

# BYLAWS

## COUNTY OF ROANOKE, VIRGINIA

### PLANNING COMMISSION

#### **ARTICLE I – NAME**

The name of the organization shall be the ROANOKE COUNTY PLANNING COMMISSION.

#### **ARTICLE II – AUTHORITY**

The Planning Commission (the “Commission”) is established under the authority of the Code of Virginia (1950, as amended), Chapter 22, Article 2 and pursuant to a motion of the Roanoke County Board of Supervisors (the “Board”) on June 19, 1939 as authorized by Section 2, Chapter 427 of the Acts of the General Assembly, adopted March 30, 1936.

#### **ARTICLE III – POWERS AND DUTIES**

- A. The Commission shall have and exercise the powers and duties conferred upon the Commission by the Code of Virginia (1950, as amended), the Code of Roanoke County Virginia, as amended, and any applicable County policies.
- B. The Commission shall make recommendations to the Board and assist them in the administration of the Zoning and Subdivision Ordinances, the Comprehensive Plan, and other County policies and matters affecting the development and growth of the County and other matters as may be directed by the Board.
- C. The Commission shall promote programs, policies and plans to achieve responsible land development within the County to facilitate effective and adequate provision of public services and facilities.
- D. The Commission may appoint any committees or subcommittees it deems necessary.
- E. The Commission shall, by a majority vote, establish an annual work program with projects and priorities.

#### **ARTICLE IV – MEMBERSHIP**

- A. The Commission shall consist of five (5) members who shall be appointed by the Board. All members shall be residents of the County of Roanoke, and shall be qualified by knowledge and experience to make responsible decisions on issues of planning, growth and development. A majority of the members shall be owners of real property in the County.

- B. There shall be one (1) member of the Commission residing in each of the five (5) magisterial districts of the County.
- C. Terms of the Commission members shall be for four (4) years as set out in Section 15.2-2212 of the Code of Virginia, (1950, as amended).
- D. The term of a Commission member shall expire on June 30. The successor's term shall begin on July 1. In the event that an appointment of successor is not made prior to the expiration of a given term of office, the Commission member whose term expires shall continue to serve until the last day of the month in which the successor's appointment is made. The successor's term shall expire four years from the original June 30 expiration date.
- E. Any vacancy in membership shall be filled by appointment of the Board and shall be for the unexpired portion of the term.
- F. Any member of the Commission shall be eligible for re-appointment.
- G. Any member of the Commission may be removed from office by the Board for neglect of duty and/or malfeasance in office. Any member of the Commission who misses any three (3) consecutive meetings or misses more than four (4) meetings within a calendar year may be removed by the Board.
- H. All Planning Commission members are strongly encouraged to attend and fulfill the requirements of the Virginia Certified Planning Commissioners Program within two (2) calendar years of their appointment to the Commission.

## **ARTICLE V – REGULAR MEETINGS**

- A. All regular meetings of the Commission shall be open to the public, unless closed pursuant to state law.
- B. The Commission shall hold regular meetings on such days as may be prescribed by resolution at the first meeting in January of each year. The Commission shall give notice of the date, time and location of its meetings by placing a notice in the office of the Department of Planning. The Department of Planning may publish meeting notices by electronic means. The notice shall be posted at least three (3) working days prior to the meeting.
- C. Any meeting of the Commission may be adjourned to a later date and time, provided that no adjournment shall be for a longer period than until the next regular meeting.
- D. The Commission may by resolution, when necessary, change the time and place of the regular meeting. The resolution shall set forth the circumstances necessitating such change. Notice of such change shall be posted in the office of the Department of Planning at least three (3) working days prior to the meeting.

E. On regular meeting dates, the Commission when necessary, shall hold public hearings to consider subdivision waivers, amendments to the Comprehensive Plan, zoning amendments and special use permits. These public hearings are held to receive information and solicit public comments.

## **ARTICLE VI – SPECIAL MEETINGS**

- A. The chair or two (2) members of the Commission may call special meetings whenever in their opinion the public business may require it.
- B. Whenever a special meeting shall be called, notice in writing shall be given to each Commission member either in person or by notice left at their place of residence or business, stating the date and hour of the meeting and the purpose for which such meeting is called.
- C. Notice to the public of a special meeting shall be given contemporaneously with the notice provided members of the Commission.

