Planning Commission of the Town of Vienna
Bylaws and Rules of Procedure

Article I – Bylaws

Section I - Purpose and Applicable Legislation

Purpose: The Planning Commission of the Town of Vienna ("Commission") is a statutorily required commission that exists and serves as an advisory commission to the Town Council for the Town of Vienna to assist in promoting the orderly development of the locality and its environs. The Commission is charged with assisting the Town Council with improving the public health, safety, convenience, and welfare of their citizens and planning 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 the concerns of military installations be recognized and taken into account in consideration of future development of areas immediately surrounding installations and that where practical, installation commanders shall be consulted on such matters by local officials; that residential areas be provided with healthy surroundings for family life; that agricultural and forested land be preserved; and that the growth of the community be consistent with the efficient and economical use of public funds.

Applicable Legislation. The Planning Commission is governed by the provisions of Virginia Code Sections 15.2-2200, 15.2-2210 through 15.2-2222.1, 15.2-2223, 15.2-2232, and 15.2-2233, by the Vienna Subdivision Ordinance and Zoning Ordinance, Chapters 17 and 18 of the Town Code. Other legislation applicable to the Planning Commission includes the Virginia Freedom of Information Act (Virginia Code Sections 2.2-3700 through 2.2-3714) and the State and Local Government Conflict of Interest Act (Sections 2.2-3100 through 2.2-3131).

Section II - Responsibilities

The responsibilities of the Planning Commission are:

A. It shall prepare a Comprehensive Plan
    1. The Comprehensive Plan shall be reviewed at least once every five years to determine whether it should be revised or amended and the Planning Commission shall make recommendations regarding such revisions and/or amendments consistent with Sections 15.2-2223-15.2-2230 of the Virginia Code.
    2. The Commission may request assistance and recommendations on specific features of the Comprehensive Plan from the Town staff and boards and commissions, but ultimate responsibility for preparing the Comprehensive Plan, and any revisions or amendments thereto, shall remain with the Planning Commission.
B. The Planning Commission shall make recommendations to Town Council and the Board of Zoning Appeals when required by Chapters 17 and 18 of the Town Code.

C. The Planning Commission shall prepare a written Annual Report to the Town Council and, at the direction of the Town Council, present said report to the Town Council. (Virginia Code Section 15-2-2221.5.)

Section III - Membership, Election of Officers, Vacancies

A. **Membership** - The Planning Commission shall consist of not less than five nor more than fifteen members, in the discretion of the Town Council and appointed by the Town Council for two-year terms. Each commissioner shall be a qualified voter of the Town, actually residing within the Town limits, who holds no office of profit under the Town government. (Virginia Code Section 15.2-2212.; Section 17-3. of the Town Code)
   - Training Requirements - Each commissioner is encouraged to begin the Virginia Certified Planning Commissioners' program within two years of appointment and, when possible, participate in training opportunities such as conferences or workshops throughout their term.
   - The Clerk to the Planning Commission shall provide informational materials to each new Commissioner.

B. **Vacancies; Removal of Commissioners** - Vacancies on the Planning Commission shall be filled through appointment by the Town Council for the unexpired portion of the term of a member who has resigned or who has been removed. Commissioners may be removed by the Town Council as permitted by the Virginia Code Section 15.2-2212, which currently allows for removal for malfeasance or non-malfeasance in office.

Section IV - Meetings

A. **Regular Meetings** - Regular meetings of the Planning Commission shall be held on the second and fourth Wednesday January through June, August, and September; the second Wednesday in October, November, and December. *See* Article II – Procedures for information on meeting procedures, agenda, public hearings, and minutes.

B. **Quorum** – A majority of the members of the Planning Commission must be physically present to constitute a quorum. No action of the Planning Commission shall be valid unless a quorum is present and said action is authorized by a majority of those present and voting.

C. **Work Sessions** - Work sessions shall be called by the Commission Chair or the Director of Planning and Zoning when deemed necessary or at the request of a majority of Commission members. Written notice of work sessions shall be provided, as required by the Virginia Freedom of Information Act (Virginia Code Sections 2.2-3700 et. seq.).

D. **Special and Closed Meetings** - Special Meetings shall be called, with at least five days written notice, by the Chair or Director of Planning and Zoning, either when deemed necessary or at the request of a majority of Commission members. Closed meetings may be called for any purpose permitted by the Virginia Freedom of Information Act (Virginia Code Sections 2.2-3700 et. seq.).

