

# **RULES AND REGULATIONS OF AVON LAKE PLANNING COMMISSION**

## **ARTICLE I. MEMBERS & OFFICERS**

The membership of the Avon Lake Planning Commission, hereafter referred to as the Commission, shall be as is presently provided for in Chapter VIII, Section 41 of the Avon Lake City Charter, and any subsequent amendments thereto.

The member's of the Planning Commission shall elect a Chairperson from one of its citizen members at the Commissions first regularly scheduled meeting in January following the election of City Council in the previous year. The Chairperson shall serve in such capacity until another Chairperson is elected by the Commission.

The Law Director, Planning Commission Secretary, and the Recording Secretary shall attend all meetings of the Commission unless excused, and shall be considered ex-officio members of the Commission. They shall be entitled to speak on matters pertaining to their various departments and shall serve without vote.

## **ARTICLE II. COMMITTEES**

Such Committees as are deemed necessary to assist and facilitate the Commission in the performance of its duties, shall be appointed by the Chairperson, subject to approval by majority vote of the Commission. The Chairperson shall be entitled to vote on the approval of each proposed committee appointments.

## **ARTICLE III. POWERS AND DUTIES**

The powers and duties of the Commission shall be as are presently provided in Chapter VIII, Section 43 of the Avon Lake City Charter, and any subsequent amendments thereto.

## **ARTICLE IV. MEETINGS**

1. Regular Meetings of the Commission shall be held on the first Tuesday of each month at 7:30 p.m. If such day falls on a legal holiday or an election day, then the meeting may be held on the Tuesday next following or such other designated time as approved by majority vote of the Commission members.
2. If numerous applications have been submitted and an additional meeting is needed, the Planning Commission Secretary, with approval of the Chairperson, may schedule a meeting on the third Tuesday of the month.
3. The Commission may schedule a Work Session on the third Tuesday of the month at

7:30 p.m., or any other designated day as may be approved by a majority vote of Commission, or as requested by the Planning Commission Chairperson.

4. Special Meetings of the Planning Commission may be called by the Chairperson, by written request of four members, or by a majority vote of the Commission members at any regular or special meeting. Written notice of such meeting shall be given to each Commission member at least twenty-four (24) hours prior to said meeting by personal service or by leaving said written notice at their usual place of residence. Such notice shall include the agenda of the Special Meeting. No business shall be transacted except those items specified in the call for the Special Meeting.
5. Scheduled meetings of Planning Commission may be canceled due to inclement weather by the Chairperson. Public Officials and the media shall be notified as soon as possible.
6.
  - (a) Any person may ascertain the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings, upon written request to the Secretary of the Planning Commission, which written request shall include delivery to the Secretary of a self-addressed, stamped envelope to be provided by the person so requested for the purpose of mailing notices to such person, and a list of the said meetings for which reasonable advance notification is being sought.
  - (b) The Secretary of the Planning Commission shall post the agenda of all regularly scheduled meetings and the time, place and purpose of all meetings, not later than twenty-four (24) hours immediately preceding such scheduled meeting of the Planning Commission, on a public bulletin board at the City Hall, whereby any person may opt to determine such information as contained in such posted agenda in lieu of the means provided in subsection (a) of this section during the normal business hours set for the Municipal City Hall.
  - (c) Additionally, any person may, upon request and payment of the fee set forth in Section 208.01(e)(5) of the Codified Ordinances of the City of Avon Lake, obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed.
7. All meetings shall be conducted in accordance with Roberts Rules of Order, Newly Revised, except as otherwise provided in these Rules and Regulations.

Four members shall constitute a quorum for the transaction of business at any Regular or Special Meeting. An affirmative vote of a majority of the members shall be required for action. In the event a question does not receive a majority vote so as to constitute action thereon, then it shall be tabled to a subsequent meeting for further consideration.

The following times shall be allotted for each case presentation.

- a) **New Case – Public Hearing**
  - 10 Minutes Maximum for Presentation
  - 3 Minutes Maximum per person for Public Comment  
(Chair shall limit repetitive comments)
  - 2 Minutes to respond to Public Hearing Comments  
(A member of Planning Commission may request by motion an additional time extension on any of the limits and it will be granted with a 2/3 vote of members)
- b) **New Case – No Public Hearing**
  - 10 Minutes Maximum for Presentation
  - 3 Minutes Maximum per person for Public Comment  
(Chair Shall limit repetitive comments)  
(A member of Planning Commission may request by motion an additional time extension on any of the limits and it will be granted with a 2/3 vote of members)
- c) **Work Session –**
  - 10 Minutes Maximum for Presentation, Maximum 30 minutes total for the case.  
(A member of Planning Commission may request, by motion, an additional time extension on any of the limits and it will be granted with a 2/3 vote of members)

All remarks shall be addressed to the Commission as a body and not to any member. No person, other than the Commission and the person having the floor, shall be permitted to enter any discussion, either directly or through a member of the Commission without the permission of the Chairperson. No question shall be directed to a Commission member except through the Chairperson.

