

**TOWN OF LEESBURG, VIRGINIA
PLANNING COMMISSION
BYLAWS AND RULES OF PROCEDURE**

**ARTICLE ONE
BYLAWS**

Section 1.1. Applicable Legislation. The Planning Commission is governed by the provisions of Virginia Code Sections 15.2-2210 through 15.2-2222.1, 15.2-2229, 15.2-2230, 15.2-2232, and 15.2-2233. (Attachment One), by Sections 2-193 through 2-198 and 2-226 of the Town Code (Attachment Two) and by Article 2, Section 2.2 of the Leesburg Zoning Ordinance (Attachment Three). Other legislation applicable to the Planning Commission includes the Virginia Freedom of Information Action (Virginia Code Sections 2.2-3700 through 2.2-3714) and the State and Local Government Conflict of Interests Act (Sections 2.2-3100 through 2.2-3131).

Section 1.2. Meetings. Regular meetings of the Planning Commission are held on the first and third Thursdays of each month beginning at 7:00 PM in Town Council Chambers, or at such time and place as the Planning Commission may determine from time to time. It shall be the practice of the Commission to hold public hearings and business meetings on their first meeting of the month with the second meeting of the month used as a work session.

Section 1.3. Election of Officers (Chairman, Vice-Chairman, Parliamentarian).

A. Officers of the Planning Commission shall be elected by the Commission members annually at the first regular meeting of each new year at which a quorum is present, in accordance with the procedure set forth in Section 1.3(B).

B. Elections for Chairman, Vice-Chairman and Parliamentarian shall be handled as separate actions in accordance with the following process:

1. Nominations for the office under consideration shall be taken from individual commissioners (no motion or second is required).
2. Once all nominations are entered (and nominees agree to be considered), election for each position shall be completed for each position with opportunity for discussion.
3. Candidates receiving a majority vote of the members present shall be declared elected.
4. The elected officers shall take office immediately and serve until the next election or until their successors take office.

C. Vacancies in the office of Chair or Vice-Chair shall be filled by automatic succession; a vacancy in the office of Chair shall be filled by the Vice-Chair; a vacancy in the office of Vice-Chair shall be filled by the Parliamentarian. A vacancy in the office of Parliamentarian shall be filled by the election procedures set forth in Sections 1.3(A) and 1.3(B), provided however, that elections to fill vacancies may take place at the next available business meeting following the occurrence of the vacancy, or as soon as practicable thereafter. Officers elected to fill vacant offices shall serve for the remainder of the annual term.

Section 1.4. Order of Succession. The order of succession in the absence of the Chairman shall be Vice Chairman, Parliamentarian.

Section 1.5. Planning Commission Representatives. The Planning Commission may approve members to serve as liaisons to other commissions and committees.

Section 1.6. Amendment. The foregoing bylaws may be amended by a two-thirds vote of the members present provided that five days' notice of intent to amend has been given.

ARTICLE TWO

RULES OF PROCEDURE

Section 2.1. Robert's Rules of Order. The provisions of Robert's Rules of Order shall govern the Planning Commission at its meetings.

Section 2.2. Order of Business. The order of business for Public Hearing and Business meetings of the Commission, as far as is consistent with the purpose of the meeting, shall be as follows:

- Call to Order
- Roll Call and Existence of Quorum
- Adoption of the Agenda
- Approval of Minutes
- Commissioner Disclosures
- Chairman's Statement
- Consent Agenda
- Remarks by Petitioners
- Public Hearings
- Subdivision and Land Development
- Zoning
- Comprehensive Planning
- Council Representative's Report (if applicable)
- Staff and Committee Reports
- Old Business
- New Business
- Adjournment

The order of business for a particular meeting may be changed during that meeting by the Chairman.

CONSENT AGENDA: Should members of the Planning Commission have concerns, or interested citizens have concerns, the application will be removed from the consent agenda. If all parties are in agreement and there is no public opposition, the item will remain on the consent agenda for approval.

The order of business for work sessions of the Commission shall be set based on the Commission's needs.

Section 2.3 Public Hearing Procedures. Procedural rules for public hearings shall be as follows:

- Open Public Hearing
- Read Chairman's Statement
- Applicant Presentation and Staff Presentation (order shall be determined by the Commission at the meeting)
- Public Testimony/Comments
- Applicant Rebuttal
- Planning Commission Questions
- Close Public Hearing
- Planning Commission discussion
- Planning Commission Action
- Advise Public of Next Step in the Process

Unless the Commission elects to defer their vote, the Commission shall vote immediately following the public hearing.

