



## TIPS FOR MANAGING YOUR ZONING APPLICATION

### ***Preapplication conferences.***

At least two (2) weeks prior to filing an application to amend, supplement or change the district boundaries or regulations of the Zoning Ordinance, every applicant should meet with the Planning Department and other co-reviewing departments to discuss the request and receive input concerning the filing of the request. Applicants are strongly encouraged to submit requests in an accurate and final form to avoid deferrals or adverse staff recommendations. It is highly recommended that applicants resolve issues relating to the quality of the application with County staff prior to submission of the formal request. Changes to the request following the submission of the application may cause delays in the process because of inadequate time for Staff, citizen or Planning Commission evaluation of such changes.

### ***Coordination with Planning Commissioner.***

Applicants for rezonings and conditional uses, scheduled for the Planning Commission's consideration should coordinate with the Planning Commissioner in whose district the affected property is located. The extent of coordination will differ depending on the nature of the application. The Planning Commissioner and the applicant will determine the extent to which meetings are required.

### ***Notification of Affected Property Owners and Civic Associations.***

Applicants should write to all adjacent property owners and offer to meet with them at least thirty (30) days prior to the initial public hearing. Applicants should also check the active civic association list on file with the Planning Department and contact those that may be affected by the application, offering to meet with them well in advance of the public hearing. It is highly suggested that such meetings occur a minimum of sixty (60) days prior to the public hearing. If meetings with area property owners and civic associations are to be held, the applicants should coordinate the scheduling of the meeting with the respective Commissioner and appropriate County staff.

### ***Consideration of Restrictive Covenants, Deed Restrictions and Other Contractual Agreements.***

Applicants should be aware of any restrictive covenants, deed restrictions or other contractual agreements (private land use restrictions) that may apply to the property for which they file a zoning application. These private land use restrictions may affect what property owners can and cannot do with their property. Such private land use restrictions are civil matters between property owners and their community or homeowners association, or other entity (such as the developer of a subdivision).

These private land use restrictions are in addition to the laws, codes and conditions of zoning approval that the county may grant or enforce. Obtaining zoning approval from the county does not exempt one from having to comply with any private land use restrictions that apply to the property. If activities permitted through a zoning action are prohibited or otherwise governed by these private land use restrictions, enforcement of the private land use restrictions could cause the applicant to have to cease the activity despite the applicant having received zoning approval. The county does not enforce these private land use restrictions.

Applicants for zoning approval are encouraged to research any private land use restrictions that apply to their property and contact their homeowners or civic association, or other enforcing entity, before proceeding with filing an application for zoning approval. These private land use restrictions, such as restrictive covenants and deed restrictions may be found at the Circuit Court Record Room located at 9500 Courthouse Road.

***Deferrals.***

As noted above, public input is extremely important to the planning and zoning process. Requests for deferral can have different impacts depending upon the specific circumstances surrounding the request. For example, deferrals can have the impact of providing the public time to adequately assess the impact of the proposed case. Similarly, deferrals can also be useful to provide time for differences between the applicant and the surrounding neighborhoods to be addressed.

Applicants do not have a right to an automatic deferral. To minimize the inconvenience of deferrals to the public, an applicant requesting a deferral should do so at least seventy-two (72) hours prior to the scheduled hearing. All requests for deferral should be in writing to the Planning Department. In addition, the applicant's should notify adjacent property owners in writing of the deferral request at least seventy-two (72) hours prior to the scheduled hearing, but such notice should explain that the Commission may or may not grant the deferral and may choose to dispose of the case. The applicant or a representative must be present at the scheduled public hearing from which the deferral is being requested.

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## CHESTERFIELD COUNTY PLANNING COMMISSION BY-LAWS

### ARTICLE I

#### Name

The name of the organization shall be the CHESTERFIELD COUNTY PLANNING COMMISSION

### ARTICLE II

#### Authority for Establishment

The Planning Commission is established under the authority of the Code of Virginia (1950, as amended), Chapter 22, Article 2. The Planning Commission (the "Commission") members shall be appointed by the Board of Supervisors (the "Board"). There shall be one (1) member from each magisterial district. All members must reside in the County, and at least one-half of the members must be owners of real property.

