

Chapter 17. Planning, Zoning and Subdivision Control¹

§ 17.01. Power to adopt master plan.

In addition to the powers granted elsewhere in this charter the council shall have the power to adopt by ordinance a master plan for the physical development of the city to promote health, safety, morals, comfort, prosperity and general welfare. The master plan may include but shall not be limited to the following:

- (a) The general location, character and extent of all streets, highways, superhighways, freeways, avenues, boulevards, roads, lanes, alleys, walks, walkways, parks, parkways, squares, playfields, playgrounds, recreational facilities, stadia, arenas, swimming pools, waterways, harbors, water fronts, landings, wharves, docks, terminals, canals, airports and other public places or ways, and the removal, relocation, widening, narrowing, vacating, abandonment, change or use or extension thereof.
- (b) The general location, character and extent of all public buildings, schools and other public property and of utilities whether publicly or privately owned, off-street parking facilities, and the removal, relocation, vacating, abandonment, change of use, alteration or extension thereof.
- (c) The general location, character and extent of slum clearance, housing and neighborhood rehabilitation projects, including the demolition, repair or vacation of substandard, unsafe or unsanitary buildings.
- (d) A general plan for the control and routing of railways, streetcar lines, bus lines and all other vehicular traffic.
- (e) The general location, character and extent of areas beyond the corporate limits of the city to be annexed thereto.

§ 17.02. City planning commission, generally.

There shall be a city planning commission which shall consist of nine members. One member shall be a member of the council who shall be appointed by the council for a term coincident with his/her term in the council; one member shall be a member of the board of zoning appeals appointed by the board of zoning appeals for a term coincident with his/her term on such board; one member shall be the chief administrative officer or an officer or employee of the city designated from time to time by him/her; six citizen members shall be qualified voters of the city who hold no office of profit under the city government, appointed for terms of three years, one of whom shall be appointed by the mayor, five of whom shall be appointed by the council. Vacancies shall be filled by the authority making the appointment, for the unexpired portion of the term. Members of the city planning commission, other than the member of council appointed to the commission and the chief administrative officer, or such officer or employee of the city as the chief administrative officer may designate to serve on the commission, shall be entitled to receive such compensation as may be fixed from time to time by ordinance adopted by the council.

(Acts 1968, Ch. 644, § 1; Acts 1976, Ch. 633, § 1; Acts 1985, Ch. 22, § 1; Acts 1998, Ch. 711; Acts 2004, Ch. 877, § 1; Acts 2004, Ch. 898, § 1; Acts 2005, Ch. 844, § 1)

¹State law reference(s)—Planning, subdivision of land and zoning, Code of Virginia, § 15.2-2200 et seq.

§ 17.03. Reserved.

Editor's note(s)—Acts 1998, Ch. 711 repealed § 17.03, which pertained to the election and terms of Office of the City Planning Commission, its meetings, rules, records, etc., and derived from Acts 1958, Ch. 185, § 2; Acts 1968, Ch. 644, § 1; Acts 1972, Ch. 336, § 1; Acts 1993, Ch. 613, § 1.

§ 17.04. Duty to adopt master plan.

It shall be the duty of the commission to make and adopt a master plan which with accompanying maps, plats, charts and descriptive matter shall show the commission's recommendations for the development of the territory covered by the plan. In the preparation of such plan the commission shall make careful and comprehensive surveys and studies of existing conditions and future growth. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city and its environs which will in accordance with existing and future needs best promote health, safety, morals, comfort, prosperity and general welfare, as well as efficiency and economy in the process of development.

§ 17.05. Duties with respect to historical landmarks, works of art, harbors, etc.

It shall be the further duty and function of the commission to preserve historical landmarks and to control the design and location of statuary and other works of art which are or may become the property of the city, and the removal, relocation and alteration of any such work; and to consider and suggest the design of harbors, bridges, viaducts, airports, stadia, arenas, swimming pools, street fixtures and other public structures and appurtenances.

§ 17.06. Adoption of master plan by commission and approval by council.

