

KILMARNOCK PLANNING COMMISSION

BY-LAWS



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Amended August 15, 2016
Town of Kilmarnock, Virginia

Article 1 - Objectives

1.1. This Commission, established in conformance with the resolution adopted by the Kilmarnock Town Council on July 18, 1967 has adopted the following Articles in order to facilitate its powers and duties in accordance with the provisions of Chapter 11, Title 15.1, Article 3, Code of Virginia.

1.2. The official title of this Commission shall be the “Kilmarnock Planning Commission.”

1.3. Additional duties of the Commission shall be those required in the Code of Virginia.

Article 2 - Members

2.1. This Commission shall consist of 7 voting members that are residents of the Town, qualified by knowledge and experience to make decisions on questions of town growth and development, provided that at least one-half are owners of real property in the Town of Kilmarnock and one of whom is a member of the Town Council.

2.1.1. The Planning Commission shall forward potential name(s) to the Town Council for appointment to a four-year term which may be extended by appointment. Names of candidates for reappointment or appointment will be forwarded to the Town Council 60 days before the term expires with approval due before the expiration date.

2.2. The term of the representative from the Town Council shall be at the pleasure of the Town Council. The other present members are appointed for terms of 4 years. Their successors shall be appointed for terms of 1, 2, 3, 4 and 5 years. Their successors shall be appointed for terms of 4 years. Any vacancy in membership shall be filled by appointment by the Town Council. It shall be for an unexpired term only. A Commissioner may be removed for an unexpired term only. A Commissioner may be removed for not attending 3 consecutive meetings, missing 4 meetings in a year, or malfeasance. The Town Council may provide for the payment of expenses incurred by the performance of their official duties.

2.3. A member of the Commission’s term shall expire immediately prior to the beginning of the regular September meeting at which meeting his successor’s term of office shall begin.

Article 9 - Correspondence

9.1. It shall be the duty of the Secretary to draft and sign all correspondence necessary for the execution of the duties and functions of the Planning Commission.

9.2. It shall be the duty of the Secretary to communicate by telephone or electronically when necessary to make communications that cannot be carried out as rapidly as required through direct correspondence.

9.3. All official papers and plans involving the authority of the Commission shall bear the signature of the Chairman and Vice-Chairman together with the certification signed by the Secretary and Chairman.

Article 10 - Amendments

10.1. At any time, with compliance to the state code, these by-laws may be changed by two-thirds majority vote of the Commissioners present, as to its internal procedures.

- 7.1.4. Determination of a quorum
- 7.1.5. Approve or amend agenda
- 7.1.6. Reading of minutes
- 7.1.7. Report of Secretary
- 7.1.8. Report of standing committees
- 7.1.9. Report of special committees
- 7.1.10. Unfinished business
- 7.1.11. New business
- 7.1.12. Adjournment

7.2. Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order, Revised.

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

7.3.1. The 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 8 - Hearings

8.1. 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.

8.2. Notice of a hearing shall be published once a week for 2 successive weeks in a newspaper of general circulation in the area. Such notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than twenty-one days after final publication. The local commission and governing body may hold a joint public hearing after public notice as set forth hereinabove. If such joint hearing is held then public notice as set forth above need be given only by the governing body. All public hearings shall comply with Virginia State Law as to notification of such hearings.

8.3. The case before the Commission shall be summarized by the Chairman or other members delegated by the Chairman. Interested parties shall have the privilege of the floor. Records or statements shall be recorded or sworn to, as evidence for any court of law, only after notice is given to the interested parties.

8.4. A record shall be kept of those speaking before the hearing.

Article 3 - Officers and Their Selection

3.1. The officers of the Planning Commission shall consist of a Chairman, a Vice-Chairman, and a Secretary.

3.2. Nomination of officers shall be made from the floor at the regular September meeting each year. Election of officers shall follow immediately.

3.3. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected. He shall take office immediately and serve for 1 year or until his successor shall take office.

3.4. Vacancies in office shall be filled immediately by regular election procedures.

Article 4 - Duties of Officers

4.1. The Chairman shall be a citizen member of the Commission and shall:

4.1.1. Preside at all meetings.

4.1.2. Appoint committees, special and/or standing.

4.1.3. Rule on all procedural questions (subject to a reversal by a two-thirds majority vote by the members present).

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

4.1.5. Carry out other duties as assigned by the Town Council.

4.2. The Vice Chairman shall be a citizen member of the Commission and shall:

4.2.1. The Vice-Chairman shall act as Chairman in the absence or disability of the Chairman with all the same rights and responsibilities.

4.3. The Secretary shall:

- 4.3.1. Keep a written record of all business transacted by the Commission.
- 4.3.2. Notify all members of all meetings.
- 4.3.3. Keep a file of all official records and reports of the Commission.
- 4.3.4. Certify all maps, records, and reports of the Commission.
- 4.3.5. Give notice of all hearings and public meetings.
- 4.3.6. Attend to the correspondence of the Commission.
- 4.3.7. Prepare and be responsible for the publishing of advertisements relating to public hearings.

Article 5 - Standing and Special Committees

5.1. The following standing committees shall be appointed by the Chairman to serve as needed.

5.1.1. A Comprehensive Plan Committee. It shall coordinate the work of the other committees as it progresses and relate it to the overall program and keep the comprehensive plan developing in a realistic and reasonable manner.

5.1.2. A Land Use Committee. It shall initially determine, and then continue to maintain an inventory of land uses. This committee shall also be responsible for the preparation of land use maps.

5.1.3. A Subdivision Committee. Initially, this committee should draft subdivision regulations and any subsequent amendments. They shall examine all applications for subdivisions, receive the views of the staff pertaining to them, and make recommendations to the Commission.

5.1.4. A Zoning Committee. Initially, this committee should draft a zoning ordinance and/or any subsequent amendments. They shall review all applications for rezoning or for special use permit. When authorized by law, they shall hold public or private hearings, receive the views of the staff pertaining to the issue, and make recommendations to the Commission.

The board of zoning appeals functions in a different capacity.

5.1.5. A Capital Improvements Committee. This committee shall study the economics of capital improvements as it relates to the use of land to be made by the Town. This may be done independently or in conjunction with affected governmental agencies. Such study shall include need, priority of need, cost financing, joint use and participation, location, and relative status either within or without the comprehensive plan of the Town. To initiate or review applications, receive the views of the staff relative to the issues and make any recommendations deemed pertinent to the Commission are further duties of the committee.

5.2. Special committees may be appointed by the Chairman for the purposes and terms approved by the Commission.

5.3. The Chairman shall be an ex-officio member of every Planning Commission committee.

Article 6 - Meetings

6.1. Meetings will be held the second Monday of each month at 7PM. Should there be no business before the Commission, there will be no meeting. Four meetings are required in a year. An annual meeting will be held in September for the purpose of electing the Chairman and Vice Chairman by the majority of the Commissioners present.

6.2. Special meetings shall be called at the request of the Chairman or at the request of a quorum of the membership.

6.3. All regular meetings, hearings, records, and accounts shall be open to the public.

6.4. A majority of the membership of the Commission shall constitute a quorum. The number of votes necessary to transact business shall be a majority of the entire membership. Voting may be by roll call, in which case a record shall be kept as a part of the minutes.

Article 7 - Order of Business

7.1. The order of business for a regular meeting shall be:

- 7.1.1. Call to order by Chairman
- 7.1.2. Pledge of Allegiance
- 7.1.3. Roll Call