

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

Article I – Bylaws

Section 1 – Purpose and Applicable Legislation

Purpose: The Planning Commission of the Town of Vienna (“Commission”) is a statutorily required commission and 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 forestal land be preserved; and that the growth of the community be consonant with the efficient and economical use of public funds.

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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-, 15.2-2225, 15.2-2227, 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). [Source: Leesburg]

Section II – Planning Commission Responsibilities

The responsibilities of the Planning Commission are as follows:

- 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 shall make recommendations regarding such revisions and/or amendments.
 - a. Assistance and recommendations on specific features of the Comprehensive Plan may be requested from members of 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.
[Source: Fairfax]

2. *See* Article II – Rules of Procedure for additional information related to the Comprehensive Plan.

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. [Source: Falls Church]. .
 - Training Requirements - Each commissioner shall 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. [Source: Fairfax]
 - Informational Materials to New Commissioners - Upon appointment, the Clerk to the Planning Commission shall provide to each new Commissioner a copy of the Town of Vienna code sections relevant to planning and zoning, the current Comprehensive Plan and a copy of these PC Bylaws, together with any addenda to same. Said copies may be provided by hard copy.
- B. Election of Officers
 1. The Commission shall organize and elect officers annually at the first regular meeting in the month of January. The officers shall consist of a Chair and Vice Chair. Officers will be elected from seated members of the Commission. [Source: Falls Church]
 2. 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. [Source: Falls Church]
 3. A vacancy in either office shall be filled immediately by regular election procedures for the unexpired term of the office vacated. [Source: Fairfax]
 4. 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. [Source: Falls Church]
 5. 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. [Source: Fairfax]
- C. 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 the member who has resigned or who has been removed. Commissioners may be removed by the Town Council as permitted by the Virginia Code §15.2-2212, which currently allows for removal for malfeasance or non-malfeasance in office and also in the event that a member is absent from any three consecutive meetings of the Planning Commission or is absent from any four regular meetings of the Planning Commission within any 12-month period. [Source: Fairfax]

Section IV – Meetings

- A. Meeting Time and Place - Regular meetings of the Planning Commission shall be held at 8 p.m. on the second and fourth Wednesday ~~Second and fourth Wednesdays~~ 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 shall constitute a quorum. No action of the Planning Commission shall be valid unless authorized by a majority of those present and voting. (Source: Fairfax). A quorum is established based on Commissioners present in the chamber and participating remotely per the conditions set forth in the Town of Vienna’s policy on electronic participation of Commissioners.
- 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 two Commission members. At the discretion of the Commission, work sessions with developers will be held at the concept stage for all significant developments entering the special exemption and/or site plan process. Written notice of work sessions shall be provided, as required by the Virginia Code’s Freedom of Information Act. [Source: Falls Church]
- D. Special and Closed Meetings - Special Meetings shall be called, with at least five (5) days written notice, by the Chair or Director of Planning and Zoning, either when deemed necessary or at the request of any two Commissioners. [Source: Falls Church]. Closed meetings may be called for any purpose permitted by the Virginia Freedom of Information Act. [Source: Fairfax]

Section V– 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. [Source: Fairfax]
- 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. [Source: Falls Church]

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 Code of Virginia, “Virginia Conflict of Interest Act,” Title 2.1, Chapter 22, Sections 347 through 357, which are herein adopted through reference. [Source: Falls Church]

Section VI – Bylaw Amendments

The foregoing bylaws may be amended by a recorded vote of the members present provided notice of intent has been given the members during the course of a regular or special meeting. [Source: Leesburg and Falls Church]

Section VII – 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 present in a regular or special meeting. [Source: Falls Church]

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, ~~however, Town staff~~ at least every two years, and more often as required by changes to the Code of Virginia and other applicable laws, report to the Planning Commission on any suggested modifications to these Bylaws. [Source: Fairfax]

Submitted: _____
Michael Gelb, Chair

Date: _____

Attest: _____

	Vote:
Michael Gelb, Chair	Aye/Nay
Steven Kenney, Vice Chair	Aye/Nay
Walter I. Basnight, Jr.	Aye/Nay
Sharon Baum	Aye/Nay
Sarah Couchman	Aye/Nay
Mary S. McCullough	Aye/Nay
Andrew Meren	Aye/Nay
David Miller	Aye/Nay

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 procedures 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 and then the Town Code will control. [Source: Leesburg]
- 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. Establish a program with priorities for the ensuing year. [Source: Falls Church]
- E. May request joint work sessions with the Town Council, Board of Architectural Review, and the Board of Zoning Appeals to review areas of mutual interest. [Source: Falls Church]
- F. Adopt bylaws governing the conduct of its business and meetings [Source: Leesburg]
- G. 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: (Source: Falls Church)

