



CITY OF DUBLIN,

**Land Use and
Long Range Planning**
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PLANNING REPORT

PLANNING AND ZONING COMMISSION

JUNE 11, 2009

SECTION I - CASE INFORMATION:

**1. Planning and Zoning Commission Rules and Regulations
03-053ADM Administrative Request**

Proposal: Modifications and amendments to the Planning and Zoning Commission Rules and Regulations.

Request: Review and recommendation of approval to City Council of the revised Rules and Regulations under the provisions of Code Section 153.232.

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Case Update

At the May 21, 2009 meeting, the Commissioners briefly discussed the proposed Rules and Regulations, which incorporated the changes and revisions from the thorough review of the document at the May 7, 2009 meeting. The Commissioners requested that reference to the Code and the City Charter be included in the Rules and Regulations and that Planning provide the document along with the meeting minutes from May 7, 2009 at the next meeting for a vote.

At the May 7, 2009 meeting, the Planning and Zoning Commission reviewed the updates to the Rules and Regulations proposed by Planning and also requested several changes to the document. The Commission agreed that the Rules and Regulations should be revised to eliminate any redundant language. Specifically, the Commission requested that sections addressing the Powers and Duties, the Commission Membership and the paragraph about amending the Zoning Code be deleted as these subjects are either covered in the Zoning Code or the City Charter.

The Commissioners also discussed making changes to the Ex-Parte portion of the Rules and Regulations and decided to propose a modification that prohibits contact with any interested party on a pending application. Minor changes were requested regarding titles and terminology, the structure of the meeting and general simplification of paragraphs.

Case Summary

City Council has instructed each Board and Commission Liaison to work with their respective Board or Commission to review and/or establish Rules and Regulations. Planning has reviewed the Planning and Zoning Commission Rules and Regulations and has made minor changes to them in order to accurately reflect the actual processes and procedures that the Commission and Planning follow and those that are required of the applicants. Planning is suggesting more significant changes to the Ex-Parte portion of the Rules and Regulations.

As directed by City Council, the updates Rules and Regulations should be presented to Council for a vote at the September meeting, where Council will consider the Rules and Regulations of all City Boards and Commissions. The timeline proposed by City Council allows for discussion of the updates proposed by Planning and the incorporation of changes as may be requested by the Commission. Planning recommends that the Commission recommend approval to City Council of the proposed revisions to the Rules and Regulations.

Case Background

The Rules and Regulations of the Dublin Planning and Zoning Commission set out the powers, responsibilities, meeting procedures, and general public review process. It is distributed with every application and provided to the public at every Commission meeting. The current version of the Rules and Regulations was adopted in 2003. The Commission discussed and reviewed changes to the Rules and Regulations in 2006 and 2007, but the updates did not make it through the formal adoption process largely due to different opinions on changes to Ex-Parte contact. City Council discussed the Commissions' Rules and Regulations in January of 2007 and no decision was reached whether or not changes should be implemented or whether a Council member should be appointed to the Commission.

As part of the formal Board and Commission Training in March of 2009 and the subsequent training of the Staff Liaisons, Council requested that all Boards and Commissions update their Rules and Regulations.

Proposed Modifications

Planning has prepared an updated version of the Rules and Regulations that incorporates the comments from the May 7, 2009 meeting. Attached are three documents for review, the adopted Rules and Regulations, a strike-through version of the proposed Rules and Regulations (blue text indicates language previously proposed by Planning, the strikethrough indicates deleted text, purple indicates changes requested by the Commission) and a clean version of the proposed Rules and Regulations.

SECTIONS II/III - REVIEW STANDARDS/RECOMMENDATION: Approval

This is an administrative request to update the Commission's Rules and Regulations. Planning recommends that the Commission recommend approval to City Council of the proposed revisions to the Rules and Regulations.

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RULES AND REGULATIONS PLANNING AND ZONING COMMISSION DUBLIN, OHIO

- I. POWERS AND DUTIES OF COMMISSION (Dublin City Charter §7.02 Dublin Codified Ordinances Section 153.232)
 - A. Review of preliminary and final plats and recommendations of action to Council. (Administrative)
 - B. Review of amendments to the zoning map, the Zoning Ordinance and recommendation of action to Council. (Legislative)
 - C. Review of development proposals under Section 153.115, Corridor Development District. (Administrative)
 - D. Authorize only such conditional uses as the Planning and Zoning Commission is specifically authorized to pass on by terms of the Zoning Ordinance. (Administrative)
 - E. Initiate inclusion of annex territory in one or more of the Zoning Districts defined in the Zoning Ordinance as amended. (Legislative)
 - F. Review and approve final development plans, development plans amended, and revised, development plans and plan refinements for planned districts. (Administrative)
 - G. Initiate rezoning applications. (Legislative)
 - H. Exceptions to subdivision regulations as provided by Section 152.110 (i.e. variances). (Administrative)
 - I. All other duties as may be provided by the City Charter and City ordinances as amended.

