



CITY OF DUBLIN.

Office of the City Manager

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Memo

To: Members of Dublin City Council
From: Terry Foegler, City Manager
Date: January 7, 2010
Initiated By: Charlotte Colley, Management Assistant
Re: Updated Rules and Regulations for the Dublin Planning and Zoning Commission, the Board of Zoning Appeals, and the Architectural Review Board

Summary

At the December 7, 2009 meeting City Council requested that staff make all revisions and corrections identified during the meeting to the proposed Planning and Zoning Commission, Board of Zoning Appeals and Architectural Review Board Rules and Regulations. All revisions and corrections to the proposed Rules and Regulations have been completed.

Background

The City of Dublin hosted an Annual Board and Commission Training session on March 30, 2009 for the members of all Boards and Commissions appointed by City Council, including the Planning and Zoning Commission, the Architectural Review Board, and the Board of Zoning Appeals. The purpose of the training was to provide essential information and articulate the expectations and responsibilities that were associated with being a member of a board or commission for the City of Dublin.

Following the training, the City Manager's Office met with the staff liaisons to the boards and commissions to discuss their operations. This included a request to update each of their respective rules and regulations. After extensive discussion, the Planning and Zoning Commission, Board of Zoning Appeals, and Architectural Review Board have each recommended to Council a revised set of Rules and Regulations, presented initially to City Council on October 19, 2009. Council requested that the Rules and Regulations be reviewed by the Administrative Committee of Council to discuss the modifications and make a recommendation to City Council.

At the November 16, 2009 Council meeting, the Administrative Committee of Council updated Council regarding their review of the Rules and Regulations for the Dublin Planning and Zoning Commission (PZC), the Board of Zoning Appeals (BZA), and the Architectural Review Board (ARB). City Council then discussed the *Ex-parte Contact* limitations for PZC and ARB, and the *Meeting Procedures* for PZC, BZA and ARB that would allow the chair to limit the length and number of times the public can speak on an application at a meeting.

Council determined that the *Ex-parte Contact* restriction should maintain the previously approved

restriction for members regarding contact and discussion with applicants only. Council further recommended that language be included in the Rules requiring each of the board and commission members to disclose at the public meeting any substantive discussion, which has taken place with residents regarding the case.

Council also determined that the previously established five-minute time allowed for public testimony at the board and commission meetings should remain unchanged. City Council directed staff to update the Rules and Regulations of the three boards and commissions to reflect the discussion and to then present the Rules & Regulations of PZC, BZA and ARB for adoption at the December 7, 2009 City Council meeting.

Recommendation

Staff has prepared the final versions of the proposed PZC, BZA and ARB Rules and Regulations. The documents are ready for Council to adopt at the January 11, 2010 meeting.

**CITY OF DUBLIN
PLANNING AND ZONING COMMISSION
RULES AND REGULATIONS**

I. POWERS AND DUTIES OF COMMISSION

Detailed information regarding the powers and duties of the Planning and Zoning Commission is contained within the Dublin City Charter §7.02 and §7.03 and the Dublin Codified Ordinances Section 153.232.

II. COMMISSION MEMBERS (Dublin City Charter §7.03)

A. Membership

Detailed information regarding the Planning and Zoning Commission members is contained within the Dublin City Charter §7.02 and §7.03 and the Dublin Codified Ordinances Section 153.232 (A).

B. Officers

1. At its meeting in April, or the first meeting as practicable after Council appointments, the Commission shall elect a Chair and Vice-Chair. Officers shall be entitled to vote and shall each hold office for one (1) year or until a successor is elected.
2. Should the office of Chair or Vice-Chair become vacant, the Commission shall elect a successor from its membership within the next two (2) regular meetings.
3. The Commission may elect an interim officer, if necessary, if both the Chair and Vice-Chair are not available for a meeting.

C. Attendance of Members

1. Attendance is a responsibility of each member of the Commission. Regular attendance is expected for all members. More than four (4) unexcused absences within one (1) year may result in a member's removal from the Commission by City Council.
2. Each member shall be responsible for notifying the Chair and the Director or designee as soon as possible before any Commission meeting if unable to attend.

