

## ARTICLE II. PLANNING COMMISSION\*

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**\*Cross references:** Administration, Ch. 2

**State law references:** Planning commissions, Code of Virginia, § 15.2-2210 et seq.

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### Sec. 11-16. Creation.

Under the authority of the Code of Virginia, §§ 15.2-2210--15.2-2222, the Amherst County Planning Commission, referred to in this article as the commission, is hereby recreated.

(Ord. of 9-1-81(1), § 1)

### Sec. 11-17. Membership.

The commission, consisting of ~~seven (7)~~ **eight (8)** members, **one from each of the five (5) election districts within the County, two (2) at large members, and one (1) member from the Board of Supervisors. The Board of Supervisors liaison will be a non-voting member. Each member** shall be appointed by the board of supervisors, hereinafter referred to as the board, under the following conditions:

- (1) The commission members appointed hereunder shall serve for staggered terms of four (4) years each, divided as nearly equal as possible among the membership.
- (2) One (1) member of the commission shall be also a member of the board whose term of office shall be coexistent with his/her term of office on the board.
- (3) Each commission member shall be a resident of the county, qualified by knowledge and experience to make decisions on questions of community growth and development.
- (4) At least one-half of the members of the commission shall be freeholders.
- (5) Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term. Members may be removed by the board for malfeasance in office. A member whose term expires shall continue to serve until his/her successor qualifies and is appointed.
- (6) Each member shall take the oath of office as required by law when initially appointed to the commission.

(Ord. of 9-1-81(1), § 2)

**State law references:** Oath of county officers, Code of Virginia, §§ 15.2-1522, 49-1.

### Sec. 11-18. Powers, responsibilities.

As prescribed under the Code of Virginia, at the date of this article and any future amendments thereto, the commission is hereby granted the following powers and responsibilities:

- (1) The commission shall prepare and recommend to the board a comprehensive plan, and any amendments thereto, for the physical development of the county.
- (2) The commission may make, or cause to be made, the official map of the county.
- (3) The commission may, and at the direction of the board shall, prepare and revise annually a capital improvement program based on the comprehensive plan of the county for a period not to exceed the ensuing five-year period.
- (4) The commission shall prepare and recommend to the board the subdivision ordinance, or any amendments thereto, for the county.

(5) The commission shall, at the direction of the board, be the final authority for approval and disapproval of subdivision and site plans.

(6) The commission may, and at the direction of the board, shall prepare a proposed zoning ordinance including a map or maps showing the division of the county into districts and a text setting forth the regulations applying in each district.

(7) The commission shall submit to the board its recommendations on any amendments to or reenactment of the zoning ordinance for the county.

(8) The commission shall make recommendations and report at least annually to the board concerning the operation of the commission and the status of planning within the county.

(9) The commission shall, at the direction of the board, prepare, publish and distribute reports, ordinances and other material relating to its activities.

(10) The commission shall, at the direction of the board, or as otherwise required by law, assume other duties and responsibilities as allowed under law.

(Ord. of 9-1-81(1), § 3)

**State law references:** Comprehensive plan, Code of Virginia, § 15.2-2223 et seq.; official map, Code of Virginia, § 15.2-2233 et seq.; adoption of official map by board of supervisors, Code of Virginia, § 15.2-2234; capital improvement programs, Code of Virginia, § 15.2-2239; subdivision ordinance, Code of Virginia, § 15.2-2240; zoning, Code of Virginia, § 15.2-2280 et seq.; preparation and adoption of zoning ordinance and map and amendments thereto, Code of Virginia, § 15.2-2285; general duties of planning commissions, Code of Virginia, § 15.2-2221.

Sec. 11-19. Rules of procedure.

The commission shall observe the following procedures:

(1) The commission shall adopt a set of bylaws consistent with the general laws of the county and the Commonwealth for the conduct of its affairs.

(2) The commission shall elect a chairman, vice-chairman and secretary. The chairman and vice-chairman shall be elected from its own appointed membership, but the secretary may be elected from either its own membership or a member of the administrative staff of the board. The three (3) officers shall serve annual terms and may succeed themselves. The election of officers shall be held at the first meeting of the commission after July 1 of each year.

(3) The commission shall meet at least once every two (2) months at a time and place determined by the commission, and all meetings of the commission shall be open to the public. Special meetings of the commission may be called by the chairman or by two (2) members upon written request to the secretary. The secretary shall mail to all members, at least five (5) days in advance of a special meeting, a written notice fixing the time and place of the meeting and 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.

(4) A quorum shall be at least four (4) members of the commission and no action of the commission shall be valid unless authorized by a majority vote of those present and voting. A tie vote among those present and voting defeats the motion, resolution or issue voted upon.

(5) The commission shall keep a full public record of its proceedings and shall be responsible for the custody and preservation of its papers and documents.

(6) Any member of the commission shall disqualify himself/herself to act upon a matter before the commission with respect to property in which the member has an interest.

(7) The commission may establish an advisory committee or committees, if deemed advisable.

(Ord. of 9-1-81(1), § 4; Ord. of 4-15-03(2))

**State law references:** Disclosure by local government officers and employees, Code of Virginia, § 2.1-639.12 et seq.; The Virginia Freedom of Information Act, Code of Virginia, § 2.1-340 et seq.

Sec. 11-20. Employees, consultants, expenditures.

The commission may, at the direction of the board, appoint such employees and staff as deemed necessary for carrying out the work of the commission and contract with consultants for such services as required.

(Ord. of 9-1-81(1), § 5)

Sec. 11-21. Fiscal responsibilities.

The commission shall not expend funds in amounts exceeding those appropriated for such purposes by the board for use by the commission in accordance with the Code of Virginia, §§ 15.2-2217 and 15.2-2222. In addition, the commission shall:

- (1) Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the board; and
- (2) Prepare and submit an annual budget in the manner prescribed by the board.

(Ord. of 9-1-81(1), § 6)

Secs. 11-22--11-34. Reserved.