

Planning & Zoning Commission **Rules of Operation**

This Commission on the 13th day of October, 2016 adopted the following rules as a guide to its orderly operation. These rules shall continue in effect until repealed or amended.

Section 1. Meetings.

1.01 Regular Meetings. Regular meetings shall be held in Council Chambers at the Municipal Building starting at 7:00P.M. on the second Thursday of each month. Where a regular meeting falls on a legal holiday, the Commission may, by a majority vote, change the place, date or hour, or may adjourn the same to a day and hour determined by a majority of the members present if a quorum exists as defined in Section 2.02.

1.02 Special Meetings. The Commission may hold special meetings as may be found necessary. Said meetings may be called by the City Clerk upon written request of three members, or upon the request of the Chairman. Any such vote or request for the calling of a special meeting shall state the subject or subjects to be considered thereat, and no other subject or subjects shall be considered.

1.03 Notice of Special Meetings. Unless called at a regular meeting of the commission, duly noted in the minutes thereof, twenty-four (24) hours notice in writing of such special meeting must be given to each member by personal service or delivery thereof to their usual place of residence. Members may waive such notice by their attendance at special meeting.

1.04 Open Meeting Law Compliance. In addition to the notice procedure set forth above, notice of all regular and special meetings shall be given in accordance with rules governing such notice as adopted by the commission pursuant to the provisions of ORC (Ohio Revised Code) Section 122.21(f). All meetings, regular and special, must be open to the public and press unless specially provided otherwise.

1.05 Organizational Meetings. The commission shall hold an organizational meeting to elect a Chairman and Vice-Chairman during its regularly scheduled meeting in February. The first organizational meeting shall be February of 1992, and shall take place every two years afterward.

Section 2. Duties & Powers of the Chair.

2.01 Election of Officers. The Chair of the Commission shall be elected from the members of the Commission at each organization meeting by a roll call vote. A candidate must receive at least a majority of votes of the membership in order to be elected Chair of the Commission.

The Vice-Chair shall be elected by the same manner as the chair. Anytime the office of

Chair or Vice-Chair is permanently vacated for whatever reason, the Commission shall elect a successor from its membership.

The new Chair, within sixty (60) days after the new position is assumed, shall hold an election of the sworn membership for a new Vice-Chair. The date of the election shall be set by Chair at the next regular meeting. The clerk shall notify the membership within seven (7) days of the date and time of the election.

2.02 Roll Call and Definition of Quorum. The Chair or Vice-Chair shall take the gavel at the hour appointed for the Commission to meet and conduct business, and shall call the Commission to order. Prior to the conduction of business, the Chair shall cause the roll to be taken to determine the presence of a quorum of not less than four (4) members. The results of such call shall be noted in the minutes of the meeting at hand. In the absence of a quorum at the hour appointed for the meeting, the members may, by majority vote, recess and cause the Clerk to procure the attendance of the members.

2.03 Temporary Chair. In the case of the absence of both the Chair and Vice-Chair, the Clerk shall call the Commission to order at the hour appointed and proceed to calling the roll to determine a presence of a quorum. If a quorum is found, the Clerk will ask the Commission to appoint a temporary Chair, approved by the majority, to preside until the Chair or Vice-Chair arrives, or until the meeting adjourns.

2.04 Points of Order – Appeal From Decision of the Chair. The Chair shall preserve decorum and decide all questions of order, subject to the appeal of the Commission. If any member transgresses the rules, the Chair shall render a decision as to the point of order. Any decision of the Chair pertaining to points of order may be appealed by a member of the Commission present by them simply stating “I appeal the decision of the Chair,” which the Chair must immediately place the question “Shall the Chair’s decision stand as the decision of the Commission?”. The Chair shall sustain unless overruled by a majority vote.

2.05 Voting. All questions shall be stated by the Chair and put to a vote of the members present as follows:

- A) Roll call votes. The Chair shall declare the vote after the Clerk has announced the number of votes cast for each side.
- B) Via voice votes. The Chair shall declare the vote without reference to the Clerk, if in doubt about a voice vote, the Chair may direct, or any member may call for a roll call vote.

Section 3. Records of Proceedings.

3.01 Written Record to be Kept. The Clerk shall maintain a written record of proceedings, which shall be a public record.

3.02 Audio Recordings of Proceedings. The Clerk shall maintain an audio recording of the proceedings on a cassette or other electronic recording device. Said audio recordings are to remain in possession of the Clerk at all times. The Clerk shall maintain said recordings pursuant to the record retention schedule approved by the City's Records Commission.

3.03 Supplemental and/or Supporting Documents. All documents presented at a regular or special meeting including, but not limited to staff reports, material samples, presentation materials and information provided by the applicant, shall be accepted into the record. (06/08/00)

Section 4. Members Duties & Decorum.

