



## **PLANNING COMMISSION BY-LAWS**

PREAMBLE - These By-laws set forth the rules for the transactions of business by the Planning Commission of the City of Fredericksburg, which operates under the authority of the laws of Virginia and the ordinances of the City of Fredericksburg.

### **ARTICLE 1 - OBJECTIVES**

- 1-1 The Planning Commission, as established by the City Council, has adopted the subsequent Articles in order to facilitate its powers and duties under Title 15.2, Chapter 22, Article 2, Code of Virginia.
- 1-2 The official title of this Commission shall be the City of Fredericksburg Planning Commission.

### **ARTICLE 2 – PURPOSE, DUTIES, MEMBERSHIP, OFFICERS, MEETINGS, QUORUM, VOTING, AND REGIONAL COOPERATION**

- 2-1 City Code Sections 10-331 through 10-335 shall establish the Purpose, Duties, Membership, Officers, Meetings, Quorum, Voting, and Regional Cooperation standards for the Commission.

### **ARTICLE 3 – OFFICER ELECTIONS**

- 3-1 A Chairman, Vice-Chairman, and Secretary shall be elected during the first regular meeting in October of each year.
  - 3-1-1 Each candidate for office shall be nominated individually by a member and seconded by another member of the Commission.
  - 3-1-2 Each nominee for an office of the Commission shall be voted on individually. A nominee receiving a majority vote of the members present shall be declared elected and shall take office immediately upon the conclusion of the regular meeting and serve for one year or until his/her successor shall take office.

**ARTICLE 4 - DUTIES OF OFFICERS**

- 4-1 The Chairman shall:
  - 4-1-1 Preside at all meetings;
  - 4-1-2 Call the meetings to order at the appointed time;
  - 4-1-3 Announce the business in its proper order;
  - 4-1-4 Preserve order and decorum;
  - 4-1-5 Clarify and summarize points of agreement and disagreement for all questions properly brought before the Commission;
  - 4-1-6 Rule on all procedural questions, unless overruled by a majority vote of the members present;
  - 4-1-7 Be informed immediately of any official communication and report the same at the next regular meeting;
  - 4-1-8 Affix his/her signature to all correspondence issued by the Commission and all official minutes;
  - 4-1-9 Appoint committees as necessary; and
  - 4-1-10 Ensure new members are fully briefed on Commission policies and procedures and familiarized with Commission meeting places.
- 4-2 The Vice Chairman shall act in the absence of the Chairman and in doing so shall have all duties of the Chairman.
- 4-3 The Secretary or the Planning Department staff shall:
  - 4-3-1 Keep a written record of all business transacted by the Commission;
  - 4-3-2 Notify all members of all meetings;
  - 4-3-3 Keep a file of all official records and reports of the Commission;

- 4-3-4 Attend to correspondence of the Commission;
  - 4-3-5 Provide public notice of all meetings and public hearings;
  - 4-3-6 Keep a set of minutes of all meetings;
  - 4-3-7 Maintain Commission records according to applicable statutes and make them available for public inspection; and
  - 4-3-8 Prepare an Annual Report to the City Council concerning the operation of the Commission and the status of planning within the City, as provided for in Virginia Code Section 15.2-2221. Planning staff shall prepare and submit such a report, in writing, to the Commission by October 1 of each year. The report shall include statistics on land use development during the preceding fiscal year, enforcement activities, and the implementation of recommendations set forth in the Comprehensive Plan. As agreed to by City Council, the Commission should present this report to City Council for discussion at a joint Council/Commission work session October of each year.
- 4-4 All members of the Planning Commission shall:
- 4-4-1 Take responsibility to become thoroughly familiar with applicable laws, statutes, ordinances, and procedures relating to the Commission;
  - 4-4-2 Vote on matters coming before the Commission unless formally excused due to a conflict of interest, or with the permission of the majority of the members of the Commission then in session; and
  - 4-4-3 Review applications presented at meetings they were unable to attend as well as minutes of those meetings, as practicable, before voting on such applications.

#### **ARTICLE 5 – CAPITAL IMPROVEMENT PLAN**

- 5-1 Virginia Code Section 15.2-2239 provides that “[a] local planning commission may, and at the direction of the governing body shall, prepare and revise annually a capital improvement program [CIP] based on the comprehensive plan of the locality for a period not to exceed the ensuing five years.” The City of Fredericksburg City Council charges its city government staff to prepare the CIP and for the Planning Commission to make recommendations to City Council and staff as to CIP completeness. To prepare these recommendations, in June the Commission Chairperson shall appoint a committee of at

least two planning commissioners to conduct a review of the most current CIP. Using the Comprehensive Plan, data from the Status of Land Use Annual Report, and other information from staff, the Commission shall complete a comparative analysis of Comprehensive Plan land use goals and the approved CIP highlighting specific connections and disconnections between the two plans. The committee shall deliver a draft report of its analysis to the full Commission by its first meeting in September. In September and October, the Commission shall discuss the report in work session(s) and/or in public meeting(s) and finalize it for transmittal to the City Council and City Manager no later than the last business day of October. Following its transmission, the Commission shall seek to hold a joint work session with City Council in December to discuss report findings. Throughout the City's ensuing CIP development process, the Commission and City Manager will exchange information on how the draft CIP has incorporated the Commission's report findings. Prior to City Council's first public hearing regarding the proposed CIP for the succeeding fiscal year, the Commission shall transmit its final recommendations to the City Council and City Manager on this proposal.

