

This Ordinance is written to create a Municipal Planning Commission and give the Planning Commission the power to create a comprehensive plan. This model ordinance was written for West Virginia, and different states may have slightly different codes and laws which impact how those Charters would need to be written.

In any citizen-led municipal committee, commission, or board, such as this Planning Commission, pay special attention to:

- Who gets elected, picked, and how?
- What processes do these people use to make decisions?
- How does that group interact with the larger community?

For examples of how these three questions could be answered, look at pages 11-13 in the [Public Participation Ordinance Example Worksheet](#).

CHAPTER ONE - Planning

Art. 101. Planning Commission.

Art. 103. Comprehensive Plan.

ARTICLE 101

Planning Commission

101.01 Purpose.

101.02 Established.

101.03 Composition and membership generally; vacancies.

101.04 Meetings.

101.05 Special meetings.

101.06 Quorum.

101.07 Officers.

101.08 City Council duties.

101.09 Planning Commission's powers and duties.

CROSS REFERENCES

West Virginia Code 8A-1 et seq.

101.01 PURPOSE.

It is the purpose of this article to have a planning commission to help the City to plan for land development, land use and the future; a plan and vision for the future when deciding uses for and development of land; to promote that sprawl is not advantageous to our City; that a comprehensive plan is the City's guide to goals and objectives and a way to meet these goals and objectives; that the needs of agriculture, residential areas, industry and business shall be recognized in future growth; that the growth of the City is commensurate with and promotive of the efficient and economical use of public funds; to promote growth that is economically sound, environmentally friendly and supportive of City livability to enhance quality of life.

101.02 ESTABLISHED.

There is hereby established a City Planning Commission.

101.03 COMPOSITION AND MEMBERSHIP GENERALLY; VACANCIES.

- a) The City Planning Commission shall consist of eleven members, all of whom shall be residents of the City, who shall be qualified by knowledge and experience in matters pertaining to the development of the municipality. Three-fifths of all of the members must have been residents of the City for at least three years prior to appointment and confirmation. The members must fairly represent different areas of interest, knowledge and expertise, including, but not limited to, education, healthcare, environment, business, industry, labor, government and other relevant disciplines. There must be one member from each ward. One member must be a member of the City Council and one member must be a member of the administrative department of the City or a designee. The term of membership for these two members is the same as their term of office. The remaining members of the municipal planning commission first selected shall serve respectively for terms of one year, two years and three years, divided equally or as nearly equally as possible between these terms. Thereafter, members shall serve three-year terms.
- b) Vacancies shall be filled for the unexpired term and made in the same manner as original selections were made.
- c) Nominations for municipal planning commission membership shall be made by the administrative authority and confirmed by the City Council.

101.04 MEETINGS.

The Municipal Planning Commission shall meet at least quarterly and may meet more frequently at the request of the president or by two or more members.

101.05 SPECIAL MEETINGS.

- a) Notice for a special meeting must be in writing, including the date, time, and place of the special meeting, and shall be sent to all members at least two days before the special meeting.
- b) Written notice of a special meeting is not required if the date, time, and place of the special meeting are set in a regular meeting.

101.06 QUORUM.

The Municipal Planning Commission must have a quorum to conduct a meeting. A majority of the members of the planning commission is a quorum. No action of the planning commission is official unless authorized by a majority of the members present at a regular or properly called special meeting.

101.07 OFFICERS.

At its first regular meeting each year, the Municipal Planning Commission shall elect from its members a president and vice president. The vice-president shall have the power and authority to act as president of the planning commission during the absence or disability of the president.

101.08 CITY COUNCIL DUTIES.

- a) The City Council shall provide the Planning Commission with:
 - 1) Suitable offices for the holding of meetings and the preservation of plans, maps, documents, and accounts; and
 - 2) Appropriate money to defray the reasonable expenses of the Planning Commission.
- b) The Municipal Planning Commission is authorized to accept gifts, funds and donations which will be deposited with the appropriate governing body in a special non-reverting planning commission fund to be available for expenditures by the planning commission for the purpose designated by the donor.