Section 2.3.1 Public Hearing and Work Session Procedures. Individual Commissioners may request additional information from applicants or staff during the discussion of land development applications or other agenda items. If a majority of Commissioners agree that such request is reasonable and appropriate, the Chair will give direction to an applicant or staff to obtain the requested information for a subsequent meeting.

Section 2.4. Suspension of Rules. These rules of procedure may be suspended by a two-thirds vote of the members present without notice.

Section 2.5. Materials Submission. The Planning Commission will not consider any material given to them unless it was submitted 21 days prior to their scheduled meeting. Notwithstanding the above, the Commission authorizes staff to substitute a more reasonable time frame to consider submitted materials based on the totality of the circumstances surrounding the particular case. The Commission further directs staff to make this rule known to all applicants and to direct applicants to submit any material directly to staff for distribution to the Commission.

Section 2.6. Duties of the officers of the Planning Commission are as follows:

Chairman – The Chairman shall preside at meetings of the commission, promote the orderly and expeditious conduct of the meeting, preserve order and decorum, decide questions of order and procedure, and set reasonable time limits for speakers and public hearings. The Chairman may speak, make motions and vote on all questions.

Vice Chairman – The Vice Chairman shall perform the duties of the chairman during the absence or disability of the Chairman.

Parliamentarian – When requested, the Parliamentarian shall advise the Chairman on questions of parliamentary procedure. The Parliamentarian cannot rule, only the Chairman can rule on a question of order.

Section 2.7. Certified Planning Commissioners' Training. The Planning Commission recognizes that all members should understand their roles and responsibilities as defined by the Code of Virginia. It is resolved by the Commission that all newly appointed members to the Planning Commission are expected to complete the Virginia Certified Planning Commissioners Program sponsored by the Citizens Planning Education Association of Virginia and become certified within 16 months of appointment.

Section 2.8. Guidelines for Outside Meetings with the Public or Applicants regarding an application. A public meeting of the Planning Commission is the optimal setting for the receipt of input from the public about any application within the Commission's jurisdiction. However, if an individual member believes it necessary to meet with the public or applicants about a matter pending before the Commission, such a meeting is permitted pursuant to the following:

- All meetings shall be conducted pursuant to Va. Code § 2.2-3700 et seq.
- Commissioners shall disclose all meetings by reporting them verbally at the next Planning Commission meeting at the "Commissioner Disclosure" section of the agenda; such disclosures shall include whether the matter is a conflict of interest or a personal interest for the Commissioner, pursuant to Va. Code § 2.2-3100 et seq.
- The purpose of such meetings is limited to fact finding and clarification for all parties.
- Commissioners shall be careful not to make a commitment of their voting intent.
- Commissioners are encouraged to contact the Planning & Zoning Department staff prior to such meetings to gather facts about the application; the staff will attend such meetings if requested by the Commissioner.
- Any information received by an individual member, whether in person, by telephone, in writing or by electronic mail, that is relevant to any application pending before the Commission should be forwarded promptly to the Planning Manager for distribution to the entire Commission.

As used in this section 2.8, the term "public" includes, but is not limited to: (1) any individual or group opposing an application or matter before the Commission; (2) any individual or group offering comments on or seeking to influence an application or matter before the Commission. "Public" does not include persons employed by the Town of Leesburg or elected or appointed to any seat on the Leesburg Town Council or Planning Commission.

ATTACHMENT ONE

CODE OF VIRGINIA REFERENCE – §15.2-2210 through §15.2-2222

§ 15.2-2210. Creation of local planning commissions; participation in planning district commissions or joint local commissions. Every locality shall by resolution or ordinance create a local planning commission in order to promote the orderly development of the locality and its environs. In accomplishing the objectives of § 15.2-2200 the local planning commissions shall serve primarily in an advisory capacity to the governing bodies.

Any locality may participate in a planning district commission in accordance with Chapter 42 (§ 15.2-4200 et seq.) of this title or a joint local commission in accordance with § 15.2-2219.