## **ARTICLE VII – WORK SESSION MEETINGS**

- A. The Commission may meet informally in work sessions which shall be open to the general public.
- B. The Commission may, at the discretion of the presiding officer, solicit public comments at the work sessions.

## **ARTICLE VIII – EXECUTIVE SESSIONS**

The Commission may hold executive sessions or closed meetings in accordance with the provisions of the Virginia Freedom of Information Act.

## **ARTICLE IX – MINUTES**

- A. Minutes of all regular meetings shall be recorded. Such minutes shall be maintained in the Department of Planning. The minutes shall reflect:
  1. The date, time and place of the meeting.
  2. The members recorded as present or absent.
  3. A general description of all matters proposed, discussed, or decided; and
  4. Record of any votes taken.
- B. Approval of minutes of all regular meetings shall be considered at a regular Commission meeting. It shall not be necessary to read the minutes prior to approval. Such minutes may be revised by the Corresponding Secretary to the Planning Commission to correct spelling, numbering and other such technical defects. Prior to approval, any member may, through the chair, request the privilege of amending or correcting the minutes to accurately

reflect the substance of the prior meeting. If objection is made by a Commission member to such amendment or correction, a majority vote of the Commission shall be necessary for adoption of the correction or amendment. The Secretary to the Planning Commission shall sign the adopted minutes.

- C. The Secretary to the Planning Commission shall keep audio recordings of Commission meetings in accordance with the Library of Virginia's records retention schedule.

## **ARTICLE X – THE PRESIDING OFFICER – ELECTION AND DUTIES**

- A. The presiding officer of the Commission shall be the chair, who shall be elected at the first meeting in January of each year, by the Commission members. The chair shall assume the duties of the presiding officer immediately following the election.
- B. The chair shall preserve strict order and decorum at all meetings of the Commission.
- C. The chair shall vote on all questions, his/her name being called last.
- D. The Commission members shall elect a vice chair from its membership at the first meeting in January of each year, who shall preside in the absence of the chair.
- E. During the absence of the chair, the vice chair shall discharge the duties and exercise the powers and authority of the chair. In the absence of the chair and vice chair, the Commission member with the longest tenure shall preside and discharge the duties and exercise the powers and authority of the chair.
- F. Other officers of the Commission shall include a secretary and a corresponding secretary. The secretary shall serve at the request of the Commission and shall be the Director of Planning or his or her designee.

## **ARTICLE XI – QUORUM**

A majority of the members of the Commission shall constitute a quorum and shall be necessary for the transaction of business. If a quorum is not present, those in attendance shall adjourn to a later time when a quorum is present to transact business.

## **ARTICLE XII – RULES OF ORDER**

“The Scott, Foresman edition of “Robert’s Rules of Order Newly Revised (1990 Edition)” shall govern the proceedings of the Commission in all cases.

## **ARTICLE XIII – VOTING**

- A. An affirmative vote of at least a majority voting on the issue shall be necessary to recommend a rezoning or special use permit, a resolution, motion, or any other proposition. When any vote is called each Commission member shall respond “yes” (aye), “no”, “abstain”, “pass” or “present”. Any Commission member who responds “pass” shall be given an opportunity at the end of the roll call to change his/her vote to “yes” (aye), “no”, “abstain”, or “present”.
- B. In the event of a tie in votes on any motion, due to an absence of a Commission member, consideration of the motion shall be carried over until the next regular meeting. In the event of a tie vote on any motion due to an abstention, the motion shall be considered to have been defeated.
- C. Any member of the Commission may introduce a motion.
- D. A motion does not need to be seconded for purposes of discussion or voting.

## **ARTICLE XIV – MANNER OF ADDRESSING THE COMMISSION – TIME LIMIT**

- A. Each person addressing the Commission shall step up to the microphone in front of the podium and shall give his/her name and address in an audible tone of voice for the record. Unless further time is granted by the Chair, each speaker shall limit his/her address to three (3) minutes. The Chair may also limit the amount of time for presentations by the petitioner and his/her representative(s).
- B. All remarks shall be addressed to the Commission as a body and not to any member thereof.
- C. No person, other than the Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the presiding officer.
- D. No question shall be asked a Commission member except through the presiding officer.

