

**NORTHFIELD PLANNING COMMISSION  
BYLAWS  
APPROVED ON JANUARY 16, 2014**

- 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, Article 4, Section 4.4.<sup>1</sup>

**II. PURPOSE**

- (a) **Planning Commission Authority.** The authority of the Commission when acting as the Planning Commission shall be limited to any requirement of Minn. Stat. 462.351-398, including the authority to review proposed acquisition, disposal or capital improvements of publically owned real property and to submit a written report to the City Council of its findings as to compliance with the comprehensive plan as provided in Minnesota Statutes Section 462.356, Subdivision 2, and 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 in accordance with the City Charter, (Ord. No. 739, §3.2).
- (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, plat approval, and others as specified in the Land Development Code, applying the criteria in Chapter 34, Article 5, Sections 5.5.9 and 5.5.14.
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 the first quarter 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

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

of the Land Development Code, Chapter 34, Article 4, Section 4.4, 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 the Land Development Code, Chapter 34, Article 4, Section 4.4. The Zoning Board of Appeals shall also have the authority to approve or deny variances as provided in the Land Development Code, Chapter 34, Article 5, Section 5.5.16. Decisions of the Zoning Board of Appeals with regard to variances or administrative order are final subject to judicial review in District Court.

- (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, unless that member meets one of the following criteria for interactive television participation:
  - 1. all public body members can see and hear one another and all discussion and testimony;
  - 2. the public can see and hear all discussion, testimony, and votes;
  - 3. at least one member is physically at the regular meeting location;
  - 4. all locations of members are open to the public.

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 of 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 practical 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 Chapter 34, Article 4, Section 4.2.1;
  - 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. AGENDA**

- (a) Purpose:** The agenda of a Planning Commission meeting serves two important functions: it clarifies for the Planning Commission what and when each item will be considered, and the context in which each matter will be considered. It also serves the public as a guide to what and when items will be considered.
- (b) Submissions:** Any Planning Commission member can place an item on the agenda by instructing the City Staff responsible for agenda preparation and informing the Chair. No item shall be placed on the agenda unless the item is expressed in such a way as to clarify the subject matter involved.

**(c) Deadlines:** The agenda shall be prepared by City Staff and shall be closed at noon nine (9) days prior to the meeting for preparation purposes.

**(d) Delivery of Agenda to Members:** At least three (3) and preferably five (5) calendar days before the meeting, the City Staff shall provide each Commission member a meeting agenda and all materials related to items on the agenda (e.g., petition, application, plans, staff report, written comments received).

**(e) Agenda Additions During Regular Meetings**

1. **Addition of Items:** Additional items may be added to the agenda at a Planning Commission meeting by Commission members or staff, but only with approval by a majority vote of the members present. This applies to both types of the items below: Type I: Substantive or of potential public interest (defined below) and Type II: Items not substantive or of potential public interest.

a. Type I: Substantive/potential Public Interest Items:

i. Items requiring staff review such as:

- Rezoning
- Ordinance amendments
- Preliminary subdivision plans

ii. Items involving quasi-judicial procedures or major policies affecting public such as:

- Request for a hardship variance from Subdivision or Zoning Ordinance standards
- Comprehensive Plan
- Other major policies

b. Type II: Items not substantive or of potential public interest (such as: preliminary proposal review, bylaw changes, Planning Commission procedural changes, formation of sub-committees, time sensitive items not considered a Type I.

2. **Action on Added Items:** Action taken on any added item depends on the type of items as defined above.

a. Type I: The Commission may add the item to the agenda only for purposes of referring it to the staff or a Commission committee, or scheduling it for consideration at a later meeting (as appropriate). The Commission may not discuss the substance of the matter or take any final action on the item except at a meeting where the item is included on the distributed agenda.

b. Type II: The additional agenda item(s) may be discussed, but no action may be taken if any member objects on the basis that it is an item in which the public is interested or for which the Planning Commission needs more background than can be provided at the meeting.

**(f) Order and Form of the Agenda:** The agenda shall be organized in the following order:

1. Approval of agenda
2. Approval of the minutes from previous meeting(s)
3. New business items
4. Unfinished business items
5. Reports and discussion items
6. Other
7. Adjournment

## **VI. 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:** The agenda shall generally organize matters to be addressed at the meeting so as to best promote opportunities for the effective public input and the timely and efficient performance of Planning Commission responsibilities. Items of business likely to attract the attendance of many interested persons (such as those involving notice to adjoining property owners, and those involving other public notice) should generally be placed early on the agenda, thereby, minimizing the time citizens must wait for consideration of the item that brought them to the meeting. The agenda should identify (by name and/or role) the leading participants at each step of the Commission's review and indicate the step at which interested persons will have the opportunity to comment on the item.
- (c) Meeting Time and Place.**
1. **Planning Commission**
    - a. The Planning Commission shall meet in regular session in the City Hall Council Chambers, or as otherwise designated by ordinance, on a schedule as established by the Planning Commission.
    - b. No agenda item will be taken up by the Planning Commission after 9:30p.m., except by the consent of a super majority of members present.
  2. **Zoning Board of Appeals**
    - a. When it is necessary for the Zoning Board of Appeals to meet, their meeting shall be scheduled prior to the Planning Commission meeting.
    - b. Zoning Board of Appeals Minutes. When the Zoning Board of Appeals meets to make a decision, the Board will convene prior to the following meeting of the Planning Commission for approval of the minutes.
    - c. No agenda item will be taken up by the Zoning Board of Appeals after 9:30p.m., except by the consent of a super majority of members present.
- (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:
  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.
- (e) **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 will be received from the public.
- (f) **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 brief written rationale for the decision that will accompany the recommendation (either positive or negative) which shall be included in the appropriate City Council meeting packet and read by staff when presenting the Commission's recommendation to the City Council.

**(g) Record of Meetings.** The Planning Commission and Zoning Board of Appeals shall keep minutes of its public hearings, and shall also keep records of its official actions. Decisions of the Planning Commission and Zoning Board of Appeals shall be filed in the office of the zoning administrator.

**(h) 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.

## VII. COMMITTEES & Liaison assignments

**(a) Liaison Assignments:** In order to facilitate smooth coordination among the Planning Commission, other City advisory boards and selected governmental units outside of Northfield, Planning Commission members shall be assigned to serve as liaisons to City advisory boards and other governmental and community units 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 receives 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.

## VIII. 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.** In order to assure the public's rights to be informed and to participate in the planning process, Commission members will



limit communications to conversations among not more than three 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.

## **IX. PARLIAMENTARY AUTHORITY**

Parliamentary authority. The rules contained in the current edition of *Robert's Rules of Order* newly revised 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.

## **X. 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 practical 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.