4.01 Addressing the Chair. When about to speak to a question or make a motion, a member shall address the Chair as "Chairman (and their name) or Mr. Chairman...", who in return shall recognize the member and entitle them to the floor. Members addressing the Commission shall confine themselves to the question under the debate and avoid personalities.

4.02 Voting. Every member when a question is put forth shall vote on the same except if a member desires to abstain for a reason that is required under the Constitution of the United States, Constitution of the State of Ohio, or City Ordinances, or by reasons approved by the Chair. The Chair shall refer questions of legal conflict to the Director of Law or representative of the Law Department for advice. There shall be no debate upon the question of abstention. If an abstention is granted by the Chair, then the abstaining member shall remove himself from the dais until the order of business or case is completed.

4.03 Division of a Question. On demand of any member, a question under the consideration, which covers two or more points, shall be divided where the question permits such a division.

4.04 Demand for a Roll Call. Any member may demand a roll call vote upon any question at anytime before the Chair announces the decision on the said question.

4.05 Excused from Attendance. No member shall be excused from attendance at a meeting except on request to and permission from the Chair prior to such meeting or by vote of majority of the members present. In case of an emergency, the Chair reserves the right to excuse an absence without a prior request.

4.06 Excused during a Meeting. No member shall be excused from a meeting while the meeting is in session, except with permission from the Chair.

4.07 Vacation of Member. Pursuant to Section 9.01 of the Charter of the City of

Hilliard, the Commission may, by a majority vote, dismiss a member from office due to poor attendance or misconduct in office:

- 1.) Poor attendance is defined as three unexcused absences during a calendar year from official meetings.
- 2.) Misconduct in office is defined as gross neglect of duty, gross immorality, drunkenness, misfeasance, malfeasance, or nonfeasance.

4.08 Decorum in Council Chambers. The Chair shall maintain decorum in chambers during sessions. Persons other than members, City Officials, and members of the press shall not be permitted on the floor to address the commission or one of its members, except upon introduction by the Chair.

4.09 Decorum of Members. All members will be expected to observe the following rules of personal conduct during meetings:

- 1.) Be on time for all meetings unless unavoidably detained.
- 2.) Abstain from the use of alcoholic beverages or drugs, which may affect behavior at meetings and/or impair proper judgment.
- 3.) Dress appropriately for all meetings.
- 4.) Observe proper parliamentary procedure, whether addressing the floor or the Chair.
- 5.) Refrain from the use of profanity and/or unprofessional behavior at all times.

Section 5. Order of Business.

5.01 Agenda of Meetings. The order of business at regular meetings shall be as follows:

- 1.) Call to Order
- 2.) Pledge of Allegiance.
- 3.) Quorum Call.
- 4.) Reading and approving the minutes, with or without correction.
- 5.) Swearing-in of all administration, staff, presenters and members of the public who will be speaking.
- 6.) Changes to the Agenda
- 7.) Old Business.
- 8.) New Business.
- 9.) Communications.
- 10.) Mayor's Update.
- 11.) Committee Report.

5.02 Change in Agenda. Upon motion of any member, the order of business may be altered by a majority vote.

5.03 Preparation of Agenda. The Clerk, under the direction of the Chairman shall prepare an agenda for each regular meeting. The Clerk shall make such agenda with all materials available either by paper or electronic means by 5:00P.M. on Friday preceding the regular meeting. Upon majority vote, items not scheduled for the agenda may be added to the agenda.

5.04 Case Presentation. After being announced by the Chair, the progression of presentation shall be as follows:

- 1.) Staff presentation
- 2.) Questions to staff
- 3.) Applicant presentation
- 4.) Commission members may question applicant
- 5.) Citizens comments
- 6.) Further discussion and questions
- 7.) Motion and second by member, followed by a vote.

To assist the Clerk in maintaining the records of the meetings, each person speaking from the floor shall sign the speaker's log, including full name and address, provided at the podium.

Section 6. Committees & Reports.

6.01 Appointments of Committees and Representatives. The Chairman shall appoint a member of the Commission as its representative to the following City Board or Commission:

- 1.) Recreation and Parks Commission

6.02 Duties of the Representatives. The function of the representative provided for in 6.01 shall be to facilitate the transfer of information between the Commission and Board or Commission in question. The representative should attend all meetings of the Commission or Board and relate the Commission's views, and, in turn, relate to the Commission the activities of the respective Board or Commission they represent.

Section 7. Motions.