D. Resignation

Any member intending to resign prior to the expiration of their term shall notify the Clerk of Council in writing. The resignation of a member of the Commission shall become effective upon filing with the Clerk of Council or upon the date requested by the member.

III. MEETINGS

A. Public Meetings

1. All those who wish to speak on administrative cases will be sworn in.
2. In all administrative hearings, the applicants or the applicants' representative(s) are entitled to cross-examine all witnesses. Questioning may be limited if, in the judgment of the Chair, the questioning is either irrelevant or inappropriate.
3. All meetings shall be open to the public per O.R.C. §121. The Commission may meet in executive session in accordance with O.R.C. §121.22 (Open Meetings Act).

B. Regular Meetings

Regular meetings of the Commission shall be held in Council Chambers, Municipal Building, at 6:30 p.m. on the first Thursday of the month or as approved on the yearly meeting calendar unless otherwise specified. When necessary to accomplish the work of the Commission, another meeting may be held at the same place and hour as set forth above, on the Thursday as approved on the yearly meeting calendar unless otherwise specified.

C. Special Meetings

Special meetings may be held at any time upon call of the Chair, by a majority of the voting members of the Commission or upon request by City Council with at least a twenty-four (24) hour notice communicated to each member of the Commission. Notice and conduct of all special meetings shall be in accordance with Subsection C herein, the Dublin City Charter, Dublin Codified Ordinances and O.R.C. Chapter 121.

D. Quorum

A majority of the members of the Commission shall constitute a quorum for the transaction of business (four [4] members).

E. Parliamentary Procedure:

Robert's Rules of Order, Revised, are to be used as a guide in the governance of this Commission and for all cases not otherwise provided for in these rules. Technical violations of these rules or parliamentary procedure provisions shall not invalidate Commission actions.

IV. APPLICATIONS (Dublin Codified Ordinances Sections 152 and 153)

Applications shall be submitted to Land Use and Long Range Planning in accordance with the Zoning Code and the administrative provisions of Land Use and Long Range Planning.

To ensure that materials for consideration at an upcoming meeting are available for public review and inspection and are fully reviewed by the staff prior to the public meeting, no additional or supplemental plans, amendments, documentation, or changes to an application shall be accepted less than fifteen (15) calendar days prior to the meeting date.

V. AGENDA

- A. Land Use and Long Range Planning shall prepare and distribute an agenda to the Commission and to all applicants prior to the meeting listing all applications pending for the meeting.
- B. Applications previously tabled may be scheduled first. The Chair of the Commission may alter the agenda order at the meeting. No new agenda items shall be taken up after 10:30 p.m.

VI. APPLICATION MATERIALS AND REPORT OF LAND USE AND LONG RANGE PLANNING

- A. Prior to the scheduled meeting Land Use and Long Range Planning shall prepare and distribute its Planning Report and other supporting application materials and related documents to the Commission, with a copy for the applicant. A copy shall also be kept on record at the offices of Land Use and Long Range Planning for viewing or duplication by the public.
- B. The Planning Report may include statements from the Law Director's office, Engineering, Parks and Open Space, the Washington Township Fire Department and any other appropriate personnel regarding their opinions, recommendations, and suggested conditions of approval for any particular application.

VII. ATTENDANCE OF APPLICANT

The applicant or their representative shall attend all meetings at which the case is under consideration. The Commission may table, with or without a hearing, an application if the applicant or applicant's representative is not present when the matter is called at the meeting.

VIII. TABLING AND WITHDRAWAL

Requests to table or withdraw a case, together with the reason for the request, shall be made in writing by the applicant to Land Use and Long Range Planning prior to the meeting or verbally by the applicant or his/her representative at the meeting. Requests shall require approval by a majority of the Commission members in attendance. A tabled case may be rescheduled for the next available meeting, or at such other time as specified by the Commission, or the next available meeting after the reason for the tabling has been resolved, as determined by Land Use and Long Range Planning.

