

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 including assignments from the Board and initiatives by the Commission.

B. Elections and Appointments

1. The officers of the Commission shall consist of a Chair, a Vice-Chair and a Secretary.
2. The Chair 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 Chair shall only hold office until December 31 of that year. The Chair shall serve no more than two consecutive one-year terms. The Chair shall have the following duties:

- 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 Chair 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 Chair may speak, make motions, and vote on all questions.
3. The Vice-Chair shall be elected by a majority of the Commission members present at each annual meeting, immediately after the election of the Chair, 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-Chair shall only hold office until December 31 of that year. The Vice-Chair shall perform the duties of the Chair during the absence or disability of the Chair. The Vice-Chair shall serve no more than two consecutive one-year terms.
4. In the absence or disability of the Chair and Vice-Chair, the member with the most seniority, alphabetically, shall preside as Temporary Chair until the Chair or Vice-Chair is present or is elected.
5. Any vacancy in the office of Chair or Vice-Chair 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 the Director's absence, the Director of Planning shall designate a staff member to serve as Temporary Secretary. The Secretary or a designee, shall have the following duties:
- A. Perform the duties specified in these By-Laws and those assigned by the Commission, Chair 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-Chair, by telephone or in person, as soon as possible after the Secretary is informed that the Chair will not attend a future Commission meeting.
 - E. Notify the Temporary Chair, by telephone or in person, as soon as possible after the Secretary is informed that the Chair and Vice-Chair 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 Chair.

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.

Any decision to re-open a public hearing once closed shall be made by a majority vote of the Commission.

An application may be withdrawn by the applicant at any time prior to the Commission acting on the application. The Secretary shall announce any withdrawals.

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 Chair. 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 the applicant's original 10-minute presentation. At the discretion of the Chair, 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 Chair.

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 Chair 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 Chair may cancel any meeting because of inclement weather or other necessity 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.
3. Minutes of meetings may be approved during a Planning Commission work session.

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. Agenda Items for a Regular Meeting

To the extent necessary to consider items requiring Commission action, the agenda for a regular Commission meeting may include the following, unless amended by majority vote and the Commission shall confine discussions to the matters contained on the agenda. The Chair 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).
- 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) Committee Reports, if applicable

- 5) Consideration of Subdivision, Schematic, Site Plan and Development Standard Waiver requests. 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) Requests to postpone action, additions or changes in the order of presentation (by majority vote).
- 5) Review meeting procedures.
- 6) Joint Public Hearing with the Preservation Committee (if applicable).
- 7) Fifteen minute citizen comment period on unscheduled matters involving the services, policies and affairs of the County government regarding planning or land use issues.
- 8) 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.
- 9) Consideration of Zonings, Conditional Uses, Substantial Accords for which a public hearing is required, Comprehensive Plan amendments and other public hearings:
 - a) Withdrawals/deferrals where there is no opposition may be acted upon by a block vote.
 - b) Cases where the applicant accepts the recommendation and there is no opposition may be acted upon by a block vote. If there is opposition, the case shall be moved to the beginning of the cases to be considered under c).
 - c) Cases where the applicant does not accept the recommendation and/or there is public opposition.
 - d) Comprehensive Plan amendments and other public hearings.
- 10) Other business.

- 11) Fifteen-minute citizen comment period on unscheduled matters involving the services, policies 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 Chair 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 these By-Laws 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.

Adopted: 07/22/80
Revised: 10/28/80
Revised: 05/24/83
Revised: 12/21/83
Revised: 11/20/84
Revised: 04/19/88
Revised: 02/20/90
Revised: 04/20/93
Revised: 01/27/97
Revised: 04/15/97
Revised: 05/01/97
Revised: 10/17/00
Adopted 12/17/02
Revised: 11/16/06
Revised: 01/15/08
Adopted: 01/17/12
Revised: 01/20/15
Adopted: 01/19/16
Adopted: 01/21/20
Revised: 04/21/20