Call to Order - 6:00 p.m.

Roll Call and Determination of a Quorum

1. Action Agenda
   1.1 Action Agenda: September 19, 2018

2. New Business
   2.1 ZTA #2020-01, 2019 Zoning Ordinance Annual Updates
       (Staff: Matt Arcieri, AICP Planning & Zoning Manager and Greg Bokan, AICP, Development Services Coordinator)
       Staff Memorandum
       Attachment 1. 2019 Draft Zoning Ordinance Updates
       Attachment 2. Wellington Community Association Request
       Attachment 3. Zoning; Penalties - Virginia Acts of Assembly – Chapter 726

Adjournment
Meeting convened at 6:30 pm.

1. Reviewed the 2018 Draft Zoning Ordinance Updates:

   • The ZORC expressed concerns over removing all Architectural Review Board (ARB) membership requirements from the Zoning Ordinance and requested additional language to ensure the appointment of well qualified members in order to maintain the City’s historic district Certified Local Government (CLG) status.

   • The ZORC reviewed the request to add Tattoo Parlors as a permitted use in the B-3 zoning district and decided to take no further action. Staff was requested to research the 2011 City Council decision to prohibit the use in B-3 and provide any available background on that decision.

2. The ZORC recommended proceeding with the October 3, 2018 Planning Commission public hearing as updated with the changes identified during the meeting.

Adjourned 7:12 pm.
TO: Zoning Ordinance Review Committee
FROM: Matthew D. Arcieri, AICP, Planning & Zoning Manager
Gregory J. Bokan, AICP, Development Services Coordinator
DATE: September 6, 2019
RE: ZTA #2020-01, 2019 Zoning Ordinance Annual Updates

As a follow-up to the completion of the City’s comprehensive zoning ordinance update, staff recommends that the City annually review the ordinance to make technical corrections and updates, and to ensure that the code remains in compliance with current requirements of state and federal laws and regulations. Following Planning Commission initiation in August 2019, staff and the City Attorney have prepared draft ordinance revisions (Attachment 1) for review at the September 11, 2019, ZORC meeting. A summary of the proposed updates is as follows:

Home Occupations

The Zoning Ordinance defines a home occupation as:

**Home Occupation means an Accessory Use conducted within a Dwelling Unit by residents of that unit which is clearly incidental and secondary to the principal residential use and where customers and/or employees do not come to the Dwelling Unit.**

Any business conducted from a dwelling unit that allows customers or non-family member employees to come to the dwelling unit is considered a *Home Business* and requires approval of a Special Use Permit. The City’s prohibition on all customers coming to a dwelling unit is one of the most restrictive in the region and many adjacent localities, including Prince William County, permit some limited on-site customer activity.

Property code enforcement staff have experienced a number of ongoing enforcements issues with certain home occupations that are not being conducted within the dwelling or that have employees or customers come to the dwelling unit in violation of the ordinance. In addition, the City routinely receives requests to conduct home occupations for personal services such as tutoring, music lessons, and personal training from the dwelling unit that are currently prohibited. Staff recommends consideration of two enhancements to the home occupation regulations to improve enforcement and accommodate these requests:
• A new section (b)(6) would clarify and explicitly state that, with the exception of a home office, landscaping and contractor businesses and commercial motor vehicle repair and sales are prohibited.

• A revised section (b)(2) would permit a maximum of one customer to come to the dwelling unit on an appointment-only basis. The text amendment contains restrictions on the maximum appointments permitted per day (five), hours of operations, and a requirement for an additional on-site parking space. Employees in the dwelling unit would continue to be prohibited.

Kennels

Animal Control and City Attorney have recently worked on an enforcement action regarding a downtown business that was operating a retail pet store selling puppies in violation of state and local animal care ordinances. While that business has agreed to cease operations, the zoning ordinance defines the sales of puppies as Retail Sales and a similar use could theoretically open within any City zoning district permitting retail sales.

Staff has drafted a revised definition of Kennel that would align with the state code and include the sale of dogs and cats. Defining these sales as a Kennel use would require a Special Use Permit in the B-4, BMD, and I-1 zoning districts and would be prohibited in all other zoning districts. The definition includes two exceptions. Retail stores that offer, as an accessory use, pets for adoption that are procured from humane societies or public shelter would not be classified as a Kennel. The definition would also exclude the keeping of pets within dwelling units that are separately regulated by Chapter 18 (Animals) of the City Code.

Community Signs

The current zoning ordinance allows modifications to the City’s sign regulations through the approval of a Special Use Permit (SUP) for a comprehensive sign permit. In residential zoning districts, only certain non-residential uses (churches, daycares, etc.) permitted by approval of a SUP can submit an application to modify their allowable signage.

