

RULES OF PROCEDURE GLOUCESTER COUNTY PLANNING COMMISSION

This Commission, established in conformance with the resolution adopted by the Gloucester County Board of Supervisors on July 1, 1956, has adopted the following Rules of Procedure in order to facilitate its power and duties in accordance with the Code of Virginia, as amended.

ARTICLE 1 – Meetings

Section 1-1. Regular Meetings

Regular meetings of the Commission shall be held on the first Thursday of each month at 7:00 P.M. in the Colonial Courthouse, 6504 Main Street, Gloucester, Virginia, or as otherwise specified and approved by the Board of Supervisors and/or Planning Commission. When a meeting falls on a legal holiday, the meeting shall be held on the Thursday of the week following unless otherwise designated by the Commission. If the Chairperson declares that weather or other conditions make it hazardous for members to attend, all hearings and other matters previously advertised shall be conducted at the next regular meeting unless otherwise designated by the Commission.

Regular Meetings, without further public notice, may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting until the business of the Commission is concluded. Regular meetings may be cancelled by the chairperson upon notice to all members and to the public at least two weeks in advance of the regular scheduled meeting. The meeting may be cancelled for reasons other than weather or other hazardous conditions provided there are no applications, public hearings or other business pending or advertised for that meeting date and provided that the Commission meets at least every two months.

Section 1-2. Special Meetings

Special meetings of the Commission may be called by the chairperson or by two members upon written request to the secretary. The secretary shall notify all members, at least five days in advance of a special meeting, the time and place of the meeting and the purpose thereof. Notice of a special meeting is not required when the time and place of the special meeting is fixed at a regular meeting where a quorum is present.

The Planning Commission may hold such special meetings as it deems necessary and at such times and places as it may find convenient. In addition, the Commission may adjourn its special meetings from time to time as it may find convenient or necessary.

Section 1-3. Open to the public

All regular meetings, special meetings, hearings, records and accounts shall be open to the public. However, the Commission may hold closed meetings as permitted by law. Closed meetings may be placed on the agenda or may be requested by any member of the Commission. However, no closed meeting shall be convened unless and until the

Commission has favorably acted on a motion to so convene, and, then, only if such motion accurately states a lawful reason for such closed meeting as permitted by the Code of Virginia.

Section 1-4. Quorum and Method of Voting

A majority of the voting membership of the Commission shall constitute a quorum. The number of votes necessary to transact business shall be a majority of the voting members present after a quorum has been established. Any member of the Commission may request a roll call vote; otherwise voting may be by roll call or voice vote at the Chairperson's discretion. A record of the vote shall be kept as a part of the minutes. Roll call votes will be taken alphabetically, for all Commissioners. For each subsequent vote, the voting order will rotate in a consistent manner, with the name previously called first rotated to the last position until each member has been called to cast the initial vote, except that, the Chair shall always cast the last vote.

In the event there is a tie vote on any recommendation by the Commission to the Board of Supervisors, a tie vote shall require that the matter be sent on to the Board, noting that the vote was tied on the matter. In the event there is a tie vote on any other matter before the Commission, such a tie vote shall result in a denial or rejection of the matter at hand.

ARTICLE 2 – Membership

The membership and term of office of the Commission is determined by appointment from the Gloucester Board of Supervisors in compliance with the Code of Virginia.

ARTICLE 3 – Officers and Their Selection

Section 3-1. Officers

The officers of the Planning Commission shall consist of a Chair and a Vice-chair.

Section 3-2. Term of Office

An officer shall serve for one (1) term of one (1) year, or until his (her) successor shall take office. An officer may succeed himself (herself) in any office for one (1) additional term. Any officer may succeed another officer.

Section 3-3. Elections

The Chair will open the floor for nominations as the last item of business at the regular November meeting each year. The floor will again be opened for nominations as the first item of old business at the regular December meeting. Elections will immediately follow. A candidate receiving a majority vote of the entire voting membership of the Planning Commission shall be declared elected. He (she) shall take office at the beginning of the January meeting.

