code 1950, § 15-968.5; 1962, c. 407, § 15.1-491; 1964, c. 564; 1966, c. 455; 1968, cc. 543, 595; 1973, c. 286; 1974, c. 547; 1975, cc. 99, 575, 579, 582, 641; 1976, cc. 71, 409, 470, 683; 1977, c. 177; 1978, c. 543; 1979, c. 182; 1982, c. 44; 1983, c. 392; 1984, c. 238; 1987, c. 8; 1988, cc. 481, 856; 1989, cc. 359, 384; 1990, cc. 672, 868; 1992, c. 380; 1993, c. 672; 1994, c. [802](#); 1995, cc. [351](#), [475](#), [584](#), [603](#); 1996, c. [451](#); 1997, cc. [529](#), [543](#), [587](#); 1998, c. [385](#); 1999, c. [792](#); 2000, cc. [764](#), [817](#); 2001, c. [240](#); 2002, cc. [547](#), [703](#); 2005, cc. [625](#), [677](#); 2006, cc. [304](#), [514](#), [533](#), [903](#);

The first part of the report deals with the general situation of the country and the position of the various groups. It is a very interesting and informative study of the social and economic conditions of the country at the time of the revolution.

The second part of the report deals with the political situation and the role of the various political groups. It is a very interesting and informative study of the political situation of the country at the time of the revolution.

The third part of the report deals with the economic situation and the role of the various economic groups. It is a very interesting and informative study of the economic situation of the country at the time of the revolution.

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The sixth part of the report deals with the military situation and the role of the various military groups. It is a very interesting and informative study of the military situation of the country at the time of the revolution.

The seventh part of the report deals with the international situation and the role of the various international groups. It is a very interesting and informative study of the international situation of the country at the time of the revolution.

The eighth part of the report deals with the future of the country and the role of the various future groups. It is a very interesting and informative study of the future of the country at the time of the revolution.

The ninth part of the report deals with the conclusion of the report and the role of the various conclusion groups. It is a very interesting and informative study of the conclusion of the report at the time of the revolution.

The tenth part of the report deals with the appendix and the role of the various appendix groups. It is a very interesting and informative study of the appendix of the report at the time of the revolution.

2007, cc. [821](#), [937](#); 2008, cc. [297](#), [317](#), [343](#), [581](#), [593](#), [720](#), [777](#); 2009, c. [721](#); 2012, cc. [304](#), [318](#); 2014, c. [354](#); 2017, c. [398](#); 2018, c. [726](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

And:

§ 15.2-2287. Localities may require oath regarding property interest of local officials.

A zoning ordinance may provide that petitions brought by property owners, contract purchasers or the agents thereof, shall be sworn to under oath before a notary public or other official before whom oaths may be taken, stating whether or not any member of the local planning commission or governing body has any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust or whether a member of the immediate household of any member of the planning commission or governing body has any such interest.

Code 1950, § 15-968.5; 1962, c. 407, § 15.1-491; 1964, c. 564; 1966, c. 455; 1968, cc. 543, 595; 1973, c. 286; 1974, c. 547; 1975, cc. 99, 575, 579, 582, 641; 1976, cc. 71, 409, 470, 683; 1977, c. 177; 1978, c. 543; 1979, c. 182; 1982, c. 44; 1983, c. 392; 1984, c. 238; 1987, c. 8; 1988, cc. 481, 856; 1989, cc. 359, 384; 1990, cc. 672, 868; 1992, c. 380; 1993, c. 672; 1994, c. [802](#); 1995, cc. [351](#), [475](#), [584](#), [603](#); 1996, c. [451](#); 1997, c. 587.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Mr. Morani stated that if 17-4 is repealed that an owner can still apply for an amendment to a zoning ordinance through the state statute. The application would be reviewed by the Town staff and if applicable with the Town's Comprehensive Plan this would initiate the process and place the amendment of the next Planning Commission agenda, to be reviewed and voted on by the Planning Commission members. Then if approved by the Planning Commission it would be voted on by the Town Council.

Mr. Morani mentioned that while researching the usage in other localities like Blacksburg and Vinton the following was found.

1.) Blacksburg, Section 1150 - 4

Section 1150 – Amendments to ordinance.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions.

2. It is essential to ensure that all entries are supported by proper documentation and receipts.

3. Regular audits should be conducted to verify the accuracy of the records and identify any discrepancies.

4. The second part of the document outlines the procedures for handling cash and credit transactions.

5. Cash transactions should be recorded immediately and accurately, with a clear indication of the source and purpose.

6. Credit transactions should be recorded at the time of sale, with a clear indication of the terms and conditions.

7. The third part of the document discusses the importance of maintaining accurate records of all assets and liabilities.

8. It is essential to ensure that all assets are properly valued and recorded, and that all liabilities are accurately reported.

9. Regular audits should be conducted to verify the accuracy of the records and identify any discrepancies.

10. The fourth part of the document outlines the procedures for handling payroll and other employee-related transactions.

11. Payroll transactions should be recorded accurately and on time, with a clear indication of the employee's name and position.