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II. COMMISSION MEMBERS (Dublin City Charter §7.03)

A. Membership:

1. The Planning and Zoning Commission shall consist of seven electors of the City who shall serve overlapping four-year terms; one of which may be a Council member who shall serve at the pleasure of Council.
2. Expired terms shall be filled by Council pursuant to §7.02 (d) of the Charter.
3. A member of the Commission shall serve for no more than two (2) consecutive full terms unless at least one year has elapsed since at the end of the previous full term.

B. Officers:

1. At its meeting in April, held 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 regular meetings. The Commission may elect an interim officer, if necessary.
3. The Chair and the Vice-Chair shall serve no more than two consecutive terms in their respective offices unless at least one year has elapsed since their previous full term ended. Nothing in these rules shall deprive the Chair or Vice-Chair of any duties or obligations as a Commission member.

C. Attendance of Members:

1. Attendance is a responsibility of each member of the Commission. Attendance is encouraged for all members. More than four unexcused absences within one year may result in a member's removal from the Commission by City Council.
2. Each member shall be responsible for notifying the secretary as soon as possible before any Commission meeting if unable to attend.

D. Resignation:

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The resignation of a member of the Commission shall become effective upon filing with the Clerk of Council.

III. MEETINGS

A. Public Meetings:

All those who wish to speak on administrative cases will be sworn-in at the beginning of the meeting.

In all administrative hearings, the applicants or the applicants' representative(s) are entitled to cross-examine all witnesses. Such questioning may be limited if, in the judgment of the Chair, the questioning is either irrelevant or inappropriate.

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 (Sunshine Law).

B. Regular Meetings:

Regular meetings of the Commission shall be held on the first Thursday of the month in Council Chambers, City Hall, at 6:30 p.m. 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 hour (24) notice (written or personal contact) to each member of the Commission. When necessary to accomplish the work of the Commission, another meeting may be held on the third Thursday of the month at the same place and hour as set forth above, unless otherwise specified. 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 members).

E. Parliamentary Procedure:

Robert's Rules of Order, Revised, are hereby adopted for the governments of this Commission, in all cases not otherwise provided for in these rules. Technical violations of these rules or parliamentary procedure provisions shall not invalidate Commission actions.

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

- A. Applications shall be submitted to the Planning Director in accordance with the Zoning Code and pursuant to the application schedule maintained by the Development staff.
 - 1. 15-day rule for application amendments/plan submittal. To assure 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 supplemental plans, amendments, documentation, or changes to an application shall be accepted less than 15 calendar days prior to the meeting date.
- B. Proposed ordinances and resolutions establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations shall be initiated by the applicant's submittal of a completed application requesting such modification; or by City Council on its own initiative as may be necessary for the public interest.
- C. After introduction before City Council, the proposed ordinance or resolution is placed on the Commission's agenda for such meeting as specified or at the next special or regular meeting called for such purposes.

V. AGENDA

- A. Staff shall prepare and distribute an agenda to the Commission prior to the meeting listing all applicants, and having staff report and other documents attached. Applications previously tabled and those requiring less time may be scheduled first.
- B. No new agenda items shall be taken up after 10:30 p.m.

VI. STAFF REPORT

Staff shall prepare a written report for each application appearing on the agenda. The staff report shall be provided to the Commission, the applicant(s), and to residents upon request. Copies of maps, plans, and diagrams, which are part of the staff report provided to Commission members, shall not exceed 11" x 17". The staff report shall also include, as necessary, statements from the Law Director's office, City Engineer, Recreation Services Director, Grounds and Facilities Director, City Forester, and appropriate safety personnel regarding their opinions as to 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 dismiss, without hearing, an application if the

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applicant or applicant's representative is not present when the matter is called for hearing 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 prior to the meeting or by the applicant or his representative at the meeting. Such requests may require approval by a majority of the Commission members in attendance at the meeting. A tabled case shall be rescheduled for the next available meeting, unless otherwise specified.

IX. MEETING PROCEDURE

- A. The Chair introduces Commission members and staff, gives a brief overview of the meeting procedure, and makes any other comments necessary to the appropriate conduct of the meeting.
- B. At the beginning of the meeting, the Commission shall determine the order in which cases will be heard. Priority will be given to consent cases. The Chair calls each case separately.
- C. Staff presents a verbal report and makes its recommendations. The report should include a statement of the relationship of the application to the Community Plan, and may include visual presentation of site. It should be limited to four minutes in length generally, and not more than 15 minutes for a complex case.
- D. The Commission may ask questions regarding any aspect of the staff presentation, the applicant's presentation or any other aspect of the presentation as it may deem necessary and appropriate.
- E. The applicants and/or applicants' representative(s) next have the opportunity to present their case. This will be limited to 15 minutes, unless extended by the Commission.
- F. Interested citizens may make presentations to the Commission. All persons presenting evidence or speaking before the Commission shall identify themselves by name and address. Unless otherwise modified by the Chair, there will be a five-minute limit for each citizen comment. The Chair has the authority to limit the number of persons making comments on any case.
- G. The applicants or applicants' representatives respond to any issues raised before the Commission.
- H. The Commission may ask questions regarding any aspect of the presentation, and discuss the application.