IX. MEETING PROCEDURE

- A. The Chair calls the meeting to order and introduces administrative items (roll call, Pledge of Allegiance, and other administrative items), gives a brief overview of the meeting procedure, and makes any other comments necessary to the appropriate conduct of the meeting.
- B. As necessary, Land Use and Long Range Planning presents an overview of the application and states its recommendation. The presentation will generally include such items as the relationship of the application to the Community Plan, visual representations of the site, and other supporting material and information. The recommendation of Land Use and Long Range Planning is for the information of the Commission only and is not binding on the action of the Planning and Zoning Commission.
- C. The Commission may request additional clarification or ask questions regarding any aspect of the presentation by Land Use and Long Range Planning. The applicants and/or their representative(s) next have the opportunity to present clarification of their case and shall also be available to answer questions. A time limit may be established at the discretion of the Chair.
- D. Interested citizens may make comments to the Commission. All persons presenting evidence or speaking before the Commission shall identify themselves by name and address. There will be a five (5) minute limit for each citizen comment. The Chair may request that interested citizens keep their comments brief and limit their comments to information that has not been provided by other citizens, in order to facilitate an efficient meeting. The Commission may permit applicants or their representatives the opportunity to respond to any issues raised before the Commission by the staff or the public.

- E. The Chair shall then close the public comment portion of the meeting and the Commission shall begin its deliberation of the matter. The Commission may request any additional information or comment from staff, applicant, or the public.
- F. The Commission votes, by roll call.
- G. The Chair announces the result of the vote and directs the official recording of the decision, together with the reasons for the decision, if not included within the Commission's motion.
- H. Land Use and Long Range Planning shall report the actions of the Planning and Zoning Commission to Council as soon as practicable.

X. RECONSIDERATION

- A. All actions by the Commission shall be final subject to the provisions of this section. Actions may be reconsidered by the Commission upon its own motion or for good cause shown.
- B. Any member who voted on the prevailing side of a motion may move to reconsider any action of the Commission, provided that such motion must be made no later than the second regular meeting after the original action from which reconsideration is being requested. Only one motion to reconsider shall be made upon any application.
- C. Reconsideration shall be granted by a majority vote of the members in attendance after a determination that there are new facts or a change in circumstances from the original decision. The reasons for granting reconsideration shall be included within the Commission's decision.

XI. EX-PARTE CONTACT

- A. The Commission members should avoid ex-parte contact with the applicant or their representative(s) on an application on file with Land Use and Long Range Planning. If any contact is made by an applicant, the member should refer the applicant to Land Use and Long Range Planning. If mailed material is received, Land Use and Long Range Planning should be notified to ensure that all of the members have received the same information. If not, information received individually should be made available to all members.
- B. Commission members should disclose any substantive discussions with resident(s) and/or the general public regarding a pending application at the next public meeting. This should include all relevant information provided by the

resident(s) and/or general public in order to ensure that all Commission members are considering the same information, prior to rendering a decision.

XII. CONFLICT OF INTEREST (Dublin City Charter §10.01)

- A. Any member of the Commission who feels that they have a conflict of interest on any matter that is on the Commission agenda, shall voluntarily excuse him/herself and refrain from discussions on that application. Commission members are encouraged to seek advice from the City Law Director as may be necessary to determine whether a conflict of interest may exist.
- B. Conflict of Interest Procedure: Once it is determined that a conflict of interest exists, the following procedure shall be used:
 - 1. After being recognized by the Chair, the member will note he/she will not be participating or voting on the application due to a conflict of interest. The member may state his/her reason why a conflict of interest exists.
 - 2. The member shall then be excused by the Chair and leave the room. Once the matter is concluded, the member may rejoin the meeting.

XIII. DISTRIBUTION OF RULES

Upon request, a copy of these rules shall be provided to anyone. Copies of these rules will also be made available at the meeting. A summary of the descriptions of the various types of proceedings conducted before the Commission will also be available at each meeting.

