



**BYLAWS AND RULES OF PROCEDURE
FOR THE
PLANNING COMMISSION
OF THE
COUNTY OF PRINCE GEORGE, VIRGINIA**

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**COUNTY OF PRINCE GEORGE
PLANNING COMMISSION**

PRINCE GEORGE, VIRGINIA 23875

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THE PLANNING COMMISSION OF THE
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PREAMBLE

The goals of the Planning Commission of Prince George County are as follows:

- to improve public health, safety, convenience and the welfare of its citizens;
- to plan for the future development of communities to the end that transportation systems be carefully planned;
- that new community centers be developed with adequate highway, utility, health, educational, and recreational facilities;
- that the need for mineral resources and the needs of agriculture, industry and business be recognized in future growth;
- that residential areas be provided with healthy surroundings for family life;
- that agricultural and forestal land be preserved; and
- that the growth of the community shall be consonant with the efficient and economical use of public funds.

ARTICLE I. OBJECTIVES

The objectives and purposes of the Planning Commission of the County of Prince George, Virginia are those set forth in Section 15.2-2200 and 15.2-2210 of the Code of Virginia (1950, as amended) and those powers and duties delegated to the Planning Commission by the Board of Supervisors of the County of Prince George by Chapter 62, Article II of the County Code adopted in accordance with the enabling laws and all amendments and changes thereto.

ARTICLE II. MEETINGS

1. All meetings of the Commission shall be open to the public, and all persons shall be encouraged to attend any meeting of said Commission except as otherwise provided in these by-laws or by statute.
2. Regular meetings of the Commission are held on the fourth Thursday of each month at 6:30 p.m. in the Public Meeting Room, Third Floor of the County Administration Building, 6602 Courts Drive, Prince George, Virginia located at the intersection of Laurel Springs Road and Courts Drive in the County Government Complex or at such location as designated by the Commission. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on a date as determined by the Commission. The Commission, by resolution adopted at a regular meeting, may also fix

the day or days to which any meeting shall be continued. If County Government operations are deemed to be closed by the County Administrator or his designee the day of a scheduled meeting due to inclement weather or other unforeseen instances then the meeting shall be cancelled and rescheduled to the next available meeting date. Such cancellation shall be communicated to the members and to the press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and no further advertisement is required. The Commission shall cause a copy of such resolution to be inserted in a qualified newspaper having general circulation in the locality at least seven days prior to the first meeting held pursuant to the adopted schedule. Work Sessions will be held on that Monday prior to the regular meeting date or as otherwise determined by the Commission. The Work Sessions will be held in the same location as regular meetings as identified above, or at a location as determined by the Commission.

3. The Planning Commission may adjourn any meeting to a time and place specified. If all members are absent from any regular meeting, the Secretary may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in the following section for special meetings, unless such notice is waived as provided for special meetings. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.
4. Special meetings of the Commission may be called by the Chair or by two members upon written request to the Secretary. The Secretary shall 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 to members 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. No other business shall be considered at such special meetings by the Planning Commission than that for which the special meeting was called.

5. The annual meeting for the election of officers for Chair and Vice-Chair shall be held on the regular meeting date in January of each year, under the order of New Business and the newly elected officers shall immediately preside upon election.
6. A quorum is a majority of all members. A quorum must be present at all meetings. A majority vote of those members present and voting is necessary to take any official action including, but not limited to rezonings, reclassifications, special exception uses, amendments to the zoning regulations or official map, subdivision plats, site plans, general plan, and these by-laws.

In case of a tie vote, or deadlock, the chair shall have the item of business placed on the next agenda of the Commission as a matter under old business for reconsideration and vote, but not for rehearing. If the returned matter again results in a tied vote it will be forwarded to the Board of Supervisors with no recommendation.

7. The Secretary shall keep minutes and records of all its meetings, resolutions, transactions, findings and determinations, and the vote of each member present shall be recorded with each motion, order or resolution and the minutes, records, resolutions, transactions, findings and determinations shall be of public record.

