

**BYLAWS OF THE ACCOMACK COUNTY PLANNING COMMISSION**  
**OF ACCOMACK COUNTY, VIRGINIA**

**Adopted July 13, 2022**

**ARTICLE I - AUTHORIZATION**

- 1-1. This Planning Commission is established in conformance with a Resolution adopted by the Accomack County Board of Supervisors, in accord with the provisions of §15.2-2210, et seq. of the Code of Virginia, 1950, as amended.
- 1-2. The official title of this body shall be the Accomack County Planning Commission, hereinafter referred to as the "Commission," as established by the Accomack County Board of Supervisors, hereinafter referred to as the "Board."

**ARTICLE II - PURPOSE**

- 2-1. The primary purpose of the Commission is to serve in an advisory capacity to the Board in matters pertaining to land use planning and development, in order to promote the orderly development of Accomack County. To this end, the Commission shall prepare, review, and recommend plans, ordinances, capital improvement programs, and other documents, reports, and studies to the Board for its consideration.

**ARTICLE III - MEMBERSHIP**

- 3-1. As determined by the Board, the Commission shall consist of nine (9) members appointed by the Board. All shall be residents of Accomack County and qualified by knowledge and experience to make decisions on questions of growth and development. At least half of the members shall own real property in Accomack County. Prior to assuming the duties of a Planning Commission member, each member shall take an oath of office administered by

the Clerk of the Circuit Court of Accomack County, Virginia. The terms of the original members shall be for one, two, three, and four years. Subsequent appointments shall be for terms of four (4) years each.

- 3-2. Vacancies shall be filled by appointment made by the Board and shall be for an unexpired term only.
- 3-3. Members of the Commission shall be eligible for reappointment.
- 3-4. Members of the Commission may be removed by the Board for malfeasance in office. The Board may also remove a member who is absent from any three (3) consecutive meetings of the Commission or who is absent from any four (4) meetings of the Commission within any twelve-month (12-mo.) period.
- 3-5. Terms of Commission members shall expire immediately before the beginning of the regular meeting at which successors' terms of office begin.
- 3-6. The Board may provide for the payment of expenses incurred by Commission members in the performance of their official duties and compensation for services.
- 3-7. The Commission shall make an annual report to the Board concerning its operations and the status of planning matters in the County or in the alternative the Commission and or staff will provide periodic updates to the Board.
- 3-8. The Commission shall prepare, distribute, and publish such other reports as it deems advisable or as directed by the Board.
- 3-9. The Commission may request assistance from County staff, including requests for special surveys, studies, plans, and staffing.
- 3-10. The Commission shall keep complete records of its proceedings, which shall be public records.

- 3-11. The Commission may cooperate with other planning, legislative, or administrative bodies to coordinate planning and development among localities.
- 3-12. The Commission shall consult with commanders of military installations *as well as other Federal and State agencies* that could be affected by potential development so as to protect such military installations *as well as Federal and State assets* from adverse impact.

#### **ARTICLE IV - SPECIFIC DUTIES**

- 4-1. The following specific duties are assigned the Commission by State law or local ordinance:
- 4-2. Coordination of State and County transportation plans (See Va. Code §15.2-2222.1).
- 4-3. Review and prepare amendments to the County's Comprehensive Plan (See Va. Code §§15.2-2223 through 15.2-2230).
- 4-4. Review proposed public improvements for consistency with the County's Comprehensive Plan (See Va. Code §15.2-2232).
- 4-5. Review of annual capital improvement plan (See Va. Code §15.2-2239).
- 4-6. Review and make recommendations on all proposed amendments to the County's Zoning Ordinance, including amendments to the Zoning Map (See Va. Code §15.2-2285; Accomack County Code §§106-236 and 106-301).
- 4-7. Review and make recommendations on all proposed amendments to the County's Subdivision Ordinance (See Va. Code §15.2-2253).
- 4-8. Review and make recommendations on applications for conditional zoning and conditional use permits, including proffers and site development plans (See Accomack County Code §§106-234 and 106-236).
- 4-9. Action on preliminary subdivision plats creating ten (10) or more lots or requiring a new private or public road (See Accomack County Code §78-9).

