



RULES AND REGULATIONS OF THE AVON LAKE PLANNING COMMISSION

ARTICLE I. MEMBERS & OFFICERS

1. The membership of the Avon Lake Planning Commission, hereinafter referred to as the “Commission,” shall be as is presently provided for in Chapter VIII, Section 41 “*Organization*” of the Charter of the Municipality of Avon Lake, Ohio (hereinafter the “Charter”) and any subsequent amendments thereto.
2. The members of the Commission shall elect a Chairperson from one of its citizen members at the Commission’s 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.
3. The members of the Commission shall elect a Pro tem Chairperson from one of its citizen members at the Commission’s first regularly scheduled meeting in January following the election of City Council in the previous year. The Pro tem Chairperson shall serve in such capacity when the Chairperson is absent. The Pro tem Chairperson shall serve in such capacity until another Pro tem Chairperson is elected by the Commission.
4. In the absence of the Chairperson and the Pro Tem Chairperson at a meeting, the Planning Commission Secretary or any member of the Commission shall call the meeting to order and the Commission, by motion, shall immediately elect a Chairperson to preside at said meeting.
5. The Law Director, the Public Works Director and the Planning Commission Secretary shall attend all meetings of the Commission unless excused, and shall be considered ex-officio members of the Commission. The Assistant Law Director may substitute for the Law Director if the Law Director is unavailable. They shall be entitled to speak on all matters before the Commission, but shall not be entitled to vote. Unless the context otherwise indicates, all references to the Commission or members of the Commission shall be deemed to include the ex officio members.

ARTICLE II. COMMITTEES

Such committees as are deemed necessary to assist and facilitate the Commission in the performance of its duties may 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 appointment.

ARTICLE III. POWERS AND DUTIES

The powers and duties of the Commission shall be as are presently provided in Chapter VIII, Section 43 "*Powers and Duties*" of the 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 day 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 on 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 Commission may be called by the Chairperson, by the written request of four members, or by a majority vote of the Commission at any regular or special meeting. Written notice of such meeting shall be given to each Commission member at least seven (7) working days prior to said meeting by personal service or by leaving such written notice at a member's 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 the Commission may be canceled by the Chairperson due to inclement weather or other reasons that make it impractical to hold a meeting. Public officials and the media shall be notified of any such cancellation 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 Planning Commission Secretary, which written request shall include delivery to the Secretary of self-addressed, stamped envelopes for the purpose of the Secretary's mailing of such notices to such person and a list of the meetings for which reasonable advance notification is being sought.
 - (b) The Planning Commission Secretary shall post the agenda of each regularly scheduled meeting and the time, place and purpose of each special meeting, not later than three (3) working days immediately preceding each scheduled meeting of the Commission on a public bulletin board at City Hall, whereby any person may obtain such information as is contained in such posted agenda in lieu of the means provided in paragraph (a) of this section during the normal business hours set for City Hall. If any case to be considered at a meeting requires an adjudicatory hearing, then the agenda shall so indicate.
 - (c) Additionally, any person upon request and payment of the fee set forth in Chapter 208 General Fee Schedule of the Codified Ordinances of the City of Avon Lake may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed.
7.
 - (a) All meetings shall be conducted in accordance with Robert's Rules of Order, Newly Revised, except as otherwise provided in these Rules and Regulations. Four voting members of the Commission shall constitute a quorum for the transaction of business at any regular or special meeting.
 - (b) Any person, other than a member of the Commission, who wishes to speak at a regular or special meeting with respect to a case or matter before the Commission, must do so under oath. The oath shall be administered by the Law Director or Assistant Law Director or, in the event neither of them is in attendance, by the Chairperson or Pro tem Chairperson. Except as set forth in paragraph (d) of this section or in Article V, no person may address the Commission more than once on any matter during a meeting of the Commission, unless granted permission by the Chairperson.
 - (c) Except as set forth in Article V, persons speaking on any case or matter shall address the Commission as a body and not any specific member of the Commission or anyone else. No person other than members of 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.