XIV. SUSPENSION OF RULES

The Commission, by affirmative vote of a majority of the members in attendance, shall have the authority to suspend or modify its rules and regulations at the meeting for good cause. Further, failure to comply with any of the rules and regulations set forth herein, or technical procedural deficiencies does not invalidate actions taken by this Commission.

Amended by Planning and Zoning Commission June 11, 2009.
Amended and adopted by Council January 11, 2010

**CITY OF DUBLIN
BOARD OF ZONING APPEALS
RULES AND REGULATIONS**

I. POWERS AND DUTIES OF BOARD

Detailed information regarding the powers and duties of the Board of Zoning Appeals is contained within the Dublin City Charter §7.02 and §7.04, the Dublin Codified Ordinances Section 153.231 and the City of Dublin Zoning Code.

II. BOARD MEMBERS

A. Membership

1. Detailed information regarding the Board of Zoning Appeals members is contained within the Dublin City Charter §7.02 and §7.04 and Dublin Codified Ordinances Section 153.231 (B).

B. Officers

1. At its meeting in April, or the first meeting as practicable after Council appointments, the Board shall elect a Chair and Vice-Chair. Officers shall be entitled to vote and shall each hold office for one (1) year or until a successor is elected.
2. Should the office of Chair or Vice-Chair become vacant, the Board shall elect a successor from its membership within the next two (2) regular meetings.
3. The Board may elect an interim officer, if necessary, if both the Chair and Vice-Chair are not available for a meeting.

C. Attendance of Members

1. Attendance is a responsibility of each member of the Board. Regular attendance is expected for all members. More than four (4) unexcused absences within one (1) year may result in a member's removal from the Board by Council.
2. Each member shall be responsible for notifying the Chair and the Director or designee as soon as possible before any Board meeting if unable to attend.

D. Resignation

Any member intending to resign prior to the expiration of their term shall notify the Clerk of Council in writing. The resignation of a member of the Board shall become effective upon filing with the Clerk of Council or upon the date requested by the member.

III. MEETINGS

A. Public Meetings

1. All those who wish to speak on administrative cases will be sworn in.
2. In all administrative hearings, the applicants or the applicants' representative(s) are entitled to cross-examine all witnesses.

Questioning may be limited if, in the judgment of the Chair, the question is either irrelevant or inappropriate.

3. All meetings shall be open to the public per O.R.C. §121. The Board may meet in executive session in accordance with O.R.C. §121.22 (Open Meetings Act).

B. Regular Meetings

1. Regular meetings of the Board shall be held in Council Chambers, Municipal Building, at 6:30 p.m. on the fourth Thursday of the month or as approved on the yearly meeting calendar unless otherwise specified. When necessary to accomplish the work of the Board, another meeting may be held at the same place and hour as set forth above, on the Thursday as approved on the yearly meeting calendar unless otherwise specified.
2. Whenever there is no business for the BZA, the Chair may dispense with a regular meeting by giving notice to all the members not less than 24 hours prior to the time set for the meeting.

C. Special Meetings

Special meetings may be held at any time upon call of the Chair, by a majority of the voting members of the Board or upon request by City Council with at least a twenty-four (24) hour notice communicated to each member of the Board. Notice and conduct of all special meetings shall be in accordance with Subsection C herein, the Dublin City Charter, Dublin Codified Ordinances and O.R.C. Chapter 121.

D. Quorum

A majority of the members of the Board shall constitute a quorum for the transaction of business (three [3] members).

E. Parliamentary Procedure

Robert's Rules of Order, Revised, are to be used as a guide in the governance of this Board and for all cases not otherwise provided for in these rules. Technical violations of these rules or parliamentary procedure provisions shall not invalidate Board actions.

IV. APPLICATIONS (Dublin Codified Ordinances Chapters 152 and 153)

- A. Applications shall be submitted to Land Use and Long Range Planning in accordance with the Zoning Code and the administrative provisions of Land Use and Long Range Planning.
- B. To ensure that materials for consideration at an upcoming meeting are available for public review and inspection and are fully reviewed by staff prior to the public meeting, no additional or supplemental plans, amendments,

documentation, or changes to an application shall be accepted less than fifteen (15) calendar days prior to the meeting date.