### ARTICLE III

#### A. Powers and Duties of the Chesterfield County Commission

1. The Commission shall have and exercise the powers and duties conferred upon the Commission by the Code of Virginia (1950, as amended), the Code of the County of Chesterfield, Virginia, 1997, as amended, and any applicable County policies.
2. To make recommendations to the Board and assist them in the administration of the Zoning and Subdivision Ordinances, the Comprehensive Plan, other County policies and matters affecting the development and growth of the County and other matters as may be directed by the Board.
3. To promote programs, policies and plans to achieve a desirable distribution of population and land development within the County to facilitate effective and adequate provision of public services and facilities.
4. To appoint any committees or subcommittees.
5. By a majority vote, establish a work program with projects and priorities.

#### B. Elections and Appointments

1. The officers of the Commission shall consist of a Chairman, a Vice-Chairman and a Secretary.
2. The Chairman shall be elected by a majority of the Commission members present at each annual meeting and shall hold office until the next annual meeting, except in the year of a Board election. In the year of a Board election, the Chairman shall only hold office until December 31 of that year. The Chairman shall serve no more than two consecutive one-year terms. The Chairman shall have the following duties:

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- A. Preside at meetings of the Commission, promote the orderly and expeditious conduct of the meeting, and such other duties as are usually exercised by the Chairman of a Commission or as may be assigned by the Commission or Board.
  - B. Preserve order and decorum; decide questions of order and procedure; and set reasonable time limits for speakers and public hearings provided that by majority vote the Commission may reject such time limits.
  - C. The Chairman may speak, make motions, and vote on all questions.
3. The Vice-Chairman shall be elected by a majority of the Commission members present at each annual meeting, immediately after the election of the Chairman, and shall hold office until the next annual meeting, except in the year of a Board election. In the year of a Board election, the Vice-Chairman shall only hold office until December 31 of that year. The Vice-Chairman shall perform the duties of the Chairman during the absence or disability of the Chairman. The Vice-Chairman shall serve no more than two consecutive one-year terms.
4. In the absence or disability of the Chairman and Vice-Chairman, the member with the most seniority, alphabetically, shall preside as Temporary Chairman until the Chairman or Vice-Chairman is present or is elected.
5. Any vacancy in the office of Chairman or Vice-Chairman may be filled by a majority vote of the Commission members present at the next meeting after such vacancy has occurred.
6. The Director of Planning shall serve as Secretary to the Commission. In his absence, the Director of Planning shall designate a staff member to serve as Temporary Secretary. The Secretary or his designee, shall have the following duties:
- A. Perform the duties specified in these By-Laws and those assigned by the Commission, Chairman or Board.
  - B. Attend all Commission meetings and ensure that minutes are taken.
  - C. Maintain all official books, papers, maps and records of the Commission and conduct all official correspondence of the Commission.
  - D. Notify the Vice-Chairman, by telephone or in person, as soon as possible after the Secretary is informed that the Chairman will not attend a future Commission meeting.
  - E. Notify the Temporary Chairman, by telephone or in person, as soon as possible after the Secretary is informed that the Chairman and Vice-Chairman will not attend a future meeting.
  - F. Ensure that notices of all Commission meetings and availability of all materials provided the Commission members occurs in accordance with State law.
  - G. Notify all applicants of the final action of the Commission on tentative subdivision plans, schematic plans, site plans, development standard waivers, appeals or any other item on which the Commission has final authority.

- H. Forward applications to amend, supplement or change the district boundaries or regulations of the zoning ordinance to the Commission with recommendations, if any.
- I. Forward Commission recommendations to the Board. If the Commission's vote is split, or if the Commission's recommendation differs from staff's recommendation both positions shall be explained.

