

# HANOVER COUNTY PLANNING COMMISSION

## RULES OF THE COMMISSION

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# RULES OF THE COMMISSION

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# **RULES AND PROCEDURES OF THE HANOVER COUNTY PLANNING COMMISSION**

## **I. OFFICERS AND APPOINTMENTS**

A. The Chairman and Vice-Chairman of the Hanover County Planning Commission (“the Commission”) shall be elected at the regularly scheduled April meeting of the Commission to serve one-year terms. These officers may be re-elected for one additional consecutive term only and shall continue in their positions after the term has expired until a new election is held. The Chairman shall preside at meetings. In the absence of the Chairman, the Vice-Chairman shall preside.

B. The Director of Planning or designee of the Commission shall be the Secretary. The Secretary shall be appointed by the Commission at the regularly scheduled April meeting of the Commission to serve a one-year term. The Secretary may be re-appointed for consecutive terms.

C. The Commission may appoint a representative to attend the meetings of the Board of Supervisors on behalf of the Commission as necessary. The representative shall attend meetings as directed by the Commission and shall present such information in certain cases as directed by the Commission.

D. The Commission shall recommend to the Board of Supervisors nominees from among its members for appointment to the Richmond Regional Planning District Commission and Metropolitan Planning Organization when vacancies occur.

E. No second shall be required for any appointment or nomination.

F. The Chairman of the Commission may appoint committees for special projects.

G. The Chairman or the Commission shall appoint two standing committees to review proposed amendments to the Zoning or Subdivision Ordinances or other matters that may

be referred by the Chairman or the Commission. Each committee shall consist of three (3) members and shall be appointed annually. The Chairman shall not be a member of either committee. The Chairman shall appoint a chairman for each committee.

H. The Director of Planning shall appoint the Clerk of the Commission.

## **II. SCHEDULE AND TIME OF MEETINGS**

A. Regular meetings of the Commission shall be held in the Hanover County Boardroom on the third Thursday of each month, except for the December meeting, which shall be held on the second Thursday of December. If the meeting date falls on any County holiday, then it shall be held on another day designated by the Commission. The time for regular meetings shall be 6:00 p.m. unless otherwise directed by the Commission. Public hearings shall be advertised for 7:00 p.m. unless otherwise directed by the Commission. Any change in the day or time shall be approved by the Commission at a regular meeting.

B. The Commission shall hold a meeting to prepare and revise the County's capital improvement program on the second Thursday of March. The time for this meeting shall be 7:00 p.m. unless otherwise directed by the Commission. A public hearing on the capital improvement program shall be held at this meeting. Any change in the day or time shall be approved by the Commission at a regular meeting.

C. Meetings shall not extend beyond eleven o'clock (11:00) p.m. unless extended by majority vote. A motion to extend a meeting beyond 11:00 p.m. shall take precedence over any motion then on the floor. If the meeting has not properly adjourned or the meeting time extended, then at 11:00 p.m. the meeting shall automatically be adjourned to the next scheduled meeting.

D. Special meetings of the Commission may be called by the Commission, by the Chairman, or by two (2) members upon written request to the Secretary, and held at times and places designated by the Commission or by the Chairman at the time of the call of such meetings. The Secretary shall mail to all members, at least five days in advance of a special meeting, a written

notice fixing the time, place and purpose of the meeting. Written notice of a special meeting is not required to be given to members 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.

E. The Chairman may recognize visiting citizens, students, elected and appointed officials of the County, and officials of other jurisdictions.

F. The Secretary shall provide all notices including those required by the Freedom of Information Act.

### **III. CONDUCT OF THE MEETINGS**

A. The rules of parliamentary procedure set forth in the latest edition of Robert's Rules of Order shall govern the conduct of meetings of the Commission, except where otherwise specified by these Rules or otherwise mandated by State law. Any rule of parliamentary procedure may be suspended by a two-thirds vote of the Commission. Any standing rule set forth herein (e.g. the length of time permitted for public hearings, the amount of time allotted to each speaker) may be suspended or modified by the Chairman or by a majority vote of the Commission.

