

**PLANNING COMMISSION BY-LAWS  
TOWN OF DUMFRIES**

Planning Commission Approval March 21, 2011  
Town Council Review and Approval March 15, 2011  
Planning Commission Approval January 13, 2014  
Planning Commission Approval November 10, 2014  
Town Council Approval 12-2-14

**Article I: Creation**

The Zoning Ordinance was adopted in September 1979.

**Article II: Mission Statement**

The Planning Commission (“Commission”) will strive to seek the best solutions available to meet the needs and interests of the Citizens of the Town of Dumfries.

**Article III: Meetings**

1. The number of meetings per month and a schedule of meeting dates shall be established and may be altered or changed at any regularly scheduled meeting.
2. One regular meeting will be held the first Monday, following the regular Town Council meeting, of every month at 7:00 P.M. in the Council Chambers.
3. Additional meetings may be held at any time upon the call of the Chairperson or by two members of the Commission or upon the request of the Town Council following at least twenty-four (24) hours of notice to each member of the Commission.
4. Each member will be compensated for Public Hearings or meetings requiring attendance by Planning Commission members, regardless if a quorum is present for transaction of business. (Not to include regular meetings where a quorum must be present.)

**Article IV: Membership**

1. The Commission shall consist of five (5) to fifteen (15) members appointed by the Town Council for staggered four (4) year terms. In no event shall the Commission have an even number of members. Each appointee shall be a resident residing within the Town’s limits that hold no office of profit under the Town government.

**Article V: Terms of members; filling vacancies**

1. The term of a member of the Planning Commission shall be four years, from July 1 through June 30 of the respective years or as determined by Town Council. Any vacancy in membership shall be appointed by the Town Council. Such appointment, in the case of a member appointed to fill an unexpired term, shall be for the unexpired term only.
2. The Town Council may appoint any member for successive terms.
3. To fill a vacancy of an appointed member, the Town Council may follow this procedure or any part thereof. The Town Clerk shall notify the Town Council ninety (90) days prior to the end of the term or terms to expire. The Town Council shall fill any vacancies it may choose to fill, provided the Commission shall never have less than five (5) members.

4. In reviewing the qualifications of current appointed members to the Planning Commission, the Town Council shall consider the following:
  - a) Attendance and participation at meetings of the Commission or its committees;
  - b) Attendance at an Institute for Planning Commissioners and other training programs;
  - c) Qualified by knowledge and experience to make decisions on questions of community growth and development.
5. The Town Council may excuse current members of the Planning Commission from training requirements.

#### **Article VI: Election of Officers**

1. The Commission at its first regular meeting in June of each year shall elect a Chairperson and Vice-Chairperson, whose terms shall be for one year, beginning 1 July.
2. No member may serve more than two full consecutive terms as Chairperson or Vice-Chairperson.
3. A Recording Secretary shall be elected and may be a member of the Commission.
4. The duties and powers of the Officers of the Planning Commission shall be as follows:
  - a. **Chairperson:**
    - 1) Preside at all meetings of the Commission.
    - 2) Call special meetings of the Commission in accordance with the By-Laws.
    - 3) Certify all minutes with the Recording/Transcribing Secretary, and other documents as necessary, as true and correct copies.
    - 4) Carry out other duties as assigned by the Town Council of the Town of Dumfries.
  - b. **Vice Chairperson:**
    - 1) During the absence, disability, or disqualification of the Chairperson the Vice-Chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson.
  - c. **Recording Secretary:**
    - 1) Shall keep the minutes of all meetings of the Commission in an appropriate minute book.
    - 2) Inform the Commission of correspondence relating to business of the Commission and attend to such correspondence.
    - 3) *Shall be a Staff member or an elected member of the Planning Commission.*

**Chair Pro Tem:**

In situations in which both the Chairperson and the Vice-Chairperson are absent from a hearing or meeting, the remaining members of the Commission shall elect a Chair Pro Tem from among themselves by a majority vote.

**Article VII: Conduct of the Members of the Planning Commission**

1. Members of the Planning Commission shall take such time as necessary to prepare themselves for hearings and meetings.
2. Planning Commission members shall comply at all times with the Virginia State and local Conflict of Interest Act (Code of Virginia §2.231-et seq., 1950, as amended, hereinafter “the Act”). A Planning Commission member with a personal interest (as defined in Code of Virginia § 2.2-3101 in any transaction or matter coming before the Commission must disclose that personal interest in accordance with the Act. The member shall disqualify himself/herself from participating in the matter if the matter has application solely to property or a business in which the Commission member has a personal interest, or is otherwise unable to participate by virtue of the Act. Nonetheless, a member may participate in the Commission’s deliberations and vote on the matter if the Commission member is a member of a business, profession, occupation, or group, the members of which are affected by the matter under consideration, and the Commission member complies with the declaration requirements of the Code of Virginia, § 2.2-3115 (G). The member may also participate in the matter under consideration if the matter affects the public generally, even though the personal interest of the Commission member, as a member of the public, may also be affected. In the event that a personal interest prevents a Commission member from participating in the Commission’s actions on a matter, the interest of that Planning Commissioner may be represented before the commission by a specifically designated representative or legal agent at the public hearing or work session, and testimony entered into the public record. Further, the Commission members shall, if required by the Act, complete a written declaration of the conflict in the form specified by the *Code of Virginia*, such declaration to be kept with the minutes of the meeting.

