

# TOWN OF SIMSBURY



## ZONING COMMISSION

### Rules of Procedure

Adopted: November 16, 2020

ARTICLE 1  
Purpose and Authorization

The powers, responsibilities and duties of the Simsbury Zoning Commission are those set Connecticut General Statutes and by the Charter of the Town of Simsbury.

ARTICLE 11  
Office of Agency

The office of the Simsbury Zoning Commission shall be Simsbury Town Hall where all Commission records will be maintained.

ARTICLE III  
Staff

Section 1. The Town Planner shall serve as staff to the Commission in accordance with those administrative and technical responsibilities described in the Town of Simsbury Job Classification Manual and the Town Charter.

Section 2. As required by statute, the Town Planner shall, with the Chairman's approval, shall publish meeting agendas to the Town Clerk, to the Commission Members and Alternates and on the Town website.

Section 3. The Town Planner shall make any required Public Notices as required by statute. Within 24 hours after a meeting, the Town Planner shall provide to the Town Clerk, for posting as required by statute, a report of the meeting motions and their dispositions.

Section 4. The clerk of the commission is responsible for taking and transcribing the minutes of all meeting and performing other administrative duties as described in the Simsbury Job Classification Manual.

Section 5. The Zoning Enforcement Officers, under the direction of the Director of Planning, shall be responsible for the enforcement of the Simsbury Zoning Regulations.

ARTICLE IV

Officers and Their Duties

Section 1. The officers of the Zoning Commission shall consist of a Chairman and a Vice Chairman both of whom shall be regular members of the Commission.

Section 2. The Chairman shall preside at all meetings and shall have the duties normally conferred by parliamentary usage. The Chairman shall have the authority to

appoint committees, call special meetings, appoint a member to act for an absent Vice Chairman, and generally perform other duties as prescribed in these Rules.

Section 3. The Chairman shall prescribe the method of conduct of public hearings consistent with these Rules and the Connecticut Freedom of information Act ("FOIA"). He/she shall have the privilege of discussing the matters before the Commission and of voting thereon.

Section 4. When the Chairman is not present at a meeting, the Vice Chairman shall act as the temporary Chairman.

Section 5. The Chairman is empowered to sign all map and plan approvals for the Commission if, in his/her judgment, the maps and plans conform to approvals and requirements adopted by vote of the Commission at a duly called meeting.

Section 6. The Commission shall authorize the Director of Planning to issue notice letters of approval, denial, etc. under his signature on behalf of the Commission.

## ARTICLE V

### Election of Officers

Section 1. Officers of the Zoning Commission shall be elected to serve at the pleasure of the Commission by an affirmative vote of at least four regular members. A majority of the regular members must be present to conduct an election. Alternate members of the commission shall not participate in the election of officers.

Section 2. Resignations from the Commission shall be in writing and submitted to the Chairman of the Commission and the Simsbury Town Clerk.

## ARTICLE VI

### Meetings

Section 1. Regular meetings of the Zoning Commission shall be held on the first and third Monday of each month at a time and place specified in the notice. The Zoning Commission shall not continue any meeting beyond 10 P.M. without the approval of two thirds of the members present and voting at the meeting. The term regular meetings shall include all public hearings and business meetings held by the Commission.

Section 2. Special meetings shall be held on the call of the Chairman, or at the request of any three of the six regular members. Any meeting held on other than the filed dates is considered a "Special Meeting" or an "Emergency Meeting".

Section 3. The notice of all meetings shall specify the items for the meeting. For regular meetings, other business may be considered by adding items to an agenda by a majority vote of the Commission members present and voting at the meeting in which such business is to be conducted. The number of votes necessary to transact business

shall be a majority of members of the Commission except as may be required by the General Statutes. A lesser number of members may adjourn the meeting to a time and place at which it is expected a quorum will be present.

Section 4. A quorum for the conduct of business shall be four voting members, except that a lesser number may adjourn the meeting to a time and place at which it is expected a quorum will be present. Whenever practicable four members shall consider and vote on each application. When a regular member is absent or disqualified, an alternate shall be designated to act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible.