§ 15.2-2211. Cooperation of local planning commissions and other agencies. The planning commission of any locality may cooperate with local planning commissions or legislative and administrative bodies and officials of other localities so as to coordinate planning and development among the localities. The planning commission of any locality shall consult with the installation commander of any military installation that will be affected by potential development within the locality so as to reasonably protect the military installation against any adverse effects that might be caused by the development. Planning commissions may appoint committees and may adopt rules as needed to effect such cooperation. Planning commissions may also cooperate with state and federal officials, departments and agencies. Planning commissions may request from such departments and agencies, and such departments and agencies of the Commonwealth shall furnish, such reasonable information which may affect the planning and development of the locality.

§ 15.2-2212. Qualifications, appointment, removal, terms and compensation of members of local planning commissions. A local planning commission shall consist of not less than five nor more than fifteen members, appointed by the governing body, all of whom shall be residents of the locality, 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. The local governing body may require each member of the commission to take an oath of office.

One member of the commission may be a member of the governing body of the locality, and one member may be a member of the administrative branch of government of the locality. The term of each of these two members shall be coextensive with the term of office to which he has been elected or appointed, unless the governing body, at the first regular meeting each year, appoints others to serve as their representatives.

The remaining members of the commission first appointed shall serve respectively for terms of one year, two years, three years, and four years, divided equally or as nearly equal as possible between the membership. Subsequent appointments shall be for terms of four years each. The local governing bodies may establish different terms of office for initial and subsequent appointments including terms of office that are concurrent with those of the appointing governing body. Vacancies shall be filled by appointment for the unexpired term only. Members may be removed for malfeasance in office. Notwithstanding the foregoing provision, a member of a local planning commission may be removed from office by the local governing body without limitation in the event that the commission member is absent from any three consecutive meetings of the commission, or 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 governing body for the unexpired portion of the term of the member who has been removed.

The local governing body may provide for compensation to commission members for their services, reimbursement for actual expenses incurred, or both.

§ 15.2-2213. Advisory members. A member of a local planning commission may, with the consent of both governing bodies, serve as an advisory member of the local planning commission of a contiguous locality.

§ 15.2-2214. Meetings. The local planning commission shall fix the time for holding regular meetings. The commission, by resolution adopted at a regular meeting, may also fix the day or days to which any meeting shall be continued if the chairman or vice-chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and no further advertisement is required. The commission shall cause a copy of

such resolution to be inserted in a newspaper having general circulation in the locality at least seven days prior to the first meeting held pursuant to the adopted schedule.

Commissions shall meet at least every two months. However, in any locality with a population of not more than 7,500, the commission shall be required to meet at least once each year.

Special meetings of the commission may be called by the chairman or by two members 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.

§ 15.2-2215. Quorum majority vote. A majority of the members shall constitute a quorum and no action of the local planning commission shall be valid unless authorized by a majority vote of those present and voting.

§ 15.2-2216. Facilities for holding of meetings and preservation of documents; appropriations for expenses. The governing body may provide the local planning commission with facilities for the holding of meetings and the preservation of plans, maps, documents and accounts, and may appropriate funds needed to defray the expenses of the commission.

§ 15.2-2217. Officers, employees and consultants; expenditures; rules and records; special surveys. The local planning commission shall elect from the appointed members a chairman and a vice-chairman, whose terms shall be for one year. If authorized by the governing body the commission may create and fill such other offices as it deems necessary; appoint such employees and staff as it deems necessary for its work; and contract with consultants for such services as it requires.

The expenditures of the commission, exclusive of gifts or grants, shall be within the amounts appropriated for such purpose by the governing body.

The commission shall adopt rules for the transaction of business and shall keep a record of its transactions which shall be a public record.

Upon request of the commission, the governing body or other public officials may, from time to time, for the purpose of special surveys under the direction of the commission, assign or detail to it any members of the staffs of county or municipal administrative departments, or such governing body or other public official may direct any such department employee to make for the commission special surveys or studies requested by the local commission.

§ 15.2-2218. County planning commission serving as commission of town. The governing body of any town may designate, with the consent of the governing body of a contiguous county, by ordinance, the county planning commission as the local planning commission of the town. A county commission designated as a town commission shall have all the powers and duties granted under this chapter to a local planning commission. Any town designating a county commission as its local planning commission may contract annually to pay the county a proportionate part of the expenses properly chargeable for the planning service rendered the town, and any such payments may be appropriated to the county planning commission in addition to any funds budgeted for planning purposes.