V. AGENDA

- A. Land Use and Long Range Planning shall prepare and distribute an agenda to the Board and to all applicants prior to the meeting listing all applications pending.
- B. Applications previously tabled may be scheduled first. The Chair of the Board may alter the agenda order at the meeting. No new agenda items shall be taken up after 10:30 p.m.

VI. APPLICATION MATERIALS AND REPORT OF LAND USE AND LONG RANGE PLANNING

- A. Prior to the scheduled meeting, Land Use and Long Range Planning shall prepare and distribute its Planning Report and other supporting application materials and related documents to the Board, with a copy for the applicant. A copy shall also be kept on record at the offices of Land Use and Long Range Planning for viewing or duplication by the public.
- B. The Planning Report may include statements from the Law Director's office, Engineering, Parks and Open Space, the Washington Township Fire Department and any other appropriate personnel regarding their opinions, recommendations, and suggested conditions of approval for any particular application.
- C. An application for a hearing before the Board of Zoning Appeals of a variance to the Building Code or Stream Corridor Protection Zone shall be submitted to the Planning Division on the required application deadlines established by City Council. The applicant shall supply such information, documents, drawings, photographs, and other material to rebut any decision made by the City of Dublin.

VII. ATTENDANCE OF APPLICANT

The applicant or their representative shall attend all meetings at which the case is under consideration. The Board may table, with or without a hearing, an application if the applicant or applicant's representative is not present when the matter is called at the meeting.

VIII. TABLING AND WITHDRAWAL

Requests to table or withdraw a case, together with the reason for the request, shall be made in writing by the applicant to Land Use and Long Range Planning prior to the meeting or verbally by the applicant or his/her representative at the meeting. Requests shall require approval by a majority of the Board members in attendance. A tabled case may be rescheduled for the next available meeting, or at such other time as

specified by the Board, or the next available meeting after the reason for the tabling has been resolved, as determined by Land Use and Long Range Planning.

IX. MEETING PROCEDURE

- A. The Chair calls the meeting to order and introduces administrative items (roll call and other administrative items), gives a brief overview of the meeting procedure, and makes any other comments necessary to the appropriate conduct of the meeting.
- B. As necessary, Land Use and Long Range Planning presents an overview of the application and states its recommendation. The presentation will generally include visual representations of the site and other supporting material and information. The recommendation of Land Use and Long Range Planning is for the information of the Board only and is not binding on the action of the Board of Zoning Appeals.
- C. Interested citizens may make comments to the Board. All persons presenting evidence or speaking before the Board shall identify themselves by name and address. There will be a five (5) minute limit for each citizen. The Chairperson may request that interested citizens keep their comments brief and limit their comments to information that has not been provided by other citizens, in order to facilitate an efficient meeting. The Board may permit applicants or their representatives the opportunity to respond to any issues raised before the Board by staff or the public.
- D. The Chairperson shall then close the public comment portion of the meeting and the Board shall begin its deliberation of the matter. The Board may request any additional information or comment from staff, applicant, or the public.
- E. The Board votes by roll call.
- F. The Chair announces the result of the vote and directs the official recording of the decision, together with the reasons for the decision, if not included within the Board's motion.
- G. Land Use and Long Range Planning shall report the actions of the Board of Zoning Appeals to Council as soon as practicable.

X. RECONSIDERATION

- A. All actions by the Board shall be final, subject to the provisions of this section. Actions may be reconsidered by the Board upon its own motion or for good cause shown.
- B. Any member who voted on the prevailing side of a motion may move to reconsider any action of the Board, provided that such motion must be made

no later than the next regular meeting after the original action from which reconsideration is being requested. Only one motion to reconsider shall be made upon any application.

- C. Reconsideration shall be granted by a majority vote of the members in attendance after a determination that there are new facts or a change in circumstances from the original decision. The reasons for granting reconsideration shall be included within the Board's decision.