Wellington Community Association (Attachment 2) has expressed interest in allowing a digital message sign at their community center, which is prohibited in residential zoning districts, and has requested that Private Community Recreation Uses (such as the Wellington clubhouse and pool) be added to the list of uses eligible to apply for a SUP.

Commercial Flags and Flagpoles

The recommended updates include technical corrections to the requirements for commercial flags and a requirement that commercial flags be removed when a business is closed, similar to existing requirements for portable “A” frame signs. These flags, when not actively monitored, can become damaged and present a safety hazard obstructing the roadway or sidewalks, particularly after storm events. A final technical correction to the height of flag poles matches the zoning maximum height limit to the height limit in the Uniform Statewide Building Code.
Signs on Recreational Facility Fences

A technical amendment is recommended to allow signs affixed to the interior of permanent fences of recreational or sports facilities. This amendment codifies a zoning administrator’s interpretation at the GMBL ballfields regarding the signs on the inside of their fences. These signs have limited visibility from public right-of-way and are primarily intended to advertise to patrons who have already entered the facility.

Technical Corrections

The draft amendments contain a number of technical corrections to the ordinance to improve the administration. Recommended changes include:

- A technical correction to the definition of *Oversized Vehicles* that adds plows to the list of prohibited heavy equipment in residential neighborhoods.
- Technical amendments requested by the Airport to airport parking requirements for Fixed Based Operators (Sec. 130-204) and I-A, airport zoning district height limits (Sec. 130-309). The modification to the height limits replaces the current 75-foot limit with the more restrictive requirements of the existing Airport Impact Overlay District.
- A technical corrections to the list of administrative review items in Sec. 130-405 for the Historic Overlay District. This change splits existing administrative review item (1) into three separate parts for ease of reading and administration.
- An amendment to Sec. 130-602, criminal violations and penalties to address the requirements of Chapter 726 of the 2018 Virginia Acts of Assembly (Attachment 3).

Attachment:

1. 2019 Draft Zoning Ordinance Updates
2. Wellington Sign Request
3. Zoning; Penalties - Virginia Acts of Assembly – Chapter 726
Attachment 1. ZTA #2020-01, Draft 2019 Zoning Ordinance Annual Updates

ARTICLE II. DEFINITIONS

Sec. 130-44. Definitions.

**Home Business** means any commercial activity conducted within a Dwelling Unit as an Accessory Use to the principal residential use where *more than one customers at any given time* and/or *any employees* come to the Dwelling Unit. Any such use shall only be permitted in accordance with the requirements of §130-95.

**Home Occupation** means an Accessory Use conducted within a Dwelling Unit by residents of that unit which is clearly incidental and secondary to the principal residential use and where *no more than one customers at any given time* and/or *employees do not come* to the Dwelling Unit. *No employees shall be permitted to come to the dwelling unit.* Any such use shall only be permitted in accordance with the requirements of §130-96.

**Kennel** means the use of land where *for hire, more than two dogs and/or more than five or more canines, felines, or hybrids of either cats that are more than four months of age* are kept for the purpose of *breeding, hunting, training, renting, buying, boarding, selling, or showing* providing care, protection, guidance, breeding, training, or exercise. A Kennel shall be operated in accordance with the requirements of §130-97. *Excluded from this definition are:*

1. **Retail sales uses** that, as an accessory use, offer for adoption dogs or cats procured only from a humane society or public animal shelter as those terms are defined in Code of Virginia §3.2-6500; and

2. **The keeping of pets in accordance with the requirements of Chapter 18 of this Code.**

**Vehicle, Oversized** means any motor vehicle registered for business use with:

1. A gross weight of more than 10,000 pounds;

2. Vehicle Length in excess of 21 feet;

3. Vehicle Width greater than 102 inches; or

4. Any **construction heavy** equipment including, but not limited to, trailers, lowboys, cranes, well digging apparatus, **plows**, or other heavy **construction** equipment.
ARTICLE III. GENERAL REGULATIONS

DIVISION 2. USE STANDARDS.

Sec. 130-96. Home occupations.

(a) A home occupation shall be permitted as an accessory use by right in any residential dwelling unit lawfully occupied by one family as defined in §130-42. Such accessory use shall neither change the character of the dwelling unit nor exhibit any exterior evidence of a non-residential use. The City shall approve a home occupation permit, where permitted, subject to the following requirements.

(b) General requirements.

(1) No employees shall be permitted to come to the dwelling unit, except for family members residing in the dwelling unit.

(2) No more than one employee, agents, customers, or clients shall be permitted to come to the dwelling unit for business-related purposes at any given time and shall conform to the following requirements:

a. Customer contact on-site shall be by appointment only.

b. Customer appointments shall be limited to not more than five appointments a day, and not scheduled before 8:00 a.m. or after 6:00 p.m. Monday through Friday.

c. A minimum of one on-site parking space in addition to required parking for the residential dwelling unit shall be provided.

