

Adopted - September 3, 1974
Amended - May 21, 1990
Amended - July 6, 1998
Amended - September 8, 1998
Amended - February 5, 2007
Amended - January 19, 2010
Amended - June 21, 2022

RULES OF PROCEDURE of the CITY PLANNING COMMISSION

City of Richmond, Virginia

The following rules of procedure are adopted by the City Planning Commission to facilitate the performance of its duties and the exercise of its powers as outlined in Chapter 17 of the City Charter as amended and general law.

SECTION 1

Composition As set forth in Section 17.02 of the Charter and any amendments thereto;

- (a) The City Planning Commission shall consist of nine members:
 - i. 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;
 - ii. 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;
 - iii. One member shall be the chief administrative officer or an officer or employee of the city designated from time to time by him/her; and
 - iv. 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.
- (b) All members shall be residents of the City, 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. (VA State Code §15.2-2212)

SECTION 2

Organization

- (a) **Election of Officers**

The Commission shall elect a [Chair and Vice-Chair at its first regular meeting in January (or at a subsequent meeting, the date of which is fixed by the Commission at the first regular meeting in January) for a term of one year and they shall assume office immediately. An officer shall serve until his successor is elected. The elected officers shall be eligible for reelection.
- (b) **Duties**

The Chair shall preside at all meetings, appoint committees and perform such other duties as may be requested by the Commission.

The Vice-Chair shall act in the capacity of the Chair in his or her absence and in the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the Vice-Chair for the unexpired term. In the absence of both the Chairman and the Vice-Chair, those members present shall select a temporary Chair.

SECTION 3

Meetings

(a) **Regular Meetings**

The Commission shall hold its regular meetings on the 1st and 3rd Mondays in each month. When the regular meeting day falls on a legal holiday, or for some other special reason the scheduled date is an undesirable meeting date, the meeting shall be held on the following day unless otherwise directed by the Commission.

(b) **Special Meetings**

The Chair or two members of the Commission may call special meetings, 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. (VA State Code §15.2-2214)

(c) **Order of Business**

The order of business of such regular or special meetings shall normally be as follows and in each case, general subjects shall include items continued from prior meetings.

1. Meeting called to order
2. Roll call
3. Approval of minutes of previous meetings
4. Chairman's Comments
5. Director/Secretary's Report
6. Requests to Defer Action, Recommendations to Continue or Strike
7. Consent Agenda
8. Council papers
9. Subdivision plats
10. Consideration of special staff reports and staff updates on upcoming projects
11. Communications not related to specific items on agenda
12. Matters raised by members
13. New Business/Upcoming Items
14. Adjournment

The Secretary, with the approval of the Chair, is authorized to prepare a consent agenda where approval is recommended on matters of a routine or non-controversial nature. The Secretary, with the approval of the Chair, may also prepare of list of items where, with the consent of the applicant, the Commission will be asked to delete the item from the agenda, defer action, or make a recommendation to continue or strike the item.

The purpose of the consent agenda is to provide a method for the expeditious handling of items which, in the opinion of the Secretary and the Chair, will not require discussion and the action recommended by the staff or requested by the applicant will be approved unanimously by the Commission. Any such consent agenda shall be determined no later than the close of business the Wednesday prior to the meeting, and items on such consent agenda shall plainly be noted on any Planning Commission agendas distributed to the public.

The deletion and deferral list, including any items with the recommendations to continue or strike, shall be considered prior to considering the consent agenda. Prior to the consideration

of a motion to approve the consent agenda, the Chair shall ask any if member of the Commission would like to have an item removed from the consent agenda for clarification, discussion or in order that there may be a separate vote on that item. Following that, the Secretary shall read a general description of each item remaining on the consent agenda for the benefit of the Commission and the citizens attending the meeting. The Chair shall then provide the public an opportunity to speak on any public hearing items and on any other item which the Commission is willing to accept public comment through a single public hearing on the entire consent agenda. At the close of the public hearing, the Commission shall take a single vote on the consent agenda, provided that the Commission may remove any item from the consent agenda prior to a vote for consideration under the regular order of business.

