

ARTICLE 14

BOARDS, COMMISSIONS, COMMITTEES

PART 1

14-100

PLANNING COMMISSION

14-101

Purpose

The Planning Commission shall advise the Board of Supervisors on all matters related to the orderly growth and development of Fauquier County, and it shall approve or disapprove the location, character and extent of all public facilities in the County.

More specifically, the Planning Commission, with the advice and assistance of the County staff, shall:

1. Prepare and recommend a Comprehensive Plan for the physical development of the County and review said plan at least once every five (5) years.
2. Prepare and recommend amendments to the Zoning Ordinance.
3. Prepare and recommend amendments to the Subdivision Control Ordinance.
4. Review projects within the Capital Improvements Program for substantial accordance with the Comprehensive Plan.
5. Prepare and recommend amendments to an Official Map.
6. Review and make recommendations to all amendments to the Zoning Map.
7. Review and make recommendations on applications for special exceptions filed with the Board and, where deemed necessary, appeals and applications for special permits filed with the BZA.
8. Recommend development plans in accordance with the provisions of Article 11.
9. Approve or disapprove the general or approximate location, character and extent of streets, parks or other public areas, public buildings, public structures, public utilities or public service corporations other than railroads, whether publicly or privately owned.

14-102

Authority and Establishment

The Planning Commission was established in conformance with a resolution adopted by the Board of Supervisors pursuant to the provisions of Article 3, Chapter 11, Title 15.2 of the Code of Virginia. The Planning Commission heretofore established shall continue as the Planning Commission for the purpose of this Ordinance. The official title of this Commission shall be the "Fauquier County Planning Commission".

14-103

Membership

1. The Planning Commission shall consist of five (5) members, appointed by the Board, all of whom shall be residents of the County, qualified by knowledge and experience to make decisions on questions of community growth and development. There shall be one (1) member from each magisterial district, who shall be a resident of that district at the time of his or her appointment.
2. Members shall be appointed for four (4) years and terms of appointment shall be staggered. Members of the Commission may receive such compensation as may be authorized by the Board.
3. Any vacancy in membership shall be filled by appointment by the Board. It shall be for an unexpired term only. Any appointed member may be removed by the Board for malfeasance in office.

14-104

Meetings

1. Regular meetings of the Planning Commission are held once each month or as the work of the Commission may require, at a time and place to be designated by the Commission. When a meeting date falls on a legal holiday, the meeting shall be held on the day following unless otherwise designated by the Commission.
2. All regular meetings and adjourned meetings shall be open to the public except as provided for in the Freedom of Information Act.
3. Special meetings of the Commission may be called by the Chairman or by two (2) members upon written request to the Secretary.
 - A. The Secretary shall cause to be mailed to all members, at least five (5) days in advance of a special meeting, a written notice fixing the time and place and purpose of the meeting.
 - B. Written notice of a special meeting shall not be required if the time of the special meeting has been fixed at a previous regular meeting or if all members are present at the special meeting or file a written waiver of the required notice.
4. All public hearings conducted by the Planning Commission shall be in accordance with the provisions set forth in Section 13-110.
5. A majority of the membership of the Commission shall constitute a quorum.
6. No action of the Commission shall be valid unless authorized by a majority vote of those present.

14-105

Records

The Planning Commission shall keep minutes of all its proceedings showing evidence presented, the names of all witnesses giving testimony, findings of fact by the Commission, and the vote of each member upon each question, or if absent or failing to vote, such fact. These minutes shall be a public record.

14-106

Duties

The Planning Commission shall have the following duties:

1. The election of officers from its own membership.
2. The general supervision of, and the making of regulations for, the administration of its affairs.
3. The adoption of its own bylaws and procedures, consistent with the ordinances of the County and the general laws of the State.
4. The employment or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services within the limits of funds appropriated by the Board.
5. The supervision of its fiscal affairs and responsibilities, under rules and regulations as prescribed by the Board.
6. The preparation and submission of an annual budget in the manner prescribed by the Board.
7. The conduct of public hearings on specific items.
8. The hearing and decision on all matters referred to it and upon which it is required to pass by this Ordinance and the Code of Virginia.
9. The performance of those activities set forth in Section 101 above.
10. The preparation, publication and distribution of reports, ordinances and other material relating to its activities.
11. The preparation and presentation to the Board of an annual report concerning the operation of the Commission and the status of planning within the County.
12. The presentation and preservation to the Board of a report, at intervals of not greater than five (5) years, on whether a general revision of this Ordinance should be undertaken. If the Commission should recommend such a revision, it shall describe the conditions which it believes indicate the desirability thereof, outlining in general the respects in which the Ordinance can better be adapted to such conditions. Further, it shall indicate the scope of the revisions that it believes to be advisable.