## **ARTICLE V - SELECTION OF OFFICERS**

- 5-1. Officers of the Commission shall consist of a chair, vice-chair, and secretary. The chair and vice-chair shall be elected by the membership. A secretary shall serve at the request of the Commission and will be an employee of Accomack County, as appointed by the County Administrator or designee.
- 5-2. Nomination of officers shall be from the floor at the first meeting in January each year. Election of officers shall follow immediately. A candidate receiving a majority vote of the entire membership shall be declared elected.
- 5-3. Terms of office shall be for one (1) year or until a duly appointed successor takes office.

## **ARTICLE VI - DUTIES OF OFFICERS**

- 6-1. The Chair shall:
  - 6-1-1. Preside at meetings.
  - 6-1-2. Appoint committees as needed
  - 6-1-3. Rule on procedural questions (subject to reversal by a two-thirds (2/3) majority vote of the members present).
  - 6-1-4. Report official communications at the next regular Commission meeting.
  - 6-1-5. Certify official documents involving the authority of the Commission.
  - 6-1-6. Certify minutes as true and correct copies.
  - 6-1-7. Carry out other duties as assigned by the Commission.
- 6-2. The Vice-Chair shall:
  - 6-2-1. Assume the full powers of the Chair in the absence or inability of the Chair to act.
- 6-3. The Secretary shall:

- 6-3-1. Record attendance at all meetings.
- 6-3-2. Prepare the minutes of the Commission meetings and post such minutes on the County's website no later than seven (7) days after approval.
- 6-3-3. Notify members of all meetings.
- 6-3-4. Maintain a file of all official Commission records and reports.
- 6-3-5. Certify maps, records, and reports of the Commission.
- 6-3-6. Give notice and be responsible for publishing public notices of all Commission public hearings and public meetings.
- 6-3-7. Attend to the correspondence necessary for the execution of the duties and functions of the Commission.

#### **ARTICLE VII - COMMITTEES**

- 7-1. Committees of the Commission may be appointed at the discretion of the Chair, including, but not limited to, such Committees as: (1) Comprehensive Plan Committee; (2) Land Use Committee; (3) Subdivision Committee; (4) Zoning Committee; (5) Capital Improvements Committee; and (6) Community Facilities and Services Committee. Special committees including Citizen Advisory Committees, may be appointed by the Chair for purposes approved by the Commission.

Each committee may be appointed as standing committees, or as temporary committees, with specified purposes and terms as approved by the Commission. The Chair shall be an ex-officio member of every committee.

## ARTICLE VIII - MEETINGS

- 8-1. Regular meetings of the Commission shall be held on the second (2nd) Wednesday of each month at 7:00 p.m. or at other such regular date and time as established by the Commission. When a meeting date falls on a legal holiday, the meeting shall be held on the day following unless the Commission selects an alternate date. After consultation with the Chair prior to each regular meeting, the Secretary shall prepare and mail a written agenda to each of the Commission members.
- 8-2. Work session meetings of the Commission maybe held as warranted on the fourth (4<sup>th</sup>) Tuesday of the months of September, October, November, December, February, March and April at 7:00 pm or other such time as established by the Commission.
- 8-3. If the Chair, or the Vice Chair, if the Chair is unable to act, determines that weather or other conditions are such that it is hazardous to attend the meeting, such meeting may be canceled and held on the following day or such alternate day as the Chair determines and written notices of the alternate date and time shall be given to all members and shall be posted on the County's website.
- 8-4. Special meetings may be called as needed by the Chair or by two (2) members upon written request to the Secretary. The Secretary shall *email* written notice to all members at least twenty-four (24) hours before a special meeting, stating the date, time, place, and purpose of the meeting. Such notice shall also be posted on the County's website.
- 8-5. All meetings of the Commission, with the exception of a duly convened closed session, shall be open to the public.
- 8-6. As used herein, notice may be sent by U. S. Mail, E-mail, or text.