12. Other employee-related transactions, such as benefits and taxes, should also be recorded accurately and on time.

13. The fifth part of the document discusses the importance of maintaining accurate records of all income and expenses.

14. It is essential to ensure that all income is properly reported and that all expenses are accurately recorded.

15. Regular audits should be conducted to verify the accuracy of the records and identify any discrepancies.

16. The sixth part of the document outlines the procedures for handling interest and dividend income.

17. Interest and dividend income should be recorded accurately and on time, with a clear indication of the source and amount.

18. The seventh part of the document discusses the importance of maintaining accurate records of all taxes and other financial obligations.

19. It is essential to ensure that all taxes are properly reported and that all other financial obligations are accurately recorded.

20. Regular audits should be conducted to verify the accuracy of the records and identify any discrepancies.

21. The eighth part of the document outlines the procedures for handling capital gains and losses.

22. Capital gains and losses should be recorded accurately and on time, with a clear indication of the asset and the amount.

23. The ninth part of the document discusses the importance of maintaining accurate records of all other financial transactions.

24. It is essential to ensure that all other financial transactions are properly recorded and that all records are accurate and complete.

25. Regular audits should be conducted to verify the accuracy of the records and identify any discrepancies.

26. The tenth part of the document outlines the procedures for handling other financial transactions.

27. Other financial transactions should be recorded accurately and on time, with a clear indication of the transaction and the amount.

(a) Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town may, by ordinance, amend, supplement, or change these regulations, district boundaries, or classifications of property. Any such amendments may be initiated by:

(1) Resolution of the Town Council, or;

(2) Motion of the Planning Commission, or;

(3) Petition of the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property, which is the subject of the proposed zoning map amendment.

(4) Any person may submit suggestions for Zoning Ordinance text amendments to the Zoning Administrator.

The Zoning Administrator shall forward these requests to the appropriate committee of the Planning Commission for consideration during the annual Zoning Ordinance review process.

Any petition submitted shall be in writing and shall be addressed to Town Council.

2.) Vinton

Sec. 8-2. - Initiation of amendments.

Amendments to the provisions of this appendix may be initiated by any of the following methods:

(a)

Resolution of the town council. The town council may, by its own resolution, initiate an ordinance to amend any of the provisions of this appendix, including the official zoning map. Every such resolution shall state the public purpose for the amendment.

(b)

Motion of the planning commission. The planning commission may, by adoption of a motion, initiate an amendment to any of the provisions of this appendix, including the official zoning map. Every such motion shall state the public purpose for the amendment. The motion shall be forwarded to the town council, which shall cause an ordinance to be prepared for its consideration.

(c)

Petition of a property owner. A petition to change the zoning classification of property by amendment to the official zoning map may be filed by the owner of such property or, with the written consent of the owner, the contract purchaser of the property or an agent of the owner.

1. The first part of the document is a letter from the Secretary of the State to the Governor, dated 10th March 1870. It contains a report on the state of the State and the progress of the various departments.

2. The second part of the document is a report on the state of the State and the progress of the various departments, dated 10th March 1870.

3. The third part of the document is a report on the state of the State and the progress of the various departments, dated 10th March 1870.

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7. The seventh part of the document is a report on the state of the State and the progress of the various departments, dated 10th March 1870.

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9. The ninth part of the document is a report on the state of the State and the progress of the various departments, dated 10th March 1870.

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12. The twelfth part of the document is a report on the state of the State and the progress of the various departments, dated 10th March 1870.

13. The thirteenth part of the document is a report on the state of the State and the progress of the various departments, dated 10th March 1870.

14. The fourteenth part of the document is a report on the state of the State and the progress of the various departments, dated 10th March 1870.

15. The fifteenth part of the document is a report on the state of the State and the progress of the various departments, dated 10th March 1870.

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19. The nineteenth part of the document is a report on the state of the State and the progress of the various departments, dated 10th March 1870.

20. The twentieth part of the document is a report on the state of the State and the progress of the various departments, dated 10th March 1870.

Mr. Morani suggested that Section 17-4 be repealed, to remove the entire section from the Code of Ordinances.

Mr. Bell reiterated that the Town code was not updated but the state statute was. A zoning map can still be initiated by the owner. By repealing 17-4, it would alleviate the mandatory process, this wouldn't stop the owner from applying for a zoning map amendment. Mr. Bell stated that 17-4 is in conflict with Dillion's Rule, which is listed below:

The Dillon Rule give the state legislature the capacity to meddle in small-scale decisions made by local jurisdictions. Municipal (town, county and city) governments may adopt an ordinance only if the General Assembly has clearly granted authority for the local government to make decisions on that topic.

On a motion by Mr. Shuman, seconded by Mr. Sproles, the Planning Commission members recommended Section 17-4 be repealed and sent to the Town Council for a final vote.

The roll call vote was as follows:

Mr. Kirk Sproles	Aye
Mr. James Anderson	Aye
Mr. Al Bradley	Aye
Mr. James Morani	Aye
Mr. Kenny Shuman	Aye
Mr. Wayne Austin	Aye

The repeal of Section 17-4 was unanimously approved by the Planning Commission to remove Section 17-4 from the Abingdon Code of Ordinances.

