
PLANNING COMMISSION BYLAWS

County of Frederick, Virginia

Adopted by the Planning Commission
January 7, 2015

ARTICLE I - AUTHORIZATION

- 1-1 The Frederick County Planning Commission is established by and in conformance with Chapter 21 of the Code of Frederick County, and in accord with the provisions of Section 15.2-2210 of the Code of Virginia (1950), as amended.
- 1-2 The official title of this body shall be the Frederick County Planning Commission, hereinafter referred to as the "Commission".

ARTICLE II - PURPOSE

- 2-1 The primary purpose of the Commission is to advise the Frederick County Board of Supervisors and to carry out all duties and functions described by the Code of Virginia, as amended.

ARTICLE III - MEMBERSHIP

- 3-1 The membership of the Commission shall be determined by the Frederick County Board of Supervisors as specified in Chapter 21 of the Code of Frederick County. Methods of appointment and terms of office shall be determined by Chapter 21 of the Code of Frederick County.
- 3-2 Within the first month of initial appointment, new Commissioner appointees shall: 1) participate in an orientation to familiarize themselves with the operations of the Department and the Commission, and 2) meet with planning staff representatives in an effort to review and better understand specific agenda items by no later than their second Planning Commission meeting.

ARTICLE IV - OFFICERS

- 4-1 Officers of the Commission shall consist of a chairman, vice-chairman and secretary. The chairman and vice-chairman must be voting members of the Commission. The secretary shall be a member of the Commission or a county employee.
- 4-2 Selection
 - 4-2-1 The officers shall be elected by the voting members of the Commission at the first meeting of the calendar year.
 - 4-2-2 Nomination of officers shall be made from the floor. Elections of officers shall follow immediately. A candidate receiving a majority vote of the entire voting membership shall be declared elected.
- 4-3 Duties
 - 4-3-1 The Chairman shall:
 - 4-3-1-1 Preside at meetings.
 - 4-3-1-2 Appoint committees.
 - 4-3-1-3 Rule on procedural questions. A ruling on a procedural question by the chairman shall be subject to reversal by a two-thirds majority vote of the members present.
 - 4-3-1-4 Report official communications.
 - 4-3-1-5 Certify official documents involving the authority of the Commission.
 - 4-3-1-6 Certify minutes as true and correct copies.
 - 4-3-1-7 Carry out other duties as assigned by the Board of Supervisors and the Commission.
 - 4-3-2 The Vice-Chairman shall:
 - 4-3-2-1 Assume the full powers of the chairman in the absence or inability of the chairman to act.
 - 4-3-2-2 When acting as chair, the vice-chairman shall carry out other duties as assigned by the Board of Supervisors and the Commission Chairman.

4-3-3 The Secretary shall:

4-3-3-1 Ensure that attendance is recorded at all meetings.

4-3-3-2 Ensure that the minutes of all Commission meetings are recorded.

4-3-3-3 Notify members of all meetings.

4-3-3-4 Prepare agendas for all meetings.

4-3-3-5 Maintain files of all official Commission records and reports. Official records and reports may be purged in accordance with applicable state codes.

4-3-3-6 Give notice of all Commission meetings, public hearings and public meetings.

4-3-3-7 Provide to the Board of Supervisors reports and recommendations of the Commission.

4-3-3-8 Attend to the correspondence necessary for the execution of the duties and functions of the Commission.

4-4 Term of Office

4-4-1 Officers shall be elected for a one-year term or until a successor takes office. Vacancies shall be filled for an unexpired term by a majority vote of the Commission. In such cases, the newly elected officer shall serve only until the end of the calendar year or until a successor takes office.

4-5 Temporary Chairman

4-5-1 In the event of the absence of both the chairman and the vice-chairman from any meeting, the Commission shall designate from among its members a temporary chairman who shall act for that meeting in the absence of the chairman or vice-chairman.

