
SPOTSYLVANIA COUNTY PLANNING COMMISSION

Bylaws

ARTICLE I - OBJECTIVES

The Spotsylvania County Planning Commission has adopted the following rules of procedure in order to implement its powers and duties in accordance with the provisions of the Code of Virginia, as amended.

The official title of this commission shall be the "Spotsylvania County Planning Commission" (Planning Commission).

ARTICLE II - OFFICERS

A. Procedure for Election of Officers

The officers of the Planning Commission shall consist of a Chairman and a Vice-Chairman. The Chairman and Vice-Chairman shall be elected at the first regular February meeting.

B. The following procedures shall be followed to elect the Chairman and Vice-Chairman:

1. The Director of Planning & Zoning shall call for nominations from the membership.
2. Any member, after being recognized by the Director of Planning & Zoning, may place one or more names in nomination and discuss his or her opinions on the qualifications of the nominees.
3. When all nominations have been made, the Director of Planning & Zoning shall close the nominating process and call for the vote.
4. The Director of Planning & Zoning shall call the name of each nominee in the order nominated and tally the respective votes.
5. Each member may cast one vote for any one nominee.
6. A majority of those voting shall be required to elect the officer.

A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected. The newly-elected Chairman shall take office immediately and serve for one year or until his/her successor shall take office. The Secretary shall be a member of the Planning & Zoning Department staff. Vacancies in offices shall be filled immediately by regular election procedures.

C. Duties

1. Chairman

The Chairman shall be a member of the Planning Commission and shall have the following duties:

- a. Preside at all meetings of the Planning Commission.
- b. Appoint committees, special and/or standing.
- c. Rule on all procedural questions with the advice of the parliamentarian as necessary. Procedural rulings may be reversed by a vote of at least a two-thirds majority of the members present.
- d. Be informed immediately of any communications related to the Planning Commission and report the same at the next regular meeting.
- e. Carry out other duties as assigned by the Planning Commission.

2. Vice-Chairman

The Vice-Chairman shall be a member of the Planning Commission and shall have the following duties:

- a. Act in absence or inability of the Chairman to act.
- b. Have the powers to function in the same capacity as the Chairman when the Chairman is absent or unable to act.
- c. Preside at the meeting at such times as the Chairman may step down in order to bring a motion before the Planning Commission.

3. Secretary

The Secretary, who shall be appointed each year by the Planning Commission, shall be a member of the Planning & Zoning Department staff. The Secretary shall report to the Director of Planning & Zoning and shall have the following duties:

- a. Supervise the keeping of minutes of the Planning Commission and retain these in the Planning & Zoning Department.
- b. Notify all members of all meetings.
- c. Keep a file of all official records and reports of the Planning Commission.
- d. Certify all maps, records and reports of the Planning Commission.
- e. Provide notice of all meetings in accordance with the Virginia Freedom of Information Act requirements and publish notices of public hearings before the Planning Commission in accordance with

the Code of Virginia.

- f. Attend to the correspondence of the Planning Commission.

ARTICLE III - PARLIAMENTARIAN

The County Attorney or his/her Designee shall preside as parliamentarian at all meetings of the Planning Commission.

ARTICLE IV - COMMITTEES

A. Appointment and Term

Standing committee members shall be appointed for a minimum of one year. Where a committee contains more than one member, the members shall be appointed on a staggered basis to preserve continuity of the committee. That is, one member will be appointed for a one-year term, a second member for a two-year term, and if a third member is appointed said member shall be appointed for a three-year term. In the event of a vacancy, the Chairman shall appoint a member to fill the vacant term. All terms of the committee members shall end at the first meeting in February of each applicable year, and the new incoming Chairman shall have the authority to appoint the new members to the committees as needed.

Special committees (ad hoc) may be appointed by the Chairman for purposes and terms as necessary.

B. Standing Committees

The following committees may be appointed by the Chairman. The members of the committees will include commissioners and others selected on the basis of competency to serve. No more than three commissioners shall serve on any committee.

1. Comprehensive Plan Committee: Shall be composed of three members of the Planning Commission. They shall coordinate the work of other committees as the plan progresses and relates to the overall program. The Comprehensive Plan Committee shall meet as needed, review the Comprehensive Plan annually, and report to the full Planning Commission.
2. Capital Improvements Committee: Shall study the economics of capital improvements as they relate to the use of land by the county. This may be done independently or in conjunction with affected governmental agencies. Such studies shall include need, priority of need, cost financing, joint use and participation, location, and relative status either within or without the Comprehensive Plan of the county. To initiate or review applications, receive the views of the staff relative to the issues, and make any recommendations deemed pertinent to the Planning Commission are further duties of the committee. The Capital Improvements Committee shall meet as needed and shall report after each meeting to the full Planning Commission.
3. Development Review Committee: Shall review major preliminary plats of

subdivisions for compliance with County Zoning and Subdivision Ordinances. The committee shall consist of two rotating members of the Planning Commission, and a planner.

ARTICLE V - CORRESPONDENCE

A. Correspondence sent

The Secretary shall draft all correspondence for the Planning Commission.

The Chairman or Vice-Chairman, in the Chairman's absence, shall sign all official papers and plans involving the authority of the Planning Commission.

B. Correspondence Received

Written comments from citizens are to be encouraged, and particularly those pertaining to applications pending before the Planning Commission. All correspondence received shall be distributed to the Planning Commissioners by the Director of Planning & Zoning. In its reporting on a pending application prior to the public hearing, the staff shall summarize written comments received, either in its oral presentation or in the written staff report.