F. CERTIFICATE OF APPROPRIATENESS

1. Application for Certificate of Appropriateness; Marathon Realty Corp. P.O. Box 1158, Abingdon, VA 24212: Owner. COA for approval of the Final Plat Review for Washington Crossings to subdivide the property into two parcels, 1) containing 8.32± acres, 2) containing 3.22± acres. **Located at Cummings Street. Tax Map ID (105A-2-16)**

Mr. Gragg read Jason Boswell comments as listed below;

Request from Staff: Staff has informed the developer of their preference to not restrict turning movements to and from the retail center entrance/exit. The reason for this position is that the Town expects there to be connectivity at some point in the near future with The Meadow's development. Staff recommends approval of the final plat as presented.

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23. The twenty-third part of the document is a list of names and addresses of the members of the committee.

24. The twenty-fourth part of the document is a list of names and addresses of the members of the committee.

Mr. Morani let the commissioners know that the Town is working with the developer to create a connector road at the Washington Crossing development. The developer would dedicate a right-of-way to the Town by way of a separate agreement.

Mr. Spangler was present to answer any questions. Mr. Spangler added that they did add a portion to the final plat to incorporate signage in the state right-of-way.

On a motion by Mr. Bradley, seconded by Mr. Anderson, the Planning Commission members recommended that the COA be approved as presented.

The roll call vote was as follows:

Mr. Kirk Sproles	Aye
Mr. James Anderson	Aye
Mr. Al Bradley	Aye
Mr. James Morani	Aye
Mr. Kenny Shuman	Aye
Mr. Wayne Austin	Aye

The COA for the Final Plat was unanimously approved for the property located at Cummings Street at Washington Crossing.

2. Application for Certificate of Appropriateness; GC Pizza Hut REO Holdings LLC, 116 Radio Circle Drive, Suite 200, Mt. Kisco, NY 10549; the Owner. Steven Hutton: the Representative, Steven K. Hutton and Associates, PC, 245 East New Street, Suite 201, Kingsport, TN 37660. COA for approval of new construction of proposed Pizza Hut restaurant and tenant facility. Located at Lot 9, Meadows Development.

Mr. Hutton, project Architect, represented the Meadows development – Lot 9, Parcels A & B.

This COA was previously presented at the August 26, 2019 meeting as two separate buildings. With this COA, the building will be combined with the Pizza Hut on one side and an unknown tenant occupying the other half. The Pizza Hut as presented will have a drive-thru window. The tenant will have a menu board at the back of the building and a drive-thru window on the opposite side of the building. The exterior design has not changed from the previous COA, but the footprint has doubled in size.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions.

2. It is essential to ensure that all entries are supported by proper documentation and receipts.

3. Regular audits should be conducted to verify the accuracy of the records and identify any discrepancies.

4. The second part of the document outlines the various methods used to collect and analyze data.

5. These methods include surveys, interviews, and focus groups, each with its own strengths and limitations.

6. The third part of the document describes the process of data analysis and interpretation.

7. This involves identifying patterns, trends, and correlations within the data set.

8. The final part of the document provides a summary of the findings and conclusions drawn from the study.

9. It also includes recommendations for future research and practical applications of the findings.

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19. It also includes recommendations for future research and practical applications of the findings.

20. The document concludes by emphasizing the value of thorough and systematic research in understanding complex phenomena.

On a motion by Mr. Bradley, seconded by Mr. Shuman, the Planning Commission members recommended that the COA be approved as presented.

The roll call vote was as follows:

Mr. Kirk Sproles	Aye
Mr. James Anderson	Aye
Mr. Al Bradley	Aye
Mr. James Morani	Aye
Mr. Kenny Shuman	Aye
Mr. Wayne Austin	Aye

The COA was unanimously approved for construction of the Pizza Hut and tenant facility at the Meadow's, Lot 9, Parcels A & B

G. UPDATES FROM STAFF AND PLANNING COMMISSION MEMBERS

1. Comprehensive Plan Update

A. Community Meeting – Monday, September 30, 2019, to be held at the Abingdon Community Center, 4:30 PM to 7:00 PM. Topic to be Land Use and Transportation.

Mr. Shuman added that at the next community meeting that EPR would be revealing the results from the first public meeting, which was on May 7, 2019.

H. ADJOURN

On a motion by Mr. Bradley, seconded by Mr. Shuman, recommending that the meeting be adjourned with no further business to address.

The roll call vote was as follows:

Mr. Kirk Sproles	Aye
Mr. James Anderson	Aye
Mr. Al Bradley	Aye
Mr. James Morani	Aye
Mr. Kenny Shuman	Aye
Mr. Wayne Austin	Aye

Adjourn Time: 6:14 P.M.

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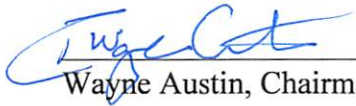
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Wayne Austin, Chairman


James Morani, Secretary

The next regularly scheduled meeting will be October 28, 2019, at 5:30 pm in the Arthur Campbell Room, 1st floor of the Town Municipal Building.

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