



NORFOLK CITY PLANNING COMMISSION POLICIES AND PROCEDURES HANDBOOK

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INTRODUCTION

The purpose of this notebook is to consolidate in one place all of the pertinent documents relating to the policies and procedures of the Norfolk City Planning Commission. The loose leaf format will facilitate any additions, deletions, and changes in the future.

Content is based both on enabling legislation (State and City) and on policies and procedures developed by the City Council or the Commission.

Additional information related to Commission activities is included in the Appendix.

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1. MISSION STATEMENT

The mission of the City Planning Commission is to provide for the City Council and for the citizens of Norfolk:

- A comprehensive vision for the growth and revitalization of the city that is both inspiring and attainable.
- Direction to achieve the economic, social, cultural, environmental, and aesthetic opportunities available to the City and to its citizens.
- Guidance to enhance the livability of the city's neighborhoods and the quality of life of its citizens.

The mission shall be achieved through:

- Preparing and maintaining the general plan of Norfolk and its components as a vision for Norfolk's economic development, housing, transportation, environmental quality, community design, caring community, living community and neighborhood planning, and providing the tools for realizing the vision.
- Preparing and maintaining the Zoning Ordinance of the City of Norfolk in a manner designed to achieve the vision and goals of the general plan.
- Providing an open and participatory process for receiving citizen input into plans, programs, and funding opportunities that may be affected by the City's land use policies.
- Providing sound and timely recommendations to the City Council and City administration on issues of development and quality of life within its jurisdiction and purview.

2. CONTEXT

Legislation

The Norfolk City Planning Commission was created pursuant to Section 32-22 of the Code of the City of Norfolk, Virginia, 1979, as amended and Section 15.2-2210 of the Code of Virginia, 1950, as amended.

Official Title

The official title of the commission shall be the City Planning Commission. (City Code.)

Jurisdiction

The City Planning Commission is responsible for planning activities within the boundaries of the City of Norfolk.

The City Planning Commission may also advise on planning activities and programs within the Hampton Roads region.

3. PURPOSES AND OBJECTIVES

The purposes and objectives of the City Planning Commission are to:

1. Make recommendations to the City Council and City administration on physical growth in the City of Norfolk.
2. Provide for the government of the City of Norfolk and its citizens a continuing source of opinion and advice concerning economic development, housing, transportation, environmental quality, community design, public facilities and services, neighborhoods, and quality of life that may be affected by the City's land use policies.
3. Assess the effectiveness of plans, programs, and developmental regulations in achieving the objectives of the general plan of Norfolk.

4. DUTIES

1. The Commission shall act in an advisory capacity to the City Council. (State Code.)
2. The Commission shall prepare and recommend a general plan (comprehensive plan) and neighborhood plans for the development of the city and its neighborhoods, conduct periodic reviews of that plan (at a minimum every five years) to ensure that the ordinance and map are current, and review and advise on amendments to the plan. (State Code, City Code.)
3. The Commission shall recommend a zoning ordinance and zoning map for the city, conduct periodic reviews of the ordinance to ensure that the ordinance and map are current, review and advise on amendments to the ordinance and map, and review and advise on applications for special exceptions and development certificates. (State Code, City Code.)
4. The Commission shall review and advise on applications for street closures. (City policy.)
5. The Commission shall review and act on recommendations made by the Architectural Review Board (ARB) as part of the City's design review process with regard to structures that encroach into public streets.
6. The Commission shall make advisory recommendations to the City Manager on public buildings and other public projects on city property or in the public right-of-way (with the exception of those public art projects that fall the jurisdiction of the Norfolk Public Arts Commission) and also, where required, on private development projects constructed on land acquired from the City. (City Code.)

7. The Commission shall review and may permit variances from certain subdivision standards set forth in the subdivision ordinance. (State Code, City Code.)
8. The Commission shall review and make recommendations on redevelopment and conservation plans for selected areas of the city. (City policy.)
9. The Commission shall review and make recommendations on the Community Development Block Grant program and on other programs as requested. (City policy.)
10. The Commission shall make recommendations on other matters as requested by the City Council or City administration. (City policy.)
11. The Commission shall report annually or more frequently to the City Council on major programs under consideration and/or on planning activities generally. (State Code, City Code.)