ARTICLE III. OFFICERS, DUTIES OF

1. The officers of the Commission shall consist of a Chair, a Vice-Chair and a Secretary.

2. Chair.

The Chair shall have the following duties:

- a. The Chair shall preside at meetings of the Commission.
- b. When authorized by the Commission, The Chair shall execute in its name all contracts, bonds, and other obligations.
- c. The Chair shall appoint all committees and subcommittees.
- d. The Chair shall have general supervision of the conduct of the affairs of the Commission and shall instruct the Secretary in conducting Commission business.
- e. The Chair shall perform such other duties as are usually exercised by the Chair of a Commission or a Chief Officer of a corporation.
- f. The Chair shall sign all communications of the Commission and all recommendations to the Board of Supervisors of Prince George County unless otherwise authorized by the Chair. The Chair may authorize the Secretary to sign official Commission communications.
- g. The Chair shall have the discretion to set time limits on public speakers, not to exceed 3 minutes. Those matters raised by citizens not set for public hearing shall be included only in the Citizens Comment Period or by discretion of the Chair for additional public comments.

3. Vice-Chair.

The Vice-Chair shall have the following duties:

The Vice-Chair shall perform the duties of the Chair during the absence or disability of the Chair.

4. Temporary Chair.

- a. In the absence or disability of the Chair and Vice-Chair at any regular or regular adjourned meeting where a quorum of the membership is present, the most senior member alphabetically shall preside at said meeting until the Chair or Vice-Chair is present.
- b. The Temporary Chair shall perform the duties of the Chair during the absence or disability of the Chair or Vice-Chair.

5. Secretary.

The Secretary or the Secretary's designee shall have the following duties:

- a. The Secretary shall attend all regular, regular adjourned, special adjourned meetings and public hearings, and keep or supervise the keeping of a record of same and transcribe same properly in the minute books of the Commission.
- b. The Secretary shall send all notices of all meetings of the Commission required to be sent under these bylaws, State law, zoning ordinance or subdivision ordinance or as directed by the Chair.

- c. The Secretary shall have charge of all official books, papers, maps, and records of the Commission and shall conduct all official correspondence relative to hearings, meetings, decisions, and other business of the Commission.
- d. The Secretary or his assigned staff personnel, unless otherwise directed, shall attend meetings of the committees and, when directed, transcribe and preserve the records thereof.
- e. The Secretary shall prepare the agenda and staff reports for items of business on the Commission's agenda. The reports must contain factual background information and professional planning guidelines to guide the Commission in its actions.
- f. The Secretary shall notify the Vice-Chair, by phoning or in person, on the day the Chair informs the Secretary that he will not attend a future Commission meeting.

ARTICLE IV. COMMITTEES

1. Committees shall be appointed by the Chair at the time deemed necessary or advisable by him so as to conduct Commission business properly.
2. Each committee shall consist of no fewer than two (2) and no more than three (3) Commission members.
3. Subcommittees may be appointed by the Chair of any committee and may consist of non-members of the Commission and shall be advisory to the entire committee.
4. The Chair of the Commission shall appoint one (1) member of each committee as the Chair and the committee shall meet at such time and place as directed by the Chair of the committee. The Chair of the Commission shall serve as an ex-officio member of all standing or temporary committees.
5. The members of committees shall serve for the duration of the committee unless a reassignment is made of the committee personnel by the Commission Chair, in which case they shall serve until their successors are appointed. The Commission Chair shall fill any vacancy in committees.
6. All reports of committees shall be made at the direction of the Chair of the Commission; however, no committee shall be required to make a formal report prior to the next regular Commission meeting following that meeting at which the committee was directed by the Chair of the Commission to report on the matter of business referred to such committee.
7. Reports of subcommittees shall be made orally or in writing at the request of the Committee related to the subcommittee or by the Chair of the Commission, and if in writing, the original copy thereof shall be filed with the Secretary and become a part of the records of the committee.

ARTICLE V. ELECTIONS AND APPOINTMENTS

1. The Chair of the Commission shall be elected by the members of the Commission at each annual meeting thereof and shall hold office for one (1) year.
2. The Vice-Chair shall be elected by the members of the Commission at each Annual meeting of the Commission, immediately after the election of the Chair, and shall hold office for one (1) year.