101.09 PLANNING COMMISSION'S POWERS AND DUTIES.

The Municipal Planning Commission has the following powers and duties:

- a) Exercise general supervision for the administration of the affairs of the commission;
- b) Prescribe rules and regulations pertaining to administration, investigations, and hearings: Provided, that the rules and regulations are adopted by City Council;
- c) Supervise the fiscal affairs and responsibilities of the commission;
- d) With consent from the City Council, hire employees necessary to carry out the duties and responsibilities of the Planning Commission; Provided, that City Council sets the salaries;
- e) Keep an accurate and complete record of all Planning Commission proceedings;
- f) Record and file all bonds and contracts;
- g) Take responsibility for the custody and preservation of all papers and documents of the Planning Commission;
- h) Make recommendations to City Council concerning planning;
- i) Make an annual report to City Council concerning the operation of the Planning Commission and the status of planning within its jurisdiction;
- j) Prepare, publish, and distribute reports, ordinances and other material relating to the activities authorized under this article;
- k) Adopt a seal, and certify all official acts;
- l) Invoke any legal, equitable or special remedy for the enforcement of the provisions of this article or any ordinance, rule and regulation or any action taken thereunder;
- m) Prepare and submit an annual budget to the appropriate governing body;
- n) If necessary, establish advisory committees;
- o) Delegate limited powers to a committee composed of one or more members of the Commission; and
- p) Contract for special or temporary services and professional counsel with the approval of City Council. Upon request, a county prosecuting attorney, the county surveyor, the county engineer, or any other county employee may render assistance and service to a planning commission without compensation.

ARTICLE 103
Comprehensive Plan

103.01 Purpose and goals.

103.02 Study guidelines.

103.03 Authority.

This resource is part of Fair Shake Environmental Legal Service's Community Democracy River. For more information and additional resources, tools, and levers, visit: <https://www.fairshake-els.org/community-organizing-resources>.

- 103.04 Mandatory components.
- 103.05 Optional components.
- 103.06 Notice and public participation requirements.
- 103.07 Submission.
- 103.08 Adoption by City Council.
- 103.09 Filing.
- 103.10 Rejection or amendment by City Council.
- 103.11 Amending after adoption.
- 103.12 Validation of prior plans.
- 103.13 Intergovernmental cooperation.

CROSS REFERENCE

Adoption of comprehensive plan - see W. Va. Code 8-24-16 et seq.

103.01 PURPOSE AND GOALS.

- a) The general purpose of a comprehensive plan is to guide a governing body to accomplish a coordinated and compatible development of land and improvements within its territorial jurisdiction, in accordance with present and future needs and resources.
- b) A comprehensive plan is a process through which citizen participation and thorough analysis are used to develop a set of strategies that establish as clearly and practically as possible the best and most appropriate future development of the area under the jurisdiction of the planning commission. A comprehensive plan aids the planning commission in designing and recommending to the governing body ordinances that result in preserving and enhancing the unique quality of life and culture in the City and in adapting to future changes of use of an economic physical or social nature. A comprehensive plan guides the planning commission in the performance of its duties to help achieve sound planning.
- c) A comprehensive plan must promote the health, safety, morals, order, convenience, prosperity, and general welfare of the inhabitants, as well as efficiency and economy in the process of development.
- d) The purpose of a comprehensive plan is to:

- 1) Set goals and objectives for land development, uses and suitability for the governing body, so a governing body can make an informed decision;
- 2) Ensure that the elements in the comprehensive plan are consistent;
- 3) Coordinate all governing bodies, units of government and other planning commissions to ensure that all comprehensive plans and future development are consistent;
- 4) Create conditions favorable to health, safety, mobility, transportation, prosperity, civic activities, recreational, educational, cultural opportunities, and historic resources;
- 5) Reduce the wastes of physical, financial, natural, or human resources which result from haphazard development, congestion or scattering of population;
- 6) Reduce the destruction or demolition of historic sites and other resources by reusing land and buildings and revitalizing areas;
- 7) Promote a sense of community, character, and identity;
- 8) Promote the efficient utilization of natural resources, rural land, agricultural land, and scenic areas;
- 9) Focus development in existing developed areas and fill in vacant or underused land near exiting developed areas to create well designed and coordinated communities; and
- 10) Promote cost-effective development of community facilities and services. A comprehensive plan may provide for innovative land use management techniques, including:
 - a. Density bonuses and/or density transfer;
 - b. Clustering;
 - c. Design guidelines, including planned unit developments;
 - d. Conservation easements;
 - e. Infill development;
 - f. Consolidation of services; and
 - g. Any other innovative land use technique that will promote the governing body's development plans.