13. The establishment of advisory committees when deemed necessary.

PART 2

14-200

BOARD OF ZONING APPEALS

14-201

Purpose

In recognition that many of the provisions of this Ordinance are of a nonspecific and general nature and that they are not perfect and are subject to interpretation, the BZA is established to vary specific terms of the Ordinance so the intent of the provisions may be accomplished, but only in a manner that the spirit of the Ordinance is maintained and upheld. In addition, the BZA is established to perform those duties as set forth in Article 8, Chapter 11, Title 15.2 of the Code of Virginia and those duties as set forth in the provisions of the Ordinance.

14-202

Authority and Establishment

The BZA was established pursuant to the provisions of Article 8, Chapter 11, Title 15.2 of the Code of Virginia. The BZA heretofore established shall continue as the BZA for the purpose of this Ordinance. The official title of the board shall be the "Fauquier County Board of Zoning Appeals", and such body shall also be known by the abbreviation "BZA".

14-203

Membership

1. The BZA shall consist of five (5) members appointed by the Circuit Court of Fauquier County, Virginia, and the members may receive compensation as may be authorized by the Board of Supervisors. All members shall be residents of the County.
2. The terms of office of the membership shall be for five (5) years except that the initial term shall be such that at least one Board member's term shall expire each year.
3. The Clerk of the BZA shall notify the Circuit Court at least thirty (30) days in advance of the expiration of any term of office and shall notify the Court promptly of any vacancy. Appointments to fill such vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves.
4. A member whose term expires shall continue to serve until his successor is appointed and qualifies.
5. Members of the BZA shall hold no other public office in the County except that one (1) member may be a member of the Commission.
6. Any BZA 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 on at least fifteen (15) days notice to the member sought to be removed.

14-204

Officers

At its first meeting in January of each year, the BZA shall elect a Chairman and a Vice-Chairman by a majority vote of the entire membership.

14-205

Meetings

1. The BZA shall hold at least one (1) meeting each month when there is business to conduct at a time and place to be designated by resolution of the BZA. When a meeting date falls on a legal holiday, the meeting shall be held on the day following unless otherwise designated by the BZA.
2. Three (3) members of the BZA shall constitute a quorum and three (3) members are necessary to render a decision on all matters referred to and upon which it is required to pass by this Ordinance, but a less number may meet and adjourn.
3. Special meetings may be called by the Chairman provided at least five (5) days notice of such hearing is given each member in writing.
4. The BZA may adjourn a regular meeting if all applications or appeals cannot be disposed of in the day set and no further public notice shall be necessary for such a meeting. Such adjournment shall be mandatory ten (10) hours after the start of a meeting.
5. Appeals shall be heard and applications considered in the order in which they are filed, except that an appeal or application may be advanced for a hearing or by an order of the BZA for a good cause shown. The Clerk shall keep a calendar of cases to be heard in their proper priority.
6. All public hearings conducted by the BZA shall be in accordance with the provisions set forth in Section 13-110. All hearings shall be open to the public and any person affected may appear and testify at each hearing, either in person or by an authorized agent or attorney.

14-206

Referral to Planning Commission

The Clerk of the BZA shall transmit to the Commission a copy of every appeal or application made to the BZA, which may send a recommendation or appear as a party on the date of the hearing thereon.

14-207

Records

The BZA shall keep written records and minutes of all its proceedings, showing evidence presented, findings of fact by the BZA, and the vote of each member upon each question or, if absent or failing to vote, such fact.

14-208

Powers and Duties

The BZA shall have the following powers and duties:

1. To hear and decide appeals from any order, requirement, decision or interpretation made by the Zoning Administrator or his agent in the administration or enforcement of this Ordinance, all as provided in Part 3 of Article 13.
2. To authorize upon appeal from a decision of the Zoning Administrator in specific cases, such variance from the terms of this Ordinance 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 the Ordinance shall be observed and substantial justice done, all as provided in Part 4 of Article 13.
3. To hear and decide applications for such special permits as are authorized under Article 5 of this Ordinance.
4. To hear and decide applications for interpretation of the Zoning Map where there is uncertainty as to the location of a zoning district boundary. After notice to the owners of the property affected by any such interpretation, and after a public hearing thereon, the BZA shall interpret the map in such a way as to carry out the intent and purpose of this Ordinance for the particular district in question. The BZA shall not have the power, however, to rezone property or to change substantially the location of zoning district boundaries as established by this Ordinance.
5. To hear and decide all other matters referred to and upon which it is required to pass by this Ordinance.
6. To make, alter and rescind rules and forms for its procedures, consistent with the ordinances of the County and the general laws of the State.
7. To prescribe procedures for the conduct of public hearings that it is required to hold.
8. To perform those additional activities set forth in this part.
9. To employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services within the limits of funds appropriated by the Board.