- 1. ~~Final determination~~, Through a motion to recommend to Town Council:
 - i. Comprehensive Plan amendments
 - ii. Rezoning (map) amendments
 - iii. Zoning ordinance (textual) amendments
 - iv. Site plans in the CMP, PR, and PC Zoning Districts
 - v. Site plan modifications of requirements
 - vi. Subdivision preliminary and/or final site plans;
 - i. Through a motion to recommend to Board of Zoning Appeals:
 - i. Conditional use permits

Section II – Comprehensive Plan Review

The Comprehensive Plan shall be composed with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the area, which will, in accordance with present and probable future needs and resources, best promote the health, safety, order, convenience, prosperity or general welfare, as well as efficiency and economy in the process of development.

In review of the Comprehensive Plan, the Commission shall

- A. Establish guidelines and make recommendations for the preparation, maintenance, and review of a Comprehensive Plan for the development of the Town. Such Plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the Planning Commission's long-range recommendations for the general development of the territory covered by the Plan. It may include the designation of and consider the following:
 - 1. Areas for various types of public and private development and use, such as types of residential, commercial, industrial, conservation, recreation, public service, floodplain and drainage, and other areas, which may be part of the Future Land Use Plan;
 - 2. History of community population changes, population densities,
 - 3. Employment and economic factors,
 - 4. A comprehensive system of transportation facilities such as streets, roads, highways, parkways, bikeways, and other like facilities, and parking conditions;
 - 5. A system of community service facilities such as parks, schools, playgrounds, public buildings and institutions and community centers;
 - 6. Areas for redevelopment and other treatment;
 - 7. Areas and sites for preservation of historic landmarks to be a part of the Historic Sites map;
 - 8. Environmental, conservation and sustainability of Town resources as well as drainage conditions and flood control and preventive measures;
 - 9. The design and location of statuary and other works of art;
 - 10. Any other matters relating to the subject matter and general purposes of the Plan; and
 - 11. The location of uses and development of areas beyond the Town considered for boundary adjustments.
- B. In the preparation and periodic review of the Comprehensive Plan, the Planning Commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and the probable future requirements of the community. [Source: Fall Church]
- C. In its review of the Comprehensive Plan, the Planning Commission shall consider such matters as the following: [Source: Falls Church]
 - 1. Probable future economic and population growth of the community, and requirements for land areas for housing, industry, water supplies, parks, and other public purposes.
 - 2. The status of progress made on implementation of Comprehensive Plan goals, objectives, policies and programs.

Section III – Duties of Officers

- A. Duties of Officers
 - 1. The Chair shall:
 - a. Preside at all meetings, hearings, and work sessions and shall have the duties normally conferred by parliamentary procedures of such officers. [Source: Falls Church and Fairfax]
 - b. Decide all points of order. [Redundant to above?]

- c. Appoint committees/subcommittees, special and standing, unless objection is raised, in which event appointment shall be subject to approval by majority vote.
 - d. Prepare correspondence to Town Council regarding actions by the Planning Commission.
 - e. Carry out other duties as are assigned by majority vote. [Source: Falls Church]
 - f. The Chair shall have the privilege of discussing all matters before the Commission and to vote thereon. [Source: Fairfax and Leesburg]
2. The Vice Chair shall assume the duties of the Chair in the absence or incapacity of the Chair. [Source: Fairfax, Leesburg, Falls Church]
3. The Planning Commission Clerk shall be responsible for the following:
- a. Performing such duties as required in carrying out Section VI pertaining to minutes.
 - b. Presenting for approval to the Commissioners the minutes of the preceding meeting.
 - c. Having available for use at all meetings all related minutes of the Board of Architectural Review and Board of Zoning Appeals matters related to the review of the Planning Commission.
 - d. Appointing a temporary Planning Commission Recording Secretary, as needed.
 - e. Shall make materials for its current meeting available to the public electronically to the extent possible, as well as hard copy if requested.
 - f. Prepare, publish, and distribute reports and other materials relating to activities of the Planning Commission. [Source: Falls Church]

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 [Source: Leesburg]

Section V – Meeting Procedures

A. Rules of Procedures

Robert’s Rules of Order shall govern parliamentary procedures at Planning Commission meetings. [Source: Fairfax and Leesburg]