## **ARTICLE IX - REMOTE PARTICIPATION**

9-1. Pursuant to Code of Virginia § 2.2-3708.2, the following policy is established allowing individual members of the Accomack County Planning Commission (“Commission”) to participate in public meetings remotely by means of electronic communication due to a temporary or permanent disability or other medical condition that prevents the member’s physical attendance or due to a specific personal matter. A member’s participation in a public meeting using electronic communication shall conform with the Virginia Freedom of Information Act, as amended, and shall otherwise be governed by the following approval process:

### 9-1-1. Disability or Other Medical Condition

- a. On or before the day of a meeting, a member of the Commission notifies the Chair of the Commission of a temporary or permanent disability or other medical condition preventing physical attendance; or
- b. On or before the day of the meeting, a member notifies the Chair of the Commission that a family member’s medical condition requires the member to provide care for such family member, thereby preventing the member’s physical attendance.

### 9-1-2. Personal Matter

- a. On or before the day of a meeting, a member of the Commission notifies the Chair of the Commission that such member is unable to attend the meeting due to personal matters. The member shall identify with specificity the nature of the personal matter that prohibits him or her from attending the meeting in person.

- b. Remote participation by a member of the Commission due to a personal matter shall be limited to two (2) meetings each calendar year or 25 percent (25%) of the meetings held per calendar year rounded up to the next whole number, whichever is greater. ***Work sessions held will be counted towards the meetings held per calendar year.***

9-1-3. Each request for remote participation shall be subject to approval of the Commission by majority vote. If so approved, the minutes shall include the member's reason for remote participation and the location from which the member participated. The remote location from which the member participates need not be open to the public.

9-1-4. Regardless of whether a request for remote participation for a personal reason is approved or denied, the minutes shall include the specific nature of the personal matter cited by the member.

9-1-5. A quorum of the Commission must be physically assembled at one primary or central meeting location. The Commission shall make arrangements for the voice of the member participating remotely to be heard by all persons at the primary or central meeting location. To this end, the Chair of the Commission shall notify the Director of Building, Planning & Economic Development of the potential for remote participation by a member in advance of the public meeting so arrangements can be made so that the member's voice will be heard by those attending or streaming the meeting.

9-1-6. This policy shall be applied strictly and uniformly, without exception, to the entire membership, without regard to the identity of the member requesting remote participation, and without regard to the matters that will be considered or voted on at the meeting.

9-1-7. This policy does not govern meetings held by electronic communications without a quorum physically assembled due to a declared state of emergency. Such remote meetings shall be



permitted and conducted in strict accordance with state law.

#### **ARTICLE X - MOTIONS AND VOTING**

- 10-1. A majority of the members shall constitute a quorum.
- 10-2. No action of the Commission shall be valid unless authorized by a majority vote of members present and voting.
- 10-3. A tie vote defeats the question being voted upon.
- 10-4. No motion shall be discussed prior to being duly seconded. Once the motion is seconded, the person making the motion shall have a reasonable time as determined by the Chair to give his/her reasons in support of the motion prior to the start of debate.
- 10-5. When a question is under discussion, no motion shall be received unless it is one to amend or continue or for a substitute motion, a motion to lay on the table or a motion to adjourn.
- 10-6. No member should speak more than twice to the same motion, except in response to questions directed to them and allowed by the Chair.
- 10-7. No member should speak for the second time on a motion until every member desiring to speak has spoken.
- 10-8. Upon a call for a question, the Chair shall determine whether there exists any objection to ending discussion. If none, the question shall be called. If any person objects, the Chair shall seek a second for the motion to call for the question. A two-thirds (2/3) majority shall be required to end debate.
- 10-9. Failure of a motion couched in the negative shall not authorize positive action. A motion authorizing action, approval, or disapproval must be adopted prior to an action being authorized or any matter being approved or disapproved.