ARTICLE V - COMMITTEES

- 5-1 The Commission shall establish committees necessary to accomplish its purpose.
- 5-2 In establishing committees, the Commission shall describe the purpose for each committee.
- 5-3 Members of the committees shall be appointed by the chairman and will serve for a term of one year. The chairman may request recommendations from the Commission or committee members on committee appointments.
- 5-4 Commission members, employees of the County, and citizen volunteers may be members of the committee.
- 5-5 The chairman and vice-chairman of the Planning Commission shall be ex-officio members of every committee.
- 5-6 The committees will elect a chairman and vice-chairman annually. These officers shall be current Commission members and should represent different Magisterial Districts, if possible.
- 5-7 The committees may operate as a committee of the whole or by executive committee, with current and past Commission members serving as members of the executive committee.
- 5-8 The committees may establish standing subcommittees whose activities will be a specific responsibility of the parent committee. One executive committee member will serve as liaison to the standing subcommittee and will assist staff in managing its activities. Membership will be comprised of past Commission members and citizens. Membership will be appointed by the chairman of the Committee with concurrence by the Commission Chairman.
- 5-9 The committees may establish working groups to assist in specific, carefully-defined tasks for a limited period of time. Important considerations for membership on the working group are skills and experience necessary to assist in providing acceptable solutions. Membership will be appointed by the Chairman of the Committee with concurrence by the Commission Chairman.

ARTICLE VI – COMMISSION MEETINGS

- 6-1 At the first meeting of each calendar year, the Commission shall fix the date, time, and place of all its regular meetings for the ensuing calendar year, and shall fix the day on which a regular meeting shall be continued should the Chairman declare that weather or other conditions make it hazardous for members to attend.
- 6-2 Special meetings may be called by the chairman or by the secretary after due notice and publication by the secretary.
- 6-3 Notice of all meetings shall be sent by the secretary with an agenda at least five days before the meeting.
- 6-4 All meetings of the Commission shall be open to the public except for Closed Sessions held in accordance with the provision specified under Section 2.2-3711(A) of the Code of Virginia, 1950, as amended.
- 6-5 Work sessions shall be held at the adjournment of regular meetings or at the time and place set by the Commission and/or the Board of Supervisors.

ARTICLE VII - VOTING

- 7-1 A majority of voting members shall constitute a quorum. No action shall be taken or motion made unless a quorum is present.
- 7-2 No action of the Commission shall be valid unless authorized by a majority vote of those present and voting.

ARTICLE VIII - OPERATING RULES

- 8-1 Order of Business for a regular meeting
 - 8-1-1 Call to Order.
 - 8-1-2 Adoption of the Agenda.
 - 8-1-3 Consideration of Minutes.
 - 8-1-4 Committee Reports.

8-1-5 Citizen Comments on Items not on the Agenda.

8-1-6 Public Hearings.

8-1-7 Action Items.

8-1-8 Information/Discussion Items

8-1-9 Other.

8-1-10 Adjournment.

8-2 Minutes

8-2-1 The Commission shall keep minutes of each meeting. The chairman and secretary shall sign all minutes following approval by the Commission certifying that the minutes are true and correct. Minutes made available to the public prior to formal approval by the Commission shall be clearly identified as a draft version of the meeting.

8-3 Procedures

8-3-1 Parliamentary procedure in the Commission meetings shall be governed by Robert's Rules of Order, except where otherwise specified in these procedures.

8-3-2 Whenever an agenda item involves a recommendation to the Board of Supervisors, the Commission shall continue to consider the item until a definite recommendation is made. If a motion has been made and defeated, additional, different motions may be made concerning the item under consideration.

8-3-3 The initial motion on an agenda item shall be made by a member representing the application's Magisterial District. If both District representatives are absent or decline to make the initial motion, then any other Commissioner may act.

8-3-4 Business items on the agenda shall be considered using the following procedures:

8-3-4-1 Report by County Staff.

8-3-4-2 Presentation by Applicant.

8-3-4-3 Citizen Comment.

8-3-4-4 Applicant Response.

8-3-4-5 Staff Summary.

8-3-4-6 Discussion by Commission.

8-3-4-7 Motion and Action by Commission.

8-3-5 Public comment shall be allowed in all cases required by the Code of Virginia, 1950, as amended, or the Code of Frederick County. In other cases, the chairman may allow public comment.

8-3-6 The Commission members may ask questions of clarification and information after the staff report, applicant presentation, and/or citizen comment.

