

TOWN OF WARRENTON, VIRGINIA

PLANNING COMMISSION

BY-LAWS AND PROCEDURES

PURPOSE STATEMENT: The Planning Commission of the Town of Warrenton acts in conformance with Town Council adopted policies and regulations, including the Comprehensive Plan and Zoning Ordinance. As required by the Virginia State Va. Code § 15.2-2210, the Planning Commission serves in an advisory capacity to the Town Council to assist in the promotion of orderly development of the Town and its environs. The Planning Commission is charged with assisting the Town Council with ensuring-

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[...] the public health, safety, convenience, and welfare of the Town citizens and to plan 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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PREAMBLE.- These By-laws and procedures are set forth the rules for the transactions of business by the Planning Commission of the Town of Warrenton which operates under the authority of the laws of Virginia and the ordinances of the Town of Warrenton.

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ARTICLE 1 – OBJECTIVES GENERAL DUTIES

1-1 Per Va. Code §15.2-2210 of the Code of Virginia, The Town of Warrenton Town Council established the every locality shall by resolution or ordinance create a local Pplanning Ceommission in order to promote the orderly development of the locality and its environs. In accomplishing the objectives of § 15.2-2200 the local planning commissions shall serve primarily in an advisory capacity to the governing bodies.

Commented [DH2]: Checked against State Code - correct, although redundant with the added Purpose Statement.

1-2 The Planning Commission, as established by the Town Council, has adopted the subsequent Articles in order to facilitate its powers and duties under Title 15.2, Chapter 22, Article 2, Code of Virginia. The Planning Commission has the authority through Virginia State Code and the Town of Warrenton Town Code important duties and responsibilities related to land use, including but not limited to, through a motion to recommend to Town Council:

- Comprehensive Plan
- Rezoning Map Amendments
- Zoning Text Amendments
- Comprehensive Permit “2232 Review”
- Special Use Permits

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• Capital Improvement Plan Conformance with the Comprehensive Plan when a new public land use project is proposed or if the Comprehensive Plan has been updated and adopted.

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~~1-3 The official title of this Commission shall be the Town of Warrenton Planning Commission.~~

ARTICLE 2 – MEMBERS

2-1 ~~The Warrenton Planning Commission are appointed by the Town of Warrenton Town Council per Virginia State Code and Town of Warrenton Town Code, Chapter 2, Article V. shall consist of not less than five nor more than fifteen members, appointed by the Town Council all of whom shall be residents of the locality, qualified by knowledge and experience to make decisions on questions of community growth and development; provided, that at least one half of the members so appointed shall be owners of real property. -The Town Council may require each member of the Ceommission to take an oath of office. One member of the Town Council shall may be appointed as an advisory non-voting a member of the Planning Commission and one member may be a member of the administrative branch of the Town.~~

Commented [DH3]: Checked against State Code - Added next sentence.

2-2 ~~The members shall be appointed for terms of four years. Any vacancy in membership shall be filled by appointment by the Town Council and will fulfill the unexpired term of the member being replaced. Any member missing three consecutive meetings or four meetings within a twelve month period may be removed from office by the Town Council and may be replaced after proper advertising. Members may be removed for malfeasance in office. Members may be removed for malfeasance in office. Notwithstanding the foregoing provision, a member of the Planning Commission may be removed by the Town Council without limitation in the event that the Commission member is absent from any three consecutive meetings of the Commission or is absent from any four meetings of the Commission within a 12 month period. In either event, a successor shall be appointed by the Town Council for the unexpired portion of the term of the member that has been removed.~~

Commented [DH4]: Replaced in 2-2 with exact State Code language

Commented [DH5]: State Code 15.2-2212

Commented [DH6]: State Code 15.2-2212

2-3 The Planning Commission shall inform the Town Council when a member’s term is expiring to allow time for the Town Council to advertise a new Planning Commission term appointment. Seated Planning Commission members may choose to reapply for a new term but reappointment is not assumed without Town Council action.