103.02 STUDY GUIDELINES.

- a) When preparing or amending a comprehensive plan, the Planning Commission shall make comprehensive surveys and studies of the existing conditions and services and probable future changes of such conditions and services within the territory under its jurisdiction.
- b) The comprehensive surveys and studies may cover such factors as population density, health, general welfare, historic sites, mobility, transportation, food supply, education, water and sanitation requirements, public services, accessibility for the disabled and future potential for residential, commercial, industrial, or public use.
- c) The major objective of the planning process is providing information to and coordination among divergent elements in the municipality. The elements in the comprehensive plan shall be consistent and governing bodies, units of government and planning commissions must work together to ensure that comprehensive plans and future development are compatible.

103.03 AUTHORITY.

- a) The Planning Commission shall prepare a comprehensive plan for the development of land within its jurisdiction. The Planning Commission shall then recommend the comprehensive plan to City Council for adoption.
- b) The comprehensive plan shall not be considered a comprehensive plan without the consent of the Planning Commission and City Council.
- c) A comprehensive plan should be coordinated with the plans of the department of transportation, insofar as it relates to highways, thoroughfares, trails, and pedestrian ways under the jurisdiction of the Planning Commission.

103.04 MANDATORY COMPONENTS.

- a) The comprehensive plan is a written statement on present and future land use and development patterns consisting of descriptive materials including text, graphics, and maps, covering the objectives, principles and guidelines for the orderly and balanced present and future economic, social, physical, environmental, and fiscal development of the area under the jurisdiction of the Planning Commission.
- b) The comprehensive plan shall meet the following objectives:
 - 1) A statement of goals and objectives for the City, concerning the present and future land development;
 - 2) A timeline on how to meet short and long-range goals and objectives;
 - 3) An action plan setting forth implementation strategies;

- 4) Recommend to City Council a financial program for goals and objectives that need public financing;
 - 5) A statement of recommendations concerning future land use and development policies that are consistent with the goals and objectives set forth in the comprehensive plan.
 - 6) A program to encourage regional planning, coordination and cooperation with other governing bodies, units of government and planning commissions; and
 - 7) Maps, plats, charts and/or descriptive material presenting basic information on the land included in the comprehensive plan, including present and future uses.
- c) The comprehensive plan shall have, but is not limited to, the following components:
- 1) Land Use. Designate the current, and set goals and programs for the proposed general distribution, location, and suitable uses of land, including but not limited to:
 - a. Residential, commercial, industrial, agricultural, recreational, educational, public, historic, conservation, transportation, infrastructure, or any other use of land;
 - b. Population density and building intensity standards;
 - c. Growth and/or decline management;
 - d. Projected population growth or decline; and
 - e. Constraints to development, including identifying flood-prone and subsidence areas.
 - 2) Housing. Set goals, plans and programs to meet the housing needs for current and anticipated future residents of the City, including, but not limited to:
 - a. Analyzing projected housing needs and the different types of housing need, including affordable housing and universally designed housing accessible to persons with disabilities;
 - b. Identifying the number of projected necessary housing efficient land needed for all housing needs;
 - c. Addressing substandard housing;
 - d. Rehabilitating and improving existing housing; and
 - e. Adaptive reuse of buildings into housing.