## ARTICLE IV

### Committees

1. Committees shall be established by majority vote of the Commission as deemed necessary.
2. Each committee shall consist of no fewer than two (2) people and no fewer than one (1) member of the Commission.
3. Subcommittees of committees shall be appointed by majority vote of any committee.
4. Committee and subcommittee meetings shall be open to the public. Notice of such meetings shall be made in accordance with the Virginia Freedom of Information Act. At least one copy of all agenda packets and, unless exempt, all materials furnished to members of a committee shall be made available for public inspection at the same time such documents are furnished to the members of the committee.
5. The members of committees (including subcommittees) shall serve for the duration of the committee unless a reassignment is made of a committee member by a majority vote of the Commission or a committee member resigns with written notice to the Secretary. Any vacancy in committees shall be filled by a majority vote of the Commission.

## ARTICLE V

### A. Meetings

#### 1. Annual Meeting

The annual meeting of the Commission shall be held in January of each year. The business of the meeting shall include election of officers. The annual meeting may be held on, but is not required to be held on a regular meeting date. In the year following a Board election, the Director of Planning shall schedule the annual meeting of the Commission and preside at the meeting until the election of the chairman.

## 2. Regular Meetings

On regular meeting dates, the Commission shall hold public hearings to consider subdivision, schematic, site plan and development standard waiver requests, amendments to the comprehensive plan, substantial accord requests, zoning, conditional use, ordinance amendments and historic designation requests. In addition, the Commission may have a work session to discuss the business of the Commission and other matters which may come before it. New cases will not be called after 11:00 p.m. without a unanimous vote of the Commission members present.

In the event more than one regular meeting date is scheduled in any month, the required public notice shall establish the later date as a date to consider any items that cannot be disposed of on the first meeting date of that month. The meeting will be held in the Board of Supervisors' Public Meeting Room at the County Administration Building or at a place and time designated by the Commission.

When a matter is set for a public hearing pursuant to required advertisement, the matter shall be heard even though no one in favor of or in opposition to the application appears at the hearing unless the matter is deferred or withdrawn. In the absence of a personal appearance by the applicant or agent, the Commission may proceed to dispose of the application or defer it to another meeting provided the law allows the Commission to defer the case on their own motion.

An application may be withdrawn by the applicant at any time prior to the Commission acting on the application. The Commission shall acknowledge the withdrawal.

All persons who speak at the hearing shall furnish their names to the Commission and become parties of record. A speaker shall only speak once on any item unless the Commission asks the speaker to address questions.

No person may address the Commission unless they have first been recognized by the Chairman. Each person who desires to speak shall be given time to present oral or written comments. Comments shall be directed to the Commission, not to the audience.

Presentations by the applicant (including all representatives of the applicant) are limited to 10 minutes. Presentations by individuals are limited to 3 minutes and presentations by representatives of groups are limited to 5 minutes. The applicant's rebuttal time is limited to 5 minutes in addition to any time reserved by the applicant from his original 10-minute presentation. At the discretion of the Chairman, staff shall be permitted an opportunity to respond to the presentations. The time used to respond to questions from the Commission will be excluded from the presentation time limits. Specified time limits may vary at the discretion of the Commission Chairman.

A deputy sheriff or Virginia law enforcement officer may serve as Sergeant at Arms.

## 3. Special Meetings

Special meetings of the Commission may be called by the Chairman or by two (2) members upon written request to the Secretary or by a majority vote of the Commission. At least five (5) days in advance of a special meeting, the Secretary shall mail to all members a written notice specifying the time, date, place, and purpose of the meeting.

Written notice to individual Commissioners of a special meeting is not required if the time of the special meeting has been fixed at an annual, special or regular meeting of the Commission, or if all members file a written waiver of notice, or if all members are present at the special meeting.

#### 4. Meeting Dates

At the Commission's regular November meeting, except in Board of Supervisors election years, "regular meeting dates" for the next calendar year shall be scheduled. There shall be at least one (1) regular meeting date each month. In the year following a Board election, the regular meeting dates for the calendar year shall be scheduled at the annual meeting and there shall be at least one (1) regular meeting date each month.