- 2-4 The Commission members are strongly encouraged to attend training sessions sponsored by the ~~State~~ Commonwealth of Virginia, professional planning and allied professional organizations, or other planning agencies, in order to more effectively carry out their responsibilities to meet the objectives of the Planning Commission.

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ARTICLE 3 – OFFICERS

- 3-1 ~~Per State Code Va. Code §-15.2-2217, the Planning Commission shall elect from the appointed members a Chair and a Vice Chair, whose terms shall be for one year. Officers may serve more than one term; however, the Planning Commission should strive to periodically rotate or select a new Chair to accommodate normal turnover and perpetual nature of the~~ The Commission. The Commission shall elect or appoint a Secretary who need not be a member of the Commission.

Commented [DH7]: Per State Code 15.2-2217

Commented [DH8]: Suggested language from Vienna Article II Section II for consideration.

- 3-2 Nomination of officers shall be made from the floor of the regular meeting held at the first meeting of the calendar year.

3-2-1 Each candidate for office shall be nominated by and seconded by one member of the Commission.

3-3-2 A candidate for an office of the Commission receiving a majority vote of the members shall be declared elected and shall take office immediately and serve for one year or until a successor takes office.

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- 3-3 The Town clerk or staff will call the first meeting of the calendar year to order and accept the nomination for Chair. Once a Chair is duly elected as prescribed above, the Chair will immediately preside over the meeting.

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ARTICLE 4 – DUTIES OF OFFICERS

- 4-1 The Chair~~man~~ shall:

4-1-1 Act as the liaison between the Planning Commission and Town Council based on the actions of the Planning Commission body as a whole.

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4-1.2 Set the meeting agendas in consultation with the Vice Chair and Community Development staff.

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4-1.3 Preside at all meetings and call the meetings to order at the appointed time;

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4-1-~~42~~ Announce the business in its proper order;

- 4-1-~~53~~ _____ Preserve order and decorum;
- 4-1-~~64~~ _____ State and put all questions properly brought before the Commission;
- 4-1-~~75~~ _____ Rule on all procedural questions. Such rulings may be reversed by a majority vote _____ of the ~~members~~ present.
- 4-1-~~86~~ _____ Be informed immediately of any official communication and report the same at the _____ next regular meeting;
- 4-1-~~97~~ _____ Affix his/her signature to all correspondence issued by the commission and all official _____ minutes; and
- 4-1-~~108~~ _____ Appoint committees as necessary.

4-2 The Vice Chair~~man~~ shall assume the duty of the Chair~~man~~ in the Chair~~man~~'s absence or in the Chair~~man~~'s inability to act and consult the Chair on the meeting agendas.

4-3 The Secretary or the Secretary's appointee 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 records and reports of the Commission;
- 4-3-5 _____ Attend to correspondence of the Commission;
- 4-3-6 _____ Serve notice of all hearings and public hearings;
- 4-3-7 _____ Keep a set of minutes of all meetings which shall become a public record; and
- 4-3-8 _____ Prepare and be responsible for publishing of advertisements relating to public _____ hearings.
- 4-3-9 _____ Ensure all meeting packet materials are submitted to Planning Commission members one week prior to a meeting.
- 4-3-10 _____ Submit minutes of Planning Commission meetings to the Town Council.

ARTICLE 5 – DUTIES OF THE PLANNING COMMISSION

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Per Va. Code State Code § 15.2-2221 To effectuate this chapter, the ~~Local~~ planning Commission shall:

- 5-1. Exercise general supervision of, and make regulations for, the administration of its affairs;
- 5-2. Prescribe rules pertaining to its investigations and hearings;
- 5-3. Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the governing body;
- 5-4. Keep a complete record of its proceedings; and be responsible for the custody and preservation of its papers and documents;
- 5-5. Make recommendations and an annual report to the governing body concerning the operation of the commission and the status of planning within its jurisdiction;
- 5-6. Prepare, publish and distribute reports, ordinances and other material relating to its activities;
- 5-7. Prepare and submit an annual budget in the manner prescribed by the governing body of the county or municipality; and
- 5-8. If deemed advisable, establish an advisory committee or committees.