5. MEMBERSHIP

1. The Commission shall consist of seven members appointed by City Council. The members shall be residents of the City of Norfolk and shall be freeholders qualified by knowledge and experience to make decisions on issues of community growth and development. (City Code.)
2. Members shall be appointed for a term of four years and may be reappointed. (City Code.)
3. Any vacancy on the Commission shall be filled by appointment by the City Council for the remainder of the unexpired term. (City Code.)
4. All members of the Commission shall take the oath of office provided by the Charter for officers of the City. (City Code.)
5. The Executive Secretary and selected staff will provide an orientation and training session for each new appointee to the Commission. In addition, each new appointee will be encouraged to participate in the Certified Planning Commission's Program sponsored by the Citizen Planning Education Association of Virginia.
6. Commission members are expected to attend all meetings and stay throughout each meeting. However, it is understood that there will be some unavoidable conflicts with personal or business commitments. At the first meeting in January each year, the Executive Secretary will present to the Commission the attendance records of all members for the preceding calendar year. Following Commission review of the attendance report, it will be forwarded to City Council as part of the annual report of the Planning Commission.
7. Commission members are expected to consider all matters in an open, objective, impartial, and professional manner.

6. OFFICERS AND COMMITTEES

The officers of the Commission shall consist of a Chairperson and a Vice-Chairperson. In addition, the Director of the Department of Planning (hereinafter, the Department) shall serve as Executive Secretary of the Commission. (City Code.)

Duties of Officers:

1. The Chairperson shall preside at all meetings of the Commission. He or she shall decide on all points of order on procedure and shall have the duties normally conferred by parliamentary usage on such officers.
2. The Vice-Chairperson shall assume the duties of the Chairperson in his/her absence.
3. In the event that both the Chairperson and Vice-Chairperson are absent from a particular meeting, the Commission members in attendance shall select a temporary chairperson for that meeting.
4. The Executive Secretary shall arrange for the keeping of minutes and records of the Commission, provide notice of meetings to Commission members, and attend to the correspondence of the Commission and such other duties as are normally carried out by an executive secretary.
5. If any stipend has been authorized to be paid to Commissioners, the Executive Secretary shall keep a record of the attendance of each Commissioner at each meeting. Each stipend shall be paid quarterly in an amount equal to the number of meetings each Commissioner has attended multiplied by the stipend allotted per meeting.

Election of Officers:

1. Officers shall serve for a term of one year. (City Code.)
2. Nominations for officers shall be made from the floor at the annual organizational meeting held at the first meeting in January each year, and the election shall follow immediately thereafter.
3. A candidate receiving a majority of votes of the entire membership of the Commission shall be declared elected.
4. All officers may succeed themselves.
5. Vacancies in office shall be filled immediately by regular election procedures for the unexpired term of the office vacated.

Committees:

1. The Chairperson may appoint committees to investigate particular issues and report back to the full Commission.

7. COMMISSION SUPPORT

1. The Office of the City Clerk will record and prepare minutes of Commission meetings.
2. Legal services, as needed, will be provided by the Office of the City Attorney.
3. Staff of the Department shall provide such staff services as are necessary to enable the Commission to consider and act upon the matters with its purview.
4. Funding to support Commission activities shall be included in the annual operating budget of the Department. Subject to annual appropriations, this may include membership for Commission members in the American Planning Association and the Citizens Planning Education Association of Virginia, travel to selected professional meetings or project reviews, training, and other items pertinent to the activities of the Commission.