Vacancies in office shall be filled immediately by the election procedures described herein. The term of office will be until the next regularly scheduled election of officers. An officer filling a vacancy may be a candidate to succeed himself (herself) in the next election if he (she) has served a term of less than one (1) year in his (her) office.

Section 3-4. Duties of Officers

The Chair shall be an appointed voting member of the Commission and shall:

- Preside at all meetings.
- Appoint committees, special and/or standing.
- Rule on all procedural questions (subject to a reversal by a two-thirds (2/3) majority vote of the voting members present).
- Be informed immediately of any official communication and report same at the next regular meeting.
- Certify all maps, records and reports of the Commission.
- Carry out other duties as assigned by the Commission.

The Vice-chair shall be an appointed voting member of the Commission and shall:

- Act in the absence or inability of the Chairperson to act.
- Have the power to function in the same capacity as the Chairperson in cases of the Chairperson's inability to act.

In the absence of both the Chairperson and Vice Chairperson, and provided that there is a quorum, the remaining members shall choose who shall preside at the meeting.

The Secretary shall be the Director of Planning, Zoning, & Environmental Programs or his/her designee and shall be responsible for:

- Keeping a written record of all business transacted by the Commission.
- Notifying all members of all meetings.
- Giving notice of all hearings and public meetings.
- Attending to the correspondence of the Commission.
- The publication of advertisements relating to public hearings.
- Keeping a file of all official records and reports of the Commission.

The Chair and Secretary shall sign all minutes, and at the end of the year shall certify that the minutes of the preceding year are a true and correct copy.

ARTICLE 4 - Standing and Special Committees

Committees may be appointed by the Chair for purposes and terms approved by the Commission.

The Chair shall be an ex officio member of every committee.

The Director of Planning, Zoning, & Environmental Programs or his/her designee shall serve as an ex officio member of every committee.

ARTICLE 5 - Order of Business

The order of the business for a regular meeting shall be:

- Call to order by Chairperson
- Roll call
- Determination of a quorum
- Invocation and Pledge of Allegiance (or Moment of Silence, at the discretion of the Chair)
- Adoption of the Consent Agenda
- Public comment
- Public hearings and Subdivision reviews, if any
- Old business
- New business
- Applications before the Commission at the next regular meeting
- Staff comments
- Commissioners comments
- Adjournment

Parliamentary procedure in the Commission meetings shall be governed by Robert's Rules of Order. The County Attorney shall serve as Parliamentarian.

The Planning Commission shall keep a set of minutes of all meetings, and these minutes shall become a public record.

ARTICLE 6 – Public Hearings

Section 6-1. General Rules

In addition to those required by law, the Commission, at its discretion, may hold public hearings when it decides that a hearing will be in the public interest.

Notice of a hearing shall be published in a newspaper having general circulation in the area once a week for two (2) successive weeks specifying the time and place of the hearing at which persons affected may appear and present their views, not less than five (5) days nor more than twenty-one (21) days after the final publication.

Changes to a rezoning application, new proffers, or changes to a Proffer Statement for rezoning applications that constitute a substantially different application will not be accepted if not received in the Department of Planning, Zoning, & Environmental Programs offices at least twenty-two (22) days before the scheduled public hearing on the application. Changes to a rezoning application, new proffers, or changes to a Proffer Statement for rezoning applications that constitute a substantially different application and are not received in the Department of Planning, Zoning, & Environmental Programs offices at least twenty-two (22) days before the scheduled public hearing on the

application, shall not be presented to the Planning Commission until after the public has spoken at the public hearing. This is to allow sufficient time for the staff to prepare their report and the Commission time to become familiar with the proffers, unless waived by a two-thirds vote of the members present and voting.