3. Any vacancy in the office of Chair or Vice-Chair of the Commission may be filled by the members of the Commission at any meeting called for such purpose after such vacancy has occurred in a manner prescribed in Article II, Section 3 of these bylaws.
4. The Director of Planning or the person acting in this capacity shall serve as Secretary of the Commission.
5. No later than the next regular meeting after the January meeting, the Chair of the Commission, elected at the annual meeting in January, shall appoint members to standing committees and the Chair thereof. Such appointments may be made before this meeting if the Chair so desires.

ARTICLE VI. ORDER OF BUSINESS

The order of business at regular meetings shall be as follows:

1. Call to Order
2. Roll Call
2. Planning Commission Invocation
3. Pledge of Allegiance
4. Adoption of Meeting Agenda
5. Approval of Draft Minutes
6. Citizen Comment Period
7. Old Business
8. New Business – Public Hearings
9. PC Secretary Communications
10. Adjournment

ARTICLE VII. MATTERS PENDING BEFORE THE COMMISSION

1. Every matter on which the Commission is authorized or required to act or brought before the Commission by any person, official, organization or agency, shall be presented in writing or on forms provided by the Commission for a specific presentation and shall include all information necessary for a clear understanding and informed action by the Commission. Such information, when requested by the Commission, shall include maps, surveys, drawings, plans, charts, and descriptive information.
2. All matters for Commission consideration and recommendation shall be filed in the Planning Office with the Secretary at least twenty-one (21) days prior to a meeting of the Commission at which the item is to be on the agenda. Final revised proffers shall be submitted ten (10) days prior to the Planning Commission Meeting on which the matter is to be on the agenda. The time limits provided for in this section may be waived if the Commission, by unanimous vote of those present, suspends the application of this section for a specific case. All proffers must be signed by the owner, or a representative of the owner authorized by a valid power of attorney, and by a Notary

Public. A proffer statement submitted by an attorney representing the owner is not sufficient. Deferral is appropriate to resolve late submittals and other inadequacies under this policy. The Secretary shall not accept presentations unless they are properly made, or on prescribed forms properly filled out and with all required information attached.

ARTICLE VIII. THE DOCKET AND AGENDA

1. Each matter or presentation shall be filed under the proper heading and shall be placed upon the docket and remain upon the docket until placed upon the agenda or withdrawn by the applicant, presenter, sponsor, or other duly authorized agent or attorney.
2. All matters docketed at least ten (10) days prior to a meeting of the Commission shall appear on the agenda at that meeting unless regulations or requirements necessitate a greater length of time between the date of filing a matter and the date it appears on the agenda.
3. The agenda shall consist of all those cases which, by reason of time of filing or continuation or other order of the Commission, are to be heard at subject meeting of the Commission and the Agenda shall state that it is the agenda for the (date) _____ day of (month) and the year.
4. All matters where a publication of notice is required by law, shall be docketed for the next regular meeting in accordance with the notice of hearing following the publication of notice thereof.
5. When all matters cannot be disposed of on the date set, the Commission may adjourn from day to day, or until the next regular meeting as it may order.
6. The agenda of cases to be heard shall be posted in the Planning Office not less than four (4) days before each regular meeting, and the agenda of cases to be heard at a special meeting shall be posted in the Planning Office and on the door of the meeting place not less than twenty-four (24) hours before such special meeting.
7. Any matter that comes before the Commission orally, except Secretary reports, which would not be shown on the posted agenda shall not be acted upon by the Commission until it is placed on the agenda of the next regular or special meeting.

ARTICLE IX. HEARINGS

1. Hearings shall be held in the Public Meeting Room, Third Floor of the County Administration Building, 6602 Courts Drive, Prince George, Virginia located at the intersection of Laurel Spring Road and Courts Drive in the County Government Complex or at such location as designated by the Commission.
2. Only those cases set for hearing on a given date will be heard and they shall be heard in the order in which they appear on the agenda unless otherwise directed by the Chair.
3. When a matter is set for a public hearing pursuant to 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 Commission, for good and sufficient reason, directs otherwise.
4. Each person who speaks at the public hearing shall furnish his name and address to the Commission and shall thereby become a party of record; however, a member of the public shall not be required, as a condition to attendance at a meeting of the Commission, to register his name and other information, to complete a questionnaire, or otherwise fulfill any condition precedent to his attendance.