(d) **Public**

All meetings, hearings and records shall be open to the public as prescribed by the Virginia Freedom of Information Act.

(e) **Quorum**

Five members shall constitute a quorum for the transaction of business and the taking of official action. No action of the Commission shall be valid unless authorized by a majority vote of those present and voting. (VA State Code §15.2-2215)

Whenever a quorum is not present at any meeting, those present may adjourn the meeting to another day or hold the meeting for the purpose of considering such matters as are on the agenda.

No action taken at such a meeting shall be final or official unless and until the Commission ratifies and confirms it at a subsequent meeting at which a quorum is present.

Commission members appointed by City Council shall be removed from office by City Council without limitation in the event that the Commission member is absent from four consecutive meetings of the commission. Commission members appointed by City Council may be removed from office by City Council without limitation in the event that the Commission member is absent from any four meetings of the commission within any 12-month period. In either such event, a successor shall be appointed by the Council for the unexpired portion of the term of the member who has been removed. (VA State Code §15.2-2212 and City Code §2-837)

(f) **Minutes**

The Commission shall keep minutes of its meetings and shall have them spread in suitable volumes. Said minutes shall be the official records of the activities of the Commission.

(g) **Annual Report**

The Commission shall make an annual report to the City Council concerning its activities. (City Charter §17.09)

SECTION 4

Hearings

- (a) Public hearings shall be conducted by the Commission on all matters for which public hearings are required by general law, the City Charter or the City Code. Any citizen who wishes to speak on these matters may do so; however, the Commission may ask the speakers to adhere to a time limit of three minutes for an individual and five minutes for a spokesperson for a group.

In order that the public may be properly advised of the foregoing policy, the Secretary shall see that a statement reflecting the policy is included on the attendance forms available to the public at the Commission's meetings. In addition, the City Clerk shall be requested to include with the official City Council notice to property owners regarding rezonings and special use permits, a statement setting forth the policy, together with the time and place of the Commission's consideration of the matter, and a statement inviting interested parties to

convey to the office of the Director of Planning and Development Review any information they feel is pertinent to the case. The Director or designated staff member shall summarize all information received in such manner by the Director's office, and communicate such information to the Commission in conjunction with the staff presentation on the matter.

- (b) In every case where a public hearing by the Commission is required by general law, the City Charter or the City Code, the Secretary of the Commission shall see that proper legal notice is given and that the hearing is scheduled sufficiently in advance to allow for such notice.

SECTION 5

Conflict of Interest

No member of the Commission shall participate in the vote on any ordinance, resolution, motion or vote in which he or she, or any person, firm or corporation for which he or she is attorney, officer, director, employee or agent has a conflict of interest as set forth in general law, the City Charter, or City Code.

SECTION 6

Matters Subject to Consideration by the Commission

(a) **Agenda Items**

In addition to the following, all matters requiring consideration by the Commission in accordance with general law and Chapter 17 of the Charter, and matters considered by the Commission to be appropriately related to the duties and responsibilities set forth in general law and Chapter 17 of the Charter shall be subject to review by the Commission:

1. Amendments of the Master Plan
2. Proposed amendments of the zoning ordinance and zoning maps
3. Applications for special use permits
4. Community Unit Plans
5. All matters referred to it by City Council
6. Subdivision plats
7. Reports and plans prepared at the request of the Commission
8. Review of the Capital Budget prepared by the Mayor in accordance with section 6.19 of the Charter
9. Building permits when the property is designated for acquisition by the City in the City's Master Plan and the cost of work is estimated to be above \$10,000
10. City projects subject to Location, Character, and Extent compliance with the Master Plan
11. Reports received from the Urban Design Committee

(b) **Reconsideration**

After formal action by the Commission, no matter shall be reconsidered by the Commission except upon a majority vote of those present at the meeting considering the reconsideration. Any motion for reconsideration must be made no later than the next following meeting and only by a member who voted with the prevailing side.