§ 15.2-2219. Joint local planning commissions. Any one or more adjoining or adjacent counties or municipalities including any municipality within any such county may by agreement provide for a joint local planning commission for any two or more of such counties and municipalities. The agreement shall provide for the number of members of the commission and how they shall be appointed, in what proportion the expenses of the commission shall be borne by the participating localities, and any other matters pertinent to the operation of the commission as the joint local planning commission for the localities. Any commission so created shall have, as to each participating locality, the powers and duties granted to and imposed upon local planning commissions under this chapter.

§ 15.2-2221. Duties of commissions. To effectuate this chapter, the local planning commission shall:

1. Exercise general supervision of, and make regulations for, the administration of its affairs;
2. Prescribe rules pertaining to its investigations and hearings;
3. Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the governing body;

4. Keep a complete record of its proceedings; and be responsible for the custody and preservation of its papers and documents;
5. Make recommendations and an annual report to the governing body concerning the operation of the commission and the status of planning within its jurisdiction;
6. Prepare, publish and distribute reports, ordinances and other material relating to its activities;
7. Prepare and submit an annual budget in the manner prescribed by the governing body of the county or municipality; and
8. If deemed advisable, establish an advisory committee or committees.

§ 15.2-2222. Expenditures; gifts and donations. The local planning commission may expend, under regular local procedure as provided by law, sums appropriated to it for its purposes and activities.

A locality may accept gifts and donations for commission purposes. Any moneys so accepted shall be deposited with the appropriate governing body in a special nonreverting commission fund to be available for expenditure by the commission for the purpose designated by the donor. The disbursing officer of the locality may issue warrants against such special fund only upon vouchers signed by the chairman and the secretary of the commission.

§15.2-2222.1 Coordination of state and local transportation planning.

A. 1. Prior to adoption of any comprehensive plan pursuant to § 15.2-2223, any part of a comprehensive plan pursuant to § 15.2-2228, or any amendment to any comprehensive plan as described in § 15.2-2229, the locality shall submit such plan or amendment to the Department of Transportation for review and comment if the plan or amendment will substantially affect transportation on state-controlled highways as defined by regulations promulgated by the Department. The Department's comments on the proposed plan or amendment shall relate to plans and capacities for construction of transportation facilities affected by the proposal.

2. If the submitting locality is located within Planning District 8, the Department of Transportation shall also determine the extent to which the proposed plan or amendment will increase traffic congestion or, to the extent feasible, reduce the mobility of citizens in the event of a homeland security emergency and shall include such information as part of its comments on the proposed plan or amendment. In making such determination, the Department shall specify by name and location any transportation facility within the scope of the review specified in subdivision 1 having a functional classification of minor arterial or higher for which an increase in traffic volume is expected to exceed the capacity of the facility as a result of the proposed plan or amendment. Such information shall be provided concurrently to the submitting locality and the Northern Virginia Transportation Authority. Further, to the extent that such information is readily available, the Department shall also include in its comments an assessment of the measures and estimate of the costs necessary to mitigate or ameliorate the congestion or reduction in mobility attributable to the proposed plan or amendment.

3. Within 30 days of receipt of such proposed plan or amendment, the Department may request, and the locality shall agree to, a meeting between the Department and the local planning commission or other agent to discuss the plan or amendment, which discussions shall continue as long as the participants may deem them useful. The Department shall make written comments within 90 days after receipt of the plan or amendment, or by such later deadline as may be agreed to by the parties in the discussions.

B. Upon submission to, or initiation by, a locality of a proposed rezoning under § 15.2-2286, 15.2-2297, 15.2-2298, or 15.2-2303, the locality shall submit the proposal to the Department of Transportation within 10 business days of receipt thereof if the proposal will substantially affect transportation on state-controlled highways. Such application shall include a traffic impact statement if required by local ordinance or pursuant to regulations promulgated by the Department. Within 45 days of its receipt of such traffic impact statement, the Department shall either (i) provide written comment on the proposed rezoning to the locality or (ii) schedule a meeting, to be held within 60 days of its receipt of the proposal, with the local planning commission or other agent and the rezoning applicant to discuss potential modifications to the proposal to address any concerns or deficiencies. The Department's comments on the proposed rezoning shall be based upon the comprehensive plan, regulations and guidelines of the Department, engineering and design considerations, any adopted regional or statewide plans, and short-term and long-term traffic impacts on and off site. If the locality is in Planning District 8, the Department's review shall specify by name and location any transportation facility within the scope of the review specified in subdivision A 1 having a functional

classification of minor arterial or higher for which an increase in traffic volume is expected to exceed the capacity of the facility as a result of the proposed plan or amendment. The Department shall complete its initial review of the rezoning proposal within 45 days, and its final review within 120 days, after it receives the rezoning proposal from the locality. Notwithstanding the foregoing provisions of this subsection, such review by the Department shall be of a more limited nature and scope in cases of rezoning a property consistent with a local comprehensive plan that has already been reviewed by the Department as provided in this section.