#### B. Rescheduling Meetings

1. The Chairman may cancel any meeting because of inclement weather and reschedule any such canceled meeting upon proper advertisement and notification.
2. The Commission may adjourn any meeting to any date and time that the Commission may set if required advertising and notification provisions are met. Provided, however, that a meeting that continues after midnight may be adjourned to a time on that same day without readvertisement and notification. The motion of adjournment shall state the hour at which the adjourned meeting is to be reconvened.

#### C. Minutes of Meetings

1. The Commission may correct approved minutes only upon a clear showing that a clerical or administrative mistake was made.
2. Copies of draft, unapproved minutes shall be sent to Commissioners for approval. Draft minutes shall contain a disclaimer on each page which clearly indicates that it is a draft document.

#### D. Quorum

A quorum of the Commission shall consist of three (3) of the five (5) members of the Commission. A quorum must be present at all meetings to transact any official business and, unless otherwise required by law or these By-Laws, no action of the Commission is valid unless authorized by a majority vote of those present and voting.

An abstention, although not a vote in favor or against the motion, shall be counted as a vote for the purpose of determining a quorum. Provided, however, if a Commissioner is disqualified in accordance with the State and Local Government Conflict of Interests Act, Va. Code §§ 2.2-3100 et seq., and this results in less than the number required by law to act, the remaining member or members shall have authority to act for the Commission by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of the remaining members.

If a quorum is not present at any meeting, items on the agenda requiring action shall be moved to the agenda of the next regular meeting of the Commission or to the agenda of a special meeting of the Commission, if one is called for that purpose.

#### E. Motions

When a motion is under debate, no additional motions may be made except a motion to withdraw, defer, substitute, or to amend. If the maker of a motion and the member seconding the motion agree, a motion may be amended or withdrawn. Such motions shall take precedence in the order listed above. Only one substitute motion shall be in order for a principal motion. All motions to defer an item shall be to a date certain.

A tie vote on any motion means the defeat of the motion for a lack of a majority vote. When a tie vote occurs and no other motion is passed on the item, the item shall (i) be carried over to the next regularly scheduled meeting or (ii) to a time, date and place specified by a majority vote of the Commission, or (iii) disposed of as required by law. If the item cannot be carried over due to a statutory time limit, and the item requires Board action, the item will be forwarded to the Board with a report of the tie vote.

Any vote by a member of the Commission is final once cast. Commission decisions are final once made. No ordinance, resolution or motion previously voted on by the Commission shall be brought forward for reconsideration during the same meeting of the Commission.

#### F. Order of Agenda for a Regular Meeting

To the extent necessary to consider items requiring Commission action, the order of the agenda for a regular Commission meeting shall be as follows, unless amended by majority vote and the Commission shall confine discussions to the matters contained on the agenda. The Chairman may allow any agenda item to be called out of sequence.

- A. Call to Order
- B. Requests to postpone action, additions or changes in the order of presentation.
- C. Work Session (if applicable) including confirmation of administrative substantial accords, if any. Determination of cases to be assigned to the Commission's regularly scheduled Thursday agenda for the following meeting.
- D. Afternoon Session:
  - 1) Distribution of Agenda, Request Analyses and Recommendations, and other information to the general public.
  - 2) Requests to postpone action, emergency additions or changes in the order of presentation.
  - 3) Review meeting procedures.
  - 4) Approval of minutes, if applicable.

5) Consideration of Subdivision, Schematic, Site Plan and Development Standard Waiver requests in the following order. Provided, however, that the Planning Department may schedule such requests for the evening session if there is an associated zoning, conditional use or substantial accord request scheduled for the evening session.

- a) Withdrawals/deferrals
- b) Cases where the applicant accepts the recommendation and there is no opposition
- c) Cases where the applicant does not accept the recommendation and/or there is public opposition.

No tentative subdivision, site or schematic plan or development standard waiver shall be considered by the Commission until the required zoning exists on the subject property. The Commission may waive this policy provided the following conditions have been met:

- (i) A request for the necessary rezoning of the property has been heard and recommended for approval by the Commission;
- (ii) The application conforms to the zoning recommended by the Commission.
- (iii) Approval of the application is conditioned on Board approval of the zoning recommended by the Commission.