8. Order of business for the Commission's Regular Meeting shall be as follows:
  1. Roll Call
  2. Approval of Minutes
  3. General Correspondence/ Announcements
  4. Council Report
  5. Swearing In
  6. Presentation by Person, Group, or Delegation
  7. Postponed Cases (Correspondence/Presentation by Staff and

- Applicant/Public Hearing, if required/Public Comments)
- 8. New Cases (Correspondence/Presentation by Staff and Applicant/Public Hearing, if required/Public Comments)
- 9. Other Business
- 10. General Public Comments
- 11. Adjournment

Any witness appearing before Planning Commission on any pending application shall be first sworn in or give affirmation pertaining to the testimony to be rendered in the matter.

- 9. Any person, group or delegation wishing to schedule an appearance before Planning Commission shall direct a letter to the Planning Commission Secretary no later than the Tuesday prior to the scheduled meeting stating:
  - 1. The purpose of the appearance;
  - 2. Approximate number of the group; and
  - 3. The name of the spokesperson.

No Person may address the Planning Commission more than once, unless granted permission by the Chair, during a meeting of the Commission. He/She shall be allowed ten (10) minutes unless the time is extended by the Chairperson or Commission. The Commission shall be allowed to direct questions to the spokesperson, through the Chairperson.

If the subject the group, person, or delegation wishes to discuss is currently being considered by a Commission Committee, the Planning Commission Secretary shall inform the Committee Chairperson of the request and shall also inform the person or spokesperson of the date and time of the next Committee meeting, who shall then meet with said Committee at such time before being scheduled to appear at the next scheduled regular meeting of the Commission following such Committee meeting, and who shall present the views of such person, group, or delegation to the Committee.

- 10. The Planning Commission, at the request of the Chairperson, or any member of the Commission, and upon an affirmative majority vote, may meet in executive session immediately before, during, or immediately following and Regular, Special, or Work Session Meeting for any purpose permitted by the laws of the State of Ohio as were enacted and as are in full force and effect on the date these Rules and Regulations become effective.

**ARTICLE V. APPLICATION FOR COMMISSION AGENDA**

An applicant must participate in a preliminary review process prior to being placed on a Planning Commission agenda. To start the preliminary review process, an applicant shall submit an

application, the required number of plans, supporting documentation and fee to the Planning Commission Secretary. The Planning Commission Secretary will forward the plans to the appropriate City Departments for review and comments. The review cycle consists of ten (10) working days. The Department Heads shall review and analyze the plans from the perspective of each individual's area of expertise with a full and complete reference to any and all applicable laws, rules, regulations and policy considerations and/or professional opinions pertinent to the area involved. After all department head comments are returned to the Planning Commission Secretary, the applicant will be notified as to whether their plans are adequate or must be resubmitted.

If the plans are adequate, the applicant may make application to the Planning Commission and the Planning Commission Secretary shall schedule the application on an agenda of Planning Commission. If the applicant's plans are not adequate, the plans shall be revised and resubmitted and the preliminary review process will start again. Each time plans are submitted for review, it will take approximately ten (10) working days.

Once this review process is completed, the applicant shall submit fourteen (14) copies of the Planning Commission application, all required plans, documents, and supporting data to the Planning Commission Secretary ten (10) working days prior to the meeting. The application deadlines shall be extended if it falls on a holiday, to the next succeeding work day.

Applications may be referred to a Work Session of the Commission by a majority vote of the members of the Commission.

## **ARTICLE VI. ACTS OR DECISIONS**

Voting shall be called on the basis of an alphabetical surname order, which shall rotate for each meeting. The order in which Commission members shall give comments and/or ask questions will follow the same order described above. Every member present shall vote on every proper motion made and seconded, unless abstaining with the unanimous consent of all other members of the Commission present.

The Commission may postpone an agenda item at any time. If an application remains dormant for more than six (6) months without action by the Commission, it shall be dismissed. An applicant may direct a request for an extension to the Planning Commission Secretary prior to the expiration of the six-month provision above, or an extension previously granted by the Commission. The Planning Commission Secretary shall inform the Commission of the request and the Commission shall vote thereon at a scheduled meeting of the Commission.

The Commission, in the absence of the applicant or the applicant's representative at the meeting for which the applicant is scheduled and for which notice had been given to the applicant, shall postpone such application to the next Regular Meeting. If the applicant or the applicant's representative fails to appear at the next Regular Meeting or fails to request a delay, the application shall be dismissed.

No application shall be reconsidered after having been acted upon the merits, unless either having been referred back to Planning Commission by City Council, or having been significantly amended, or, having been dismissed by the Planning Commission without any action having been taken on the merits.

No application, upon being presented and heard by the Commission, shall be altered by the applicant orally or in writing during the course of such proceedings, unless requested by the applicant and agreed to by the majority vote of the Commission, which alteration/modification is to be presented to the Planning Commission Secretary in conformity with the Commissions recommended approval.

**ARTICLE VII. AMENDMENTS TO RULES**

The Commission shall review the Rules and Regulations governing the Commission at the Commissions first regularly scheduled meeting in March following the election of City Council in the previous year.

These Rules and Regulations may be amended at any Regular Meeting by not less than an affirmative vote of a majority of Commission members.

**ARTICLE VIII. REPEAL OR PREVIOUS RULES AND REGULATIONS**

All Rules and Regulations previously adopted by the Commission are hereby repealed and declared to be void and of no further effect.

Adopted by Planning Commission this 6<sup>th</sup> day of August, 2002.

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Planning Commission Chairperson

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Date

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