C. If a locality has not received written comments within the timeframes specified in subsection B, the locality may assume that the Department has no comments.

D. The review requirements set forth in this section shall be supplemental to, and shall not affect, any requirement for review by the Department of Transportation or the locality under any other provision of law. Nothing in this section shall be deemed to prohibit any additional consultations concerning land development or transportation facilities that may occur between the Department and localities as a result of existing or future administrative practice or procedure, or by mutual agreement.

E. The Department shall impose fees and charges for the review of applications, plans and plats pursuant to subsections A and B, and such fees and charges shall not exceed \$1,000 for each review. However, no fee shall be charged to a locality or other public agency. Furthermore, no fee shall be charged by the Department to a citizens' organization or neighborhood association that proposes comprehensive plan amendments through its local planning commission or local governing body.

§ 15.2-2229. Amendments. After the adoption of a comprehensive plan, all amendments to it shall be recommended, and approved and adopted, respectively, as required by § 15.2-2204. If the governing body desires an amendment, it may prepare such amendment and refer it to the local planning commission for public hearing or direct the local planning commission to prepare an amendment and submit it to public hearing within 60 days or such longer timeframe as may be specified after written request by the governing body. In acting on any amendments to the plan, the governing body shall act within 90 days of the local planning commission's recommending resolution. If the local planning commission fails to make a recommendation on the amendment within the aforesaid timeframe, the governing body may conduct a public hearing, which shall be advertised as required by § 15.2-2204.

§ 15.2-2230. Plan to be reviewed at least once every five years. At least once every five years the comprehensive plan shall be reviewed by the local planning commission to determine whether it is advisable to amend the plan.

§ 15.2-2232. Legal status of plan.

A. Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § 56-265.1 within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § 15.2-2204. Following the adoption of the Statewide Transportation Plan by the Commonwealth Transportation Board pursuant to § 33.2-353 and written notification to the affected local governments, each local government through which one or more of the designated corridors of statewide significance traverses, shall, at a minimum, note such corridor or corridors on the transportation plan map included in its comprehensive plan for information purposes at the next regular update of the transportation plan map. Prior to the next regular update of the transportation plan map, the local government shall acknowledge the existence of corridors of statewide significance within its boundaries.

B. The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the commission to the governing body within 10 days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the governing body shall overrule the commission.

C. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless such work involves a change in location or extent of a street or public area.

D. Any public area, facility or use as set forth in subsection A which is identified within, but not the entire subject of, a submission under either § 15.2-2258 for subdivision or subdivision A 8 of § 15.2-2286 for development or both may be deemed a feature already shown on the adopted master plan, and, therefore, excepted from the requirement for submittal to and approval by the commission or the governing body; provided, that the governing body has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public area, facility or use or has approved it through acceptance of a proffer made pursuant to § 15.2-2303.

E. Approval and funding of a public telecommunications facility on or before July 1, 2012, by the Virginia Public Broadcasting Board pursuant to Article 12 (§ 2.2-2426 et seq.) of Chapter 24 of Title 2.2 or after July 1, 2012, by the Board of Education pursuant to § 22.1-20.1 shall be deemed to satisfy the requirements of this section and local zoning ordinances with respect to such facility with the exception of television and radio towers and structures not necessary to house electronic apparatus. The exemption provided for in this subsection shall not apply to facilities existing or approved by the Virginia Public Telecommunications Board prior to July 1, 1990. The Board of Education shall notify the governing body of the locality in advance of any meeting where approval of any such facility shall be acted upon.

F. On any application for a telecommunications facility, the commission's decision shall comply with the requirements of the Federal Telecommunications Act of 1996. Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within 90 days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than 60 additional days. If the commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the commission.

G. A proposed telecommunications tower or a facility constructed by an entity organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56 shall be deemed to be substantially in accord with the comprehensive plan and commission approval shall not be required if the proposed telecommunications tower or facility is located in a zoning district that allows such telecommunications towers or facilities by right.

