

**NORTHFIELD PLANNING COMMISSION
BYLAWS
APPROVED ON JANUARY 7, 2010**

I: CREATED: One body serving as both Planning Commission and Zoning Board of Appeals (the *Commission*) is established by the City of Northfield Municipal Code §34-56.¹

II: PURPOSE

- (a) Planning Commission Authority.** The authority of the *Commission* when acting as the Planning Commission shall be limited to recommending to the City Council plans and regulations relating to the use of land lying within, adjacent to, or near the boundaries of the City. In addition to recommendations upon specific applications, the *Commission* may make recommendations upon request by the Mayor or Council, or on its own initiative. Conclusions of the City Council are final; however, Planning Commission recommendations with which the City Council disagrees shall be returned to the Planning Commission with reasons for disagreement.
- (b) Duties.** The Planning Commission shall review, hold public hearings and make recommendations to the City Council on all applications for zoning amendments, conditional use permits, and plat approval, applying the criteria in Article VII of this Chapter and §34-805 and §34-806.
1. Comprehensive Plan. A major responsibility of the Planning Commission shall be the preparation and revision of the Comprehensive Plan.
 2. Long range planning and Comprehensive Plan annual review. The Planning Commission, in September of each year, shall review the adopted sections of the Comprehensive Plan and determine if changes should be considered. The primary purpose of this annual review will be to identify policies that should be studied for possible changes or new policies added to the Comprehensive Plan. Upon completion of their annual review, the *Commission* may undertake special studies and reports, receive education on relevant issues, and/or make recommendations to the City Council regarding policy changes. These items would then be considered for inclusion in the work program of the City Council or Planning Commission for the coming budget year.
- (c) Zoning Board of Appeals authority and duties.** The *Commission*, when acting as the Zoning Board of Appeals, shall review all questions as they arise in the administration of the Zoning Ordinance in Article VIII of this Chapter, including the interpretation of zoning maps, and shall hear all appeals from and review any order, requirement, decision, or determination made by the administrative officer charged with enforcing Article VIII of this Chapter. The Zoning Board of Appeals shall also have the authority to approve or deny variances to Article VIII of this Chapter as provided in §34-807. Decisions of the Zoning Board of Appeals with regard to variances or administrative order are final subject to judicial review in District Court.

¹ All references in these bylaws are to the Northfield Municipal Code unless stated otherwise.

(d) State law. The Planning Commission and Zoning Board of Appeals shall also have all other duties and powers established by State law.

III: MEMBERS

(a) Number. The *Commission* shall consist of seven voting members and up to three advisory members.

(b) Voting members. Voting members shall be appointed by the Mayor with approval of the City Council for a three-year term. Terms shall run from January 1 through December 31. Terms shall be staggered so that there will be a continuity of the *Commission*.

(c) Advisory members. Advisory members shall consist of the Zoning Administrator and/or the Administrator's designee, and one member of the City Council appointed by the Mayor. Advisory members shall have no vote.

(d) Voting. A member must be present to vote. Each member shall vote on a matter unless disqualified by conflicts of interest as described in Section VII (a) of these bylaws.

(e) Vacancies. Vacancies shall be filled by appointment by the Mayor with approval of the City Council to fill any portion on an unexpired term. An appointee shall continue on the *Commission* until his/her successor is appointed. An appointee may be appointed to succeed himself/herself.

IV: OFFICERS

(a) Election of officers. Within the first four meetings of the calendar year, or as soon as practicable thereafter, voting members of the *Commission* shall select a Chairperson and a vice-chairperson, each to serve throughout the year and until a successor is chosen.

(b) Duties of officers.

1. Chairperson: The Chairperson, with the assistance of Staff, shall see that members of the *Commission* are notified in ample time, of the time, place and purpose of any meeting. The Chairperson shall:
 - Preside at meetings of the *Commission*;
 - Call special meetings as provided in §34-59;
 - Appoint standing and other committees;
 - Arrange meetings with technical advisors and property owners or others who have personal interest in proposed recommendations;
 - Communicate with City officials as occasion requires;
 - Report pertinent findings; and,
 - Give leadership to the *Commission*

2. Vice-Chairperson: In the absence of the Chairperson or at the request of the Chairperson, any or all of the duties of the Chairperson shall be performed by the Vice-Chairperson.
3. Secretary: A City Staff member will be assigned to perform the functions of secretary. The secretary shall keep a record of the proceedings of every meeting of the Planning Commission and/or Zoning Board of Appeals.
4. In the event that neither the Chairperson nor the Vice-Chairperson is able to attend a meeting, the Chair shall appoint a member of the Commission to preside at that meeting. Said appointment shall be made by the Chair in writing before the meeting for which the appointment is made. If circumstances prevent such an appointment and if a quorum is present at a meeting at which both the Chairperson and Vice-Chairperson are absent, the longest continuously serving Commission member present shall serve as acting Chair for that meeting.