10-10. Every Commissioner who is in the meeting room when a motion is being considered shall vote unless disqualified under the Virginia State and Local Conflict of Interests Act or unless abstaining to avoid an appearance of impropriety.

10-11. Commissioners must abstain from participating in and voting on a matter if disqualified under the Virginia State and Local Conflict of Interests Act. Any such Commissioner shall state for the record his or her reasons for disqualification and such statement shall be maintained in the Commission's records for no less than five years or as otherwise required by state law.

#### **ARTICLE XI - ORDER OF BUSINESS**

11-1. The normal order of business for a regular meeting shall be as follows. The Commission may, by majority vote, reorder or otherwise amend the order of business at any particular meeting.

- 11-1-1. Call to order.
- 11-1-2. Roll call.
- 11-1-3. Determination of a quorum.
- 11-1-4. Vote on remote participation, if necessary.
- 11-1-5. Proposed revisions to the agenda.
- 11-1-6. General public comments.
- 11-1-7. Consideration of minutes.
- 11-1-8. Report of Secretary as needed.
- 11-1-9. Report of standing committees as needed
- 11-1-10. Report of special committees as needed.
- 11-1-11. Old business.

- 11-1-12. New business.
- 11-1-13. Public hearing(s), if necessary.
- 11-1-14. Adjournment.
- 11-2. Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order.
- 11-3. The Commission shall keep minutes of each meeting, and these minutes shall become a public record. The Secretary and Chair shall sign all minutes and, at the end of the year, certify that the minutes of the preceding year are a true and correct copy.

## **ARTICLE XII - PUBLIC HEARINGS**

- 12-1. 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.
- 12-2. Notice of a public hearing shall be published in accordance with §15.2-2204 of the Code of Virginia, 1950, as amended.
- 12-3. The Chair shall summarize the matter before the Commission, and accept written statements, electronic mail, and other documentation pertinent to the matter being addressed.
- 12-4. Staff shall present the matter to the Commission and respond to any questions asked by the members of the Commission. The staff presentation should include concise summaries for the Commission's information and understanding.
- 12-5. For land use applications, including applications for rezonings and conditional use permits, the applicant shall be given the opportunity to make a presentation. The

Commission shall allot ten minutes to the applicant's presentation; however, if additional time is believed to be necessary, the applicant should contact staff prior to the public hearing to request an extension of time.

- 12-6. A designated representative of any group or association expressing an opposing view to that of the applicant shall be given the same amount of time to address the Commission as the applicant is given.
- 12-7. Following the applicant's presentation of a land use application, the Commission will receive comments, statements or presentations from members of the public.
- 12-8. All speakers shall be required to register prior to the start of a public hearing. The order of speakers will be determined on a first-to-register, first-to-speak basis. The Chair may allow those who have not registered to speak
- 12-9. Each speaker addressing the Commission shall step up to the microphone in front of the podium and give his or her name and address in an audible tone of voice for the record.
- 12-10. Speakers addressing the Commission shall be limited to four (4) minutes.
- 12-11. A timer-controlled system will be implemented. When the speaker's time is up, an audible signal will indicate that the speaker's time has lapsed. The speaker must relinquish the podium to the next speaker. Speakers continuing after the time allotted shall be ruled out of order by the Chair.
- 12-12. All comments are to be directed to the Commission. Comments and questions shall not be directed to staff, unless permitted by the Chair, or to other members of the public in the audience.
- 12-13. Speakers will be limited to a presentation of their points of view concerning the matter under consideration.