The commission may adopt the master plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding to major geographical sections or geographical or topographical divisions of the city or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension, or addition, the commission shall hold at least one public hearing thereon. Notice of the time and place of such hearing shall be given in accordance with general law. The adoption of the plan or of any such part, amendment, extension or addition shall be by resolution of the commission carried by the affirmative vote of not less than a majority of the entire membership of the commission. The resolution shall refer expressly to the maps and descriptive matter and other matter intended by the commission to form the whole or part of the plan adopted, which resolution shall be signed by the chairman of the commission and attested by its secretary. An attested copy of the resolution, accompanied by a copy of so much of the plan in whole or in part as was adopted thereby, and each amendment, alteration, extension or addition thereto adopted thereby shall be certified to the council, and at least one public hearing shall be held thereon in accordance with general law. Neither the master plan nor any part, amendment, extension or addition thereto shall become effective until the action of the commission with respect thereto set out in the resolution shall have been approved by the council by ordinance or resolution. Upon the approval of the action of the commission by the council, an attested copy of the resolution adopted by the commission accompanied by a copy of so much of the plan in whole or in part as was adopted thereby, and each amendment, alteration, extension or addition thereto thereby adopted, together with the ordinance or resolution adopted by the council shall be certified to the clerk of the Circuit Court, Division I and Division II, of the city, who shall file the same in his/her respective offices, and shall index the same in the deed index book in the name of the city and under the title: master plan of the city.

(Acts 1958, Ch. 185, § 2; Acts 1975, Ch. 112, § 1; Acts 1998, Ch. 711)

State law reference(s)—Comprehensive plan, Code of Virginia, § 15.2-2223 et seq.

§ 17.07. Effect of adoption and approval of master plan.

Whenever the commission shall have adopted a master plan for the city or one or more parts thereof, geographical, topographical or functional, and the master plan or such part or parts thereof and any amendment or extension of the plan or part thereof or addition thereto shall have been approved by the council and it has been certified and filed as provided in the preceding section, then and thereafter no street, square, park or other public way, ground, open space, public building or structure, shall be constructed or authorized in the city or in the planned section or division thereof until and unless the general location, character and extent thereof has been submitted to and approved by the commission;

and no public utility, whether publicly or privately owned, shall be constructed or authorized in the city or in the planned section or division thereof until and unless its general location but not its character and extent, has been submitted to and approved by the commission, but such submission and approval shall not be necessary in the case of pipes or conduits in any existing street or proposed street, square, park or other public way, ground or open space, the location of which has been approved by the commission;

and no ordinance giving effect to or amending the comprehensive zoning plan as provided in § 17.10 shall be adopted until it has been submitted to and approved by the commission.

In case of disapproval in any of the instances enumerated above the commission shall communicate its reason to the council which shall have the power to overrule such action by a recorded vote of not less than two-thirds of its entire membership. The failure of the commission to act within 60 days from the date of the official submission to it shall be deemed approval.

The widening, extension, narrowing, enlargement, vacation or change in the use of streets and other public ways, grounds and places within the city as well as the acquisition by the city of any land within or without the city for public purposes or the sale of any land then held by the city shall be subject to similar approval and in case the same is disapproved such disapproval may be similarly overruled. The foregoing provisions of this section shall not be deemed to apply to the pavement, repavement, reconstruction, improvement, drainage or other work in or upon any existing street or other existing public way.

(Acts 1958, Ch. 185, § 2)

State law reference(s)—Comprehensive plan, Code of Virginia, § 15.2-2223 et seq.

§ 17.08. Reserved.

Editor's note(s)—Section 17.08, pertaining to Planning Commission action on capital budget, derived from Acts 1948, Ch. 116, and Acts 1972, Ch. 336, § 1, and was repealed by Acts 1998, Ch. 711.

§ 17.09. Further powers and duties of planning commission.

The commission shall have power to promote public interest in and understanding of the plan and to that end may publish and distribute copies of the plan or any report relating thereto, and may employ such other means of publicity and education as it may determine. The commission shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional or other organizations, and with citizens, with relation to the protection or carrying out of the plan. All public officials shall upon request furnish to the commission within a reasonable time such available information as it may require for its work. The commission, its members, officers and employees in the performance of their duties may enter upon any land in the city and make examinations and surveys and place and maintain necessary monuments and markers thereon. In general, the commission shall have such powers as may be necessary to enable it to fulfill its function, promote planning and

carry out the purposes of this charter. The commission shall make an annual report to the council concerning its activities.

State law reference(s)—Comprehensive plan, Code of Virginia, § 15.2-2223 et seq.