

# **Charles City County, Virginia**



## **Planning Commission**

### **Bylaws**

**Amended and Re-adopted**  
**October 12, 1988**  
**June 13, 2002**  
**February 13, 2003**  
**December 13, 2012**  
**February 27, 2014**



## **ARTICLE 1 - AUTHORIZATION**

- 1-1 This Planning Commission is established in conformance with a resolution adopted by the Board of Supervisors of Charles City County, Virginia on June 23, 1952; and in accordance with the provisions of §15.2-2210, Code of Virginia (1950), as amended.
- 1-2 The official title of this body shall be the “Charles City County Planning Commission”, hereinafter referred to as the “Commission”. Further, the Commission shall meet and be subject to all applicable provisions found within the Code of Virginia, 1950, as amended.

## **ARTICLE 2 - MEMBERS**

- 2-1 The Commission shall consist of nine members, appointed by the Board; who shall be residents of Charles City County, qualified by knowledge and experience to make decisions on questions of community growth and development; and, at least one-half of the members shall be owners of real property in Charles City County.
- 2-2 One Commissioner may be a member of the Board of Supervisors, and one Commissioner may be a member of the Board of Zoning Appeals.
- 2-3 The term of the member from the Board of Supervisors shall be at the pleasure of the Board of Supervisors. Appointed members shall serve for terms of four years.
- 2-4 Any vacancy in membership shall be filled by appointment of the Board of Supervisors, and shall be for an unexpired term only. A member whose term expires shall continue to serve until reappointed or a successor is appointed and qualifies.
- 2-5 Any appointed members may be removed by the Board of Supervisors for neglect of duty, or malfeasance in office. Absence from three consecutive meetings without justification constitutes neglect of duty, or is absent from any four meetings within a twelve month period. Justifiable absences are those due to an illness (self or family member), personal emergency, or job restrictions.
- 2-6 The Board may provide for compensation to Commission members for their services, reimbursement for actual expenses incurred, or both.

## **ARTICLE 3 – OFFICERS AND DUTIES**

- 3-1 Officers of the Commission shall consist of a chairperson, vice-chairperson, and secretary. The chairperson and vice-chairperson are elected from the Commission’s membership, whose terms of office shall be for one year. The secretary may be appointed by the Commission, and need not be a member of the Commission.

- 3-2 Nomination of officers shall be made from the floor at the regular December meeting each year. Election of officers shall follow immediately. A candidate receiving a majority vote of those voting shall be declared elected. Officers shall take office in January and serve for an one year term, or until a successor shall take office.
- 3-3 Vacancies in office shall be filled immediately by regular election procedures.
- 3-4 The Chairperson shall:
- ❖ Preside at all meetings and public hearings;
  - ❖ Appoint committees;
  - ❖ Rule on procedural questions;
  - ❖ Report any official communications to the Commission;
  - ❖ Be authorized to sign all documents as required by the Commission;
  - ❖ Carry out other duties as assigned by the Commission; and,
  - ❖ To monitor attendance and report neglect of duty or malfeasance to the Board of Supervisors.
- 3-5 The Vice Chairperson shall act in the absence or inability of the Chairperson to act, with the full powers of the Chairperson.
- 3-6 The Secretary shall:
- ❖ Record and prepare the Commission minutes;
  - ❖ Notify members of all meetings and hearings;
  - ❖ Maintain a record of all business transacted by the Commission;
  - ❖ Maintain all official records and reports of the Commission;
  - ❖ Prepare and be responsible for the preparation of all official Commission communications;
  - ❖ Maintain member's attendance record;
  - ❖ Prepare meeting agenda with copies of supporting documents for distribution; and,
  - ❖ Prepare and be responsible for the publishing of advertisements relating to public hearings.

