Town of Christiansburg
Planning Commission By-Laws

Definitions

"Commission" refers to the Town of Christiansburg Planning Commission.

"Town" refers to the Town of Christiansburg.

"Town Council" refers the Town of Christiansburg Town Council, which is the governing body of the locality.

Authority for Planning Commission

State Authority

The Town of Christiansburg Planning Commission operates under authority of Code of Virginia § 15.2-2210.

Town Authority

The authority for the Town of Christiansburg Planning Commission is found in Article VI. Planning Commission of Chapter 2 "Administration" of the Christiansburg Town Code.

Authority for Creation of By-laws:

According to Code of Virginia § 15.2-2217, the Commission shall adopt rules for the transaction of business and shall keep a record of its transactions which shall be a public record.

Composition/Membership

The Commission shall consist of not fewer than five (5) members nor more than fifteen (15) members, appointed by the Town Council, all of whom shall be residents of the Town, qualified by knowledge and experience to make decisions on questions of community growth and development; provided that at least one-half (1/2) of the members so appointed shall be owners of real property.

One member of the Commission may be a member of the Town Council. The term of this member shall be coextensive with the term of office to which he has been elected, unless the Town Council, at the first regular meeting each year, appoints another to serve as its representative. Members of the Commission shall be appointed for terms of four (4) years each.

Any vacancy in the membership of the Commission shall be filled by appointment by the Town Council and such appointment in the case of an appointed member shall be for the unexpired term.

With the consent of Town Council or the Commission, the Planning Director, the Zoning Administrator, or similar official (staff member) may serve as Secretary of the Commission as a non-voting member; otherwise, the Secretary shall be selected from the voting membership.

All members of the Commission may be compensated for their services at the discretion of the Town Council.

Any appointed member of the Commission may be removed by the Town Council for neglect of duty or malfeasance in office; provided, that such removal may be made only after a public hearing at which such member shall be given an opportunity to appear and be heard on the charges against him.

According to Code of Virginia § 15.2-2212, a member of the Commission may be removed from office by Town Council without limitation in the event that the member is absent from any three consecutive meetings of the Commission, or is absent from any four meetings of the Commission within any 12-month period. **Meetings missed while on leave of absence or with permission granted by Town Council will not be counted as absence from a meeting for purposes of this section.**

Powers and Duties

The Commission shall act in accordance with Article VI. Planning Commission of Chapter 2 "Administration" of the Christiansburg Town Code.

In the case of any conflict between these by-laws and Article VI. Planning Commission of Chapter 2 "Administration" of the Christiansburg Town Code, Article VI shall supersede these by-laws.

In the case of any conflict between these by-laws and Code of Virginia, Code of Virginia shall supersede these by-laws.

According to Code Virginia § 15.2-2221 and § 15.2-2223, local planning commission duties shall include:

1. Exercise general supervision of, and make regulations for, the administration of its affairs;

2. Prescribe rules pertaining to its investigations and hearings;

3. Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the Town Council;

4. Keep a complete record of its proceedings; and be responsible for the custody and preservation of its papers and documents;

5. Make recommendations and an annual report to the Council concerning the operation of the Commission and the status of planning within its jurisdiction;

6. Prepare, publish and distribute reports, ordinances and other material relating to its activities;

7. Prepare and submit an annual budget in the manner prescribed by the Town Council;

8. If deemed advisable, establish an advisory committee or committees; and

9. Prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction and the Town Council shall adopt a comprehensive plan for the territory under its jurisdiction.

According to Code of Virginia § 15.2-2239, the Commission may, and at the direction of the Town Council shall, prepare and revise annually a capital improvement program based on the comprehensive plan of the Town for a period not to exceed the ensuing five years. The Commission shall submit the program annually to the Town Council, or to the chief administrative officer or other official charged with preparation of the budget for the Town, at such time as it or he/she shall direct. The capital improvement program shall include the Commission's recommendations, and estimates of cost of the facilities, including any road improvement and any transportation improvement the Town chooses to include in its capital improvement plan and as provided for in the comprehensive plan, and the means of financing them, to be undertaken in the ensuing fiscal year and in a period not to exceed the next four years, as the basis of the capital budget for the Town. In the preparation of its capital budget recommendations, the Commission shall consult with the chief administrative officer or other executive head of the Town, the heads of departments and interested citizens and organizations and shall hold such public hearings as it deems necessary.

According to Code of Virginia § 15.2-2253, the Commission on its own initiative may or at the request of the Town Council shall prepare and recommend amendments to the subdivision ordinance. The procedure for amendments shall be the same as for the preparation and recommendation and approval and adoption of the original ordinance; provided that no amendment shall be adopted by the Town Council without a reference of the proposed amendment to the Commission for recommendation, nor until sixty days after such reference, if no recommendation is made by the Commission.

According to Code of Virginia § 15.2-2285, the Commission may, and at the direction of Town Council shall, prepare a proposed zoning ordinance including a map or maps showing the division of the territory into districts and a text setting forth the regulations applying in each district. The Commission shall hold at least one public hearing on a proposed ordinance or any amendment of an ordinance, after notice as required by § 15.2-2204, and may make appropriate changes in the proposed ordinance or amendment as a result of the hearing. Upon the completion of its work, the Commission shall present the proposed ordinance or amendment including the district maps to the governing body together with its recommendations and appropriate explanatory materials.