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ARTICLE 6 – MEETINGS

- 6-1. When applications or other Commission business are pending, regular meetings of the Commission shall be held the third Tuesday of each month. Work sessions will be held the fourth Tuesday of each month. As a general practice, regular meetings and work sessions shall not be held on the same night unless approved by the Chair of the Planning Commission prior to public notice requirements.
- 6-2. When a meeting falls on a legal holiday, the meeting shall be held on the following Tuesday unless otherwise designated by the Chairman or by a vote of the Commission.
- 6-3. ~~When no application or other business is pending, no meeting will be held. The Commission~~

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~~shall meet at least once a year. The Planning Commission shall adopt its annual meeting schedule at its first meeting of the calendar year and meet at least every two months.~~

Commented [DH11]: State Code 15.2-2214

- 6-4 ~~The meetings shall begin at 7:00 p.m. The Planning Commission shall fix the time for holding regular meetings. The Planning Commission, by resolution adopted at a regular meeting, may also fix the day or days to which any meeting shall be continued if the chair, or vice chair if the chair 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 press 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 per Virginia State Code Va. Code §-15.2-2214. The Planning Commission shall cause a copy of such resolution to be inserted in a newspaper having general circulation in the locality at least seven days prior to the first meeting held pursuant to the adopted schedule.~~

Commented [DH12]: State Code 15.2-2214

- 6-5 A regular meeting may be adjourned if all business cannot be addressed on the meeting date set. The meeting may be reconvened at a later date, as set at the meeting, or properly advertised.

- 6-6 Special meetings of the commission may be called by the Chair~~man~~ or by two members upon written request to the Secretary. The Secretary shall mail to all members, at least five days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or file a written waiver of ~~notice~~.

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- 6-7 A member, other than the Chair~~man~~, may introduce a motion. Any member of the Commission may second a motion. Motions shall be restated by the Chair~~man~~ before a vote is taken. The names of persons making and seconding motions shall be recorded.

- 6-8 Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order ~~for Small Boards, Newly R~~~~evised~~, as long as applicable by the number of members present.

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- 6-9 A quorum of the Commission shall consist of a majority of the members, and no action of the Commission is valid unless authorized by a majority vote of those present and ~~voting~~.

Commented [DH15]: Checked against State Code - Correct.
Add section for conflict of interest?

- 6-10 Closed meetings may be called for any purpose permitted by the Virginia Freedom of Information Act.

ARTICLE 7 – ORDER OF BUSINESS REGULAR MEETING

- 7-1 ~~7-1~~ The order of business for a regular meeting shall be:

A. Call to order by the Chair~~man~~ and determination of a quorum;

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- A. ~~_____~~
- B. Pledge of Allegiance
- C. ~~_____~~ Adoption of minutes;
- D. ~~_____~~ ~~P~~Hearing of public hearing items;
- E. ~~_____~~ Work Session items (if approved by the Chair of the Planning Commission);
- F. ~~_____~~ ~~Other~~New Business;
- G. ~~6-6~~ ~~_____~~ Worksession items (if approved by the Chair of the Planning Commission);
- H. ~~_____~~ Comments from the Commission;
- I. ~~_____~~ Comments from the Staff;
- I. ~~_____~~ Adjournment.