## **ARTICLE 4 – DUTIES OF PLANNING COMMISSION**

- 4-1 The Planning Commission shall:
- a) Serve as an advisory body to the Board of Supervisors to promote the orderly development of the County and its environs and to accomplish the objectives set forth in Virginia Code §15.2-2220, as amended;
  - b) Prepare and recommend a comprehensive plan for the physical development of the County pursuant to Virginia Code §15.2-2223, as amended;
  - c) At the direction of the Board of Supervisors, or may on its own initiative, make or cause to be made an official map pursuant to Virginia Code §15.2-2233, as amended;
  - d) At the direction of the Board of Supervisors, or may on its own initiative, prepare and revise annually a capital improvement program based on the comprehensive plan of the

- County for a period not to exceed the ensuing five years pursuant to Virginia Code §15.2-2239, as amended;
- e) At the request of the Board of Supervisors, or may on its own initiative, prepare and recommend amendments to the zoning ordinance including a map or maps showing the zoning districts of the County;
  - f) At the request of the Board of Supervisors, or may on its own initiative, prepare and recommend amendments to the subdivision ordinance;
  - g) Administer the subdivision ordinance and zoning ordinance as set forth in such;
  - h) Make recommendation and an annual report to the Board of Supervisors concerning the operation of the Planning Commission and the status of planning within the County; and,
  - i) Perform any other duty of the Planning Commission pursuant to Virginia Code §15.2-2221, as amended.

## **ARTICLE 5 – MEETINGS**

- 5-1 Regular meetings of the Commission shall be held on the fourth Thursday of each month at 7:00 P.M. November and December Commission meetings shall be held on the second Thursday. When deemed necessary, meeting dates may be changed by majority vote of the Commission present.
- 5-2 Work Sessions of the Commission shall be held, as needed, on the second Thursday of each month at 7:00 P.M.
- 5-3 Special meetings may be called at the request of the Chairperson or by two members upon written request to the Secretary. Written notice of meetings shall be given to each member at least five days prior to such meetings. It shall state the time and place of the meeting and the purpose thereof.
- 5-4 All regular meetings, hearings, records, and accounts shall be open to the public. Meetings may only be closed in accordance with the requirements of the Freedom of Information Act pursuant to Virginia Code §2.2-3711.
- 5-5 A quorum shall consist of not less than five Commission members, a majority of the membership.
- 5-6 The number of votes necessary to transact business shall be a majority of those present and voting. Voting shall be by a show of hands.
- 5-7 Public shall be allowed to address the Planning Commission during the Public Comment Period. Speakers are limited to three minutes per individual, or five minutes if representing a group or an organization.

## **ARTICLE 6 – ORDER OF BUSINESS**

- 6-1 The order of business for a Commission meeting shall be:
- 1) Call to order by Chairperson
  - 2) Determination of a Quorum
  - 3) Minutes Approval (minutes shall be read prior to approval when not provided in the agenda packet or whenever requested)
  - 4) Unfinished Business
  - 5) New Business
  - 6) Planning Director
  - 7) Public Comments (See §5-7)
  - 8) Adjournment
- 6-2 Motions shall be restated by the Chairperson before a vote is taken. The name of the person making a seconding motion shall be recorded.
- 6-3 Parliamentary procedure in Commission meetings shall be governed by the adopted rules of order, namely Robert’s Rules of Order.
- 6-4 The Planning Commission shall keep a set of minutes of all meetings, and these minutes shall become a public record. All such minutes shall be considered a Draft Document until they are approved by the Commission.
- 1) The Secretary shall prepare a set of minutes for all regular, adjourned and special meetings.
  - 2) The Chairperson shall sign all minutes and at the end of the year shall certify that the minutes of the preceding year are a true and correct copy.