According to Code of Virginia § 15.2-2286, a zoning ordinance may include, among other things, reasonable regulations and provisions as to the following matters: For the amendment of the regulations or district maps from time to time, or for their repeal. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, Town Council may by

ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated (i) by resolution of Town Council; (ii) by motion of the Commission; or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property which is the subject of the proposed zoning map amendment, addressed to Town Council or the Commission, who shall forward such petition to Town Council; however, the ordinance may provide for the consideration of proposed amendments only at specified intervals of time, and may further provide that substantially the same petition will not be reconsidered within a specific period, not exceeding one year. Any such resolution or motion by Town Council or the Commission proposing the rezoning shall state the above public purposes.

The Commission retains all other duties and powers as set out in the Code of Virginia.

Officers

According to Code of Virginia § 15.2-2217, the Commission shall elect from the appointed members a chairperson and a vice-chairperson, whose terms shall be for one year. If authorized by the Town Council, the Commission may (i) create and fill such other offices as it deems necessary; (ii) appoint such employees and staff as it deems necessary for its work; and (iii) contract with consultants for such services as it requires. The expenditures of the Commission, exclusive of gifts or grants, shall be within the amounts appropriated for such purpose by the Town Council.

Elections for officers shall be held at the first regular Commission meeting in December. Nomination of officers from the floor shall be permitted. A candidate receiving a majority vote of the membership present and voting shall be declared elected. The elected Commission member shall take office January 1st and serve for one (1) year.

With the consent of Town Council or the Commission, the Planning Director, the Zoning Administrator, or similar official (staff member) may serve as Secretary of the Commission as a non-voting member; otherwise, the Secretary shall be selected from the voting membership.

Duties of Officers

The Chairperson shall:

1. Preside at all meetings.

2. Appoint committees, special and/or standing, and liaisons.

3. Rule on all procedural questions or shall defer procedural questions to the Secretary. Rulings on all procedural questions may be subject to a reversal by a majority vote of the members present and voting.

4. Be informed immediately of any official communication and report same at the next regular meeting.

5. Represent the Commission before the Town Council and other public bodies except when this responsibility has been delegated to an appropriate official or other Commission member.

6. Carry out other duties as assigned by the Commission.

The Vice-Chairperson shall:

1. Act in the absence or inability of the Chairperson to act.

2. Perform such duties and possess such powers as are conferred upon the Chairperson.

3. Perform such other duties as may from time to time be assigned to him/her by the Chairperson or by the Commission.

The Secretary shall:

1. Maintain a written record of all Commission business.

2. Record attendance at all Commission meetings.

3. Give notice to Commission members and the public of all hearings and meetings.

4. Attend to the correspondence of the Commission.

5. Perform such other duties as may from time to time be assigned to him/her by the Chairperson or by the Commission.

6. Delegate certain duties and responsibilities to available Town staff as appropriate.

Meetings

Regular Meetings

Regular Commission meetings shall be held six (6) days following regularly scheduled Town Council meetings. If the regular meeting date falls on a Town holiday, the meeting will be held the following business day. The Chairperson may reschedule or cancel regular meetings, if deemed necessary. The Commission agenda shall be set by the Chairperson and/or Secretary and shall be published by the Commission Secretary.

All meetings of the Commission shall be open to the public and records of the Commission shall be a public record as required by the Virginia Freedom of Information Act. The Commission may meet in closed sessions only for the purposes stated in that Act.

Regular meetings of the Commission may be continued to a following date if the Chairperson, or Vice-Chairperson (if the Chairperson is unable to act), finds and declares that weather or other

conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and by Town agenda notification 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.

Each regular meeting shall begin with a period of public comment, allowing for five (5) minutes per each citizen. If the Chairperson deems it necessary, the time limit may be extended. Public comment may also be heard throughout the agenda at the discretion of the Chairperson.

Public Hearings

The Commission shall hold such public hearings as are required by law. The purpose, time, and place of such public hearings shall be published according to Code of Virginia §15.2-2204. In addition to those required by law, the Commission may hold public hearings on any matter which it deems to be in the public interest.

Quorum & Voting

A majority of the voting-eligible membership of the Commission shall constitute a quorum. Voting shall not occur without the presence of a quorum. Recommendations and decisions of the Commission shall be deemed as affirmative by the majority vote of those present and voting. Abstentions are not considered voting.

Procedure

The Commission shall conduct business according to Article VI. Planning Commission of Chapter 2 "Administration" of the Christiansburg Town Code and shall utilize Robert's Rules of Order as guidance in questions of procedure.

Leave of absence

Town Council may authorize leave of absence for Planning Commission members for reasons such as health of the member or of a family member, members being called to military service, and other extraordinary reasons.

Committees

The Commission may establish special and standing committees for advisory, technical, or other purposes as it shall deem necessary for the transaction of its affairs. The Chairperson may appoint special committees for the purposes and under the terms determined by the Commission. Each committee shall include at least one member of the Commission.

Amendments or Suspension of By-laws

These by-laws may be changed by a two-thirds (2/3) vote of the total voting-eligible Commission membership. The Commission may temporarily suspend any of these rules by a two-thirds (2/3) vote of the membership present.

* Adopted 2-14-2011; amended 11-28-2011.