V: MEETINGS

- (a) **Quorum**: For the transaction of business at any meeting, four voting members of the *Commission* shall constitute a quorum. Except as otherwise specifically provided, a majority of voting members present shall be required for the adoption of any resolution.
- (b) **Order of Business**
 1. Approval of agenda
 2. Approval of the minutes from previous meeting(s)
 3. Unfinished business action items
 4. New business action items
 5. Reports and discussion items
 6. Other
- (c) **Meeting Time and Place**. The Planning Commission shall meet in regular session in the City Hall Council Chambers, or as otherwise designated by ordinance, on the first and third Thursdays of the month at 7:00 p.m. or as soon after is practical. When it is necessary for the Zoning Board of Appeals to meet, their meeting shall be scheduled at 7:00 p.m. prior to the Planning Commission meeting. No agenda item will be taken up by the Planning Commission after 11:00 p.m., except by the consent of five Commission members present. In those cases where agenda items are not completed, they will be put forward to the next regular meeting of the Planning Commission and placed first on the agenda.
- (d) **Public Hearings**. When a matter is brought before the Planning Commission or Zoning Board of Appeals for which a public hearing is required by ordinance and/or state law, the following procedures shall be used:
 1. Opening the Hearing. The Chairperson shall open the hearing and, prior to taking testimony, shall explain the hearing procedure including:
 - a) the order of testimony

- b) that the applicant has the burden of proof
- c) that a showing of the preponderance of evidence is necessary for a favorable recommendation from the Planning Commission or a decision by the Zoning Board of Appeals.

2. Staff Report. After the Chairperson opens the hearing, the responsible Staff member shall summarize for the public the relevant issues of the application contained in the written Staff report. Following Staff presentation, Commission members may direct questions to Staff regarding the sufficiency of the application, Staff recommendations, and other pertinent information.
3. Applicant presentation. Following the Staff presentation and any questions to the Staff, the applicant shall be given an opportunity to present evidence in support of their request and rebut any issues or conditions identified in the Staff report. Following the presentation by the applicant, *Commission* members may direct relevant questions to the applicant.
4. Public Testimony. Following the applicant presentation, if any, members of the public may testify, either in person or through their agent, written testimony submitted may be read and will be added to the public record. Comments will be limited to matters pertinent to the application under review and may be limited to three minutes per person at the discretion of the Chairperson. Following testimony by any member of the public, *Commission* members may direct questions concerning the testimony to the applicant or public to clarify matters brought to the attention of the *Commission* by the testimony.
5. Closing the Hearing. Following public testimony, the *Commission* shall close the public hearing by motion and majority vote of the *Commission*. After closing the hearing, the *Commission* will deliberate and decide the matter, except when the *Commission* identifies relevant facts, which remain unknown or disputed. In the case of unknown or disputed facts, the *Commission* may postpone closing the hearing, by a motion and majority vote, until the *Commission*'s next regular meeting and refer the issue to relevant Staff members for further fact finding.

(f) Deliberation. The *Commission* may deliberate a matter after the public hearing has been closed and a motion concerning the disposition of the application or matter has been made and seconded. During deliberations and after the close of the public hearing, the *Commission* may direct questions to the applicant, Staff, or public to clarify issues of concern but no further testimony would be received from the public.

(g) Decisions of the Commission. All actions on zoning applications (including but not limited to conditional use permits, annexation, subdivisions, zoning, planned unit developments, variances) shall include each of the following parts:

1. Conclusions based on the facts with respect to the manner in which the project conforms to the appropriate requirements outlined in the relevant land use regulations.

2. Action taken. Generally, the Planning Commission's actions will be recommendations to the Council for approval, approval with conditions, or disapproval of an application. The Zoning Board of Appeal's actions will be final decisions in the matter.
3. Communication to the City Council. Immediately after a vote has been taken at a meeting on a recommendation to the City Council, the Commission will compose a short, but clear, written rationale for the decision that will accompany the recommendation (either positive or negative) and will be read by staff when presenting their recommendation to the City Council.