Section V - Bylaw Amendments

The foregoing bylaws may be amended by a recorded vote of the members present provided that notice of intent has been given the members during the course of a regular or special meeting.

Section VI - Effective Date; Adoption of Bylaws

Nothing in the foregoing Bylaws shall be deemed as invalidating any official business transacted by the Planning Commission prior to adoption of these Bylaws.

The foregoing Bylaws and/or amendments shall become effective 10 days following majority vote of the members physically present or participating remotely in a regular or special meeting.

The Planning Commission hereby adopts these Bylaws, in accordance with the requirements of Title 15.2, Chapter 22, Article 2 of the Code of Virginia and the Town Code, to set forth certain responsibilities and procedures of the Planning Commission. These Bylaws, as adopted, shall remain in effect until amended by the Planning Commission. Planning Commission shall review the bylaws every two years.

Submitted: _____ Date: 10/4/2019
Michael Gelb, Chair

Attest: _____

	Vote:
Michael Gelb, Chair	Absent
Stephen Kenney, Vice Chair	**Aye** / Nay
Sharon Baum	**Aye** / Nay
Sarah Couchman	**Aye** / Nay
Mary S. McCullough	**Aye** / Nay
Andrew Meren	**Aye** / Nay
David Miller	**Aye** / Nay
Julie Hayes	**Aye** / Nay

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Article II – Rules of Procedure

Section I - General Duties

The Planning Commission shall:

A. Organize and elect officers annually at the first regular meeting in the month of January.
B. Adopt rules of procedure and exercise general supervision over its affairs. The provisions of Robert's Rules of Order shall govern the Planning Commission at its meetings unless the Town Code provides otherwise in which case the Town Code will control.
C. Keep a complete record of its proceedings; and provide for the custody and preservation of its papers and documents to comply with the Library of Virginia retention requirements;
D. May request joint work sessions with the Town Council and other Town boards and commissions to review areas of mutual interest.
E. Adopt bylaws governing the conduct of its business and meetings.
F. Specific Functions
   The Planning Commission has authority in the Virginia Code and Town Code and is delegated certain important powers and responsibilities which include, but are not limited to the following:
   1. Through a motion to recommend to Town Council:
      - Comprehensive Plan
      - Rezoning (map) amendments
      - Zoning ordinance (textual) amendments
      - Site plans in the industrial park zone (CMP), parks and recreation (PR), and park conservation (PC) zoning districts
      - Site plan modifications of requirements
      - Subdivision preliminary and/or final site plans;
   2. Through a motion to recommend to Board of Zoning Appeals:
      - Conditional use permits

Section II - Election of Officers

A. The officers shall consist of a Chair and Vice Chair. Officers will be elected from seated members of the Commission.
B. A candidate receiving a majority vote shall be declared elected. The new Chair shall take office immediately and serve for one year or until a successor shall take office. The Chair shall serve no more than two consecutive one-year terms.
C. A vacancy in either office shall be filled immediately by regular election procedures for the unexpired term of the office vacated.
D. In the absence of both officers, the senior member present, with the most consecutive service, according to the records of the Clerk, shall assume the duties of the Chair.

E. The Director of Planning and Zoning shall appoint a staff person from the Town of Vienna's Planning and Zoning Department to serve as Clerk of the Commission.

Section III - Duties of Officers and Clerk

A. The Chair shall:
   1. Preside at all meetings, hearings, and work sessions and shall have the duties normally conferred by parliamentary procedures of such officers.
   2. Appoint committees/subcommittees, special and standing, unless objection is raised, in which event appointment shall be subject to approval by majority vote.
   3. Prepare correspondence to Town Council regarding actions by the Planning Commission.
   4. Carry out other duties as are assigned by majority vote.
   5. The Chair shall have the privilege of discussing all matters before the Commission and to vote thereon.

B. The Vice Chair shall assume the duties of the Chair in the absence or incapacity of the Chair.

C. The Planning Commission Clerk shall be responsible for the following:
   1. Perform such duties as required in carrying out Section IX pertaining to minutes.
   2. Present for approval to the Commissioners the minutes of preceding meetings.
   3. Have available for use at meetings all relevant minutes of Town boards and commissions for matters related to pending items before the Planning Commission.
   4. Appoint a temporary Planning Commission Recording Secretary, as needed.
   5. Make materials for its next scheduled meeting available to the public.
   6. Prepare, publish, and distribute reports and other materials relating to activities of the Planning Commission.
   7. Ensure all public notices are made as required by the State and Town codes.
   8. Provide informational materials to each new Commissioner as provided in Planning Commission Bylaws Section III.