H. A solar facility subject to subsection A shall be deemed to be substantially in accord with the comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar facilities by right or (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § 56-594 or by a small agricultural generator under § 56-594.2. All other solar facilities shall be reviewed for substantial accord with the comprehensive plan in accordance with this section. However, a locality may allow for a substantial accord review for such solar facilities to be advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process.

§15.2-2233 Maps to be prepared in localities; what map shall show. In localities where no official map exists, or where an existing official map is incomplete, the local planning commission may make, or cause to be made, a map showing the location of any:

1. Legally established public street, alley, walkway, waterway, and public area of the locality; and

2. Future or proposed public street, alley, walkway, waterway and public area.

No future or proposed street or street line, waterway, nor public area, shall be shown on an official map unless and until the centerline of the street, the course of the waterway, or the metes and bounds of the public area, have been fixed or determined in relation to known, fixed and permanent monuments by a physical survey or aerial photographic survey thereof. In addition to the centerline of each street, the map shall indicate the width of the right-of-way thereof. Local planning commissions are hereby empowered to make or cause to be made the surveys required herein.

After adoption by the governing body of an official map, the local governing body may acquire in any way permitted by law property which is or may be needed for the construction of any street, alley, walkway, waterway or public area shown on the map. When an application for a building permit is made to a locality for an area shown on the official map as a future or proposed right-of-way, the locality shall have sixty days to either grant or deny the building permit. If the permit is denied for the sole purpose of acquiring the property, the locality has 120 days from the date of denial to acquire the property, either through negotiation or by filing condemnation proceedings. If the locality has not acted within the 120 day period, the building permit shall be issued to the applicant provided all other requirements of law have been met.

ATTACHMENT TWO

LEESBURG CODE REFERENCE – §§ 2-193 through 2-198; 2-226

Sec. 2-193. - Membership.

- (a) Unless specifically noted, each board and commission shall consist of seven members who shall be residents of the town or town business owners (as allowed by law) and appointed by the town council.
- (b) The term of board and commission members, unless specifically noted, shall be for four years, if nominated by a councilmember, or two years, if nominated by the mayor, and such member shall continue on the board or commission until a replacement is appointed by council. If a councilmember resigns or vacates his/her seat for any reason, the appointed board or commission member shall remain through his/her original appointing councilmember's term.
- (c) An appointment to fill a vacancy shall be for the unexpired term.
- (d) In all cases, except as specified in the State Code, at least four members of any board or commission shall be residents of the town.
- (e) Unless specifically noted, a person may not be a member of more than one board, commission, or committee at the same time.

(Ord. No. 2008-O-17, § XXIV(art. VII(2.87)(a)), 6-24-2008; Ord. No. 2010-O-015, § I, 6-22-2010; Ord. No. 2014-O-012, 4-22-2014; Ord. No. 2018-O-007, § I, 2-13-2018)

Sec. 2-194. - Appointment process.

With the exception of the board of architectural review, the following procedure shall apply to appointment of individuals to the town boards and commissions.

- (1) In the event of a vacancy, inclusive of the conclusion of regular terms, the clerk of town council shall advertise such vacancies. Submitted letters of interest and/or qualifications shall be forwarded to town council.
- (2) Reserved.
- (3) After general elections, each newly elected or re-elected councilmember, including the mayor, nominates one person to each board or commission to fill vacancies.
- (4) The town council shall vote to approve or disapprove the selection.
- (5) Board members and commission members shall serve at the pleasure of the town council, except for members of the planning commission who pursuant to state law may only be removed for malfeasance and/or nonfeasance.

The following apply to all boards and commissions including the board of architectural review:

- (6) Should a vacancy occur, the council member who nominated that individual submits a replacement nominee.
- (7) Should a vacancy exist for more than 60 days, either at the expiration of a term or prior to the end of a term, the town council may accept replacement nominations from any council member.

(Ord. No. 2008-O-17, § XXIV(art. VII(2.87)(b)), 6-24-2008; Ord. No. 2010-O-015, § II, 6-22-2010; Ord. No. 2018-O-007, § I, 2-13-2018).

Sec. 2-195. - Duties.

