

Article 2 Administrative Structure

Planning Board

Section 2-1 Appointment and Terms of the Planning Board

- (A) There shall be a Planning Board consisting of 5 members appointed by the Town Board of Commissioners.
- (B) Initial Planning Board members shall be appointed for three-year staggered terms, but members may continue to serve until their successors have been appointed:
 - (1) Two member appointed for 3 years;
 - (2) Two member appointed for 2 years;
 - (3) One member appointed for 1 year.
- (C) After the initial planning board members have served their staggered terms, a new member will be appointed for a three-year term. Board members may be appointed to successive terms without limitation.
- (D) Planning Board members may be removed by the Town Board of Commissioners any time for failure to attend three consecutive meetings or for failure to attend 30 percent or more of the meetings within any 12-month period or for any other good cause related to performance of duties. Upon request of the member proposed for removal, the Town Board of Commissioners shall hold a hearing on the removal before it becomes effective.
- (E) If a member of the Planning Board moves outside the planning jurisdiction of Creswell, the Town Board of Commissioners shall remove that member immediately.

Section 2-2 Meetings of the Planning Board

- (A) The Planning Board shall establish a regular meeting schedule and shall meet frequently enough so that it can take action as expeditiously as possible consistent with the need of to follow regularly established procedures and obtain the necessary information to make sound decisions.
- (B) Since the board has only advisory authority, it need not conduct its meetings strictly in accordance with the quasi-judicial procedures set

forth in Articles 12 and 13. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.

- (C) Minutes shall be kept of all Planning Board proceedings by an appointed member of the board or a town employee assigned by the Town Board of Commissioners.
- (D) All board meetings shall be open to the public, and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting. A notice of the meeting shall published in a local newspaper and be posted at town hall at least one week before the meeting.

Section 2-3 Quorum and Voting

- (A) A quorum for the Planning Board shall consist of a majority of the board membership (excluding vacant seats). A quorum is necessary for the board to take official action.
- (B) All actions of the Planning Board shall be taken by majority vote provided a quorum is present.

Section 2-4 Planning Board Officers

- (A) At the first meeting of each calendar year, the Planning Board shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairman and preside over the board's meetings and one member to serve as vice chairman. A secretary shall be selected among the membership or assigned from the municipal staff by the Town Board. The people so designated shall serve in these capacities for terms of one year. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the board membership (excluding vacant seats). If the secretary is assigned by the Town Board of Commissioners he or she shall serve at the pleasure of this body.
- (B) The chairman and vice-chairman may take part in all deliberations and vote on issues.

Section 2-5 Powers and Duties of Planning Board

- (A) The Planning Board may:
- (1) make studies and plans, goals, and objectives relating to the growth, development, and redevelopment of Creswell;
 - (2) develop and recommend to the Town Board of Commissioners policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner (including certifying the original zoning ordinance to the town board);
 - (3) make recommendations to the Town Board of Commissioners on proposed zoning map or text changes; and
 - (4) perform any other duties assigned by the Town Board of Commissioners.
- (B) The Planning Board may adopt rules and regulations governing its procedure and operations not inconsistent with the provisions of the ordinance.

Board of Adjustment

Section 2-6 Appointment and Terms of Board of Adjustment

- (A) The 5 members of the Town of Board shall also serve as the Board of Adjustment. Two alternatives members shall be appointed. When any member of the Board of Adjustment is absent, an alternate may step in and replace him.
- (B) Since members of the Town Board serve as members of the Board of Adjustment their terms shall be the same for each board. All members may be reappointed to successive terms without limitation.
- (C) Members may be removed by the Town Board of Commissioners at any time for failure to attend three consecutive meetings or for failure to attend 30 percent or more of the meetings within any 12-month period or for any other good cause related to performance of duties. The Town Board may appoint two alternates. Alternate members may be removed for repeated failure to attend or participate in meetings when requested to do so in accordance with regularly established procedures. Upon request of the alternate member proposed for removal, the Town

Board of Commissioners shall hold a hearing on the removal before it becomes effective.