- 3) Transportation. Consistent with the land use component, identify the type, location, programs, goals and plans to meet the intermodal transportation needs of the jurisdiction, including, but not limited to:
 - a. Vehicular, transit, air, port, railroad, river, and any other mode of transportation system;
 - b. Movement of traffic and parking;
 - c. Pedestrian and bicycle systems; and
 - d. Intermodal transportation
- 4) Infrastructure. Designate the current, and set goals, plans and programs, for the proposed locations, capabilities and capacities of all utilities, essential utilities and equipment, infrastructure, and facilities to meet the needs of current and anticipated future residents of the jurisdiction.
- 5) Public services. Set goals, plans, and programs, to ensure public safety, and meet the medical, cultural, historical, community, social, educational and disaster needs of the current and anticipated future residents of the jurisdiction.
- 6) Rural. Consistent with the land use component, identify land that is not intended for urban growth and set goals, plans and programs for growth and/or decline management in the designated rural area.
- 7) Recreation. Consistent with the land use component, identify land and set goals, plans and programs for recreational and tourism use in the area.
- 8) Economic development. Establish goals, policies objectives, provisions and guidelines for economic growth and vitality for current and anticipated future residents of the City, including, but not limited to:
 - a. Opportunities, strengths and weaknesses of the local economy and workforce;
 - b. Identifying and designating economic development sites and/or sectors for the area; and
 - c. Type of economic development sought, correlated to the present and projected employment needs and utilization of residents in the area
- 9) Community design. Consistent with the land use component, set goals, plans and programs to promote a sense of community, character, and identity.
- 10) Preferred development areas. Consistent with the land use component, identify areas where incentives may be used to encourage development, infill development or redevelopment in order to promote well designed and coordinated communities and prevent sprawl.

- 11) Renewal and/or redevelopment. Consistent with the land use component, identify slums and other blighted areas and set goals, plans and programs for the elimination of such slums and blighted areas and for community renewal, revitalization and/or redevelopment.
- 12) Financing. Recommend to City Council short and long-term financing plans to meet the goals, objectives and components of the comprehensive plan.
- 13) Historic preservation. Identify historical, scenic, archaeological, architectural, or similar significant lands or buildings, and specify preservation plans and programs so as not to unnecessarily destroy the past development which may make a viable and affordable contribution to the future.

103.05 OPTIONAL COMPONENTS.

The comprehensive plan may have, but is not limited to, the following components:

- a) History. An analysis of the history of the area to better provide for the future.
- b) Environmental. Recommend programs where appropriate to appropriate regulatory agencies to protect the area from all types of pollution and promote a healthy environment.
- c) Tourism. Recommend programs to promote tourism and cultural and heritage development in the area.
- d) Conservation. Recommend programs to conserve and protect wildlife, natural habitats, sensitive natural areas, green spaces, and direct access to sunlight.
- e) Safety. Recommend public safety programs to educate and protect the public from disasters, both natural and man-made.
- f) Natural Resources Use. Identify areas for natural resources use in an urban area.
- g) Renewable Energy. Identify areas for the installation of renewable energy in the city.

103.06 NOTICE AND PUBLIC PARTICIPATION REQUIREMENTS.

- a) Prior to recommending a new or amended comprehensive plan to the City Council for adoption, the Planning Commission shall give notice and hold a public hearing on the new or amended comprehensive plan.
- b) At least thirty (30) days prior to the date set for the public hearing, the planning commission shall publish a notice of the date, time, and place of the public hearing as a Class I legal advertisement in compliance with the provision of article three [§§ 59-3-1 et seq.], chapter fifty-nine of the Code of West Virginia. The publication area shall be the area covered by the comprehensive plan.

- c) The Planning Commission shall include public participation throughout the process of studying and preparing a comprehensive plan and amending the comprehensive plan. The Planning Commission shall adopt procedures for public participation throughout the process of studying and preparing or amending the comprehensive plan.
- d) The Planning Commission shall request input from other affected governing bodies and units of government.

