

VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

CHAPTER 97

An Act to amend and reenact § 1 of Chapter IV of Chapter 210 of the Acts of Assembly of 1942, which provided a charter for the Town of Chincoteague, in Accomack County, relating to a zoning ordinance and board of zoning appeals.

[H 79]

Approved March 16, 1994

Be it enacted by the General Assembly of Virginia:

1. That § 1 of Chapter IV of Chapter 210 of the Acts of Assembly of 1942 is amended and reenacted as follows:

CHAPTER IV

§ 1. For the purpose stated in chapter one hundred and ninety-seven of the Acts of Assembly, ~~approved March eighteenth, nineteen hundred and twenty-six,~~ The town council is hereby empowered to pass zoning ordinances in conformity with the said act, as amended, subject, however, to the following modifications thereto:

(a) The council shall not adopt any zoning ordinance or map until it shall have appointed a town planning commission, as provided for in this act and shall have received from ~~said~~ such commission its recommendations as to a zoning ordinance and map, and shall have held a public hearing thereon.

(b) Any zoning ordinance, regulations, restrictions, and boundaries of districts may be changed from time to time by the council, either upon its own motion or upon petition, under such conditions as the council may prescribe, after a public hearing and adequate notice to all owners and parties affected. If a protest or protests be filed with the council, signed by the owners of twenty ~~per centum~~ percent or more of the area of the land included in the proposed change, or by the owners of twenty ~~per centum~~ percent or more of the area of the land immediately adjacent to the land included in the proposed change, within a distance of one hundred feet therefrom, or by the owners of twenty ~~per centum~~ percent or more of the area of the land directly opposite across any street or streets from the land included in the proposed change, within a distance of one hundred feet from the street lines directly opposite, then no such change shall be made except by the majority vote of all of the members of the council. No change shall be made by the council in any zoning ordinance or map until such change has been referred to the town planning commission for a report thereon, and no action shall be taken by the council until a report has been received from the commission, unless a period of thirty days has elapsed after the date of reference to the commission.

(c) Within thirty days after the adoption of any zoning ordinance and map, the council shall appoint a board of *zoning* appeals, consisting of ~~five~~ seven members, none of whom shall hold any other positions with the town.

The council may remove any member of the board for cause, after a public hearing. If a vacancy occurs otherwise than by the expiration of the term of the different members, it shall be filled by the council for the unexpired term.

Unless the council designates some member of the board as a chairman, the board shall select a chairman from among its own members, and may create and fill such other offices as it may choose. The board may employ such persons as the council may approve, and may expend such sums as are appropriated by the council for its work.

2. That an emergency exists and this act is in force from its passage.