14-209

Limitations

All provisions of this Ordinance relating to the BZA shall be strictly construed. The BZA, as a body of limited jurisdiction, shall act in full conformity with all provisions and definitions in this Ordinance and in strict compliance with all limitations contained therein. Any action taken by the BZA beyond the authority specifically conferred by the provisions of this Ordinance and the limitations applicable thereto shall ipso facto be of no force and effect.

14-210

Decisions Subject to Judicial Review

All decisions and findings of the BZA shall be final decisions, and shall, in all instances, be subject to judicial review in the manner provided by Article 8, Chapter 11, Title 15.2 of the Code of Virginia.

PART 3

14-300

ARCHITECTURAL REVIEW BOARD

14-301

Purpose

For the purpose of this Ordinance and specifically for advising and assisting the Board of Supervisors in its efforts to preserve and protect historic places and areas in the County through the regulation of architectural design and uses of structures in such areas, there is hereby created a board to be known as the "Architectural Review Board".

14-302

Authority and Establishment

The Architectural Review Board was established in conformance with the resolution adopted by the Board of Supervisors pursuant to the provisions of Article 7, Chapter 22, Title 15.2 of the Code of Virginia. The Architectural Review Board heretofore established shall continue as the Architectural Review Board for the purpose of this Ordinance, and such body shall be known by the abbreviation, "ARB".

14-303

Membership

1. The Architectural Review Board is to be composed of seven (7) regular and voting members, all of which shall be residents of Fauquier County, with a demonstrated knowledge of the interest in the preservation of historic and architectural landmarks. The seven (7) members of the ARB shall include two (2) persons of demonstrated knowledge and interest in the preservation of historical and architectural landmarks and be appointed as follows: one member from each of the County's magisterial districts; one member of the Historic Resources Committee; and one member of the Fauquier County Planning Commission. Upon the termination of the Historic Resources Committee, that member shall be an at-large member. In addition, each designated Historic District may be represented by one non-voting member appointed by the Board of Supervisors to represent Historic Districts comprising sufficient population to require such representation. Members of the ARB shall be subject to the provisions of the Virginia Comprehensive Conflict of Interest Act as set forth in Section 2.1-639.1, et seq., Code of Virginia (1950 as amended).
2. Members shall be appointed for a term of four (4) years. Initial appointments shall be three (3) members for four (4) years, and three (3) members for two (2) years. The term of the Commission member shall be concurrent with his appointment to the Commission.

3. The Architectural Review Board shall elect from its own membership a Chairman, Vice Chairman, and a Secretary, who shall serve annual terms and may succeed themselves.

14-304

Meetings

1. There shall be a regularly scheduled meeting of the Architectural Review Board monthly. Special meetings of the ARB may be called by the Chairman or by two (2) members upon written request of the Secretary. The Secretary shall mail to all members of the ARB, at least five (5) days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof.
2. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at a special meeting or file a written waiver of notice. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all voting members of the ARB. The ARB may make, alter or rescind rules and forms for its procedures, consistent with the ordinances of the County and the general laws of the State of Virginia.
3. Whenever possible, the tentative agenda of each meeting will be published in a paper of general circulation in the County. No request for a certificate of approval for new construction, reconstruction, alteration, demolition, or moving or relocation will be considered until after mention of such request has appeared in a published agenda. The Architectural Review Board shall establish procedures for all interested parties to be heard on each certificate coming before it for review.

14-305

Records

The Architectural Review Board shall keep written records and minutes of all its proceedings, showing evidence presented, the names of all witnesses giving testimony, and findings of fact by the Architectural Review Board, and the vote of each member on each question or, if absent or failing to vote, such fact. These minutes shall be public record.

14-306

Duties

The Architectural Review Board shall give counsel to the Board regarding the advisability of issuing a permit for construction, reconstruction, significant exterior alteration, razing or relocation within the Historic District. In addition to the aforementioned duties and powers, the ARB shall have the following duties:

1. Assist and advise the Board of Supervisors, the Planning Commission and other County departments and agencies in matters involving historically significant sites and buildings, such as appropriate land usage, parking facilities and signs.

2. Advise owners of historic landmarks, buildings or structures concerning preservation.
3. Propose additional Historic Districts as deemed appropriate.
4. Conduct studies deemed necessary by itself, the Board of Supervisors or Planning Commission concerning additional districts and means of preservation and utilization of historic assets in the County.
5. Formulate recommendations to the Board of Supervisors concerning the establishment of an appropriate system of markers for selected historic sites and buildings, including proposals for the installation and care of such historic markers.
6. Cooperate with and enlist assistance from the Virginia Historic Landmarks Commission, the National Trust for Historic Preservation and other interested parties, public and private, in efforts to preserve, restore, and conserve historic and/or aesthetic landmarks, buildings, sites or areas within the County.
7. Employ the specialized professional and secretarial assistance of the Fauquier County Planning and Zoning Office.