XI. EX-PARTE CONTACT

- A. The Board members should avoid ex-parte contact with any interested party on an application on file with Land Use and Long Range Planning. Members should not engage in conversations with interested parties or with each other except for that which takes place at a scheduled Board of Zoning Appeals meeting. This also applies to other contacts, such as phone calls, chance meetings, or other occasions. If any contact is made by an applicant, the member should refer the applicant to Land Use and Long Range Planning. If mailed material is received, Land Use and Long Range Planning should be notified to ensure that all of the members have received the same information. If not, information received individually should be made available to all members.
- B. Board members should report any attempted contact at the meeting and may refuse to participate in the deliberation and decision of the case.

XII. CONFLICT OF INTEREST (Dublin City Charter §10.01)

- A. Any member of the Board who feels that they have a conflict of interest on any matter that is on the Board agenda, shall voluntarily excuse him/herself and refrain from discussions on that application. Board members are encouraged to seek advice from the City Law Director as may be necessary to determine whether a conflict of interest may exist.
- B. Conflict of Interest Procedure: Once it is determined that a conflict of interest exists, the following procedure shall be used:
 - 1. After being recognized by the Chair, the member will note he/she will not be participating or voting on the application due to a conflict of interest. The member may state his/her reason why a conflict of interest exists.
 - 2. The member shall then be excused by the Chair and leave the room. Once the matter is concluded, the member may rejoin the meeting.

XIII. DISTRIBUTION OF RULES

Upon request, a copy of these rules shall be provided to anyone. Copies of these rules will also be made available at the meeting. A summary of the descriptions of the

various types of proceedings conducted before the Board will also be available at each meeting.

XIV. SUSPENSION OF RULES

The Board, by affirmative vote of a majority of the members in attendance, shall have the authority to suspend or modify its rules and regulations at the meeting for good cause. Further, failure to comply with any of the rules and regulations set forth herein, or technical procedural deficiencies does not invalidate actions taken by this Board.

Passed by the Board of Zoning Appeals on August 27, 2009
Amended and adopted by City Council on January 11, 2010

**CITY OF DUBLIN
ARCHITECTURAL REVIEW BOARD
RULES AND REGULATIONS**

I. PURPOSE

- A. The purpose of the Board shall be to promote the educational, cultural and economic well being of the community through the preservation and maintenance of the District and historic sites as landmarks and tangible reminders of early architecture in Dublin; and to prevent the deterioration of the District and historic sites.
- B. The purposes of the Board shall be accomplished through the review of construction, alteration, maintenance and demolition within the District and individual sites subject to Architectural Review Board review; to preserve their architectural features and characteristics; to make recommendations as to land use within the District and historic sites; to restore and maintain their basic character together with other uses appropriate to the District or an historic site's unique nature; and to recommend legislation designed to promote these purposes.

II. POWERS AND DUTIES OF BOARD

- 1. Detailed information regarding the powers and duties of the Architectural Review Board is contained within the Dublin Zoning Code.

III. BOARD MEMBERS

A. Membership

- 1. Membership is determined by Dublin City Council as outlined in the Dublin City Charter in §7.01 and §7.02 and Dublin Codified Ordinances §153.173.

B. Officers

- 1. At its April meeting, or the first meeting as practicable after Council appointments, the Board shall elect a Chair and Vice-Chair. Officers shall be entitled to vote and shall each hold office for one year or until a successor is elected.
- 2. Should the office of Chair or Vice-Chair become vacant, the Board shall elect a successor from its membership within the next two regular meetings.
- 3. The Board may elect an interim officer, if necessary, if both the Chair and Vice-Chair are not available for a meeting.

C. Attendance of Members

- 1. Attendance is a responsibility of each member of the Board. Regular attendance is expected for all members. More than four (4) unexcused

absences within one (1) year may result in a member's removal from the Board by City Council.

2. Each member shall be responsible for notifying the Chair and the Director or designee as soon as possible before any Board meeting if unable to attend.