(h) Record of Meetings. The review body shall keep minutes of its public hearings, and shall also keep records of its official actions. Decisions of the review body shall be filed in the office of the zoning administrator.

(i) Open Meetings. The *Commission*, as a Commission of a government body, is subject to the Minnesota Open Meeting Law, Minn. Stat. §13D.01, which requires that meetings of governmental bodies generally be open to the public. Notice of all meetings of the *Commission* shall be given to the public in compliance with the law.

VI: COMMITTEES & LIAISON ASSIGNMENTS

(a) Liaison Assignments: In order to facilitate smooth coordination among the Planning Commission and other advisory boards, Planning Commission members shall be assigned to serve as liaisons to City advisory boards which are taking up subject matter pertinent to the Planning Commission's business or where additional interaction may assist the Planning Commission and ultimately the Council receive information and recommendations.

(b) Liaison to Council. In order to facilitate communication and coordination between the Commission and City Council, the Chairperson, or the Chairperson's designated representative, shall serve as liaison to the City Council.

VII. BEHAVIOR AND ETHICS

(a) Conflicts of Interest. *Commission* members, as members of permanently established advisory Boards and Commissions, are public officials for the purposes of the Northfield City Ordinances ethics provisions.

1. Direct conflicts. On all matters in which a *Commission* member has a personal financial interest in any sale, lease, or contract with the City, a *Commission* member shall make such interest known to the City Council and that member shall abstain from deliberation and voting on the matter. Members abstaining shall disclose, except where it violates a confidence, the general nature of the conflict, and the minutes shall so record the conflict and abstention.

2. Potential conflicts. On other matters where a *Commission* member engages in any business or transaction or has a financial or other personal interest, direct or indirect which would tend to impair independence of judgment or action, members shall disclose all pertinent facts relating to the potential conflict, except where it violates a confidence, which facts shall be included in the minutes of the proceedings. The *Commission* member may then abstain from discussion and voting on the matter provided that such member shall be allowed to participate in discussion as a member of the public. Disqualification is not called for, however, if discussion and action by a public official will not affect him/her more than any other member of the same group, neighborhood, business classification, profession, or occupation.
3. Eligibility to vote. If a question is raised under this Section at any *Commission* meeting concerning the eligibility of a member of the *Commission* to vote on any matter, such questions shall be finally determined by the concurring vote of a majority of *Commission* members present not including the member with the potential conflict.
4. Public disclosure. Upon election or appointment, each public official of the City subject to this division shall file for public record, in the office of the City Clerk, a sworn statement in a form approved by the City as required by Northfield City Code §2-128(a).

(b) Public Statements by Commission Members. A *Commission* member, when speaking to individuals, groups or organizations, shall indicate representation of the *Commission*. When speaking for personal purposes, the *Commission* member shall indicate that the stated opinions and beliefs are not necessarily the opinions and beliefs of the *Commission* as a whole.

(c) Ex Parte Communications. It is in the public interest that, to the greatest extent possible, all members of the *Commission* should have an opportunity to be aware of and act upon the information that is available to other members. Therefore, all members are encouraged to place upon the record of the *Commission* the substance of all ex-parte contacts that have occurred during the time that the matter has been introduced and is still before the *Commission* for a decision.

(d) Communications Among Commission Members. The Minnesota Open Meeting Law, Minn. Stat. §13D.01 et. seq. applies to any quorum (that is, four or more members) of the *Commission* who gather or communicate by telephone or electronic means to exchange information regarding *Commission* business. *Commission* members, in order to assure the public's rights to be informed and to participate in the planning process, will limit communications to conversations between three *Commission* members, and *Commission* members will not respond to any information distributed by other members by electronic means.

VIII: PARLIAMENTARY AUTHORITY

(a) Parliamentary authority. The rules contained in the current edition of *Robert's Rules of Order Newly Revised* (10th Ed., 2000) shall govern the *Commission* in all cases to which they are

applicable and which they are not in conflict with these bylaws, City code, or other rules this Commission may adopt.

IX: REVIEW AND AMENDMENT OF BYLAWS

- (a) These bylaws shall be reviewed by the Planning Commission at the first meeting of each calendar year, or as soon as practicable thereafter.
- (b) Proposed amendments to these bylaws shall be submitted in writing by *Commission* members, City Council members or Staff. Amendments will be considered at a regular meeting of the Planning Commission and adopted by two-thirds vote of the Commission.