(2)(3) No business signs affixed to a mailbox, freestanding or otherwise, shall be permitted on-site.

(3)(4) On-site storage of materials, merchandise, or equipment is limited to the following standards:

a. Materials associated with the home occupation shall be limited to just-in-time delivery and storage practices. No bulk storage on-site is permitted.

b. Exterior storage of equipment, trailers, other business related equipment, materials, or merchandise is prohibited.

c. Interior use of equipment such as a telephone, fax, computer, or other typical light office equipment necessary to the business is permitted.

d. All delivery of supplies shall be made just-in-time for its use.

(4)(5) Any motor vehicle used in a home occupation shall conform to the following requirements:
a. No vehicle used in a home occupation and with a gross weight of more than 10,000 pounds, in excess of 21 feet in length, or wider than 102 inches shall be parked, garaged, or stored on the site or in a residential district for any reason.

b. No more than one motor vehicle used for each home occupation shall be parked within the residential district.

c. Any sign maintained on any vehicle used in a home occupation shall be covered or removed when the vehicle is parked in any residential district. Vehicles displaying a sign prior to enactment of this subsection shall be exempt from this provision until the vehicle is replaced.

(6) The following commercial activities are specifically prohibited, and shall not be deemed or construed as activities constituting a home occupation:

a. Storage or staging facilities for landscaping and lawn maintenance services or construction services.

b. Motor vehicle repair or motor vehicle sales and rental.

(5)(7) In the event a vehicle, including trailers or other on/off road equipment, is required as part of the home occupation, the applicant shall provide the following as part of the application process:

a. A valid street address where the vehicle will be garaged.

b. A copy of the current vehicle registration indicating the jurisdiction in which the vehicle is registered.

c. At no time shall a trailer or other off road equipment associated with a home occupation be permitted to be stored in any residential district.

(6)(8) Not more than 25 percent of the gross floor area of a dwelling unit, inclusive of any attached garage, shall be used for a home occupation.

(9) A permit for a home occupation shall only be valid for the original applicant and is not transferable to any other resident of the dwelling unit, address, or to any other home occupation use. Upon termination of the applicant's residency, the home occupation permit shall become null and void.
ARTICLE IV. SIGNS

Sec. 130-123. Administration.

(f) *Special exceptions. Comprehensive sign plans may be approved by special use permit in B, I, and P districts. Comprehensive sign plans may be approved by special use permit in R or A-1 districts for private community recreational uses or for uses allowed by special use permit.* The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site. Height of signs may not be modified above the height permitted in the Zoning Ordinance.

Sec. 130-129. Signs not requiring permit.

In addition to signs allowed without a permit elsewhere in this article, the following signs are allowed and do not require a permit:

(a) The changing of message content, including message content on a changeable message sign, if permitted in that district.

(b) Signs erected by the City or other government entity, including but not limited to traffic control signs, signals, regulatory devices, legal announcements, historical markers, and directional signs.

(c) The following small signs:

(1) Yard sale signs permitted under §130-101.

(2) Multi-occupant signs erected in multiple-building complexes or on lots supporting three or more occupants, and operating as a shopping center, plaza, mall, or other common title.

(3) Two minor signs, not exceeding three square feet in sign area. Freestanding minor signs shall be located a minimum distance of twenty-five feet apart.

(4) Menu boards located adjacent to a drive-through lane and not exceeding six-feet in height.

(5) Temporary signs not exceeding three square feet in sign area and erected for not more than 30 consecutive days.

(d) Noncommercial signs on private property, subject to the restrictions on location, cumulative size, and materials provided in this article.

(e) On a property under construction or renovation, for sale, or for rent, signs not exceeding four square feet for single-family detached properties or 18 square feet for all other residential, non-residential, or mixed-use properties.
(f) Window signs, provided the aggregate sign area of all window signs does not exceed 25 percent of the total transparent area of the windows and doors on the building wall.

(g) Signs affixed to the interior of a permanent fence of a recreational or sports facility at a private community recreational use, public facility, or educational facility.

Sec. 130-130. Flags.

Except as prohibited by §130-128(b)(8), flags are permitted as follows:

(a) Noncommercial flags are permitted in every zoning district without a permit, subject to the general requirements of this article.

(b) Except for entrance-commercial flags permitted under §130-130(e), the minimum setback for a flag pole is the longest dimension of the pole, in order to prevent the flag or pole falling into the property of another or into a public street, trail, or sidewalk.

(c) The maximum height of a flagpole is 25-30 feet.