Section 5. Any member who believes they should disqualify themselves from discussing or voting on any matter shall notify the members and state the reason, and thereupon an alternate shall be designated by the Chairman.

Section 6. The Zoning Commission shall adopt at its first meeting in November a list of meeting dates for each of its regular meetings in the succeeding calendar year. The meeting schedule for the following year shall be filed with the Town Clerk before December 1.

Section 7. All Commission meetings, except for executive sessions held pursuant to the FOIA requirements, shall be open to the public.

Section 8. Proceedings of all meetings of the Commission are to be recorded by a stenographer or sound-recording device as required by statute. Approved Minutes will be provided to the Town Clerk, and they will be posted on the Town website.

Section 9., The Commission shall use Robert's Rules of Order as guidance for the procedural operations of meetings.

## ARTICLE VII

### Order of Business (revised May 2011)

Section 1. Unless otherwise determined by the Chairman, the order of business at regular meetings shall be:

1. Call to order
2. Appointment of Alternates
3. Approval of Minutes
4. Public hearings, if any
5. Discussion and Vote
6. Referrals

7. Staff Reports
8. Receipt of new applications
9. Correspondence/announcements
10. Any other matters that may properly come before the Commission.

Section 2. A motion must be made and passed to dispense with any pending application on the agenda.

Section 3. Unless properly noticed on the agenda of a regular, special or emergency meeting as required by FOIA, executive sessions may only be held upon an affirmative vote of two-thirds of the members present and voting, taken at a regular meeting and stating the reasons for such executive session.

Section 4. The Director of Planning shall have the authority to withhold from an agenda or to remove from a tentative agenda any items which are not complete and sufficient for Zoning Commission action or any item which has been revised subsequent to the initial filing and has not received adequate time for a comprehensive staff review.

## ARTICLE VIII

### Hearings

Section 1. All public hearings prescribed by law shall be held in accordance with the requirements set forth for such hearings by these Rules and by General Statutes.

Section 2. The matter before the Commission shall be presented by the applicant or his designated agent, who shall have the privilege of the floor.

Section 3. Commission minutes shall be taken by the Clerk of the Commission or, in the clerk's absence, another person designated by the Chairman..

Section 4. Amendments or corrections to the minutes and approval of the minutes shall be by action of the Commission.

## ARTICLE IX

### The Conduct of Public Hearings

Section 1. The Chairman of the Commission shall preside at the public hearing.

Section 2. The Vice Chairman shall read the legal advertisement for each application as the hearing is held.

Section 3. A summary of the question or issue may be stated by the Chairman or his designee at the opening of the public hearing. The hearing shall be conducted only for the purpose of taking testimony to be considered by the Commission. Public comment during the hearing shall be limited to the subject advertised for the hearing. All questions

and comments must be directed through the chair only after being properly recognized by the Chairman.

Section 4. The Chairman shall first allow for presentation of the application by the applicant before calling for statements from the public. At the direction of the Chairman, opponents and proponents from the public may be intermixed. The applicant shall be given an opportunity after all to clarify a point previously made by any speaker at the hearing, but may not address new issues.

Section 5. At any time during the hearing the Chairman shall allow reports and comments from the Planning Department and other town staff

Section 6. All persons recognized shall approach the podium in order to facilitate proper recording of comments. All comments by the public at the hearing shall be addressed to the Commission. Before speaking each person shall give his/her name and full address before addressing the Commission.

Section 7. The Chairman shall assure an orderly hearing and shall take steps necessary to maintain the order and decorum of the hearing at all times. The Chairman shall reserve the right to limit debate in the event the discussion becomes unruly, unmanageable or excessively repetitive.

Section 8. The show of hands or similar display by those persons present shall not be allowed on any general question presented at the public hearing without approval of the Chairman.

Section 9. As provided by law, except for information supplied by an officer of the Town in response to a request from the Commission, information developed or presented by or on behalf of a party to an application may not be presented to members of the Commission following the close of a public hearing on the application, if one was held.

## ARTICLE X Amendments

These rules may be amended by a two-thirds vote of the Commission members present and voting only after the proposed change has been read and discussed at a previous regular meeting, except that these rules may be changed at any meeting by the unanimous vote of all the regular members of the Commission.