8. MEETINGS

1. The Commission will schedule regular meetings twice a month. These will be held on the second and fourth Thursdays of the month, though the November and December schedules may be adjusted to avoid holiday conflicts. Regular meetings will usually be held at 1:00 p.m. on the second Thursday and on the fourth Thursday in the Tenth Floor Conference Room, 506 City Hall Building. If warranted by matters to be considered, day, time, and/or place of a particular meeting may be changed by the Chairperson and with at least three days prior notice to all members.
2. Special meetings may be called by the Chairperson or by two members upon request to the Executive Secretary. The Executive Secretary shall provide notice of the special meeting to all members at least three days in advance of the meeting. If the special meeting notice is provided in other than written form (telephone, personal contact, etc.), members shall be asked to sign a form at the special meeting verifying that they did receive notice of the meeting.
3. A quorum shall consist of four members of the Commission. (State Code, City Code.)
4. In the event that a Commissioner may have an application before the Commission or have a direct interest in an application, he/she should recuse him/herself from participation in the matter until the Commission concludes its consideration of the matter.

5. No action of the Commission shall be valid unless authorized by a majority vote of those present and voting. (State Code, City Code). A tie vote shall be deemed a denial.
6. Any member abstaining from a vote shall identify this before consideration of the matter begins, shall not participate in the discussion of the matter, and shall either state the nature of the conflict which bars the member's consideration or shall fill out a disclosure form which will be retained by the Executive Secretary with the minutes of the meeting.
7. All meetings of the Commission shall be open to the public, except that the Commission may hold an executive or closed session to discuss certain matters within the framework established by the Virginia Freedom of Information Act. An executive session may be held only after an affirmative vote to do so and indicating the general nature of the topic to be considered has been taken in an open meeting. No action on any matter can be taken in executive session. Following the executive session, the Commission must vote on a resolution indicating that the conditions of the Freedom of Information Act had been complied with. Provisions of the Act and a sample motion/resolution are found in Appendices 8 and 9.
8. Items considered at regular meetings of the Commission shall be set by the Executive Secretary within the general guidelines that follow:
 1. Recommendations made to the Commission as part of the design review process
 2. Briefings on upcoming Public Hearings
 3. Briefings on topics of interest
 4. Planning Director's Report
 5. Comments from Commissioners
 6. Future meeting schedules
 7. Adjournment

Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order modified for small boards to the extent that such rules have not been modified by or are not in conflict with these policies and procedures.

9. PUBLIC HEARINGS

1. The Commission will schedule a public hearing once a month to consider and make recommendations on applications related to the general plan, the Zoning Ordinance and/or other matters for which a public hearing is required. These will be held on the fourth Thursday of the month, though November and December schedules may be adjusted to avoid holiday conflicts. Public hearings will be held at 2:30 p.m. in the Council Chambers on the 11th Floor of the City Hall Building unless a different location is necessary or desirable.
2. Commission staff will not schedule an application for public hearing unless it meets the Commission's Policy on Scheduling and Accepting Applications, adopted February 23, 1990, and repeated below:

In order to overcome problems with incomplete information on applications, it is the policy of the Norfolk City Planning Commission that applications will not be scheduled for public hearing until all necessary components of the application have been completed in a satisfactory manner and submitted to the Department of Planning. This policy is necessary so that a proper legal ad can be prepared, so that the staff can prepare public hearing materials on a timely schedule, so that the Planning Commission can benefit from full information on an application prior to the hearing, and so that adequate information can be provided to interested citizens who inquire about the applications.

In order to be scheduled for a particular month's public hearing a complete application with all necessary supporting documentation must be filed with the Department of Planning 45 days prior to the date of the requested public hearing. Department staff is available to advise applicants about filing deadlines and about what constitutes a complete application in individual cases. When an application is determined to be incomplete or partial, it will be returned to the applicant with an indication of the additional information needed and the next filing date. An incomplete application will not be scheduled for public hearing.