ARTICLE 8 – PROCEDURES FOR HEARING ITEMS

- 8-1 The order for the public hearing shall be:
- 8-2 A staff presentation ~~on each item prior to the applicant's comments.~~
- 8-3 The applicant or his representative should appear at the public hearing and shall be afforded the privilege of making a statement and/or presentation.
- 8-4 The Chair shall open the public hearing and invite a All interested parties desiring to be heard shall have an opportunity to speak at the ~~_____~~ public hearing.
- 8-5 The applicant or his representative may have the opportunity for rebuttal and answer further questions by the Planning Commission.
- 8-6 The Chairman shall then close the public hearing and the Planning Commission shall deliberate on the application and make its recommendation to the Town Council. Only input from the staff shall be permitted at this time, however, the Commission may ask specific questions of the applicant or his representative.
- 8-7 The Chairman may impose time limits for presentations by the applicant and other ~~_____~~ persons wishing to speak at the public hearing. All information relating to a public hearing must be submitted to staff no later than the time of the public hearing ad deadline. at least eighteen calendar days prior to the public hearing. Any new information submitted after that time will not be considered by the Planning Commission until the next scheduled Regular Public Hearing Meeting, unless waived by the Planning Commission Chair.
- ~~8-8~~ Written comments from the public are accepted by the Planning Commission per the public notice legal ad for the applicable item under consideration. The Chair will, during the Public Hearing, acknowledge the written comments have been received by the public notice deadline and recorded as part of the proceedings.

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ARTICLE 9 – ORDER OF BUSINESS FOR WORK SESSIONS

9-1 The order of business for work sessions shall be:

- A. Call to order by the Chairman
- B. Work Session Items
- C. Administrative Items
- D. Comments from Commission
- E. Comments from Staff
- F. Adjournment
- E.

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ARTICLE 10 – SPECIAL RULES

10-1 Planning Commission members shall make every attempt to remain neutral and uncommitted on issues and applications coming before the Commission until said issues and applications have been presented to the Planning Commission and any proponents and opponents have been heard through the established public process.

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10-2 Per Va. ~~irginia State~~ Code § 2.2-3700, *et seq.*, the Planning Commission is subject to the Virginia Freedom of Information Act (FOIA).

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10-3 Per Va. Code ~~Virginia State Code~~ §2.2-3100, *et seq.*, the Planning Commission is subject to the Virginia Local Government Conflict of Interest Act ("COIA").

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10-4 The Planning Commission shall be subject to any additional rules of conduct as adopted by the Town Council for the Commission, such as Code of Ethics and Electronic Meeting Policies.

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10-5 It is understood that Planning Commission meetings are best conducted through the adopted Regular Meeting and Work Session schedule. Meeting held outside the adopted schedule with the public, business interests, or applicants shall be conducted in the following manner:

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Commented [DH16]: Following language included in Vienna and Leesburg.

10-5.1 All meetings shall be conducted pursuant the Va. Code ~~§Virginia State Code~~ 2.2-3700, *et seq.*

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10-5.2 Planning Commissioners shall disclose all meetings by reporting them verbally at the next Planning Commission meeting before any subsequent vote is taken on the subject the meeting was related to in part or in whole. Such disclosures shall include whether the matter is a conflict of interest or a personal interest of the Planning Commissioner pursuant to ~~Virginia State Va.~~ Code 2.2-3100, *et seq.*

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10-5.3 The purpose of such meetings is limited to fact finding and clarification for all parties.

10-5.4 Planning Commissioners shall not make a commitment of their voting intent in such meeting.

10-5.5 Planning Commissioners are encouraged to contact the Community Development Department staff prior to such meetings to gather facts on the subject matter and to be aware of any potential legal ramifications before speaking to the subject matter. Staff will attend such meeting.

10-5.6 Any information received by an individual Planning Commissioner, whether in person, by telephone, in writing, or by electronic means, that is relevant to

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the matter before the Planning Commission should be forwarded to the Community Development Department staff for distribution to the entire Planning Commission.

10.5-7

The term “public” in this section does not include persons employed by the Town of Warrenton or elected or appointed to any seat on the Town of Warrenton Town Council or Planning Commission.

ARTICLE 11~~9~~ – AMENDMENTS

These by-laws may be amended by a majority vote of the entire membership of the Commission at a regularly scheduled meeting, provided notice of intent to amend these by-laws has been given at a prior regularly scheduled meeting by at least two members.

ADOPTED: December 17, 1996
Revised December 16, 1997
Revised December 20, 2013
Revised September 20, 2016
Revised XX, XXXX 2025

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