- 12-14. Any member of the Commission may ask the applicant and other speakers to respond to specific questions.
- 12-15. The Chair may entertain questions of clarification.
- 12-16. Debate is prohibited.
- 12-17. Signs and placards are not allowed inside the meeting room.
- 12-18. A speaker may reserve their time, but shall not delegate their time to another speaker.
- 12-19. Decorum shall be maintained. This includes common courtesy from the audience, staff, and members of the Commission to the speaker and from the speaker to the Commission and staff.
- 12-20. Speakers shall not use inappropriate language, such as profanity, or verbally attack or threaten any member of the Commission, staff or any member of the public.
- 12-21. Speakers shall not engage in violent or disruptive behavior.
- 12-22. Speakers who use inappropriate language or engage in verbal attacks or threats, or who behave in a violent or disruptive manner shall be ruled out of order by the Chair and shall be asked to leave the meeting room. Failure to do so may constitute disorderly conduct.
- 12-23. Speakers are requested to leave written statements and/or comments with the Secretary to the Commission.
- 12-24. In the event a large number of speakers results in the continuation of a public hearing, any persons not heard at the initial public hearing will be the first to speak at the continued hearing.
- 12-25. The Commission may by majority vote, defer the matter to the next regular or special meeting of the Commission. In the case of public hearings, it shall be the policy of the

Commission to leave the record open to receive written comments following a public hearing up until the time that a vote is taken.

12-26 An accurate, written record shall be made of the proceedings of a public hearing and maintained as a part of the Commission's public records.

**ARTICLE XIII – GENERAL PUBLIC COMMENTS AND COMMENTS ON  
NON-PUBLIC HEARING MATTERS**

13-1. The following rules shall govern speakers addressing the Commission under general public comments and on matters for which no public hearing is held.

13-1-1. All speakers shall be required to register prior to the start of the meeting. The order of speakers will be determined on a first-to-register, first-to-speak basis.

13-1-2. Each speaker addressing the Commission shall step up to the microphone in front of the podium and give his or her name and address in an audible tone of voice for the record.

13-1-3. Speakers addressing the Commission shall be limited to four (4) minutes.

13-1-4. A timer-controlled system will be implemented. When the speaker's time is up, an audible signal will indicate that the speaker's time has lapsed. The speaker must relinquish the podium to the next speaker. Speakers continuing after the time allotted shall be ruled out of order by the Chair.

13-1-5. All comments are to be directed to the Commission. Comments and questions shall not be directed to staff, unless permitted by the Chair, or to other members of the public in the audience.

13-1-6. All general public comments shall address issues related to planning, land use and zoning issues in the County. Comments concerning non-public hearing items shall address the matter under consideration.

13-1-7. Speakers shall not address matters they have previously spoken on, nor shall they address matters on the public hearing agenda.

13-1-8. Debate is prohibited.

13-1-9. Signs and placards are not allowed inside the meeting room.

13-1-10. Decorum shall be maintained. This includes common courtesy from the audience, staff, and members of the Commission to the speaker and from the speaker to the Commission and staff.

13-1-11. Speakers shall not use inappropriate language, such as profanity, or verbally attack or threaten any member of the Commission, staff or any member of the public.

13-1-12. Speakers shall not engage in violent or disruptive behavior.

13-1-13. Speakers who use inappropriate language or engage in verbal attacks or threats, or who behave in a violent or disruptive manner shall be ruled out of order by the Chair and shall be asked to leave the meeting room. Failure to do so may constitute disorderly conduct.

13-1-14. Speakers are requested to leave written statements and/or comments with the Secretary to the Planning Commission.

#### **ARTICLE XIV - RULES, POLICIES AND PROCEDURES**

14-1. Consistent with all applicable laws, statutes, and ordinances, the Commission may establish regulations for the administration of its affairs, and prescribe rules, policies and procedures pertaining to its meetings, hearings, proceedings, and deliberations. Such rules,

policies, and procedures, including revisions and additions, shall be in writing and shall be adopted by majority of the voting members.

#### **ARTICLE XV - AMENDMENTS**

- 15-1. These Bylaws may be amended by a majority vote of the entire membership after thirty (30) days prior notice.