8-3-7 Petitions, displays, documents or correspondence presented at a meeting may be made part of the official record of the meeting by motion of the Commission and are to be kept on file by the secretary. Such items need not be made part of the published minutes.

8-3-8 Public Hearings

8-3-8-1 The Commission shall hold public hearings on all items for which hearings are required by the Code of Virginia, 1950, as amended, or by the Code of Frederick County. Such public hearing shall be advertised and notifications provided as required by the Code of Virginia, 1950, as amended.

8-3-8-2 The Chairman may establish special rules for any public hearing at the beginning of said hearing. These rules may include limitations on the time of staff report, applicant presentation and citizen comment.

8-3-8-3 In addition to those required by law, the Commission may hold public hearings on any matter, under the purview of the Commission, which it deems to be in the public interest. In such cases, the public hearings shall follow all procedures described for public hearing in these bylaws.

8-3-8-4 The 90-day period (Section 165-102.03 of the Frederick County Zoning Ordinance) for the Planning Commission to make a rezoning recommendation to the Board will start after the first Commission meeting following the referral of the amendment to the Commission.

8-3-9 Tabling

8-3-9-1 The Planning Commission shall have the authority to table agenda items 45-days (less if reaching the limits of Section 165-102.03) for any one of the following:

- A) The agenda item does not meet the requirements of the Code of Virginia, 1950, as amended.
- B) The agenda item does not meet the requirements of the Code of Frederick County.
- C) Insufficient information has been provided for the agenda item.
- D) Revised proffers have been received from the applicant less than twenty-one (21) days of the advertised Planning Commission meeting.
- E) Issues or concerns that arise during formal discussion of the agenda item warrant additional information or study.
- F) The applicant provides the Frederick County Planning Department with a written request to table the agenda item.
- G) The Frederick County Planning Department is advised of an emergency situation that prevents attendance by the applicant.
- H) The applicant fails to appear at the meeting in which the application has been advertised to appear.

8-3-9-2 The applicant shall be permitted to request that an agenda item be tabled from a scheduled Planning Commission meeting one time. The Planning Commission shall table the application for a specific period of time to ensure that the requirements of Section 165-102.03 of the Frederick County Zoning Ordinance are not exceeded unless the applicant requests a waiver from this requirement. In no case shall an application be tabled for more than 12 months from the time the complete application was received by the Zoning Administrator or applicable staff.

8-3-9-3 An application that has been tabled for an unspecified period of time shall be re-advertised for consideration by the Planning Commission once the following steps have been completed:

- A) The applicant has requested in writing that the agenda item be

considered by the Planning Commission.

- B) The applicant has provided all required information to the Frederick County Planning Department which addresses all concerns of the Planning Commission.

8-3-10 Work sessions

- 8-3-10-1 The Commission may hold work sessions at which the procedural rules of these bylaws shall not apply.
- 8-3-10-2 Work sessions shall be held after the adjournment of regular meetings or at the time and place set by the Commission.
- 8-3-10-3 Notice of work sessions shall be sent to the Planning Commissioners at least five days before the session.
- 8-3-10-4 The chairman shall lead the session and require orderly behavior and discussion.
- 8-3-10-5 No actions shall be taken or motions made at a work session.
- 8-3-10-6 Work sessions shall be open to the public. Public comment is not required at a work session.
- 8-3-10-7 The secretary shall keep a general record of all work sessions and the items discussed.

8-3-11 Adjournment

- 8-3-11-1 In no case shall the Commission consider any new items after 10:30 P.M. and the meeting shall be adjourned by 11:00 P.M. In the instance that an item begun before 10:30P.M. has not been acted on by the 11:00 P.M. hour, the Commission may, by majority vote, lift the adjournment time until a recommendation has been made, or such time, after 11:00 P.M., as the Commission may fix.

ARTICLE IX - AMENDMENTS

- 9-1 These bylaws may be amended by a majority vote of the entire voting membership after thirty days prior notice at any time during the calendar year.

- 9-2 The Planning Commission shall conduct an annual review of these bylaws each calendar year to ensure their accuracy.
- 9-3 At the first meeting of the calendar year, the By-Laws will be adopted.