**Article VIII: Absence from Meetings**

1. Each member of the Planning Commission who has knowledge of the fact that he/she will not be able to attend a scheduled meeting of the Planning Commission shall notify the Chairperson and or the Vice-Chairperson at the earliest possible opportunity and, in any event prior to 5:00 P.M. on the date of the meeting.
2. A member of the Planning Commission may be removed from office by the Town Council in the event that the member is absent from any three (3) consecutive meetings of the Commission, or is absent from any four (4) meetings of the Commission within any twelve (12) month period. A successor may then be appointed by Town Council for the unexpired portion of the term of the member who has been removed.

**Article IX: Maps and Documents**

All maps, plats, and other matters required by law are to be filed in the Town Hall in a place accessible to the Commission.

**Article X: Town Council**

Matters referred to the Commission by the Town Council shall be placed on the calendar for consideration and action at the first meeting of the Commission after such reference.

**Article XI: Quorum**

A majority of members of the Commission shall constitute a quorum for the transaction of business.

**Article XII: Reconsideration of Decision**

Reconsideration of any decision of the Commission may be had when the interested party for such reconsideration makes a showing, satisfactory to the chairperson, that without fault on the part of such party, essential facts were not brought to the attention of the Commission.

**Article XIII: Amendments to By-laws**

These rules may be amended at any meeting by a vote of the majority of the entire membership of the Commission provided the proposed amendments have been approved by Town Council, five (5) days notice has been given to each member of the Commission, and provided that notice of said proposed amendment is given to each member of the Commission in writing at least two weeks prior to said meeting.

**Article XIV: Deadline for the Agenda**

1. Deadline for filing for placement on the agenda for applications for plan review and sign permits shall be five (5) work days prior to consideration by the Planning Commission.
2. Deadline for filing for placement on the agenda for applications for master plans, precise development plans, variances, use permits, and sign variances shall be ten (10) working days prior to consideration by the Planning Commission.
3. Request for continuance of matters scheduled for a particular agenda shall be filed with the Town Clerk by Wednesday noon preceding the Monday meeting so that the printed agenda (available to the public on Wednesday) will reflect the requested continuance.

**Article XV: Order of Consideration of Agenda Items**

1. The Zoning Administrator (or his/her appointed Staff member) shall present reports and make recommendations.
2. The Planning Commission members may ask questions regarding the presentation by Staff.
3. Proponents of the agenda item make presentations.
4. Any opponents make presentations.
5. Applicant makes rebuttal of any points not previously covered.

6. Planning Commission members asks any questions ~~it~~ they may have of the proponents, opponents, Zoning Administrator or appointed Staff and then *may* take a vote.

**Article XVI: Deadline for Consideration of Agenda Items**

No new agenda items may be taken up after 9:00 P.M. unless the majority of the Commission agrees to do so by a vote.

**Article XVII: Voting Procedure and Tie Breaker**

1. Voting shall be by voice vote.
2. Order of voting shall be rotated each month and Chairperson shall vote last.
3. In the event of a tie vote, the Town Council shall act as a tie breaker.

**Article XVIII: To effectuate Title 15.2, Chapter 22 of the Code of Virginia the Planning Commission shall:**

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 governing body;
4. Keep a complete record of its proceedings and be responsible for the custody and preservation of its papers and documents. This will be achieved by the Recording Secretary in cooperation with Town Staff.
5. Make recommendations and an annual report to the governing body 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 of Dumfries; and
8. If deemed advisable, establish an advisory committee or committees.

**Article XIX: Role of the Zoning Administrator for the Town of Dumfries:**

1. Direct and coordinate activities of the Town Community Development staff so as to facilitate the functioning of the Planning Commission.
2. Act as Agent between the Planning Commission and the Town Staff.
3. Receive and respond to questions from the Planning Commission and Town Staff.
4. Shall act as agent to ensure that the actions and recommendations of the Planning Commission are properly and appropriately transmitted to the requisite person, body, or agency. The Zoning Administrator shall sign all site plans and final subdivision plats.
5. Give or serve all notices required by law or by the By-Laws.
6. Handle funds allocated to the Commission in accordance with the directives, the law, and the Town regulations.