If the above conditions have not been met, the Commission shall deny, defer or accept a request to withdraw the application. The Commission retains the right to defer consideration of any development standard waiver, subdivision plat, site plan or schematic plan if, in their judgment, it is desirable to first have the underlying zoning determined and the law allows the Commission to defer the case on their own motion.

E. Field Trip (if applicable).

F. Dinner.

G. Evening Session:

- 1) Distribution of Agenda, and "Request Analyses and Recommendations" and other information to the general public.
- 2) Invocation. Any invocation shall be non-sectarian and given by a member of the Commission for the benefit of the members of the Commission.
- 3) Pledge of Allegiance to the Flag of the United States of America.
- 4) Review agenda for upcoming months.
- 5) Requests to postpone action, additions or changes in the order of presentation (by majority vote).
- 6) Review meeting procedures.
- 7) Joint Public Hearing with the Preservation Committee (if applicable).
- 8) Fifteen minute citizen comment period on unscheduled matters involving the services, polices and affairs of the County government regarding planning or land use issues.
- 9) Each citizen comment period shall be limited to 15 minutes and each speaker may not exceed 3 minutes. Citizens may only speak once per meeting during the citizen comment periods. No citizen shall speak on any matter of business that is a subject on the Commission's agenda for that day. Citizens may not yield time to other speakers.
- 10) Consideration of Zonings, Conditional Uses, Substantial Accords for which a public hearing is required, Comprehensive Plan amendments and other public hearings in the following order:
  - a) Withdrawals/deferrals.
  - b) Cases where the applicant accepts the recommendation and there is no opposition. If there is opposition, the case shall be moved to the beginning of the cases to be considered under d).
  - c) Comprehensive Plan amendments and other public hearings.
  - d) Cases where the applicant does not accept the recommendation and/or there is public opposition.
- 11) Other business.
- 12) Fifteen-minute citizen comment period on unscheduled matters involving the services, polices and affairs of the County government regarding planning or land use issues.

H. Adjournment to a designated place and time.

G. Order of Individual Items

The procedure for consideration of an individual item at any meeting shall be as follows, unless amended by majority vote:

- a. The Chairman or the Secretary shall call and describe the item.
- b. Comments and recommendations of the Planning staff (if necessary).
- c. Applicant's presentation (if necessary).
- d. Interested citizens' presentation in opposition/support (if necessary).
- e. Applicant's rebuttal (if necessary).
- f. Staff response (if necessary).
- g. Commission close of public hearing, discussion, questions, and action.

H. Rules of Order

The Commission's parliamentary procedures shall conform with law and with the historical practices of the Commission. Any questions involving interpretation or application of Robert's Rule shall be addressed to the County Attorney who shall be the designated Parliamentarian representing the Commission. To the extent necessary to address any ambiguities in procedure, the County Attorney may consider the most recent edition of Robert's Rules of Order, a Manual of General Parliamentary law for guidance.

I. Persons Appearing Before Commission

Persons appearing before the Commission will not be allowed to:

- (a) campaign for public office;
- (b) promote private business ventures;
- (c) use profanity or vulgar language;
- (d) address pending litigation; or
- (e) address matters not on the Commission's agenda

With the exception of the Citizen Comment Period, comments by persons appearing before the Commission shall be germane to the item pending for discussion by the Commission

J. Work Program

Annually, the Commission shall recommend to the Board a work program of major projects (i.e., plan amendments and major ordinance amendments) having priorities for the ensuing year.

ARTICLE VI

### Amendment and Suspension of By-Laws

With the exception of statutory requirements, the Commission may suspend the application of any of its By-Laws by a unanimous vote of all the members present at the time.

These By-Laws may be amended by a majority vote at any meeting of the Commission after not less than twenty-four (24) hours notice has been given to all members of the Commission and a copy of the proposed amendment sent with the notice.

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