## **ARTICLE 7 – PUBLIC HEARINGS**

- 7-1 In addition to those required by law, the Commission, at its discretion, may hold a public hearing when it decides that a hearing will be in the public interest.
- 7-2 Notice of a hearing shall be published in a newspaper of general circulation in the area once a week for two successive weeks specifying the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than 21 days after final publication. (§15.2-2204 of the Code of Virginia, 1950 as amended)
- 7-3 The case before the Commission shall be summarized by the Chairperson or by another person delegated by the Chairperson. Interested parties shall have the privilege to address the Commission. A record shall be kept of those speaking before the Commission.
- 7-4 All questions and/or remarks shall be directed to the Chairperson. The Chairperson shall respond to any questions and/or remarks, or refer to the appropriate persons for a response.

7-5 Applications submitted for consideration at the Commission's Regular Meeting must be presented to the Zoning Administrator. Applications shall only be accepted by the Zoning Administrator if deemed to be complete and/or sufficient in detail for review by the Commission. Application forms are available to the public through the Department of Planning.

7-6 Public Hearing Procedures:

- 1) Planning Commission shall call the meeting to order.
  - Chairman states this is a joint public hearing, and reminds the public of the Sign-Up Sheet(s) located at the back of the Auditorium.
- 2) County Administrator shall read the Public Hearing Advertisement(s).
  - If there is more than one hearing, all advertisements will be read at this time.
- 3) Planning Commission Chairman shall explain the Hearing Procedure & Rules.
  - Steps 6 through 8.
- 4) Staff shall give its Report.
  - Staff will give a brief description of the applicant's request; compliance with Zoning Ordinance & Comprehensive Land Use Plan; and Staff's recommendation.
- 5) Applicant shall have the opportunity to give a Presentation.
- 6) Citizen (Public) Questions.
  - Chairman will give citizens an opportunity to ask questions which will help them to understand the application/request. Citizens will direct their questions, after being recognized, to the Planning Commission Chairman.
- 7) Answers to Citizen Questions.
  - Chairman will answer the question(s) or direct the question(s) to the appropriate person(s).
- 8) Public Hearing Open to Comments.
  - The Sign-Up Sheet will be used to call speakers to the lectern.
  - Speaker will state their name, address and whether they are representing themselves, a group, or an organization.
  - Speakers shall be limited to three minutes per individual, or five minutes if representing a group or an organization.
  - Others will be given the opportunity to speak after the Sign-Up Sheet is exhausted.
- 9) Public Hearing Closed to Comments.
- 10) Planning Commission discussion, questions, comments, and/or motion.
- 11) Commission Chairman gives recommendation to the Board of Supervisors' Chairman.
- 12) Board of Supervisors takes action.
- 13) Next Hearing Item (If more than one agenda item\*).

## **ARTICLE 8 – STAFF**

- 8-1 The Charles City County Board of Supervisors shall provide administrative and technical support to the Officers and members of the Charles City County Planning Commission in the performance of their duties. This support shall include but not be limited to:
- 1) The preparation and/or typing of the agendas, the minutes, notices and recommendations, and other clerical needs of the Commission.
  - 2) The preparation of the meeting packet. The meeting packet shall include the agenda, and all the information needed to deal with the issues thereon, including the minutes of the last meeting.
  - 3) Keeping written record of all business transacted by the Commission.
  - 4) Notifying all members of all meetings.
  - 5) Giving notice of all Public Hearings and meetings.
  - 6) Attending to the correspondence of the Commission.
  - 7) Preparing and being responsible for the publishing of advertisements relating to public hearings.
  - 8) Educating and keeping the Commission abreast of planning issues.
  - 9) Preparing written recommendations on applications for zoning, subdivision, and conditional use permits.
  - 10) Assisting and advising the Planning Commission in developing and revising land use, Ordinances, the Capital Improvement Program, the Comprehensive Plan, etc.
  - 11) Serving as the representative of the Planning Commission to the Board of Supervisors, the public and other public or private entities in matters of land use.

## **ARTICLE 9 – AMENDMENTS**

- 9-1 These rules may be changed by an affirmative 2/3 vote of the entire membership after thirty days prior notice.