- (d) Except as set forth in Article V, the order and times permitted for remarks by anyone other than a member of the Commission at a regular or special meeting or at a work session with respect to a case or matter before the Commission shall be as follows:
 - (i) fifteen (15) minutes maximum for presentation by the applicant;
 - (ii) three (3) minutes maximum per person for comment with a maximum of thirty (30) minutes for all persons wishing to comment; and
 - (iii) five (5) minutes maximum for the applicant to respond to comments.
 - (e) During the general public comments portion of a meeting, each person shall have a maximum of three (3) minutes to comment, and there shall be a maximum of thirty (30) minutes for all persons wishing to comment.
 - (f) Notwithstanding the time limits set forth in paragraphs (d) and (e) above, the Chairperson shall have the right to prohibit or limit repetitive comments. Any voting member of the Commission may by motion request an extension of any of the foregoing time limits and it will be granted with the affirmative vote of two-thirds (2/3) of the voting members of the Commission in attendance.
8. The order of business for a Commission's regular meeting shall be as follows:
- (a) Roll call
 - (b) Approval of minutes
 - (c) General correspondence/announcements
 - (d) Council report
 - (e) Swearing in
 - (f) Presentation by applicant
 - (g) Tabled cases (correspondence/presentation by staff and applicant/public hearing, if required/public comments)
 - (h) New cases (correspondence/presentation by staff and applicant/public hearing, if required/public comments)
 - (i) Other business
 - (j) General public comments
 - (k) Adjournment
9. Any person, group or delegation wishing to schedule an appearance before the Commission shall direct a letter to the Planning Commission Secretary no later than the Tuesday prior to the scheduled meeting stating:
- (a) The purpose of the appearance;
 - (b) The approximate number of the group; and
 - (c) The name of the spokesperson.

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. The person or spokesperson shall then meet with said committee at such date and time to present the views of such person, group, or delegation to the committee before being scheduled to appear at the next scheduled regular meeting of the Commission following such committee meeting.

10. The Commission at the request of the Chairperson or any voting member of the Commission and upon an affirmative majority vote may adjourn into and meet in executive session during any regular or special meeting for any purpose permitted by the laws of the State of Ohio.

ARTICLE V. ADJUDICATORY HEARINGS

In any case before the Commission under Section 1216.11 of the Codified Ordinances (Waivers), Chapter 1250 of the Codified Ordinances (Conditional Uses) or any other section of the Codified Ordinances requiring the Commission to conduct an adjudicatory hearing or serve in a quasi-judicial capacity, the following shall apply:

1. The order of the presentation shall be as follows:
 - (a) An opening statement may be made by or on behalf of the applicant. Except as provided in paragraph (b) below, the opening statement may not exceed five (5) minutes, unless additional time is granted pursuant to Section 2 of this Article.
 - (b) An opening statement may be made by or on behalf of those opposing the application. Unless the Chairperson deems it appropriate to allow additional individuals to make opening statements on behalf of those opposing the application, only one (1) person may make an opening statement on behalf of those opposing the application. The total time for opening statements on behalf of those opposing the application may not exceed the greater of five (5) minutes or the amount of time of the applicant's opening statement, unless additional time is granted pursuant to Section 2 of this Article. If additional time is granted for opening statement(s) on behalf of those opposing the application, then, at the conclusion of the opening statement(s) on behalf of those opposing the application, the applicant may make an additional opening statement not to exceed the amount of such additional time.
 - (c) The applicant may present the testimony of witnesses in support of the application.
 - (d) Persons opposing the application may testify in opposition to the application.