B. For any meeting, a majority of the number of persons holding the office of Commissioner shall constitute a quorum. If a quorum has not been achieved within one-half hour from the time the meeting was proposed to begin, the meeting of the Commission shall be deemed to have been canceled.

C. The Chairman of the Commission shall conduct the meetings and shall rule on interpretations of the rules of parliamentary procedure and these standing rules. Any member of the Commission may appeal from a decision of the Chairman interpreting the rules of parliamentary procedure of these standing rules. Such an appeal requires a second and will be determined by majority vote. The County Attorney or designee shall advise the Chairman and the Commission on parliamentary matters.

D. The Vice-Chairman shall preside over meetings of the Commission in the absence of the Chairman. In the event that neither the Chairman nor the Vice-Chairman are in attendance at a meeting where a quorum is, nonetheless, present, any member of the Commission may call the meeting to order and the members present shall elect a Chairman pro tempore to preside over the meeting until the Chairman or the Vice-Chairman arrives.

E. Members of the Commission must be recognized by the Chairman before proceeding to speak. After being recognized by the Chairman, a member of the Commission shall not be interrupted during the time allowed for the member to speak, except when a point of order is called or when being requested by another member to yield the floor.

F. Except with the permission of the Chairman, no member shall hold the floor longer than three minutes without yielding to another member's request for the floor. The three-minute period does not include time reasonably expended in asking for and receiving information from staff or other presenters.

G. In the debate, each member may speak as often as he or she wishes on any question but cannot make a subsequent speech if any other member desires the floor who has spoken a fewer number of times on the question.

H. The Vice-Chairman shall be responsible for advising the Chairman when any time limit established in these standing rules has expired or if a member wishing to speak again during any discussion must yield to another member who has spoken fewer times.

I. The Chairman may participate in the discussion and vote on any matter before the Commission without being required to relinquish the chair.

J. The Chairman may declare that all or any portion of a meeting will be held in "workshop format" to allow for informal discussion by Commission members, for presentations by Commission committees, citizen committees or staff, and for similar occasions where formal rules of procedure are not required.

K. Any question submitted to the Commission shall be determined by the majority of the members voting on the question, except where the rules of parliamentary procedure or these Rules specify a greater than majority vote. The Chairman shall put the question to the Commission for a voice vote. Any member of the Commission present at the time of a vote who wishes to abstain or otherwise not participate in the vote must affirmatively so state prior to the Commission's consideration of the matter. If it appears to the Chairman, upon the voice vote being taken, that the members of the Commission are not unanimous on any question, he or she shall request that the Secretary determine the vote of the individual members of the Commission by roll call. At the conclusion of the vote on each motion, the Chairman shall announce whether the motion has been adopted or defeated.

L. A tie vote on any matter defeats the motion, resolution, or issue upon which the vote is taken. Successive tie votes on a motion to recommend approval and a motion to recommend denial of any proposed ordinance amendment or rezoning shall result in the matter being forwarded to the Board of Supervisors without recommendation. No member may change his or her vote on any matter, except through a reconsideration of the vote by the Commission.

M. A motion which has already been voted on may be brought back for further consideration through the adoption of a Motion to Reconsider, as provided in Robert's Rules of Order; however, the reconsideration may take place only during the same meeting at which the vote to be reconsidered was taken. Nothing provided herein shall, however, be deemed to prevent the Commission from considering at any time a matter or issue upon which it has previously taken action, following such notice and public hearings as may be required by law.

N. CITIZENS' TIME

1. Citizens' Time is an opportunity for citizens of Hanover County to present comments and information to the Commission regarding issues within the purview of the Commission that are not on the agenda for that meeting. The Commission may respond at the conclusion of Citizens' Time to comments or questions offered by citizens, and

information that is readily available in response to citizen comments may be provided at this time.

