Section 6-600 **Notice Required For Public Hearings.**

6-601 **Required Notice**. Each public hearing involving planning and zoning matters before the Planning Commission, the Board of Supervisors and the Board of Zoning Appeals, requires notice as set forth below.

(A) **Written Notice**.

(1) **Cases Involving Less Than 25 Tax Map Parcels**

(a) **First Notice**. For a zoning map amendment, special exception, variance, appeals pursuant to §15.2-2301 or §15.2-2311 of the Code of Virginia, as amended, hardship petition, or commission permit that involves less than 25 tax map parcels, the Planning Commission, Board of Supervisors or Board of Zoning Appeals, or designee as appropriate, shall provide written first notice of the public hearing to the owner or owners, or their agent, of each parcel involved and to the owner or owners or their agent, of all abutting property and all property immediately and diagonally across the street or road from the property affected. In addition, if any portion of the property which is the subject of the zoning map amendment is within a planned development district then, written notice of a public hearing shall also be given to such incorporated property owners' association existing within the planned development district that has members owning property within 2,000 feet of the subject property. Notice shall be sent by registered or certified mail to the last known address of the registered agent, as listed by the State Corporation Commission, of such incorporated property owners' association. For a comprehensive plan amendment, zoning map amendment, or special exception application, notice of application will be given to adjoining counties or municipalities inside the Commonwealth and within one-half mile of the subject property.

Such first notice must be mailed at least 21, and no more than thirty (30) calendar days before the hearing and shall be made by first class mail. First notice sent to the last known address of the owner as shown on the County's current real estate tax assessment records shall be deemed adequate

compliance with this requirement. Nothing in this paragraph shall be construed as to invalidate any subsequently adopted amendment, special exception or variance because of the inadvertent failure to give written first notice.

(b) **Second Notice**. For a zoning map amendment, special exception, variance, appeals pursuant to §15.2-2301 or §15.2-2311 of the Code of Virginia, as amended, hardship petition, or commission permit that involves less than 25 tax map parcels, the Planning Commission, Board of Supervisors or Board of Zoning Appeals or designee as appropriate shall provide written second notice of the public hearing to the owner or owners, or their agent or the occupant of each parcel of land involved and to the owner or owners, their agents or the occupant of all abutting property and property immediately and diagonally across the street or road from the property affected. In addition, if any portion of the property which is the subject of the zoning map amendment is within a planned development district then, written notice of a public hearing shall also be given to such incorporated property owners' association existing within the planned development district that has members owning property within 2,000 feet of the subject property. Notice shall be sent by registered or certified mail to the last known address of the registered agent, as listed by the State Corporation Commission, of such incorporated property owners' association. For a comprehensive plan amendment, zoning map amendment, or special exception application, notice of application will be given to adjoining counties or municipalities inside the Commonwealth and within one-half mile of the subject property.

Such second notice must be mailed at least five (5) calendar days before the hearing and shall be made by registered or certified mail. Second notice sent to the last known address of the owner as shown on the County's current real estate tax assessment records shall be deemed adequate compliance with this requirement.

(2) **Cases Involving 25 or More Tax Map Parcels.**

(a) **First Notice.** For a zoning map amendment that involves 25 or more tax map parcels, but less than 500 tax map parcels, special exception, variance, appeals pursuant to Section 15.2-2301 or Section 15.2-2311 of the Code of Virginia, as amended, hardship petition, or commission permit that involves 25 or more tax map parcels, the Planning Commission, Board of Supervisors or Board of Zoning Appeals or its designee shall provide written first notice of the public hearing to the owner or owners, or their agent, of land involved and to the owner or owners or their agent, of all abutting property and all property immediately and diagonally across the street or road from the property affected. In addition, if any portion of the property which is the subject of the zoning map amendment is within a planned development district then written notice of a public hearing shall also be given to such incorporated property owners' association existing within the planned development district that has members owning property within 2,000 feet of the subject property. Notice shall be sent by registered or certified mail to the last known address of the registered agent, as listed by the State Corporation Commission, of such incorporated property owners' association. For a comprehensive plan amendment, zoning map amendment, or special exception application, notice of application will be given to adjoining counties or municipalities inside the Commonwealth within on-half mile of the subject property.