- (a) The board/commission shall elect its chair annually. The commission shall elect annually the officers it deems necessary. Elections are encouraged to occur between January and March.
- (b) The chair shall report any attendance problems to the town council, which has the authority to require a member to resign. Attendance problems include, but are not limited to, if the member is absent from three consecutive meetings.
- (c) The board/commission shall meet monthly, and may meet as necessary upon the call of the chair or two or more members. Unless otherwise noted, failure to attend additional meetings called by the chair or at least two members shall not count against the monthly requirement.
- (d) The board/commission shall provide at least annually a report to the town council on the activities and accomplishments of the board/commission.
- (e) The board/commission shall adopt rules/bylaws governing the conduct of its business and meetings.
- (f) The board/commission shall be knowledgeable of the requirements of the State Freedom of Information Act (Code of Virginia, § 2.2-3700 et seq.), State and Local Government Conflicts of Interest Act (Code of Virginia, § 2.2-3100 et seq.) requirements, and the town's board and commission handbook.

- (g) Unless otherwise noted, all actions of boards and commissions shall be subject to town council approval.
- (h) The chair, or his designee, shall provide to the clerk of town council key events/actions from each meeting which shall be provided to town council in a summary format monthly reporting on board and commission activities.
- (i) The board/commission shall assist in and carry out such other duties as may be assigned by the town council.

(Ord. No. 2008-O-17, § XXIV(art. VII(2.87)(c)), 6-24-2008; Ord. No. 2014-O-012, 4-22-2014; Ord. No. 2018-O-007, § I, 2-13-2018)

Sec. 2-196. - General meeting requirements.

- (a) A majority of the voting members of the board or commission shall constitute a quorum. The majority of votes necessary to take action or to transact business shall be a majority of those present and voting.
- (b) Meetings shall be open to the public under the State Freedom of Information Act (Code of Virginia, § 2.2-3700 et seq.).
- (c) Unless otherwise noted, all actions of boards and commissions shall be subject to town council approval.

(Ord. No. 2008-O-17, § XXIV(art. VII(2.87)(d)), 6-24-2008)

Sec. 2-197. - Compensation.

- (a) Compensation for the mayor and councilmembers, after July 1, 2013, shall be \$16,200.00 and \$15,600.00 per annum, respectively, payable in equal monthly installments.
- (b) Unless specifically noted, compensation for the chair and members of boards and commission, exclusive of the councilmanic liaison, shall be \$1,350.00 and \$1,200.00 per annum, payable in equal monthly installments.
- (c) To be compensated, every board and commission member must present themselves with proper identification to the appropriate town department and must complete and submit all federal and state payroll tax withholding forms, as required by law.

(Ord. No. 2008-O-17, § XXIV(art. VII(2.87)(e)), 6-24-2008; Ord. No. 2013-O-011, § I, 5-14-2013; Ord. No. 2013-O-017, § I, 11-26-2013; Ord. No. 2014-O-012, 4-22-2014)

Editor's note – Ord. No. 2013-O-011, adopted May 14, 2013, shall be effective July 1, 2013.

Sec. 2-198. - Councilmanic liaison.

- (a) At the biannual organizational meeting of the council, members may nominate a liaison to each board and commission.
- (b) The role of the councilmanic liaison shall be as follows:
 - (1) Councilmanic liaisons are non-voting members who provide a link between the board or commission and the town council.
 - (2) Councilmanic liaisons serve as resources for relating relevant town council actions to the board or commission and for sharing relevant board or commission matters to the town council.
 - (3) Councilmanic liaisons are encouraged to attend advisory group meetings and/or communicate regularly with group members and remain current on all activities of the advisory group so that they can be accessible to members or provide information on behalf of the town council.

(Ord. No. 2008-O-17, § XXIV(art. VII(2.87)(f)), 6-24-2008; Ord. No. 2010-O-015, § III, 6-22-2010; Ord. No. 2014-O-012, 4-22-2014; Ord. No. 2018-O-007, § I, 2-13-2018)

Sec. 2-226. - Leesburg Planning Commission.

- (a) *Recreated and reestablished.* The Leesburg Planning Commission is hereby recreated and reestablished pursuant to the provisions of the code of Virginia, §15.2-2210.
- (b) *Duties.* The Leesburg Planning Commission shall advise the town council on all matters relating to the orderly growth and development of the town. Additional information relating to the role and powers of the Leesburg Planning Commission are covered in zoning ordinance section 2.2.
- (c) *Membership.* All members of the Leesburg Planning Commission shall be residents of the town, with the majority being property owners. All members are strongly encouraged to complete the Virginia Certified Planning Commissioner course within 18 months of their appointment, if not already certified.
- (d) *Compensation.*
 - (1) Compensation of the chair of the Leesburg Planning Commission shall be \$3,750.00 per annum, payable in equal monthly installments.

