

**North Olmsted Planning & Design Commission
Rules and Regulations
2018**

Article I – Officers and Duties

Section 1 – Officers

The officers of the Planning & Design Commission shall be a Chairman and a Vice-Chairman.

Section 2 – Election

The Chairman and Vice-Chairman of the Planning & Design Commission shall be elected at its first regular January meeting by a majority vote of the members, and they shall hold office for one year or until their successors are elected. The Commission shall also appoint representatives to the Landmarks Commission and Housing Council by a majority vote of the members, who shall serve a term of one year or until his/her successor is appointed.

Section 3 – Vacancy

In the event that an office becomes vacant, such vacancy shall be filled for the unexpired term by a member who is elected by a majority vote of the Commission.

Section 4 – Duties of Officers

(a) Chairman

The Chairman shall preside at the meeting of the Commission and shall appoint all committees as necessary and be a non-voting ex-officio member of such committees. He shall exercise such other duties as are commonly exercised by the chief executive officer. The Chairman shall be assisted by the Administrative Assistant, whose duties shall be filing and record keeping, transcribing from notes taken at Commission meetings, and preparing minutes of said meetings, letters and other notices which may be required.

(b) Vice-Chairman

The Vice-Chairman, in the absence or inability of the Chairman to act, shall perform the duties of the Chairman and possess the same powers and authority as the Chairman.

Article II – Procedures

Section 1 – Regular Meetings

Regular meetings of the Commission shall be held on the second and fourth Wednesday of each month at 7:00 p.m. in the Council Chambers, except for November and December where there shall be one meeting on the second Wednesday of the month. Notice in writing of regular

meeting, the minutes of the previous meeting and the agenda of the coming meeting shall be mailed to each member at least five (5) days prior to such meetings.

Section 2 – Public Notice

- (1) In addition to public notice required by Section 149.02, the Administrative Assistant shall also send notification to other properties as directed by rule or regulation of the Planning & Design Commission or by its special order in accordance with Section 149.02(a)(4).
- (2) Pursuant to Section 149.02(a)(4), the Planning & Design Commission directs its Administrative Assistant to send notification to properties that, but for the location of public utility rights of way, would meet the proximity requirements of Section 149.02.
- (3) Pursuant to Section 149.02(a)(4), the Planning & Design Commission directs its Administrative Assistant to send notification to properties of any person requesting such notice, including members of the media or public officials, who may also consent to service by email in lieu of ordinary mail. The Administrative Assistant shall annually verify such requests for continued notification.

Section 3 – Quorum

Four (4) members shall constitute a quorum for the transaction of business. However, an affirmative favorable by at least four (4) members is required as a majority vote for approval. If the required majority vote cannot be obtained for a matter before the Commission, that matter shall be continued until the next regularly scheduled meeting. If the required majority vote is not obtained at the next regularly scheduled meeting to which the matter was continued, that matter will proceed as if the Commission took no action.

Section 4 – Special Meetings

Special meetings of the Commission shall be held whenever called by the Chairman or the Vice Chairman in the absence of the Chairman. If three (3) members of the Commission so request in writing, filed with the Administrative Assistant, the Chairman shall call a special meeting. Matters considered at a special meeting shall be limited to those described in the notice of the meeting. Notice of a special meeting shall be given in writing stating the purpose of the meeting at least one (1) day prior to the meeting.

Section 5 – Order of Business

- I. Roll Call
- II. Review and Correction of Minutes
- III. Old Business
- IV. New Business
- V. Communications
- VI. Adjournment

Section 6 – Consideration of Agenda Items

The following procedure will normally be observed; however, it may be rearranged by the Chairman for individual items if necessary for the expeditious conduct of business:

- (1) Staff presents report and makes recommendation.
- (2) Applicant makes presentation.
- (3) Planning & Design Commission may ask questions regarding the staff report and applicant presentation.
- (4) Public comments.
- (5) Planning & Design Commission deliberation and official vote.

Section 7 – Applicant Presentation

- (1) Applications must be filed by the property owners or by their authorized representatives, including developers, realtors, attorneys, architects, contractors or engineers. In the event that property owners have entered into an option or other development agreements contingent upon the Commission's approval, the prospective purchaser may file the application directly or through authorized representatives. The property owner's authorization of such prospective purchasers and authorized representatives shall be documented in writing and filed with the Administrative Assistant.
- (2) A property owner and/or prospective purchaser are encouraged to be present and to participate in hearings before the Commission. Nonappearance may result in an application being tabled by the Commission.

Section 8 – Participation

All meetings of the Planning & Design Commission shall be public. All public input will be addressed directly to the Chairman of the Planning & Design Commission. Persons desiring to address the Planning & Design Commission shall be afforded an opportunity to do so at any regular meeting for a period of time not to exceed five (5) minutes, unless extended by the Chairman.

