

TOWN OF ABINGDON
PLANNING COMMISSION
REGULAR MEETING
JUNE 23, 2003 - 7:30 P.M.

The Regular Meeting of the Abingdon Planning Commission was held Monday, June 23, 2003, at 7:30 P.M. The meeting was held in the Municipal Building, Downstairs Meeting Room.

The meeting was called to order by Mr. Fred St. John, Chairman.

There was a moment of silence in memory of James H. Alexander, member of the Planning Commission, who recently passed away.

ROLL CALL

Members Present: Mr. Fred H. St. John, Chairman
Mr. G. M. Newman
Mr. Edward B. Morgan
Mr. Richard Stevens
Mrs. Doris Shuman

Comprising a quorum of the Commission

Members Absent: Mrs. Harriett DeBose

Administrative Staff: Mr. Albert C. Bradley, Director of Planning/Zoning

Visitors None

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(2) Approval of Minutes: Regular Meeting, May 27, 2003

On motion of Mr. Morgan, seconded by Mr. Newman, it was unanimously resolved to approve the minutes of the regular meeting of May 27, 2003.

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(3) **PUBLIC HEARING - Amend the Code of the Town of Abingdon by adding Article III, Spot Blight Abatement, Sections 14-51 through 14-57.**

It was noted by Mr. Bradley that the necessity for a Spot Blight Abatement Ordinance had arisen from the ongoing King's Mountain Community Development Block Grant Project. Due to the limited area and scope of that project, it was the opinion of the King's Mountain Housing Advisory Board and the Management Team that there would be blighted areas outside of the project area that would become obvious once the project was completed. Therefore, the need for an ordinance to continue that work and which would be useful in parts of Town other than the King's Mountain area.

The ordinance reads as follows:

ARTICLE III. Spot Blight Abatement

Sec. 14-51. General.

This article is created in accordance with Section 36-49.1:1 of the Code of Virginia, 1950, as amended, for the general purpose providing the town with the power to hold, clear, repair, manage, dispose, or acquire blighted property as defined herein.

Sec. 14-52. Definitions.

- a. *Blighted property* is a building or buildings, which by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health morals or welfare of the community.

Sec. 14-53. Preliminary Determination of Blight.

a. Procedure.

- (i) The Town Manager shall make a preliminary determination that a property is blighted within the meaning of this article. Once determined to be blighted, the Town Manager shall provide written notice to the owner of said property that a determination of blight has been made. Within any such notice the Town Manager shall describe the condition of the property and the reason for making the determination that the property is blighted.
- (ii) The owner of the property determined to be blighted shall have thirty (30) days from the date of the notice from the Town Manager to present a plan to take measures to cure or eliminate the conditions upon which the preliminary determination of blight was made. The owner's plan to cure or eliminate the blight, if accepted by the Town Manager, shall be performed in such reasonable time period as the Town Manager, in his discretion, deems necessary under the circumstances.

Sec. 14-54. Hearing Before Planning Commission.

a. Procedure.

If the owners of a property that has been preliminarily determined to be blighted fails to timely present the plan set forth above, or fails to carry out a plan to cure or eliminate the blight within the time period acceptable by the Town Manager, the Town Manager may request that the Planning Commission conduct a public hearing and make findings and recommendations regarding the property. If such a hearing is requested, the Town Manager shall present to the commission a plan for the repair, disposal or acquisition of the property.

b. Notice of Public Hearing.

- (i) Not less than three weeks prior to the public hearing before the planning commission, the Town Manager shall cause a notice of the date, time, place

and purpose of the hearing to be sent by regular and certified mail, to the following; the owner of the blighted at the owner's last known address or to the agent designated by him for receipt of service of notices concerning the payment of real estate taxes; each of the abutting property owners in each direction, including those property owners immediately across the street or road from the blighted property; and to the representative neighborhood association, if any, for the immediate area. Within said notice the Town Manager shall include the plan that he has prepared on behalf of the Town for the repair, disposal or acquisition of the blighted property.

- (ii) Notice of the hearing shall also be published at least twice, with not less than six days elapsing between the first and second publication in the newspaper published or having general circulation in the locality in which the property is located. 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 newspaper publication.
- (iii) Notice of the hearing shall also be posted on the blighted property.

c. Planning Commission Findings.

- (i) Following the public hearing the Planning Commission shall make the following determinations:
 1. Whether the owner has failed to cure the blight or present a reasonable plan to do so;
 2. Whether the property is blighted;
 3. Whether the plan for repair or other disposition of the property is in accordance with the locally adopted comprehensive plan, zoning ordinances, and other applicable land use regulations; and
 4. Whether the property is located within an area listed on the National Register of Historic Places, If so, the Planning Commission shall consult with the architectural review board regarding the appropriateness of the repair or other disposition of the blighted property.
- (ii) The Planning Commission shall report its findings to the Town Council for final determination.

Section. 14-55. Hearing Before Town Council.

a. Action on Planning Commission Findings.

Upon receipt by the Town Council of the findings and recommendations of the Planning Commission, the Council may, after an advertised public hearing, affirm, modify or reject the said findings and recommendations. If the repair, disposal or acquisition of the property is approved by the Council, the Town Manager shall carry out the repair, disposal or acquisition in accordance with the approved plan.

b. Displacement of Residents.

Unless specifically authorized under Title 36 of the Code of Virginia, 1950, as amended, the Town Council shall not approve any plan for acquisition of blighted property that is occupied for personal residential purposes if the plan will result in the displacement of any person or persons living on the premises of the blighted property. However, this shall not apply to the acquisitions under an approved plan where the property has been condemned for human habitation for more than one year. In exercising its powers of eminent domain, in accordance with Title 25 of the Code of Virginia, 1950, as amended, the Town may provide for temporary relocation of any person living in the blighted property provided that the relocation is within the financial means of such person.

Section 14-56. Recovery of Costs and Lien on Property.

a. Costs.

The Town shall have a lien, on any blighted property on which it repairs and/or disposes of under the Town Council’s approved plan, for all costs that it expends or incurs in repairing or disposing of the property. All liens asserted herein shall be placed of record in the office of the Clerk of the Circuit Court of Washington County, and shall be subordinate to all prior recorded liens. If the governing body through eminent domain acquires the blighted property, the costs of repair may be recovered from the proceeds of sale when the Town sells or disposes of the property.

Sec. 14-57. Other Statutes and Ordinances.

The provisions of this article shall be cumulative and shall be in addition to all other remedies available to the Town for spot blight abatement that are authorized by law. Nothing in this article should be construed to relieve the owner of blighted property from complying with other applicable statues and ordinances relating to the use, development, or maintenance of property.

CERTIFICATE

Pursuant to Sec. 2-100 of the Code of the Town of Abingdon Thereby certify that I have reviewed the foregoing proposed Spot Blight Abatement Ordinances Sec. 14-51 through Sec. 14-57 and find them to be in correct form this 24th day of April.

/S/
Gregory W. Kelly
Attorney for the Town of Abingdon

On motion of Mr. Stevens, seconded by Mrs. Shuman, it was the unanimous recommendation of the Planning Commission that the Town Council adopt the proposed Spot Blight Abatement Ordinance, Article III, Sections 14-51 through 14-57, as presented.

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Further discussion included review of all Permitted Uses in the Zoning Ordinance.

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With no further business, the meeting was adjourned at 7:37 P.M.

Fred H. St. John, Chairman

G. M. Newman, Secretary