D. Resignation

Any member intending to resign prior to the expiration of their term shall notify the Clerk of Council in writing. The resignation of a member of the Board shall become effective upon filing with the Clerk of Council or upon the date requested by the member.

IV. MEETINGS

A. Public Meetings

1. All those who wish to speak on cases will be sworn in.
2. In all administrative hearings, the applicants or the applicants' representative(s) are entitled to cross-examine all witnesses. Questioning may be limited if, in the judgment of the Chair, the questioning is either irrelevant or inappropriate.
3. All meetings shall be open to the public per O.R.C. §121. The Board may meet in executive session in accordance with O.R.C. §121.22 (Open Meetings Act).

B. Regular Meetings

1. Regular meetings of the Board shall be held in Council Chambers, Municipal Building, at 6:30 p.m. on the fourth Wednesday of the month or as approved on the yearly meeting calendar unless otherwise specified.
2. Whenever there is no business for the Board, Land Use and Long Range Planning may dispense with a regular meeting by giving notice to all the members not less than 24 hours prior to the time set for the meeting.

C. Special Meetings

Special meetings may be held at any time upon call of the Chair, by a majority of the voting members of the Board or upon request by City Council with at least a 48-hour notice communicated to each member of the Board. Notice and conduct of all special meetings shall be in accordance with Subsection C herein, the Dublin City Charter, Dublin Codified Ordinances and O.R.C. Chapter 121.

D. Quorum

A majority of the members of the Board shall constitute a quorum for the transaction of business.

E. Parliamentary Procedure:

Robert's Rules of Order, Revised, are to be used as a guide in the governance of this Board and for all cases not otherwise provided for in these rules. Technical violations of these rules or parliamentary procedure provisions shall not invalidate Board actions.

V. APPLICATIONS (Dublin Codified Ordinances Chapter 153)

- A. Applications shall be submitted to Land Use and Long Range Planning in accordance with the Dublin Zoning Code and the administrative provisions of Land Use and Long Range Planning.
- B. To ensure that materials for consideration at an upcoming meeting are available for public review and inspection and are fully reviewed by the staff prior to the public meeting, no additional or supplemental plans, amendments, documentation, or changes to an application shall be accepted less than 15 calendar days prior to the meeting date or as otherwise specified.

VI. AGENDA

- A. Land Use and Long Range Planning shall prepare and distribute an agenda to the Board and all applicants prior to the meeting listing all applications pending for the meeting.
- B. Applications previously tabled may be scheduled first. The Chair of the Board may alter the agenda order at the meeting. No new agenda items shall be taken up after 10:00 p.m.

VII. APPLICATION MATERIALS AND REPORT OF LAND USE AND LONG RANGE PLANNING

- A. Prior to the scheduled meeting, Land Use and Long Range Planning shall prepare and distribute its Planning Report and other supporting application materials and related documents to the Board, with a copy for the applicant. A copy shall also be kept on record at the offices of Land Use and Long Range Planning for viewing or duplication by the public.
- B. The Planning Report may include statements from the Law Director's office, Engineering, Parks and Open Space, the Washington Township Fire Department and any other appropriate personnel regarding their opinions, recommendations, and suggested conditions of approval for any particular application.

VIII. ATTENDANCE OF APPLICANT

The applicant or their representative shall attend all meetings at which the case is under consideration. The Board may postpone, with or without a hearing, an application if the

applicant or applicant's representative is not present when the matter is called at the meeting.

IX. POSTPONEMENT AND WITHDRAWAL

Requests to postpone or withdraw a case, together with the reason for the request, shall be made in writing by the applicant to Land Use and Long Range Planning prior to the meeting or verbally by the applicant or his/her representative at the meeting. Requests shall require approval by a majority of the Board members in attendance. A postponed case may be rescheduled for the next available meeting, or at such other time as specified by the Board, or the next available meeting after the reason for the postponement has been resolved, as determined by Land Use and Long Range Planning.