Changes to a Conditional Use Permit application, new conditions of approval, or changes to conditions of approval submitted by the applicant for Conditional Use Permit applications that constitute a substantially different application will not be accepted if not received in the Department of Planning, Zoning, & Environmental Programs offices at least twenty-two (22) days before the scheduled public hearing on the application. Changes to a Conditional Use Permit application, new conditions of approval, or changes to conditions of approval submitted by the applicant for Conditional Use Permit applications that constitute a substantially different application and are not received in the Department of Planning, Zoning, & Environmental Programs offices at least twenty-two (22) days before the scheduled public hearing on the application, shall not be presented to the Planning Commission until after the public has spoken at the public hearing. This is to allow sufficient time for the staff to prepare their report and the Commission time to become familiar with the conditions, unless waived by a two-thirds vote of the members present and voting.

Changes to other applications or items of business requiring a public hearing that constitute a substantially different application or item of business will not be accepted if not received in the Department of Planning, Zoning, & Environmental Programs offices at least twenty-two (22) days before the scheduled public hearing on the application or item of business. Changes to other applications or items of business requiring a public hearing that constitute a substantially different application or item of business and are not received in the Department of Planning, Zoning, & Environmental Programs offices at least twenty-two (22) days before the scheduled public hearing on the application, shall not be presented to the Planning Commission until after the public has spoken at the public hearing. This is to allow sufficient time for the staff to prepare all documents and the Commission time to become familiar with the application or item of business, unless waived by a two-thirds vote of the members present and voting.

Once a public hearing has been advertised, the Planning Commission will not consider a request by the applicant to delay, defer, or continue said hearing.

If required by the Chair, speakers shall register with the Planning Staff prior to the start of the hearing on forms provided for citizen participation, and the Chair shall verify that all such registration has been completed before beginning the hearing with the first step described below in Section 6-2.

Section 6-2. Format for Public Hearings

The Chair will make a brief statement identifying the matter to be heard and verify with the Planning Staff that all legal advertisement requirements have been met.

The Staff will make a brief report and present their recommendations.

The applicant, if any, will give their presentation.

The Chair will open the floor to the public. Speakers wishing to address the Commission shall clearly state their name, magisterial district, and/or place of residence, if applicable, and they shall be allowed to speak for no more than the time limit set by the Chair. The Chair or a person designated by the Chair shall be responsible for enforcing said time limit.

The Secretary or his/her designee shall present the Commission with any additional comments submitted through alternative methods identified in the legal advertisement for the Public Hearing. Comments offered through these methods shall be presented during the Public Hearing for no more than the time limit set by the Chair for comments offered in person. The Chair or a person designated by the Chair shall be responsible for enforcing said time limit.

After the last citizen has addressed the Commission and/or the final comment offered through alternative methods has been presented to the Commission, the Chair will close the Public Hearing. Thereafter, no further public comments shall be received. The applicant, if any, will be allowed a brief rebuttal.

The Chair will open the floor for Planning Commission discussion. During the course of the discussion, the Commission will decide whether to take a vote, postpone a decision until a later date, or take any other action that would be legal.

ARTICLE 7 – Subdivision Reviews

The Commission shall review subdivision plans and plats so long as this task is delegated to them by the Board of Supervisors.

The Chair will make a brief statement identifying the subdivision to be reviewed. The Chair will make a statement explaining the Commission's responsibilities and limitations for the benefit of the public.

Staff will give a report and make a recommendation.

The applicant will give their presentation.

The Chair will open the floor to the Planning Commission for questions and discussion.

A vote will be taken after a motion has been made.

If the vote of the Commission is to disapprove, the specific reasons for disapproval shall be provided and memorialized on the record, pursuant to §15.2-2259 of the Code of Virginia, as amended.

ARTICLE 8 – Amendments/Suspension of Rules

These Rules of Procedure, or any part thereof, may be suspended on presentation of a motion to that effect which is carried by a two-thirds (2/3) vote of the members present and voting.

Following the Planning Commission meeting at which a motion to amend was offered and properly seconded, these Rules of Procedure may be changed at the next scheduled Planning Commission meeting or a subsequent meeting as directed by the Planning Commission. The Rules of Procedure may only be changed by a recorded two-thirds (2/3) vote of the entire voting membership.

These Rules of Procedure shall be included for discussion as an item of business at the regular January meeting each year.