SECTION 7

Director

The Director of Planning and Development Review shall provide such staff services as the Commission may require in making and adopting a master plan or any revisions thereof; in preparing and revising a comprehensive zoning plan; in the consideration of subdivision plats; in reviewing the Capital Budget prepared by the Mayor, and in the performance of any other duties and functions

assigned to the City Planning Commission by Chapter 17 of the Charter of the City of Richmond, general law, or by action of City Council.

The Director shall perform the following duties for the Commission:

- (a) Execute documents in the name of the Commission when in accordance with Commission action.
- (b) Shall take action or make recommendations in the name of the Commission in accordance with such plans, policies and procedures as are approved or established by the Commission from time to time; provided that when he or she recognizes a serious conflict of interest, public controversy, or uncertainty or doubt as to the plans, policies or procedures approved or established by the Commission, the Director shall present such matters to the Commission for consideration or reconsideration before taking final action.
- (c) Shall notify the applicant submitting a subdivision plat, special use permit, rezoning, conditional use permit, and/or Community Unit Plan application of recommendations of the staff to the Commission before its meeting so that the applicant may be represented at the hearing.
- (d) Shall provide, in conjunction with the staff reports on items before the Commission, both a detailed plan and a vicinity map where applicable, showing the relation of the item under consideration to the surrounding neighborhood.
- (e) Shall report all expressions received from interested citizens regarding any matters before the Commission.

SECTION 8

Secretary

The Commission shall appoint a Secretary who shall serve at the pleasure of the Commission. The duties of said Secretary shall be as follows:

- (a) Record the minutes of the Commission as provided in Section 3, Paragraph (f) hereof.
- (b) Prepare an agenda for all meetings in accordance with the order of business as provided in Section 3, Paragraph (c) hereof.
- (c) Notify the members of the Commission of all meetings in accordance with Section 3, Paragraph (a) and (b) hereof. In addition, he or she shall telephone each member on the day of the meeting to determine the attendance of said meeting.
- (d) He or she shall forward all recommendations of the Commission to the proper agency and shall mail copies of Council matters to each member of Council before the Council meeting at which the matter will be considered. He or she shall also send copies of Council letters to the petitioner and all City departments concerned.
- (e) Shall mark "approved" and sign the final subdivision plat when it is in accordance with the tentative plat approved by the Commission. In the absence of the Secretary, the duly designated Acting Secretary may sign in his or her stead.
- (f) Make reservations and travel arrangements for any Commission member wishing to attend conferences and seminars on planning matters.
- (g) Such other duties as the Commission or the Director may assign.

SECTION 9

Committees

- (a) In order to expedite the work of the Commission, Ad Hoc Committees may be appointed by the Chair to study special matters related to planning. Ad Hoc Committees may include nonmembers of the Commission, if desired by the Commission.
- (b) All matters coming before the Committees shall be studied and the Committees' recommendations made to the Commission at a regular or special meeting.
- (c) Reports from consultants or advisory agencies should be delivered to the appropriate Committee of the City Planning Commission, preferably at a Committee meeting called for the purpose in order that the Committee review may be available when the report is presented to the entire Commission.
- (d) Any of the Committees appointed as in (a) above or the Commission may, where appropriate, refer to the Urban Design Committee items for advice and consideration.

SECTION 10

Miscellaneous

- (a) Suspension or Amendment of Rules. The Commission may suspend or amend any of these rules by not less than five affirmative votes at any meeting.
- (b) Items to be submitted to the Commission must be in the office of the Commission not later than 5:00 P.M. eight business days before the date of the meeting.
- (c) **Robert's Rules of Order**
The rules of parliamentary procedure set forth in *Robert's Rules of Order, Newly Revised (10th Edition)*, shall govern the conduct of meetings of the Planning Commission, except where otherwise specified by these rules or otherwise mandated by the Charter of the City of Richmond, Virginia or general law. Any rules of parliamentary procedure may be suspended by five affirmative votes.