5. Each zoning matter in the public hearing shall be heard in the following order:
 - a. The Chair of the Commission, the Secretary or a designated person shall read the notice of hearing, agenda reports, and the findings of the planning staff.
 - b. The applicant, or his representative, may make a statement in support of the application.
 - c. Other persons in favor of the application shall be heard.
 - d. Those persons opposed to the application shall be heard.
 - e. The applicant or his representative may be heard in rebuttal.
 - f. The Secretary or other staff member may summarize pertinent information and present the recommendation of the staff.
6. After the close of the public hearing, no person shall testify before the Commission and no other new evidence shall be received by it; provided, however, this rule shall not prohibit the members of the Commission from examining:
 - a. The subject land and its surroundings, either before or after the public hearing, and reporting to other members of the Commission.
 - b. Any part of the Comprehensive Plan previously adopted or being considered.
 - c. Any public record.
 - d. Any file, report or map already in the Planning Office.
 - e. Or requesting additional information from staff.
7. Any applicant may voluntarily submit restrictive covenants with respect to the use of land in question. The applicant may impose conditions on the use and effectiveness of said restrictive covenants. Any restrictive covenants or conditions must comport with the same requirements as to form, signature and timing of submission for proffers in Section VII, paragraph 2 above.
8. The applicant may withdraw any matter pending before the Commission at any time prior to the Commission acting on such matter.
9. Within sixty-five (65) days following the closing of a public hearing, the Commission shall make a specific finding as to whether the change is consistent with the "Purpose of Chapter" of the zoning regulations prescribed in Chapter 90 of the County Code, or any subsequent amendments of the County Code and shall recommend that the application be granted, granted in modified form, or rejected.
10. No Commissioner shall participate, as a Commissioner, in any discussion or voting if his participation would violate the Virginia Conflict of Interest Act.
11. Within fourteen (14) working days following the date of a decision, the Secretary shall transmit a written notice of the decision and the entire record to the Board of Supervisors, via the County Administrator's Office.
12. The Commission shall be allowed to postpone a request for up to 65 days from the meeting date of the public hearing so long as the Commission will hear such matter within applicable time limits.

**ARTICLE X. PARTICIPATION OF COMMISSION MEMBERS BY ELECTRONIC COMMUNICATION
MEANS**

The Planning Commission may conduct any meeting wherein the public business is discussed or transacted through electronic communication means as provided in Code of Virginia Section 2.2-3708.2 (1950), as amended, subject to the following requirements:

1. A member of the Commission must notify the Chairman that the member is unable to attend the meeting due to either
 - (a) a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
 - (b) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; or
 - (c) a personal matter and the member identifies with the specificity the nature of the personal matter.Participation by a member due to a personal matter is limited to two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.
2. A quorum of the Commission must be physically assembled at one primary or central meeting location.
3. The Commission must make arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.
4. The Commission shall record in its minutes the remote location from which the member participated but the location does not have to be open to the public.
5. The Commission shall record in its minutes that the member participated through electronic communications due to either
 - (a) a temporary or permanent disability or other medical condition;
 - (b) a family member's medical condition that required the member to provide care for such family member; or
 - (c) a personal matter and the minutes shall include the specific nature of the personal matter.
6. If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.
7. The policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

The Commission may meet by electronic communication means without a quorum of the Commission physically assembled at one location when the Governor has declared a state of emergency pursuant to Virginia Code Section 44-146.17 (1950), as amended, or Prince George County has declared a local state of emergency pursuant to Section 44-146.21 (1950), as amended, provided that:

- (a) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location; and
- (b) the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities.

The Commission convening such a meeting shall

- (a) give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the Commission;
- (b) make arrangements for public access to the meeting through electronic communication means, including videoconferencing;
- (c) provide the public with the opportunity to comment at those meetings of the public body when public comment is customarily received; and
- (d) otherwise comply with the provisions of Virginia Code Title 2.2 Chapter 37 (1950), as amended.

The nature of the emergency, the fact the meeting was held by electronic communication means, and the type of electronic communications means by which the meeting was held shall be stated in the minutes.

ARTICLE XI. AMENDMENT OF BYLAWS AND RULES OF PROCEDURE

The foregoing bylaws and rules of procedure, or any part thereof, may be amended 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; provided, however, it shall require the concurring vote of a majority of the entire membership.