Such first notice must be mailed at least 21 and no more than thirty (30) calendar days before the hearing and shall be made by first class mail. First notice sent to the last known address of the owner as shown on the County's current real estate tax assessment records shall be deemed adequate compliance with this requirement. Nothing in this paragraph shall be construed as to invalidate any subsequently adopted amendment, special exception or variance because of the inadvertent failure by the representative of the local Commission to give written first notice to the owner or owners, or their agent, of any parcel involved.

(b) **Second Notice.** For a zoning map amendment that involves 25 or more tax map parcels but less than 500 tax map parcels, special exception, variance, appeals pursuant to §15.2-2301 or §15.2-2311 of the Code of Virginia, as amended, hardship petition, or commission permit that involves 25 or more tax map parcels, the Planning Commission or Board of Supervisors, or Board of Zoning Appeals or its designee shall provide written second notice of the public hearing to the owner or owners, or their agent, of each parcel of land involved. In addition, if any portion of the property which is the subject of the zoning map amendment is within a planned development district then, written notice of a public hearing shall also be given to such incorporated property owners' association existing within the planned development district that has members owning property within 2,000 feet of the subject property. Notice shall be sent by registered or certified mail to the last known address of the registered agent, as listed by the State Corporation Commission, of such incorporated property owners' association. For a comprehensive plan amendment, zoning map amendment, or special exception application, notice of application will be given to adjoining counties or municipalities inside the Commonwealth and within one-half mile of the subject property.

Such second notice must be mailed at least five (5) calendar days before the hearing and shall be made by first class mail. Second notice sent to the last known address of the owner as shown on the County's current real estate tax assessment records shall be deemed adequate compliance with this requirement. Nothing in this paragraph shall be construed as to invalidate any subsequently adopted amendment, or ordinance, special exception or variance because of the inadvertent failure by the representative of the local commission to give written second notice to the owner or owners, or their agent of any parcel involved.

(3) **Contents of Written Notice**. All required written notice shall contain:

(a) The time, date and place of hearing;

(b) A brief description of the matter being heard; and

(c) Identification of the land subject of the application (including the tax map number of the property and complete street address of the property).

(4) **Second Notice Remailed If Hearing Continued.** If a public hearing is continued, then the second notice required in such case shall be remailed.

(5) **Landowner Initiated Cases.** In any case involving a zoning map amendment, special exception or variance which is initiated at the request of a landowner, such landowner shall be designated by the Planning Commission, Board of Supervisors or Board of Zoning Appeals, as appropriate, as responsible for sending any notice required by this Section.

(6) **Notice by County.** Notwithstanding any other provisions of this section, whenever the notices required under this Section are sent on behalf of an agency, department or division of the County, such notice shall be sent by the Zoning Administrator and may be sent by first class mail; however, the Zoning Administrator shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

(7) **Certification.** At least five (5) calendar days prior to the hearing, an affidavit, prepared by the person or persons, or their representative providing notice, shall be filed with the Director of Planning certifying that first and second notices have been sent and such affidavit shall include a list of names of those to whom notice was sent. A counterpart of such affidavit shall be presented at the beginning of the public hearing on the application.

(8) **Failure to Receive Notice**. Failure to receive any notice of a hearing required by this Section, in and of itself, shall not invalidate any action taken at or subsequent to the hearing.

(9) **Condominium Ownership.** In the case of a condominium, written notice may be sent to the unit owner's association instead of to each individual unit owner.