SECTION 11

Participation by Electronic Communication Means

(a) Purpose. The purpose of this section is to comply with the requirements of section 2.2-3708.2(C)(1) of the Code of Virginia to allow for and govern participation by one or more Planning Commissioners in meetings of the Planning Commission by electronic communication means, and all proceedings pursuant to this section shall be performed in accordance with section 2.2-3708.2 of the Code of Virginia, as that statute may hereafter be amended.

(b) Application and Limitations.

1. The policy established by this section shall be applied strictly and uniformly, without exception, to all Planning Commissioners and without regard to the identity of the Planning Commissioner requesting remote participation or the matters that will be considered or voted on at the meeting.

2. Participation by a Planning Commissioner in a meeting by electronic communication means due to a personal matter shall be limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up the next whole number, whichever is greater.

(c) Electronic Communication. When used in this section, the term "electronic communication" has the meaning ascribed to it by section 2.2- 3701 of the Code of Virginia, as that statute may hereafter be amended.

(d) Approval Process.

1. No Planning Commissioner may participate in a meeting by electronic communication means unless the Planning Commissioner requests and the Planning Commission approves the participation in accordance with the provisions of this section.

2. A Planning Commissioner may request to participate in a meeting by electronic communication means if the Planning Commissioner notifies the Chair of the Planning Commission on or before the day of the meeting that the Planning Commissioner is unable to attend due to (i) a personal matter, provided that the Planning Commissioner identifies with specificity the nature of the personal matter to the Chair of the Planning Commission [or to the Planning Commission?], (ii) a temporary or permanent disability or other medical condition that prevents the Planning Commissioner's physical attendance or (iii) a family member's medical condition that requires the Planning Commissioner to provide care for such family member, thereby preventing the member's physical attendance. The Planning Commissioner must also notify the Chair of the Planning Commission of the remote location from which the Planning Commissioner would participate by electronic communication means.

3. The Planning Commission may consider a request for participation by electronic communication means only if a quorum of the Planning Commission is physically assembled at the primary or central meeting location.

4. At the meeting, the Chair of the Planning Commission shall announce the information received from the Planning Commissioner pursuant to this section. If the Planning Commissioner's request is in all other respects in compliance with this section's requirements, the Chair of the Planning Commission shall solicit a motion to approve or disapprove the Planning Commissioner's request from the Planning Commissioners physically assembled at the primary or central meeting location. Upon adoption of a motion to approve the Planning Commissioner's participation by electronic communication means, the Planning Commissioner shall be allowed to participate in the meeting by electronic communication means.

5. If the Planning Commissioner's participation by electronic communication means is approved, the Secretary to the Planning Commission shall record in the meeting minutes (i) the motion, (ii) the vote thereon, (iii) a statement (a) of the specific nature of the personal matter, (b) that a temporary or permanent disability or other medical condition prevents the Planning Commissioner's attendance, or (c) that a family member's condition requires the Planning Commissioner to provide care for such family member, thereby preventing the Planning Commissioner's physical attendance, and (iv) the remote location from which the Planning Commissioner participates in the meeting. f. If the Planning Commissioner's participation by electronic communication means is disapproved, whether by adoption of a motion to disapprove or rejection of a motion to approve, the Secretary to the Planning Commission shall record in the meeting minutes (i) the motion, (ii) the vote thereon, (iii) a statement (a) of the specific nature of the personal matter identified by the Planning Commissioner, (b) that the Planning Commissioner stated that a temporary or permanent disability or other medical condition prevents the Planning Commissioner's attendance, or (c) that a family member's condition requires the Planning Commissioner to provide care for such family member, thereby preventing the Planning Commissioner's physical attendance, (iv) the remote location from which the Planning Commissioner sought to participate in the meeting, and (v) the specific aspect of the policy established by this section that would be violated by the Planning Commissioner's proposed participation by electronic communication means, as summarized by the Chair of the Planning Commission.