2. Unless extended by the Chairman, no more than twenty (20) minutes shall be allotted for Citizens' Time. During Citizens' Time, each speaker shall be permitted to speak for up to five (5) minutes. In the event that the number of citizens' comments should exceed the time allotted on the agenda for Citizens' Time, the Chairman may postpone further comments until the end of the meeting or request that the citizens return at the next regular meeting of the Commission or may consult with the Commission as to whether to extend Citizens' Time.

O. The Planning Commission is appointed to address issues and make recommendations to the Board of Supervisors regarding subdivision of land, zoning, including conditional use permit applications and ordinance amendments, the Capital Improvements Program and the Comprehensive Plan. Speakers addressing the Commission during the public comment period and during public hearings are expected to provide remarks about those issues, not about matters unrelated to the functions of the Commission. Repetitious statements by speakers should be avoided. Persons other than members may speak only when recognized by the Chairman, and shall address only the Commission.

All speakers and others in the meeting room must maintain proper decorum and demonstrate civility toward the Commission, staff, applicants and the public at large. Disruption of the Commission meeting by failure to observe these guidelines, through persistent inappropriate or irrelevant comments or other disruptive behavior, will not be tolerated. The Chairman may order the removal of any person whose behavior he or she determines to be so unruly as to prevent the orderly conduct of the meeting.

P. After being noted as present at any meeting each member should notify the Clerk before anticipating an absence at a succeeding meeting.

Q. If the member from the District in which the matter arises will be absent, the member may notify the Chairman or the Secretary of the request to defer the matter to the agenda of the next regularly scheduled meeting if the deferral will not result in exceeding the one hundred day period provided for zoning recommendations, or any other statutory limit. An applicant may also request deferral of a matter. If notice is provided prior to advertising, the Secretary shall not advertise the matter. If notice is not received prior to advertising, the matter shall be placed on the agenda and the Commission may consider deferral. For cases that have previously been advertised and deferred to a specific agenda, Commission action will be required for additional deferrals. Not more than one deferral may be requested by a Commissioner for any agenda item for this purpose. In all instances, the applicant shall be notified of the request.

R. All motions shall require a second before being voted upon, except as noted in these Rules.

#### **IV. AGENDAS**

A. The following is the standard agenda for regular meetings:

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|-----------|---|
| 6:00 p.m. | a. Approval of Minutes  |
|           | b. Administrative Matters   |
|           | c. Subdivision Matters  |
| 7:00 p.m. | a. Citizens' Time   |
|           | b. Public Hearings (Rezoning Requests, Conditional Use Permits, and Ordinance Amendments) |
|           | c. Miscellaneous  |

Matters may be placed on the Agenda by motion of the Commission, by notification to the Secretary by any member of the Commission, or by the Secretary in consultation with the Chairman. The agenda may be amended by the Chairman. Matters shall be placed on the agenda in accordance with Board policies and in consideration of order of application filing and available meeting time.

- B. An Application shall not be placed on the agenda if:
- (1) The application is not, in the opinion of the Director, complete; or
  - (2) The applicant requests, in writing, the deferral of an application requiring public hearing prior to the initial advertising deadline; or
  - (3) The applicant requests, in writing, the deferral of an application not requiring a public hearing prior to the deadline for preparation of the Commission's agenda.
- C. Agendas and available information shall be distributed to each member at least five (5) days prior to the meeting.
- D. Rezoning applications for which proffer drafts or additional substantive information is received by the staff or the Commission after the date of the Staff Report shall be deferred by the Commission unless it is determined that the Commission and the public have had sufficient opportunity for consideration by the Commission.
- E. The Commission shall retain Staff packet information concerning cases deferred until consideration by the Commission is completed.
- F. The Commission may defer consideration of rezoning applications for a period not exceeding one hundred days from the first scheduled public hearing.