B. Material Submission

The Planning Commission will not consider any material given to them unless it was submitted XX days prior to their scheduled meeting. Notwithstanding the above, the Commission authorizes Department of Planning and Zoning staff to substitute a more reasonable time frame to consider submitted materials based on the totality of the circumstances surrounding the particular use. The Commission further directs staff to make this rule known to all applicants and to direct applicants to submit any material directly to staff for distribution to the Planning Commission. [Source: Leesburg]

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 be as follows:

Call to Order
Roll call and existence of quorum
Adoption of the Agenda
Commissioner Disclosures
Chairman's statement
Regular business
Public hearings
Report of the Director of Planning and Zoning
Old Business
New Business
Approval of Minutes
Adjournment

- D. Invitation to Appear - For all meetings, invitations may be offered to such person or persons who may, in the opinion of a Commissioner, or staff, by reason of special knowledge, contribute to the discussion of a matter. The Architectural Review Board and other development review boards may be invited to concept work sessions with developers for significant developments, when appropriate, and at the request of the Commission. (Source: Falls Church)

Section VI – 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 shall be delivered to Planning Commission members electronically on Wednesday 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 shall be automatically continued to a specific future meeting.
- F. Items of unfinished business shall be continuously carried over to succeeding meetings under the title of "Old Business" until final disposition occurs. [Source: Fall Church]

Section VII – Public Hearings

The Planning Commission recognizes the requirement for the timely review and orderly consideration of applications, but at least one public hearing shall be held on each site plan application or subdivision plat application which requires Commission review. Such public hearing shall be held only after written notice has been given in accordance with [insert

appropriate Code/Ordinance citation here], When appropriate, the Planning Commission may continue the hearing to a date certain or may hold additional hearings on the same matter without additional written notice. [Source: Falls Church]

Advertisement of a Planning Commission public hearing on Comprehensive Plan amendments shall be accomplished in accord with the requirements of Virginia Code §15.2-2204 (1950 as amended).

A. Hearing Procedures:

The procedures for a public hearing shall be conducted as follows:

1. Call of public hearing by Chair
2. Staff description of application together with statement of findings, comments, and recommendations. Ten minutes maximum, unless additional time is granted.
3. Applicant's presentation on their own behalf or represented by an attorney or agent. 10 minutes maximum, unless additional time is granted.
4. Interested parties' presentation and public comment on the application. Each speaker, whether representing themselves or an organization, shall be limited to five minutes with no rebuttal time.
5. Applicant's rebuttal. XX minutes maximum, unless additional time is granted.
6. Close of public hearing by Chair.
7. Commission-Staff discussion on proposal.
8. Commission action including questions to the applicant and/or public. [Source: Falls Church]

B. The Planning and Zoning Department staff shall provide visual aids and other materials to the extent possible to assist the Commission, television audience, and citizens present, to understand a proposal. Staff shall encourage applicants to provide such information as well. Arrangements for such visual aids shall be made in advance of the meetings whenever possible, in order to avoid confusion and delay at the meetings. [Source: Fall Church]

C. The absence of personal appearance by an applicant, their attorney or agent, to present the case, may cause deferral without prejudice, to a future date. [Source: Falls Church]

Section VIII – 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 §2.2-3707, including the following:

Minutes shall be in writing and shall include (i) the date, time, and location of the meeting; (ii) the members of the public body recorded as present and absent; and (iii) 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 § 2.2-3708, 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, the identity of the members of the public body who were physically assembled at the primary or central meeting location, and the identity of the members of the public body who were not present at the locations identified, but who monitored such meeting through electronic communications means.

3. Summary of the Planning and Zoning Department director's report.
- C. Copies of draft approved minutes shall be sent to Commissioners for approval. They shall be available in the Department of Planning and Zoning for public review. Approved minutes shall be made publicly available via the Town's website.
- D. 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. [Source: Falls Church]

Section IX - 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 § 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 § 2.2-3100 et seq.
 3. The purpose of such meetings is limited to fact finding and clarification for all parties.
 4. Commissioners shall be careful not to make a commitment of their voting intent.
 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" includes, but is not limited to (1) any individual or group supporting or opposing an application or matter before the Planning Commission; (2) any individual or group offering comments on or seeking to influence an application or matter before the Planning Commission. "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. [Source: Leesburg]

B. Avoidance of “Meeting” When Commission Members are not Assembled

1. The Freedom of Information Act statute, VA Code Ann. Subsection 2.2-3707(B) states, in part, that no 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. A maximum of two Planning Commissioners may have simultaneous or virtually simultaneous communications 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 request for comments is required 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. [Source: Fall Church)