(2) Compensation of members of the Leesburg Planning Commission, exclusive of the councilmanic appointment, shall be \$3,600.00 per annum, payable in equal monthly installments.

(3) Members of the Leesburg Planning Commission shall be reimbursed for actual expenses incurred in the exercise of their duties.

(e) *Additional powers and duties.* Additional powers and duties of the planning commission are outlined in section 2.2.3 of the zoning ordinance.

(Ord. No. 2008-O-17, § XXIV(art. VII(2.96)), 6-24-2008; Ord. No. 2013-O-011, § I, 5-14-2013)

Editor's note – Ord. No. 2013-O-011, adopted May 14, 2013, shall be effective July 1, 2013.

State Law reference – Planning commissions, Code of Virginia, § 15.2-2210.

ATTACHMENT THREE

LEESBURG ZONING ORDINANCE REFERENCE – SEC. 2.2

Sec. 2.2 Planning Commission

2.2.1 Purpose

The Planning Commission shall advise the Town Council on all matters relating to the orderly growth and development of the Town of Leesburg.

2.2.2 Establishment; Consistency with Town Code

The Planning Commission heretofore established pursuant to the provisions of Section 15.2-2210 of the Code of Virginia, 1950, as amended, shall continue as the Planning Commission and hold regular meetings in compliance with Chapter 13 of the Town Code of Leesburg.

2.2.3 Powers and Duties

In addition to those powers and duties established for the Planning Commission in Section 15.2-2210 and Section 15.2-2217 of the Code of Virginia, 1950, as amended, and Chapter 13 of the Town Code or as otherwise lawfully assigned, the Planning Commission shall have the following powers and duties:

Prepare Ordinance. To prepare and recommend amendments to the Zoning Ordinance.

Recommendations on Rezonings. To consider whether or not proposed Zoning Map amendments and proffered amendments are consistent with the overall goals and objectives of the *Town Plan*, and to make recommendations regarding all such amendments to the Town Council.

Review Comprehensive Plan. To review the Town comprehensive plan at least once every 5 years and recommend amendments

Recommendations on Special Exception Uses. To receive, hear and investigate applications for special exception uses under this Zoning Ordinance and, if the facts and conditions required by this Zoning Ordinance for the approval of such uses are found to be present, to recommend to the Town Council that the application be granted.

Conduct Public Hearings. To conduct such public hearings as may be required to gather information for the drafting, establishment and maintenance of the various components of the *Town Plan*, and such additional public hearings as are specified under the provisions of this Zoning Ordinance.

Commission Permits. To issue commission permits for streets, parks or other public areas, public building or public structure, public utility facility or public service corporation facility other than railroad facilities, whenever such public facility or area is not identified within the adopted *Town Plan*, pursuant to the procedures of Section 15.2-2232 of the Code of Virginia, 1950, as amended.

Authority to Employ Staff and Consultants. Within the limits of funds generally appropriated for the performance of its duties, the Planning Commission may obtain the services of qualified persons to advise and assist the Planning Commission, and may obtain the equipment, supplies and other material necessary to its effective operation.

Authority to Request Information. The Planning Commission shall have the authority to request and receive information, cooperation, assistance, or studies from any town departments, boards, agencies or commissions.

Commentary

The Code of Virginia contains the following relevant provisions:

Section 15.2-2217 Officers, employees and consultants; expenditures; rules and records; special surveys

The local planning commission shall elect from the appointed members a chairman and a vice-chairman, whose terms shall be for one year. If authorized by the governing body the commission may (i) create and fill such other offices as it deems necessary; (ii) appoint such employees and staff as it deems necessary for its work; and (iii) contract with consultants for such services as it requires. The expenditures of the commission, exclusive of gifts or grants, shall be within the amounts appropriated for such purpose by the governing body.

The commission shall adopt rules for the transaction of business and shall keep a record of its transactions which shall be a public record. Upon request of the commission, the governing body or other public officials may, from time to time, for the purpose of special surveys under the direction of the commission, assign or detail to it any members of the staffs of county or municipal administrative departments, or such governing body or other public official may direct any such department employee to make for the commission special surveys or studies requested by the local commission.

See also Chapter 13 of the Town Code.

Other. To perform other duties which may lawfully be assigned to it.