- (e) The applicant may present the testimony of witnesses to rebut the testimony of those opposing the application.
 - (f) A closing argument may be made by or on behalf of the applicant. Except as provided in paragraph (g) below, the closing argument may not exceed five (5) minutes, unless additional time is granted pursuant to Section 2 of this Article. The applicant shall have the right to allocate a portion of the allotted time to rebuttal.
 - (g) A closing argument may be made by or on behalf of those opposing the application. Unless the Chairperson deems it appropriate to allow additional individuals to make closing arguments on behalf of those opposing the application, only one (1) person may make the closing argument on behalf of those opposing the application. The total time for closing arguments on behalf of those opposing the application may not exceed the greater of five (5) minutes or the amount of time of the applicant's closing argument (including time the applicant has reserved for rebuttal), unless additional time is granted pursuant to Section 2 of this Article. If additional time is granted for closing argument(s) on behalf of those opposing the application, then a like amount of additional time shall be added to the applicant's time for rebuttal.
 - (h) If the applicant has reserved time for rebuttal, rebuttal may be made by or on behalf of the applicant, not to exceed the reserved time and any additional time granted pursuant to paragraph (g) above.
2. Any voting member of the Commission may by motion request an extension of the time limits for opening statements or closing arguments, and it will be granted with the affirmative vote of two-thirds (2/3) of the voting members of the Commission in attendance.
 3. There shall be no time limit for the testimony of witnesses or on the number of witnesses testifying for or in opposition to an application. However, the Chairperson shall have the right to prohibit or limit testimony that is cumulative or repetitive and, unless called in rebuttal, no witness may testify more than once.
 4. Witnesses testifying before the Commission shall be subject to cross-examination. The right of cross examination on behalf of the applicant may be exercised by the applicant, if the applicant is an individual, or by the applicant's legal counsel. Unless the Chairperson determines that fairness requires that more than one person be permitted to cross examine on behalf of those opposing the application, the right of cross examination on behalf of those opposing the application may be exercised by one (1) representative.
 5. The members of the Commission shall have the right to question the applicant and all witnesses.

6. To the greatest extent possible, the rules of evidence as currently in effect for Ohio courts shall apply.
7. Opening statements and closing arguments may be considered by the Commission but shall not constitute evidence.
8. The rules prohibiting the unauthorized practice of law shall apply.
9. Any individual who wishes to make an opening statement, closing argument or cross examine witnesses on behalf of those opposing the application must notify the Planning Commission Secretary in writing at least one (1) working day prior to the hearing. If more than one person timely submits such notice, then preference shall be given to the first attorney at law to have submitted such notice or, if none, to the first person who submitted such notice.

ARTICLE VI. APPLICATION FOR COMMISSION AGENDA

1. 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 comment. 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 the plans submitted are adequate or must be revised and resubmitted.
2. If the plans are adequate, the applicant may make application to the Commission and the Planning Commission Secretary shall schedule the application on an agenda of the 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 for the completion of the review.
3. 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 deadline shall be extended to the next succeeding workday if the deadline falls on a holiday.

4. Applications may be referred to a work session of the Commission by a majority vote of the members of the Commission.

ARTICLE VII. ACTS OR DECISIONS

1. An affirmative vote of a majority of the Commission shall be required for action. As used in these Rules and Regulations, majority of the Commission or similar language means four (4) voting members of the Commission.
2. 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.
3. The Commission may table an agenda item, other than an adjudicatory hearing (except pursuant to Section 4 of this Article), at any time. If an application remains tabled 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 prior to 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.
4. The Commission, in the absence of the applicant or the applicant's representative at the meeting for which the application is scheduled and for which notice had been given to the applicant, shall table 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.
5. No application shall be reconsidered after having been acted on its merits, unless it has been referred back to Planning Commission by City Council or has been significantly amended, or has been dismissed by the Planning Commission without any action having been taken on its merits.
6. 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 such alteration is requested by the applicant and agreed to by the majority vote of the Commission, and subsequently presented to the Planning Commission Secretary in conformity with the Commission's recommended approval.

ARTICLE VIII. INTERPRETATION

In order that a ready means may be at hand for reconciling any conflicts, resolving any inconsistencies and clarifying any obscurities which may be discovered in the language of these Rules and Regulations, the power is hereby vested in the Commission to interpret the various sections and parts of these Rules and Regulations in harmony with the spirit thereof by the affirmative vote of a majority of the Commission members.

ARTICLE IX. AMENDMENTS

These Rules and Regulations may be amended at any regular or special meeting by the affirmative vote of a majority of the Commission members.

ARTICLE X. REPEAL OF 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 this 2nd day of July, 2002.

Revised December 2, 2008, April 6, 2010 and _____, 2017.