A completed application shall include:

- the appropriate application form with all necessary information and signatures;
 - complete payment of the appropriate fee;
 - legal description of the property or sufficient locational information to permit such a description to be prepared easily;
 - proffered conditions in clear, understandable language (for conditional rezoning applications);
 - site plan drawn to scale (where needed or proffered);
 - when required by the zoning administrator, traffic and environmental impact analyses for rezoning applications and for certain special exception applications;
 - related materials or data supporting the application as may be determined by the applicant or required by the zoning administrator.
3. The deadline for filing completed applications shall be 45 days before the date of the requested hearing. (City Code, Zoning Ordinance.)
 4. In the event that an applicant, after the public hearing has been advertised, wishes to withdraw or defer his application to a specific future hearing, this shall be done in the context of the policies and procedures on Requests for Withdrawal or Deferral of Applications adopted by the Commission on October 14, 1983 and repeated below:

Background: Applications for rezonings, use permits (special exceptions), and street closures are considered by the Planning Commission each month. Each item is advertised as required by law, and notices are sent to adjacent and nearby property owners and, in certain cases, to civic leagues or other groups. On occasion, the applicant requests that the item be withdrawn or that it be deferred prior to the public hearing at which the item is to be heard. In cases where there is considerable citizen interest, a large number of citizens may attend the public hearing, sometimes at personal inconvenience, only to hear the request for deferral or withdrawal.

Intent: The Planning Commission is concerned about the potential inconvenience to citizens and hereby establishes it as Commission policy that reasonable efforts will be made to notify interested citizens if the applicant requests withdrawal or deferral prior to the actual public hearing.

Procedures. After the item has been legally advertised, it will be the general policy of the Commission to hear all who wish to speak on the item at the regularly scheduled public hearing.

If because of unforeseen circumstances, the applicant wishes to have his application withdrawn or deferred until a specific later hearing, this request may be submitted in writing to the Executive Secretary.

The Executive Secretary is authorized to have his staff, on behalf of the Commission, contact civic league representatives, opposing attorneys, or other interest group representatives to advise them that the Commission will comply with the withdrawal or deferral request and that it will not be necessary for the neighborhood representatives to attend the hearing. The staff will work with organized groups where ever possible but will not endeavor to contact all individual citizens who might possibly have an interest in the matter.

At the regularly scheduled hearing, the Commission will vote to confirm the requested deferral or withdrawal. This will be binding on the applicant; he will not be permitted to change his mind and request that the item be heard after the above procedures have been invoked.

This policy/procedure is applicable in instances where the applicant knows in advance that he intends to ask for withdrawal or deferral. It shall not preclude the applicant, or the Commission, from asking for a deferral after the item has been heard at the scheduled public hearing.

5. To assist the Commission in preparing for the public hearings, staff will prepare a report on each application for distribution in advance of the hearing. Staff will also conduct a field trip for Commission members to visit the sites of current applications.
6. The Planning Commission Procedures for Public Hearings will be available at the public hearing.

7. The order of business at public hearings shall be set by the Executive Secretary within the general guidelines that follow:
 1. Continued Items
 2. General Plan Amendments
 3. Zoning Ordinance Amendments
 4. Rezoning
 5. Conditional Rezoning
 6. Special Exceptions
 7. Adult Use Special Exceptions
 8. Street Closures
8. When requested by the City Council, the Commission may hold a joint public hearing with the City Council on general plan amendments, zoning ordinance amendments, rezonings, conditional rezonings, special exceptions, or adult use special exceptions. Normal public notice requirements shall apply.
9. When requested by the City Council, the Commission may hold a joint public hearing with the City Council and the Commissioners of the Norfolk Redevelopment and Housing Authority on redevelopment or conservation plans.

10. COMMISSION RECORDS

1. All records of the Commission shall be public records, subject to any limitations or other provisions of the Virginia Freedom of Information Act. (State Code, City Code.)
2. Commission records shall be maintained by the Executive Secretary in the Department, 810 Union Street, Room 508, Norfolk, Virginia. Older records may be maintained at a remote location approved by the City Clerk.

11. CHANGES TO POLICIES AND PROCEDURES

1. No change shall be made to the policies and procedures of the Commission without the affirmative vote of five members.
2. No change in these policies and procedures shall be made unless notice is given at the meeting preceding the meeting at which the change is to be voted on or unless such notification shall have been given in writing to each member of the Commission at least seven (7) days in advance of the meeting.
3. Those policies and procedures established by the Code of Virginia or by the Code of the City of Norfolk cannot be modified by the Commission.