7.01 Motions. When a motion is made, it shall be stated by the Chair before debate should take place. Any member may demand that the motion be reduced to writing. A motion may not be withdrawn by the mover without the consent of a second. Unless otherwise required by law, a motion shall be deemed passed if it receives the affirmative vote of a majority of the members present.

7.02 Order of Precedence. When a motion is made before the Commission, no motion shall be entertained except the following, which have precedence in the order given:

- 1.) Adjourn.
- 2.) To lay on the table.
- 3.) To postpone to a time uncertain.
- 4.) To refer.
- 5.) To amend.
- 6.) To postpone indefinitely.

7.03 Motion to Adjourn. Motion to adjourn shall be in order at any time except as follows:

- 1.) When repeated without intervening business or discussion.
- 2.) When made while another member is speaking or has the floor.
- 3.) When a question has been asked.
- 4.) While a vote is being taken.

7.04 Motion to Lay on the Table. A motion to lay on the table shall preclude all amendments of the subject under consideration. If the motion prevails, the consideration of the subject may be resumed only upon motion of a member voting with the majority and with the consent of the majority members present.

7.05 Motion to Postpone. Motions to postpone may be amended as to time, except a motion to postpone indefinitely. If a motion to postpone indefinitely carries, the principal question at hand is lost.

7.06 Motion to Reconsider. A motion to reconsider a proposal previously acted upon may be made by any member. In the case of defeated proposal, the motion to reconsider must be made by one of the members who voted on the majority side of the decision initially. Concurrence of a majority of the members present shall be sufficient for a reconsideration of a vote.

Section 8. Miscellaneous Rules.

8.01 Procedure in Absence of a Rule. In the absence of a rule to govern procedure, reference shall be had to the approved practices in Robert's Rules of order. Nothing herein shall be interpreted as limiting or affecting the Chair's power to control the meeting. The Chair is charged to establish such rules as deemed necessary to control debate on a case-by-case basis, including but not limited to, limiting the number of speakers on each issue or the amount of time each speaker is allotted.

8.02 Amending Rules. A majority vote is required to alter, amend, rescind, or supplement a rule. These should be submitted in writing at a regular meeting and placed on the agenda for the next regular meeting under New Items of Business.

8.03 Quorum. A majority of all members of the Commission, which totals four (4), constitutes a quorum.

8.04 Non-Discrimination Clause. Wherever the masculine gender appears in these rules, (i.e., he, him), it shall be construed to include the feminine gender, and the vice, versa; no discrimination is implied or intended.

**A Charter For The
City of Hilliard, Ohio
(2009)**

ARTICLE IX Boards and Commissions

Unless otherwise established in this Charter, the Council may, by ordinance, establish and define the procedures and duties of City Boards and Commissions and fix the number, qualifications and terms of the members thereof. Council may establish a Board of Health by ordinance, unless the City enters into a contract with any health district approved by the Ohio Department of Health as permitted under state law.

9.01 Planning and Zoning Commission.

There shall be a Planning and Zoning Commission consisting of seven (7) members, all of whom shall be qualified electors of the city. Six (6) members shall be appointed by the Mayor, subject to approval by the Council. One (1) member shall be selected from each ward of the City and the remaining member(s) shall be selected at large. The seventh member shall be the Mayor or the Mayor's designee. All terms shall be for (6) six years. The commission may, by a majority vote, dismiss a member from office because of poor attendance or misconduct in office. Vacancies shall be filled by appointment by the Mayor, subject to approval by Council. Full-time employees of the City, so long as they are qualified electors of the City, shall be permitted to serve on the Planning and Zoning Commission, provided, however, that no more than one (1) such city employee shall be permitted to serve at the same time. The Mayor shall not be considered a full-time City employee. Members of the Commission shall receive compensation as provided by ordinance.

9.02 Powers and Duties of the Planning and Zoning Commission.

The Planning and Zoning Commission shall have and exercise all powers and duties conferred upon City planning commissions by state law, and such other powers and duties as may be conferred upon it by ordinance. Among its powers and duties, the commission shall:

- (1) Review and recommend to City Council for approval:
 - (a) A master plan;
 - (b) A subdivision platting ordinance, which shall include minimum lot size and building sites
 - (c) An official City map;
 - (d) A zoning plan and ordinance, which may include such requirements for parks, recreation areas, and traffic and utility provisions as may be deemed necessary for the promotion of the public health, safety, and general welfare; and
 - (e) Such changes to the aforementioned plans and ordinances as may be deemed necessary for the promotion of the public health, safety, and general welfare

- (2) Approve preliminary plats and final plats which conform to the subdivision platting ordinance, provided that such plats shall be subject to review, modification, and reapproval of those plats or portions thereof on which construction has not been started within two years after the next preceding approval.

- Effective: Jan. 1, 2010.
