

1.17.7 Officers

The ARB shall elect from its membership a chairman and vice-chairman who shall serve annual terms and may succeed themselves; however, a rotation of officers is encouraged. The Zoning Administrator and Clerk of Council shall serve as administrative staff to the ARB and maintain all records, minutes, and files relating to the ARB meeting.

1.17.8 Meeting Procedure

The chairman shall conduct the meetings of the ARB. In the absence of the chairman, the vice-chairman shall preside. Minutes of the meetings and permanent records of all resolutions, transactions, and determinations shall be kept, and shall be made available to the Town Council. All members of the ARB shall be entitled to vote, and the decisions of the ARB shall be determined by a majority of those members present and voting. A quorum is defined as a majority of the appointed membership.

1.17.9 Rules of Procedure

In matters covering procedures not included in this UDO, the Board will establish its own by-laws, subject to legal review and approval by the Town Council.

1.17.10 Public Meetings

The ARB shall have regularly scheduled monthly meetings. The chairman or the vice-chairman, in the chairman's absence, may call special meetings, as may be necessary, after notifying the Zoning Administrator. Meetings of the ARB shall be publicly announced, in accordance with any legal requirement, and shall be open to the public.

1.17.11 Annual Report by Board

The ARB shall submit an annual report of its activities for review by the Town Council at their regular meeting each January.

1.18 Planning Commission**1.18.1 Appointment; composition; compensation; removal; term; conflicts**

- A. Pursuant to state law, a Planning Commission for the Town is hereby created.
- B. The Planning Commission shall be composed of seven members, who shall be appointed by the Town Council, all of whom shall be Town residents and qualified by knowledge and experience to make decisions on questions of community growth and development, provided that at least one-half of the members shall be owners of real property. One member of the Planning Commission may be a member of the Town Council, and one member may be a member of the administrative branch of Town government. The term of each of these two members shall be coextensive with the term of office to which he has been elected or appointed unless the Town Council, at the first regular meeting each year, appoints others to serve as their representatives. The remaining members of the Planning Commission shall serve for staggered terms of four years each.
- C. All members of the Planning Commission shall serve as such without compensation, unless the Town Council provides for compensation to the members for their services or reimbursement for actual expenses incurred or both, pursuant to the last paragraph of Code of Virginia, § 15.2-2212.
- D. Any member of the Planning Commission may be removed from office for malfeasance in office.
- E. Vacancies upon the Planning Commission, however caused, shall be filled by the Town Council for the unexpired term only.

- F. The Planning Commission shall elect from among its members its own chairman and vice-chairman and shall provide from time to time such rules and regulations, which are not inconsistent with this UDO, for its own organization and procedure as it may deem proper.

1.18.2 Responsibilities

- A. The Planning Commission shall have the functions, powers and duties and shall be subject to the limitations which are prescribed by law.
- B. The Planning Commission shall make annual reports to the Town Council covering their investigations, transactions and recommendations; in addition it shall make such other reports as it may deem proper, or as may be required by the Town Council.
- C. Make recommendations for the Comprehensive Plan and Capital Improvement Plan (CIP) for future development, including recommendations relative to the location, length, width, and arrangements of the streets, alleys, bridges, viaducts, parks, parkways, playgrounds, boulevards, or other public grounds or improvements, the platting of public property into lots, plots, streets or alleys, transportation, the grouping of public buildings, the design and placing of memorials, works of art, power or lighting plants, street lighting standards, telephone poles, street name signs, billboards and projecting signs.
- D. Make recommendations in connection with the execution and interpretation of the Comprehensive Plan, and make such changes and adjustments in the plan as may be deemed desirable from time to time.
- E. Make recommendations upon any matter relating to zoning regulations which may be referred to it by the Town Council, and assume such other related duties and responsibilities as may be delegated to it by the Town Council.
- F. Prepare and recommend to the Town Council rules controlling the subdivision of land.
- G. Make recommendations regarding the approval or disapproval of plats for land subdivision, lots split, conditional zoning and proffers.
- H. Recommend from time to time legislation which may be desirable to further the purpose of Town planning.
- I. In addition to all other powers and duties provided by the provisions of this UDO, the Planning Commission shall have such other powers and/or duties as may be provided by the Town Council.

1.18.3 Rules and regulations; meeting

- A. The Planning Commission shall adopt such rules and regulations as it may consider necessary.
- B. The meeting of the Planning Commission shall be held monthly and at the call of its chairman or at a written request of two members at such times as a quorum of the Planning Commission may determine.
- C. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.
- D. The Planning Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Planning Commission and shall be a public record.
- E. All meetings of the Planning Commission shall be open to the public.

- F. A quorum shall be at least four (4) members.**

1.19 Board of Zoning Appeals

1.19.1 Appointment; composition; compensation; removal; term; conflicts:

- A. A Board of Zoning Appeals (BZA) consisting of five members shall be appointed by the Circuit Court of Shenandoah County. The Board shall serve without pay other than for traveling expenses. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court which appointed him, after a hearing held after at least 15 days' notice. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.
- B. The members' office shall serve five-year staggered terms. One of the five appointed members shall be an active member of the Planning Commission.
- C. Any member of the BZA shall be disqualified to act upon a matter before the Board with respect to property in which the member has an interest.
- D. The BZA shall choose annually its own chairman and vice-chairman, who shall act in the absence of the chairman.
- E. At the request of the Town Council, the Circuit Court may appoint not more than three alternates to the BZA. The qualifications, terms and compensation of alternate members shall be the same as those of regular members.
- F. A regular member when he knows he will be absent from or will have to abstain from any application at a meeting shall notify the Zoning Administrator at least 24 hours prior to the meeting of such fact.

1.19.2 Responsibilities

The Board of Zoning Appeals shall have the following responsibilities:

- A. To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of Code of Virginia, § 15.2-2280 et seq. or of this UDO. The decision on such appeal shall be based on the Board's judgment of whether the administrative officer was correct. The Board shall consider the purpose and intent of any applicable ordinances, laws and regulations in making its decision.
- B. To authorize upon appeal or original application in specific cases such variance as defined in this UDO from the terms of this UDO as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of this UDO shall be observed and substantial justice done.
- C. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this UDO. In authorizing a variance the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.
- D. To hear and decide appeals from the decision of the Zoning Administrator after notice and hearing as provided by Code of Virginia, § 15.2-2204.