Section IV - Representation/Joint Appointments

The Planning Commission may approve members to serve as liaisons to other commissions and committees in accordance with the Town Charter or ordinances, or request of Town Council

Section V - Meeting Procedures

A. Rules of Procedures
   Robert's Rules of Order shall govern parliamentary procedures at Planning Commission meetings.

B. Material Submission
The Planning Commission encourages the submission of materials in advance with adequate copies for Planning Commissioners and the Commission Clerk.

C. Order of Business
The order of business for business meetings of the Planning Commission, as far as is consistent with the purpose of the meeting, shall in most cases be:

- Call to Order
- Roll Call
- Communication from Citizens and/or Commissioners
- Regular business
- Public hearings
- Report of the Director of Planning and Zoning
- Old Business
- New Business
- Approval of Minutes
- Meeting Adjournment

Section VI - Voting

A. The privilege of making motions, substitute motions, amendments to motions, and voting on all official acts of the Commission shall reside in the Planning Commission members only.
B. A Planning Commission may abstain from voting for personal reasons that are not a direct conflict of interest under the Virginia State and Local Government Conflict of Interest Act (Sections 2.2-3100 et. seq.).
C. Majority vote is more than one-half of the votes cast, ignoring abstentions, at a legal meeting, where a quorum is present. A failure to obtain a majority vote shall be deemed denial.

Conflict of Interest: Any member who owns or whose family member has any material financial interest in the land to be rezoned or to be approved or in the outcome of the decision in any such proceeding shall make a full, public disclosure of the exact nature of their interest and shall refrain from voting or participating in any way in such proceeding relating thereto. For details and elaboration see the Virginia Code Section 2.2-3100 et. seq., "Virginia Conflict of Interest Act," which are herein adopted through reference.

Section VII - Agenda

A. In accordance with the Virginia Code's Freedom of Information Act provisions, the Planning and Zoning Department staff, in consultation with the Chair of the Planning Commission, shall prepare and post the agenda.
B. Planning Commission meeting materials, including the agenda, shall be delivered to Planning Commission members electronically on the Friday prior to the Wednesday meeting and made available to applicants and the public prior to the Wednesday meeting.
C. Information for inclusion in the Commission's meeting materials must be received by the date determined by the Department of Planning and Zoning's operational procedures and

applicable Town of Vienna ordinances. Materials which are presented at the meeting, but which are not provided in the package of meeting materials, may be cause for deferral of the item.

D. The Planning Commission may continue deliberations of an agenda item and no further public or formal notice shall be necessary provided that a specific future date and time be set for continuation or disposition at the time of initial consideration.
E. If an applicant or their agent fail to appear without explanation, the agenda item may be continued to a specific future meeting.
F. Unless tabled, items of unfinished business shall be carried over to succeeding meetings under the title of "Old Business."

Section VIII - Regular Items

Consistent with Virginia Code Section 2.2-3707, Planning Commission public meetings for regular items shall be advertised at least three working days prior to the meeting. The meeting notice shall be posted on the Town of Vienna website and in the lobby of the Town of Vienna Town Hall. Regular items include recommendations to Town Council for site plan modifications of requirements and subdivision preliminary and final plats and recommendations to the Board of Zoning Appeals for conditional use permits.

Meeting Procedures The procedures for a regular item shall be conducted as follows:

1. Call of regular item by Chair.
2. Staff description of application together with statement of findings, comments, and recommendations.
3. Presentation by applicant or the applicant's designated agent.
4. At the discretion of the Chair, the Planning Commission may hear comments from members of the public. If the Chair allows public comments, members of the public are provided one opportunity to speak for a time period set by the Chair.
5. Applicant's response to public comment (if public comments are allowed).
6. Commission discussion on proposal.
7. Commission action.

Section IX - Public Hearing Items

The Planning Commission recognizes the requirement for the timely review and orderly consideration of applications.