X. MEETING PROCEDURE

- A. The Chair calls the meeting to order and introduces administrative items (roll call and other administrative items), gives a brief overview of the meeting procedure, and makes any other comments necessary to the appropriate conduct of the meeting.
- B. As directed by the Board, Land Use and Long Range Planning presents an overview of the application and states its recommendation. The presentation will generally include such items as the relationship of the application to the Historic Dublin Design Guidelines, visual representations of the site, and other supporting material and information. The recommendation of Land Use and Long Range Planning is for information only and is not binding on the action of the Architectural Review Board.
- C. Interested citizens may make comments to the Board. All persons presenting evidence or speaking before the Board shall identify themselves by name and address. There will be a five (5) minute limit for each citizen. The Chair may request that interested citizens keep their comments brief and limit their comments to information that has not been provided by other citizens in order to facilitate an efficient meeting. The Board may permit applicants or their representatives the opportunity to respond to any issues raised before the Board, by the staff, or the public.
- D. The Chair shall then close the public comment portion of the meeting and the Board shall begin its deliberation of the matter. The Board may request any additional information or comment from the staff, applicant, or the public.
- E. The Board votes, by roll call.
- F. The Chair announces the result of the vote and directs the official recording of the decision, together with the reasons for the decision, if not included within the Board's motion.
- G. Land Use and Long Range Planning shall report the actions of the Architectural Review Board to Council as soon as practicable.

XI. RECONSIDERATION

- A. All actions by the Board shall be final, subject to the provisions of this section. Actions may be reconsidered by the Board upon its own motion or for good cause shown.
- B. Any member who voted on the prevailing side of a motion may move to reconsider any action of the Board, provided that such motion must be made no later than the second regular meeting after the original action from which reconsideration is being requested. Only one motion to reconsider shall be made upon any application.
- C. Reconsideration shall be granted by a majority vote of the members in attendance after a determination that there are new facts or a change in circumstances from the original decision. The reasons for granting reconsideration shall be included within the Board's decision.

XII. EX-PARTE CONTACT

- A. The Board members should avoid ex-parte contact with any applicant or their representative(s) on an application on file with Land Use and Long Range Planning. If any board member is contacted by an applicant, the member should refer the applicant to Land Use and Long Range Planning. If mailed material is received, Land Use and Long Range Planning should be notified to ensure that all of the members have received the same information. If not, information received individually should be made available to all members.
- B. Board members should disclose any substantive discussions with resident(s) and/or the general public regarding a pending application at the next public meeting. This should include all relevant information provided by the resident(s) and/or general public in order to ensure that all Board members are considering the same information, prior to rendering a decision.

XIII. CONFLICT OF INTEREST (Dublin City Charter §10.01)

- A. Any member of the Board who feels that they have a conflict of interest on any matter that is on the Board agenda, shall voluntarily excuse him/herself and refrain from discussions on that application. Board members are encouraged to seek advice from the City Law Director as may be necessary to determine whether a conflict of interest may exist.
- B. Conflict of Interest Procedure: Once it is determined that a conflict of interest exists, the following procedure shall be used:
 - 1. After being recognized by the Chair, the member will note he/she will not be participating or voting on the application due to a conflict of interest. The member may state his/her reason why a conflict of interest exists.
 - 2. The member shall then be excused by the Chair and leave the room. Once the matter is concluded, the member may rejoin the meeting.

XIV. DISTRIBUTION OF RULES

Upon request, a copy of these rules shall be provided to anyone. Copies of these rules will also be made available at the meeting. A summary of the descriptions of the various types of proceedings conducted before the Board will also be available at each meeting.

XV. SUSPENSION OF RULES

The Board, by affirmative vote of a majority of the members in attendance, shall have the authority to suspend or modify its rules of procedure and guidelines at the meeting for good cause. Further, failure to comply with any of the rules and regulations set forth herein, or technical procedural deficiencies does not invalidate actions taken by this Board.

Passed by the Architectural Review Board on August 26, 2009
Amended and adopted by City Council on January 11, 2010