Section 9 – Continuance of Cases

- (1) Applicant withdraws: an applicant may unilaterally withdraw an application from consideration by prior written notice addressed to the Administrative Assistant by 12:00 p.m. of the day before the meeting. Any applicant exercising such right to withdraw shall refile a new application and accompanying fees.
- (2) Applicant requests to be removed from agenda: an applicant may request that its application be removed from the agenda based upon prior written notice to the Administrative Assistant by 12:00 p.m. of the day before the meeting. Such request may be granted by the Chairman upon a showing of good cause or extenuating circumstances.
- (3) Applicant request to be tabled: an applicant may, at any point during the hearing of its application, request that the Commission table its request. The Commission may but is not required to grant such request.

- (4) Commission moves to table: the Commission may, with or without the consent of the applicant, table an application at any point during the hearing. In the event that the applicant objects or declines to consent to such continuance, the Commission shall re-schedule the hearing within the 60 days allowed by Code Section 1126.07(e).

Section 10 – Recess

The Chairman, at his discretion, may call a recess.

Section 11 – Executive Session

The Commission may go into executive session only upon compliance with state and local law.

Article III – Action of Commission

Section 1 – Formal Motions

After Planning & Design Commission deliberation, the Chairman shall call for a motion, which shall be made in the affirmative and specifically outline the conditions of approval, if any.

Section 2 – Reporting of Findings

No action or statement of any member of Commission or of any committees thereof shall be the action or statement of the Commission unless adopted by a majority vote of the Planning & Design Commission at which the action was taken or the statement was made. The Chairman shall, where required by ordinance, appoint a committee to make written findings, reports or recommendations. Members dissenting from the action or statement of the Commission are entitled to submit a minority report which shall be recorded in the minutes.

Section 3 – Transmission to Council

The Administrative Assistant shall report the action and recommendation of the Planning & Design Commission to the City Council on all subjects referred to it. The Commission shall direct the Administrative Assistant on the content and delivery of such report, which shall be performed in accordance with the City Charter and Ordinances. The minutes of the Planning & Design Commission shall function as the primary report on the action and recommendation of the Commission. In addition, where required by Code or otherwise appropriate, specific findings of fact shall be rendered by the Commission in support of its action and recommendation, separately appended to and incorporated by the minutes.

Section 4 – Conflict of Interest

Any member of the Planning & Design Commission who shall have a conflict of interest on any matter that is on the Commission agenda shall voluntarily recuse himself and refrain from discussing and voting on said items as a Commissioner.

Article IV – Petitions and Referrals

Section 1

Other than matters referred to the Commission by City Council, any matter to be considered by the Planning & Design Commission must be filed with the Administrative Assistant in accordance with deadlines established by code. Such filing shall include the pertinent details of the subject, and shall be signed by the person interested, or in the case of a corporation, by an authorized officer. Any matter referred to the Planning & Design Commission by Council shall be filed in writing with the Administrative Assistant.

Section 2

Petitions relating to any matter before the Commission shall be signed by a bona fide party in interest, resident or property owner of North Olmsted, and must state the address of each signator.

Section 3

Persons acting as a group with a common interest or purpose may select a chairman or spokesperson who shall be empowered to receive communications for the group from the Administrative Assistant. Such appointment shall not preclude individuals of the group from appearing before the Commission if they so desire.

Article V – Committees

Section 1 – Formation of Committees

The Planning & Design Commission may form sub-committees, as needed, in order to provide assistance on special projects.

Section 2 – Membership of Committees

Each committee shall consist of no more than three (3) members of the Commission.

Article VI – Attendance

Section 1 – Notification of Absence

Each member of the Planning & Design Commission who has knowledge of the fact that s/he will not be able to attend a scheduled meeting of the Planning Commission shall notify the Planning & Development Department at the earliest possible opportunity and, in any event, prior to 12:00 p.m. on the date of the meeting. The Administrative Assistant shall notify the Chairman in the event that the projected absences will produce a lack of a quorum.

Section 2 – Excused Absences

Members may be excused from the meeting by notifying the Administrative Assistant or Chairman of the cause for such absence and the Commission, by majority vote, excusing such absence. At the end of each year, a report of meeting attendance will be submitted to the appointing authority of each member.

Article VII – Proceedings

The form of proceedings of the Commission shall be governed by Robert’s Rules of Order.

Article VIII – Amendments to Rules

Regulations of the Commission may be amended or modified at any regular or special meeting of the Commission by the affirmative vote of two-thirds (2/3) of the Commission members, provided that written notice of the proposed amendments or modifications has been given to each member of the Commission not less than five (5) days prior to the meeting.

Article IX – Policy

All matters of policy affecting the Commission shall be decided at regular meetings or at special meeting called for that purpose.

Article X – Waiver

Any rule herein established may be waived by the affirmative roll call vote of at least five (5) members of the Commission.