- (D) If a member of the Town Board moves outside the planning jurisdiction of Creswell, his replacement on the Town Board of Commissioners shall assume a position on the Board of Adjustment.

Section 2-7 Meetings of the Board of Adjustment

- (A) The Board of Adjustment shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with Section 4-4 (Request to be Heard Expeditiously).
- (B) The Board of Adjustment shall conduct its meetings in accordance with the quasi-judicial procedures set forth in Articles 12 and 13.
- (C) All meetings of the Board of Adjustment shall be open to the public, and whenever feasible the agenda for each Board of Adjustment meeting shall be made available in advance of the meeting.

Section 2-8 Quorum

- (A) As long as the Town Board functions as the Board of Adjustment, a simple majority is necessary before any official action is taken. *(When a non-elected board is appointed, a quorum for the Board of Adjustment shall consist of the number of members equal to four-fifths of the regular board membership--excluding vacant seats.)*
- (B) A member who has withdrawn from the meeting without being excused as provided in Section 2-9 below, voting shall be counted as present for purposes of determining whether a quorum is present.

Section 2-9 Voting

- (A) As long as the Town Board functions as the Board of Adjustment, only a simply majority vote is necessary to reverse any order, requirement, decision, or determination of the Administrator or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance or to grant any variance. *(When a non-elected board is appointed, a quorum for the Board of Adjustment shall consist of the number of members equal to four-fifths of the regular board membership--excluding vacant seats. All other actions of the Board of Adjustment shall be taken by majority vote.)*

- (B) Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with Subsection 2-9 (C) or has been allowed to withdraw from the meeting in accordance with Subsection 2-9 (D).
- (C) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:
 - (1) if the member has a direct financial interest in the outcome of the matter at issue; or
 - (2) if the matter at issue involves the member's own official conduct; or
 - (3) if participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or
 - (4) if a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.
- (D) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.
- (E) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.

Section 2-10 Board of Adjustment Officers

- (A) At its first regular meeting of each calendar year the Board of Adjustment shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairman and preside over the board's meetings and one member to serve as vice-chairman. A secretary shall be elected from the members of the Board of Adjustment or be appointed by the Town Board of Commissioners. Any elected person shall serve in these capacities for terms of one year. Any appointed secretary shall serve at the pleasure of the Town Board.
- (B) The chairman or any member temporarily acting as chairman may administer oaths to witnesses coming before the board.

- (C) The chairman and vice-chairman may take part in all deliberations and vote on all issues.

Section 2-11 Powers and Duties of Board of Adjustment

- (A) The Board of Adjustment shall hear and decide:
 - (1) appeals from any order, decision, requirement, or interpretation made by the administrator, as provided in Article 12;
 - (2) applications for variances as provided in Article 12;
 - (3) questions involving interpretations of the zoning map, including disputed district boundary lines and lot lines, as provided in Article 13;
 - (4) any other matter the board is required to act upon by any other ordinance.
- (B) The Board of Adjustment may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this ordinance.

Land-Use Administrator

Section 2-12 Duties of the Land-Use Administrator

- (A) Except as otherwise specifically provided, primary responsibility for administering and enforcing this ordinance may be assigned by the Creswell Town Board of Commissioners to one or more individuals. The person or persons to whom these functions are assigned shall be referred to in this ordinance as the "Land-Use Administrator" or "Administrator".
- (B) The administrator is authorized by the Town Board of Commissioners to administer and enforce the provisions of this ordinance.
- (C) The administrator does not have the authority to take final action on variances, conditional use permits, zoning amendments (text or map) or any other final actions reserved to the Town Board of Commissioners, Board of Adjustment, or the Planning Board.

Town Board

Section 2-13 Powers and Duties of the Town Board

As a legislative body the Town Board of Commissioners shall adopt the original zoning ordinance and act on any proposed amendment to either the text or zoning map. In its legislative capacity the Board shall operate in accordance with the requirements of Article 16. When the Town Board serves as the Board of Adjustment, a simply majority, not the 4/5 vote normally required from an appointed board is required to approve an amendment or approve a conditional use permit.