103.07 SUBMISSION.

- a) After the comprehensive plan is prepared and before it is approved, the Planning Commission shall hold a public hearing. After the public hearing and approval, the Planning Commission shall submit the recommended comprehensive plan to the City Council for consideration and adoption.
- b) At the first meeting of the City Council following the submission of the recommended comprehensive plan by the planning commission to City Council, the Planning Commission shall present the recommended comprehensive plan to City Council.
- c) After the presentation of the recommended comprehensive plan by the Planning Commission to the City Council and prior to adoption, the City Council shall hold a public hearing after giving notice.
- d) At least fifteen (15) days prior to the date set for the public hearing, the planning commission shall publish a notice of the date, time, and place of the public hearing as a Class I legal advertisement in compliance with the provisions of article three [§§ 59-3-1 et. seq.], chapter fifty-nine of the WV Code. The publication area shall be the area covered by the comprehensive plan.

103.08 ADOPTION BY CITY COUNCIL.

- a) Within the latter of ninety days or three scheduled meetings after the submission of the recommended comprehensive plan to City Council, the City Council must act by either adopting, rejecting, or amending the comprehensive plan.
- b) If the comprehensive plan is adopted by the City Council, then the City Council may adopt the comprehensive plan as an ordinance or designate what other effect the comprehensive plan may have.
- c) If the comprehensive plan is adopted by the City Council and an ordinance is published, the comprehensive plan may be incorporated by reference in the ordinance and the full text of the comprehensive plan does not have to be published.

103.09 FILING.

After the adoption of a comprehensive plan by the City Council, the City Council must file the adopted comprehensive plan in the office of the clerk of the Brooke County Commission.

103.10 REJECTION OR AMENDMENT BY CITY COUNCIL.

- a) If the City Council rejects or amends the recommended comprehensive plan, then the comprehensive plan must be returned to the Planning Commission for its consideration, with a written statement of the reasons for the rejection or amendment.
- b) The Planning Commission has forty-five (45) days to consider the rejection or amendment and make recommendation to City Council.
- c) If the Planning Commission approves the amendment to the comprehensive plan, then the comprehensive plan shall stand as adopted by the governing body.
- d) If the Planning Commission disapproves of the rejection or amendment, then the Planning Commission shall state its reasons in its written recommendations to the City Council.
- e) Within forty-five (45) days of receipt of the Planning Commission's written recommendations for disapproval, the City Council must act on the comprehensive plan.
- f) If the Planning Commission does not file a written recommendation with the City Council within forty-five (45) days, then the action in rejecting or amending the comprehensive plan is final.

103.11 AMENDING AFTER ADOPTION.

- a) After the adoption of a comprehensive plan by the City Council, the Planning Commission shall follow the comprehensive plan and review the comprehensive plan and make updates at least every ten years.
- b) After the adoption of a comprehensive plan by City Council, all amendments to the comprehensive plan shall be made by the Planning Commission and recommended to City Council for adoption in accordance with the procedures set forth in sections 103.06, 103.07, 103.08 and 103.09. The Planning Commission shall hold a public hearing prior to its recommendation to the City Council.
- c) If the City Council wants an amendment, it may request in writing for the Planning Commission to prepare an amendment. The Planning Commission must hold a public hearing within one hundred twenty (120) days after the written request by the City Council to the Planning Commission is received.

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- d) Within the latter of ninety (90) days or three scheduled meetings after the submission of the recommended amendment to the comprehensive plan to City Council, the City Council must act by either adopting, rejecting, or amending the comprehensive plan.

103.12 INTERGOVERNMENTAL COOPERATION.

- a) With a view to coordinating and integrating the planning of municipalities and/or counties with each other, all governing bodies and units of government within the lands under the jurisdiction of the planning commission preparing or amending a comprehensive plan, and any other interested or affected governing body, unit of government or planning commission, must cooperate, participate, share information and give input when a planning commission prepares or amends a comprehensive plan.
- b) All planning commissions, governing bodies and units of government are authorized to cooperate and share information with each other and may adopt rules and regulations to coordinate and integrate planning.
- c) All planning commissions, governing bodies and units of government must make available, upon the request of a planning commission, any information, maps, documents, data and plans pertinent to the preparation of a comprehensive plan.

103.13 JURISDICTION OF MUNICIPAL PLANNING COMMISSION.

The jurisdiction of the Planning Commission shall not extend beyond the corporate limits of the municipality.