ARTICLE VI - MEETINGS OF THE COMMISSION

A. General

Meetings of the Planning Commission shall be held on the first and third Wednesday of each month at 7:00 p.m. in the Board of Supervisors meeting room at the R.E. Holbert Building, 9104 Courthouse Road, Spotsylvania, Virginia, 22553, or at such other location as the Planning Commission may deem appropriate. When a meeting date falls on a legal holiday, the meeting shall be held on the day following the holiday unless otherwise designated by the Planning Commission.

Worksession meetings may be held on the third Wednesday of each month from 5:00 p.m. to 6:30 p.m. in the Community Development Conference Room at the Merchant Square Building, 9019 Old Battlefield Blvd, Suite 320, Spotsylvania, Virginia, 22553, or at such other location as the Planning Commission may deem appropriate. When a meeting falls on a legal holiday, the meeting shall be held on the day following the holiday unless otherwise designated by the Planning Commission.

Special meetings shall be called at the request of the Chairman or at the request of a quorum of the membership. At least five (5) days prior to special meetings, written notice of such meeting shall be given to each member and to those requesting notice of meetings under the Virginia Freedom of Information Act. A written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or file a written waiver of notice. Code of Virginia 15.2-2214.

All meetings, hearings, records and accounts shall be open to the public; provided, however, that the Planning Commission may adjourn into an executive session if such session is appropriate under the Virginia Freedom of Information Act.

Parliamentary procedure in all Planning Commission meetings shall be governed by the adopted rules of order, namely, Robert's Rules of Order, except as the same are modified by these bylaws.

A majority of the membership of the Planning Commission shall constitute a quorum. At the discretion of the Chairman or as otherwise provided for in these bylaws or by the Code of Virginia, voting may be by roll call. A record of the voting shall be kept as a part of the minutes.

If the Chairman and Vice-Chairman are both absent from a meeting of the Planning Commission, the Planning Commission shall follow Robert's Rules of Order for electing a Chairman *pro tem*.

All motions made at any meeting of the Planning Commission shall be restated by the Chairman before a vote is taken. The names of persons making and seconding motions and the vote shall be recorded.

The Secretary shall keep a set of minutes of all meetings, except of executive sessions, and these minutes shall become part of the public record.

The Secretary shall insure that minutes are kept for all regular meetings and all other adjourned and special meetings. All minutes of committees may be taken as determined by the committee chair.

The Secretary shall sign all minutes and certify that the minutes are true and correct.

B. Order of Business

The order of business for a meeting shall be as follows:

1. Call to order.
2. Invocation.
3. Pledge of Allegiance.
4. Recording of members present by Secretary.
5. Determination of a quorum.
6. Review and approval of the minutes.
7. Announcements.
8. Reports of standing committees.
9. Reports of special (ad hoc) committees.
10. Unfinished business.
11. New business as allowed by these bylaws.

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12. Public Comment.
 13. Adjournment.

The above order of business may be modified by the Chairman, Director of Planning & Zoning, or Secretary to facilitate the business of the Planning Commission.

C. Public Hearings

In addition to those public hearings required by law, the Planning Commission, at its discretion, may hold public hearings on any questions it deems appropriate when the Planning Commission determines that a hearing will be in the public interest. Notice of such special hearings shall be published in the newspaper of general circulation in Spotsylvania County.

Those public hearings required by law shall be published in a newspaper of general circulation in Spotsylvania County in accordance with the requirements of the Code of Virginia and the Spotsylvania County ordinances.

Prior to a hearing the Chairman may require that those people who wish to speak on a matter sign a speaker's sheet.

The order of public hearings shall be as follows:

1. The Chairman shall open the public hearing.
2. Staff shall present an overview of the item.
3. In Zoning cases, the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant's (or his or her representative's) presentation. The use of conceptual plans, renderings, and similar graphic exhibits shall be prohibited in the course of hearings on applications for rezonings and special use permits, unless the applicant shall first have provided the Planning Commission with instruments executed in such form as to assure development and construction in conformity with any such conceptual plan rendering or similar graphic exhibit.
4. The Chairman or Director of Planning & Zoning shall then solicit comments from the public. Each speaker must clearly state his or her name and address or voting district. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. The Planning Commission, by unanimous consent, may allow any speaker to proceed past the time limit. Upon the motion of any Planning Commissioner, passed by a Majority of those Planning Commissioners in attendance, the order of speakers may be altered so that not more than five (5) speakers either supporting or opposing the application will be heard in succession.
5. After public comments have been received, the applicant or the representative of the applicant at his or her discretion may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.

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6. Upon the conclusion of public comments or the applicant's rebuttal, the Chairman shall close the public hearing unless in the Planning Commission's determination the public hearing needs to be continued to a subsequent meeting.

A record (minutes) shall be kept of the names of those persons speaking before the Planning Commission at any and all public hearings, whether they be hearings required by law or special public hearings scheduled at the discretion of the Planning Commission.

D. Voting

Voting may take place on the day of the public hearing or at a subsequent meeting no later than sixty (60) days after the public hearing is closed.

E. Agenda

1. The agenda for all Planning Commission Meetings shall be set by the Secretary and/or the Director of Planning & Zoning. In addition to other matters, only those public hearings properly advertised by law or by these bylaws shall be placed on the agenda.
2. All matters for which public hearings have been held and for which no vote has been taken shall be placed on the agenda for action at a subsequent meeting.

ARTICLE VII - AMENDMENTS

These bylaws may be amended by a recorded two-thirds majority vote of the entire membership of the Planning Commission.

With the exception of those provisions of the bylaws prohibited from suspension by law, these bylaws may be suspended upon a two-thirds majority vote of the entire membership of the Planning Commission.