## **ARTICLE XV – COMPENSATION**

The amount of compensation for Commission members shall be set by the Board of Supervisors.

## **ARTICLE XVI – AMENDMENTS**

These By-laws may be amended by a majority vote of the entire membership of the Commission after thirty (30) days prior notice.

## **ARTICLE XVII – ADJOURNMENT**

A motion to adjourn shall always be in order and decided without debate.

## **ARTICLE XVIII – REMOTE PARTICIPATION/VIRTUAL MEETING POLICY**

Individual members of the Commission may participate in meetings of the Commission by electronic communication as permitted by Virginia Code Section 2.2-3708.3 in accordance with the Roanoke County Planning Commission Remote Participation/Virtual Meeting Policy (copy attached and incorporated by reference to these bylaws).

Adopted: September 21, 2006  
Amended: November 16, 2009  
Amended: February 21, 2023

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF ROANOKE COUNTY, VIRGINIA, HELD AT THE ROANOKE COUNTY ADMINISTRATION CENTER ON TUESDAY, NOVEMBER 1, 2022

**RESOLUTION ADOPTING A REMOTE PARTICIPATION/VIRTUAL MEETING POLICY PURSUANT TO VIRGINIA CODE § 2.2-3708.3**

WHEREAS, Virginia Code § 2.2-3708.3 allows members of local planning commissions to participate in meetings through electronic communication means from remote locations in certain situations; and

WHEREAS, it is proposed that the Planning Commission adopt a remote participation/virtual meeting policy in order to embrace the authority granted by the Virginia General Assembly in Virginia Code § 2.2 – 3708.3.

**NOW THEREFORE, BE IT RESOLVED** by the Planning Commission of Roanoke County, that the following Remote Participation/Virtual Meeting Policy is today adopted and effective:

**ROANOKE COUNTY PLANNING COMMISSION  
REMOTE PARTICIPATION/ VIRTUAL MEETING POLICY  
(Adopted 11/1/2022)**

It is the policy of the Roanoke County Planning Commission (the "Commission") that individual members of the Commission may participate in meetings of the Commission by electronic communication as permitted by Virginia Code § 2.2-3708.3. This policy shall apply to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

**A. Individual Member Remote Participation**

Whenever an individual member wishes to participate from a remote location, the law requires a quorum of the Commission to be physically assembled at the primary or central meeting location.

When such individual participation is due to a personal matter, such participation is limited by law to two meetings per calendar year or twenty-five percent (25%) of the meetings held per calendar year rounded up to the next whole number, whichever is greater. This limitation (two meetings per calendar year or 25% of the meetings held per year does not apply to the following circumstances):

1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance,
2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance, or
3. The member's principal residence is more than sixty (60) miles from the meeting location identified in the required notice for such meeting.

**B. Requests to Participate Remotely**

Requests for remote participation shall be conveyed to the Commission's Secretary who shall then relay such requests to the Commission's Chair.

Individual participation from a remote location shall be approved unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act (Virginia Code § 2.2-3700 *et seq.*). If a member's participation from a remote location is challenged, then the members of the Commission shall vote whether to allow such participation. If the Commission votes to disapprove the member's participation because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

**C. Minutes Requirements**

The request for remote participation shall be recorded in the minutes of the meeting.

If an individual member remotely participates in a meeting, a general description of the remote location must be included in the minutes (it does not need to be an exact address—for example, the minutes might read that “[Member] participated from her home in [locality].” The remote location does not need to be open to the public.

If a member remotely participates due to a (i) temporary or permanent disability or other medical condition that prevented the member’s physical attendance or (ii) family member’s medical condition that required the member to provide care for such family member, thereby preventing the member’s physical attendance, that fact must be included in the minutes. While the fact that a disability or medical condition prevents the member’s physical attendance must be recorded in the minutes, it is not required to identify the specific disability or medical condition. If participation is approved because a member resides over sixty (60) miles from the location of the meeting, this shall also be so stated in the minutes.

If a member remotely participates due to a personal matter, the minutes must include the specific nature of the personal matter cited by the member.

As stated above, if remote participation by a member is disapproved because it would violate this policy, such disapproval must be recorded in the minutes with specificity.



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Chairman, Roanoke County Planning Commission