#### **ARTICLE 6 - MEETINGS**

- 6-1 When applications or other Commission business are pending, regular meetings of Commission shall be held the second and fourth Wednesday of each month. If a scheduled meeting is cancelled due to inclement weather, or other unforeseen reason, the backup meeting date will be the following regularly scheduled Planning Commission meeting date and time.
- 6-2 When a meeting falls on a legal holiday, the meeting shall be held on the following Wednesday unless otherwise designated by the Chairman or by a vote of the Commission.
- 6-3 When no application or other business is pending, the Chairman may dispense with a meeting by giving notice to all members. However, the Commission shall hold at least one regular meeting at least every two months.
- 6-4 The meetings shall begin at 6:30 p.m. on the second and fourth Wednesday of a month.
- 6-5 A regular meeting may be adjourned if all business cannot be addressed on the meeting date set. The meeting shall be reconvened at a later date, as set at the meeting and properly advertised.
- 6-6 Special meetings may be called at the request of the Chairman or by two members of the Commission with a written request to the Secretary or Zoning Administrator. The Secretary

or Zoning Administrator shall e-mail to all members, at least five days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof. 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.

- 6-7 A member, other than the Chairman, may introduce a motion. Any member of the Commission may second a motion. Motions shall be restated by the Chairman before a vote is taken. The names of persons making and seconding motions shall be recorded.
- 6-8 Parliamentary procedure during Commission meetings shall be governed by Robert's Rules of Order.
- 6-9 A quorum of the Commission shall consist of four of the seven members, and no action of the Commission shall be valid unless authorized by a majority vote of those present and voting.
- 6-10 A member of the Planning Commission who cannot attend a meeting in person due to an emergency or personal matter may participate by electronic communications means from a disclosed off-site location, up to two times per calendar year.

If a quorum is physically present to conduct a meeting of the Planning Commission other members may participate in such meeting from a remote location by telephone or other audio or video means, provided such attendance complies with the provisions of the Virginia Freedom of Information Act, as amended from time to time. A member wishing to attend in this manner shall advise a member of the Planning staff a reasonable time before the start of the meeting, so that the necessary equipment can be put in place.

- 6-11 There will be a general public comment period provided at each regular meeting for comments by citizens regarding any matter related to Commission business that is not listed on the Agenda for Public Hearing. The Chair will request that speakers observe a five-minute time limit and yield the floor when the Clerk indicates that their time has expired. No dialogue between speakers will be permitted. Citizens who wish to participate in the public comment period remotely can send their comments in writing by U.S. Mail or email to the Clerk. Comments must be received by 2:30 on the meeting date. Such comments will be read aloud during the public comment portion of the Commission meeting. In written public comments, the writer must identify themselves by name and address, including zip code, and limit the remarks to three minutes, when read aloud. There will be a total 40-minute cap for all written comments read aloud.

6-12 A member recusing himself from discussing and voting on an agenda item due to a conflict of interest, shall vacate his seat during the hearing of that agenda item.

**ARTICLE 7 - ORDER OF BUSINESS**

7-1 The order of business for a regular meeting shall be:


- 7-1-1 Call to order;
- 7-1-2 Pledge of Allegiance;
- 7-1-3 Determination of quorum
- 7-1-4 Approval of agenda
- 7-1-5 Discussion of potential policies, ordinances, or applications
- 7-1-6 Declaration of conflicts of interest or Disclosures of contact;
- 7-1-7 Deferred public hearing items;
- 7-1-8 Public hearing items;
- 7-1-9 Other business
- 7-1-10 General public comment;
- 7-1-11 Adoption of minutes;
- 7-1-12 Planning Commissioner Items;
- 7-1-13 Planning Director Items; and
- 7-1-14 Adjournment.

## ARTICLE 8 - PROCEDURES FOR HEARING ITEMS

- 8-1 The order for the public hearing shall be:
- 8-1-1 A staff presentation on each item prior to the applicant's comments.
  - 8-1-2 The applicant or his representative may appear at the public hearing and shall be allowed to make a statement and/or presentation.
  - 8-1-3 Any person may speak at a public hearing for up to five minutes. An applicant in a land use case may give an opening presentation of the case for up to 15 minutes, regardless of the number of speakers the applicant chooses to give the presentation, and may give a response after all citizens have spoken, for up to five minutes, regardless of the number of speakers the applicant chooses to give the response. The Chairman may suspend these rules in order to adapt them to any special situation.
  - 8-1-4 Before addressing a Planning Commission meeting, a Commission member desiring to speak shall address the Chairman, who shall recognize the member as entitled to speak before he proceeds. After being so recognized, the member, except when called to order by the Chairman, shall not be interrupted during the time allowed. No member shall speak more than ten minutes at any one time without permission of the Chairman. No member shall speak more than twice upon the same question without permission of the Chairman.
  - 8-1-5 When public testimony is complete, the Chairman shall then close the public hearing and the Planning Commission shall deliberate on the application and its recommendation to the City Council. Only input from the staff shall be permitted at this time, although the Commission may ask questions of the applicant or his representative. No further comments from the public will be allowed.
  - 8-1-6 The Commission may vote on an agenda item immediately following the public hearing if there is a positive staff recommendation and there are no relevant negative comments from the public and no outstanding questions or requests for information.

**ARTICLE 9 - AMENDMENTS**

These By-laws may be amended by a majority vote of the entire membership of the Commission at a regularly scheduled meeting, provided notice of intent to amend these By-laws has been given at a prior regularly scheduled meeting by at least two members.



David Durham, Chairman

**ADOPTED: September 14, 2022 [PROPOSED]**  
**REVISED AND ADOPTED BY A VOTE OF: 6-0-1**