Advertisement of a Planning Commission public hearing on the Comprehensive Plan, zoning ordinance (textual) amendments, or rezoning (map) amendments shall be accomplished in accord with the requirements of Virginia Code Section 15.2-2204. A public hearing shall also be held for recommendations to the Town Council pertaining to approval of site plans in the PR Park and Recreational and PC Parking and Conservational zones.

Hearing Procedures - Public hearings shall be conducted as follows:

1. Opening of public hearing by Chair.
2. Staff description of application together with statement of findings, comments, and recommendations.
3. Applicant's presentation by the applicant or the applicant's designated agent.
4. Comments from members of the public on the application. Members of the public may speak once for a time period to be set by the chair at the beginning of the hearing.
5. Applicant's response to public comment.
6. Close or continuation of public hearing by Chair with consent of the Commission.
7. Commission discussion on proposal.
8. Commission action.

Section X - Minutes

A. The Planning Commission shall record the proceedings of all regular and special meetings.
B. The Planning Commission Clerk shall be responsible for taking and transcribing the minutes of the proceedings on all regular and special meetings to include:
   1. The names and addresses of petitioners and all witnesses giving testimony;
   2. All information required under Virginia Code Section 2.2-3707, including the following:

      Minutes shall be in writing and shall include (a) the date, time, and location of the meeting; (ib) the members of the public body recorded as present and absent; and (c) a summary of the discussion on matters proposed, deliberated or decided, and a record of any votes taken. In addition, for electronic communication meetings conducted in accordance with Section 2.2-3708.2, minutes of state public bodies shall include (1) the identity of the members of the public body at each remote location identified in the notice who participated in the meeting through electronic communications means, (2) the identity of the members of the public body who were physically assembled at the primary or central meeting location, and (3) the identity of the members of the public body who were not present at the locations identified in clauses (1) and (2), but who monitored such meeting through electronic communications means.
C. The Planning Commission Clerk shall sign each set of approved minutes. Copies of the approved minutes and recording media of Commission meetings and other official actions shall be filed in the Planning and Zoning Department as public record as required by the Library of Virginia.

Section XI - Outside Meetings with the Public or Applicants, Avoidance of Meetings when the Commission is not Assembled

A. Meeting with Applicants and Town Residents and Business Interests:

A public meeting of the Planning Commission is the optimal setting for the receipt of input from the public about any pending application within the Commission's jurisdiction. However, if an individual member believes it is necessary to meet with the public or applicants about a matter pending before the Planning Commission, such a meeting is permitted pursuant to the guidelines set forth below.

1. All meetings shall be conducted pursuant to Virginia Code Section 2.2-3700 et seq.
2. Commissioners shall disclose all meetings by reporting them verbally at the next Planning Commission meeting at the "Commission Disclosure" section of the agenda; such disclosures shall include whether the matter is a conflict of interest or a personal interest for the Commissioner, pursuant to Virginia Code Section 2.2-3100 et seq.
3. The purpose of such meetings is limited to fact finding and clarification for all parties.
4. Commissioners shall not make a commitment of their voting intent in such meeting.
5. Commissioners are encouraged to contact the Department of Planning and Zoning staff prior to such meetings to gather facts about the application. The staff will attend such meetings if requested by the Commissioner.
6. Any information received by an individual member, whether in person, by telephone, in writing, or by electronic mail, that is relevant to any application pending before the Commission should be forwarded promptly to the Planning and Zoning Director for distribution to the entire Planning Commission.

As used in this section, the term "public" does not include persons employed by the Town of Vienna or elected or appointed to any seat on the Vienna Town Council or Planning Commission.

B. Avoidance of "Meeting" When Commission Members are not Assembled.

1. The Freedom of Information Act statute, Virginia Code Subsection 2.2-3707(B) states, in part, that"[n]o meeting shall be conducted through telephonic, video, electronic, or other communication means where members are not physically assembled to discuss or transact public business." Therefore, all electronic communications, except as defined below, between Planning Commissioners and/or Planning and Zoning Department staff shall be one-on-one to avoid a public meeting.
2. Exceptions
   a. Any two Planning Commissioners may communicate with one another by email, telephone, or other means of electronic communication.
   b. Staff may send information to the Planning Commission collectively in an electronic format. However, to avoid the impression of a public meeting, Planning Commissioners should reply only to the originator or the Planning and Zoning Department Director (or their designee) in an electronic format.
   c. If a quorum call or comments are requested from Commission members, staff will request that individuals respond only to the originator and not to the group and Commission members will not use the "Reply All" function.