**V. APPROVAL OF MINUTES**

- A. Minutes taken during a previous Commission meeting will be distributed to the members of the Commission with the Commission package for review prior to the meeting of the Commission at which approval is requested. Minutes of prior Commission meetings will be approved as submitted unless a correction is requested by a member of the Commission and approved by the vote of a majority of Commission members.
- B. It is the policy of the Commission that minutes shall be concise, enumerating the following items:

1. Time, date and place of the meeting, members of the Commission and key staff members in attendance. The Clerk shall record in the minutes the absence of any member of the Commission from any portion of the meeting.
2. A concise statement of the matter before the Commission, those persons speaking on the matter, and a synopsis of the statements.
3. A notation of specified issues or clarifications that have salient bearing on the matter being decided.
4. A notation of the memoranda and exhibits that accompany the matter before the Commission, which shall be filed with the Secretary's records of the meeting.
5. A statement of the specific request or recommendation being presented to the Commission.
6. The specific and full text of each motion, substitute motion, and amendment considered by the Commission. The result of the vote, passage or failure, shall be noted and the vote of each member recorded.
7. Such specific items, issues, comments, or votes, as requested by any Commission member during a meeting but prior to approval of the minutes by the Commission.
8. Such other matters as the Secretary shall deem necessary to provide a complete, accurate and understandable record of the deliberations of the Commission.

## **VI. PUBLIC HEARINGS**

A. All public hearings shall be advertised to begin at 7:00 p.m. unless another schedule is determined at a regular meeting. At the beginning of the public hearings, the Chairman may ask those citizens in attendance to identify the hearing in which they have an interest. The agenda may then be amended, and those cases for which there is no opposition heard first. Where the applicant concurs, the presentation by the applicant may be waived and the Commission may proceed directly to public comment.

B. Public hearings shall be conducted according to the following procedure, unless varied by motion approved by the Planning Commission:

1. For public hearings on matters other than the Capital Improvements Program, the following time limitations shall apply:

- a. The applicant, applicant's representative, or applicant's engineers shall have ten (10) minutes to make a presentation on the application.
- b. After the applicant, the applicant's representative, and the applicant's engineers have completed their presentations, other proponents of the application shall have fifteen (15) minutes to address the Commission. Each proponent of the application may speak for a maximum of five (5) minutes each.
- c. After the applicant and the proponents of the application have addressed the Commission, the opponents of the application shall have fifteen (15) minutes to address the Commission. Each opponent may speak for a maximum of five (5) minutes each.
- d. After the applicant, other proponents, and opponents have spoken, the Chairman shall declare the public hearing to be closed and the Commission shall proceed to take action on the matter.
- e. If the Chairman determines that the application or issues presented are unusually complex or there are a large number of interested parties present, these time limits may be adjusted; provided, the proponents and

the opponents shall be allotted an equal amount of time to address the Commission.

- f. Speakers may not yield their allotted time to other speakers.
- g. A public hearing may not be extended beyond two (2) hours unless approved by majority vote.
- h. The Vice-Chairman shall advise the Chairman regarding time allocation and availability.

2. For the public hearing on the Capital Improvements Program, each speaker shall be permitted to speak for up to five (5) minutes. Unless modified by the Commission, the public hearing on the Capital Improvements Program shall be limited to two (2) hours.

C. The principal purpose of public hearings is to provide an opportunity for members of the public to provide input to the Commission regarding the subject of the public hearing. Questions from speakers, if any, shall be directed to the Commission; all questions shall be recorded by members of the staff who will attempt to answer the questions at the conclusion of the public hearing. Members of the Commission may ask questions of speakers as necessary to clarify their comments or to obtain other information pertinent to the subject matter of the public hearing. The time expended in response to such questions shall not be deducted from the time allocated to any speaker or from the time allocated to proponents or opponents during the public hearing. Members of the Commission may ask a speaker or the applicant, applicant's representative or engineer questions for clarification purposes after the public hearing has been closed.

## **VII. ADMINISTRATION**

A. Properties for which rezoning requests have been made shall be posted with signs in a conspicuous location. These signs shall notify interested parties that information about the proposed action may be obtained from the Hanover County Planning Office and provide a telephone number and website address for the office.

B. Individual Commission members may make requests for information or assistance from the staff from time to time provided that the time necessary to fulfill such a request does not exceed one (1) hour per request.