

**14. OLD BUSINESS****A. REPORT FROM SUPERVISOR WEST REGARDING PARKING FOR THE VOTER REGISTRAR'S OFFICE**

As you may recall, last month, Supervisor West indicated that he would contact AMAC Leasing, LLC on your behalf to discuss some potential parking lot improvements to create accessible parking closer to the entrance of the Voter Registrar's office. He will make an oral report at Monday's meeting.

**B. DISCUSSION REGARDING THE MAXIMUM HEIGHT OF WIRELESS COMMUNICATIONS TOWERS**

As discussed last month, the Planning Commission discussed the possibility of increasing the maximum height of wireless telecommunications towers at their November meeting. On a 4-3 vote, they voted not to proceed with a public hearing.

Notwithstanding the Planning Commission's action, if the Board would like to proceed in considering an amendment, based on the process prescribed by Section 15.2-2285, these are the necessary steps to move forward:

1. The Board may direct staff to develop a proposed zoning amendment increasing the maximum height of wireless towers;
2. The amendment may be forwarded to the Planning Commission with a directive to hold a public hearing on the proposed amendment after providing adequate notice;
3. The Board may direct the Planning Commission to report its recommendations not later than 100 days (or less if the Board so desires) after their next meeting;
4. If the Planning Commission fails to report its recommendations within 100 days, the amendment shall be deemed "approved" by the Planning Commission;
5. Upon receipt of the Planning Commission's recommendation, or expiration of the 100-day period, the Board must hold at least 1 public hearing after providing adequate notice;
6. Following the public hearing, the Board may act upon the proposed amendment.

I am open to the Board's direction in how it would like to proceed.

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

A. The planning commission of each locality may, **and at the direction of the governing body shall**, prepare a proposed zoning ordinance including a map or maps showing the division of the territory into districts and a text setting forth the regulations applying in each district. **The commission shall** hold at least one public hearing on a proposed ordinance or any amendment of an ordinance, after notice as required by § [481505537](#), and may make appropriate changes in the proposed ordinance or amendment as a result of the hearing. Upon the completion of its work, **the commission shall** present the proposed ordinance or amendment including the district maps to the governing body together with its recommendations and appropriate explanatory materials.

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. 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 § [481505537](#), 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 § [481505537](#). Zoning ordinances shall be enacted in the same manner as all other ordinances.

D. Any county which has adopted an urban county executive form of government provided for under Chapter 8 (§ [48150;33](#) et seq.) may provide by ordinance for use of plans, profiles, elevations, and other such demonstrative materials in the presentation of requests for amendments to the zoning ordinance.

E. The adoption or amendment prior to March 1, 1968, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise, give notice or conduct more than one public hearing as may be required by such act or by this chapter, provided a public hearing was conducted by the governing body prior to the adoption or amendment.

F. Every action contesting a decision of the local governing body adopting or failing to adopt a proposed zoning ordinance or amendment thereto or granting or failing to grant a special exception shall be filed within thirty days of the decision with the circuit court having jurisdiction of the land affected by the decision. However, nothing in this subsection shall be construed to create any new right to contest the action of a local governing body.

(Code 1950, §§ 15-822, 15-846, 15-968.7; 1962, c. 407, § 15.1-493; 1964, c. 279; 1968, c. 652; 1970, c. 216; 1972, c. 818; 1975, c. 641; 1984, c. 175; 1988, cc. 573, 733, 856; 1989, c. 359; 1990, c. 475; 1991, c. 235; 1996, c. [79](#); 1997, c. [8](#);) )

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[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)