(d) Maximum size and number:

(1) The maximum sign area of any flag in a residential district is 24 square feet. There is no maximum number of flags in a residential district.

(2) A single commercial flag of no more than 50 square feet sign area is permitted per business in any B (except B-3), I, or P district. No permit is required.

(3) Businesses in the B-3 district may have up to two entrance-commercial flags per entrance. The maximum sign area of an entrance each flag is 12 square feet. No permit is required.

(e) All commercial flags shall be removed and stored when it is closed.

(f) Flags shall not be illuminated unless illumination is required by law.
ARTICLE VI. PARKING AND LOADING REQUIREMENTS

Editor’s note: No other changes to §130-204, Table 1, except as noted below.

§130-204, TABLE 1: MINIMUM OFF-STREET PARKING REQUIREMENTS

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>REQUIRED OFF-STREET PARKING</th>
<th>SPECIAL DISTRICTS</th>
<th>EXCEPTIONS/COMMENTS/ADDITIONAL REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport or Aviation Facility</td>
<td>1 per 500 SF of passenger waiting and service area</td>
<td>DOWNTOWN* *For B-3 Zoning See §130-204(b)</td>
<td>A FBO shall provide parking for each individual land use within the operation. Parking shall be the cumulative total of each individual use proposed (e.g. office + hangar + warehouse).</td>
</tr>
<tr>
<td></td>
<td>1 per 1,000 SF of hangar Fixed base operation (FBO): See Additional Requirements</td>
<td>MANASSAS LANDING, MATHIS CORRIDOR, HOSPITAL/SUDLEY</td>
<td>Zoning Administrator</td>
</tr>
</tbody>
</table>

ARTICLE VIII. ZONING DISTRICTS

DIVISION 3. NON-RESIDENTIAL & MIXED USE DISTRICTS

Sec. 130-309. I-A airport district.

(d) Maximum structure height. No structure shall be greater than 75 feet in height, excluding mechanical equipment, which shall be adequately screened. Broadcasting and telecommunication towers, public facilities, and public utility uses may exceed this height subject to approval of a special use permit in accordance with Article IX of this chapter See §130-424.
DIVISION 4. OVERLAY DISTRICTS

SUBDIVISION 1. HISTORIC OVERLAY DISTRICTS

Sec. 130-405. Certificate of Appropriateness.

(b) Administrative review. Notwithstanding any contrary requirement of this article, the City may review and administratively approve applications for the following exterior changes:

1. Alterations to a Noncontributing Structure that do not substantially change the architectural character or are substantially hidden from view of the street right-of-way.

2. Minor alterations to a Historic Structure that do not substantially change the architectural character or are substantially hidden from view of the street right-of-way.

3. The construction of accessory buildings and structures on properties where none of the structures are Historic Structures and where the construction would be in keeping with the character of the principal structure and surrounding area.

4. Reconstruction performed to restore or replace the same as, or nearly the same as practical, a structure to its original documented historical design.

5. Banner signs, window signs, and other minor or temporary signs that comply with the established standards of review and any adopted and published design guidelines.

6. Alterations to existing residential structures in the Liberia Mansion HOD unless exempt from review under §130-405(c).

ARTICLE X. ENFORCEMENT

Sec. 130-602. Criminal violations and penalties.

(a) Except as provided below, any violation of the requirements of this chapter or the DCSM shall be deemed a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not less than $10.00 and not more than $1,000.00. In the case of a continuing violation, further penalties and abatement orders are governed by the Code of Virginia §15.2-2286(A)(5).
July 8, 2019

Attention: Manassas City Planning Commission
Contact: Matthew Arcieri, ACP
Planning and Zoning Administrator
Zoning Administrator

To Whom it May Concern,

The Board of Directors for the Wellington Community Association, located at 9700 Wellington Road, Manassas, VA 20110, has asked me to send this correspondence on their behalf. They would like to request that you consider Sec. 130-123(f) of the code to allow HOAs to modify their community signs via a Special Use Permit. The Wellington Community Association has been interested in making this improvement to our signage for years, and believe it will add great value to our neighborhood.

Please don’t hesitate to reach out if you have any questions, or would like additional information.

Kind Regards,

Taylor Vasicek, CMCA, AMS
Community Manager
At the Request and on Behalf of the Board of Directors
Wellington Community Association
An Act to amend and reenact § 15.2-2286 of the Code of Virginia, relating to zoning; penalties.

Approved March 30, 2018

Be it enacted by the General Assembly of Virginia:
1. That § 15.2-2286 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2286. 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 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

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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 less than $10 nor 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 less than $10 nor more than $1,000, and any such failure during any a succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not less than $100 nor 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 $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 Chapter 13 or Chapter 13.2 of Title 55, as applicable. 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.