(B) **Placard Notice**. Each application, except for zoning map amendment cases involving 500 or more tax map parcels, shall be posted by the applicant, using a form of placard approved by the Board of Supervisors, at least twenty-one (21) and no more than thirty (30) calendar days prior to each public hearing. Certification of posting shall be provided to the Director of Planning, except that such certification shall be provided to the Zoning Administrator for public hearings before the Board of Zoning Appeals.

(1) **Location of Placards**. Placards shall be affixed to a pole, post, fence or other structure to be clearly visible from each public road abutting the property. If no public roads abut the property, then the placard shall be posted so as to be clearly visible from at least two abutting properties and at the access points to said property. Placards shall be weatherproof.

(2) **Contents of Placards**. Placards shall contain:

(a) The time, date and place of the hearing;

(b) A brief description of the matter being heard; and

(c) Identification of the land that is the subject of the application including the tax map number and complete address of the property.

(3) **Maintenance and Removal of Placards**. The applicant shall maintain all placards up to the time of the hearing and shall remove all posted placards no later than fifteen (15) calendar days after the public hearing has been closed.

(4) **Penalties.** It shall be unlawful for any person to destroy, deface or remove such placard notice. Any person taking such action shall be subject to the penalties set forth in Section 6-504 of this Ordinance.

(C) **Newspaper Notice**. The County shall give newspaper notice prior to each public hearing.

(1) **Type of Newspaper**. Notice shall be published in a newspaper or newspapers of general circulation in the County.

(2) **Contents of Newspaper Notice**. The notice shall contain:

(a) The time, date and place of the hearing;

(b) A brief description of the matter being heard;

(c) If the matter is one for which an additional public hearing is necessary and has been scheduled before the BZA or Board of Supervisors, the time, date and place of the scheduled BZA or Board of Supervisors hearing; and

(d) Identification of the land that is the subject of the application including the tax map number and complete address of the property.

(e) In the case of a zoning map amendment, including an amendment to an approved concept plan, or a modification of ordinance regulations, the general usage and density range of the proposed zoning amendment, and the general usage and density range, if any, set forth in the Comprehensive Plan shall be included within the notice.

(3) **Time of Newspaper Notice**. The notice shall appear at least once a week for two (2) successive weeks and with the second advertisement no more than 21 and no fewer than five (5) calendar days prior to the public hearing.

(D) **Zoning Map Amendment Cases Involving 500 or More Tax Map Parcels.** For a zoning map amendment case involving 500 or more tax map parcels, notice in such cases shall conform in all respects to the provisions of Section 15.2-2204 of the Code of Virginia, 1950 as amended, and no placard notice shall be required in such cases.

(E) **Zoning Text Changes.** When a proposed amendment to the text of the zoning ordinance would decrease the allowed dwelling unit density of more than twenty five parcels of land, then, in addition to the advertising required pursuant to Section 6-601(C), above, written notice shall be given by the County or its designated representative, at least five days before the hearing to the owner, owners, or their agents of each parcel of land involved, provided, however, that written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner, owners or their agents of lots shown on a subdivision plat approved and recorded pursuant to the Loudoun County Land Subdivision and Development Ordinance where such lots are less than 11,500 square feet.

6-602 **Notice Requirement for Adoption of Submission Checklist.** A resolution to be presented to the Board of Supervisors pursuant to Section 6-403 shall be advertised in a newspaper of general circulation in the County at least thirty (30)

days before consideration of the resolution by the Board..

6-603 **Cost of Notice**. The cost of all notice required by this Section shall be paid by the applicant.

6-604 **Additional Notice Required**.

(A) **Deferral**. If an item is not heard at the time for which it was noticed but is deferred at that time to another date, all notice required by this Section shall be given of the deferred public hearing.

(B) **Recessed Public Hearings**. If a public hearing is begun but the agenda not completed, thereby requiring the meeting to be recessed, no additional notice is required as long as the date(s) for completion of the public hearing agenda is announced at the hearing which has been recessed.