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- J. At the conclusion of the public comment section of the meeting, the Commissioners will undertake a discussion among the Commissioners.
 - J. The Commission votes, by roll call.
 - K. 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.
 - L. The Commission shall, by roll call vote, authorize the Secretary of the Commission to issue a written notice of the Commission's recommendation to the Clerk of Council. Such recommendation shall be submitted to the Clerk of Council as soon as practicable.
- X. RECONSIDERATION

All actions by the Commission shall be final subject to the following provisions. Actions may be reconsidered by the Commission upon its own motion or for good cause shown.

- A. 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 was taken. No motion to reconsider shall be made more than once upon any application. Reconsideration shall be granted by a majority vote of the members in attendance and only upon a showing of new facts or a change in circumstances from the original decision. The reason for granting a reconsideration shall be included within the Commission's decision.

XI. EX-PARTE CONTACT

The Commission members should avoid ex-parte contact with the applicant or their representative(s). If any such contacts are made by an applicant, the member should refer the applicant to staff. If the applicant persists in offering information by way of ex-parte conduct, the member should report these contacts 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)

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 himself 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 or not a conflict of interest may exist.

XIII. DISTRIBUTION OF RULES

A copy of these rules shall be provided to each applicant or representative at the time of the filing of an application. Copies of these rules will be made available to the audience

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by placement at the entrance to the hearing room. A summary of the descriptions of the various types of proceedings conducted before the Commission will also be available at the entrance of the hearing room 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.

Passed by Planning and Zoning Commission on April 8, 1993.

Confirmed and adopted by Council on May 17, 1993.

Amended by the Commission on June 19, 2003.

Confirmed and adopted by Council on July 7, 2003.

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RULES AND REGULATIONS PLANNING AND ZONING COMMISSION DUBLIN, OHIO

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 the Dublin Codified Ordinances Section 153.232.

A. Administrative Duties

1. Review of preliminary and final plats and submission of recommendations of action to Council as specifically authorized by the Chapter 152, Subdivision Code. (Administration)
2. Exceptions to subdivision regulations as specifically authorized by the Chapter 152, Subdivision Code.
3. Review of development proposals within the Corridor Development District as specifically authorized by the Zoning Code.
4. Authorize conditional uses as specifically authorized by the Zoning Code.
5. Review and approve final development plans and amended final development plans for Planned Districts as specifically authorized by the Zoning Code.

B. Legislative Duties

1. Review of amendments to the Zoning Code for the rezoning of lands and amendments to text, with zoning map, the Zoning Ordinance and recommendations of action to Council.

(Legislative)

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~~C. Review of development proposals under Section 153.115, Corridor Development District. (Administrative)~~

~~D. Authorize only such conditional uses as the Planning and Zoning Commission is specifically authorized to pass on by terms of the Zoning Ordinance. (Administrative)~~

~~E.~~

~~2. Initiate inclusion of annexed territory in one (1) or more of the Zoning Districts defined in the Zoning Code Ordinance as amended. (Legislative)~~

~~C. Municipal Planning~~

~~1. Review of Community Plan and amendments thereto, and recommendation of action to Council.~~

~~2. Other municipal planning responsibilities as assigned by Council in furtherance of the implementation of the Community Plan.~~

~~D. Review and approve final development plans, and amended final development plans amended, and revised, development plans and plan refinements for planned Planned districts Districts. (Administrative)~~

~~G. Initiate rezoning applications. (Legislative)~~

~~A. Exceptions to the subdivision regulations as provided by Section 152.110 (i.e. variances). (Administrative)~~

~~I. All other duties as may be provided by the City Charter and City ordinances as amended, and as directed by Council.~~

II. COMMISSION MEMBERS

A. Membership:

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

~~1. The Planning and Zoning Commission shall consist of seven (7) electors of the city who shall serve overlapping four (4) year terms;~~

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one of which may be a Council member who shall serve at the pleasure of Council.

2. ~~Expired terms shall be filled by Council pursuant to §7.02 (d) and (e) of the Charter.~~
3. ~~A member of the Commission shall serve for no more than two (2) consecutive full terms unless at least one (1) year has lapsed since at the end of the previous term.~~

B. Officers:

1. At its meeting in April, or the first meeting as practicable ~~held~~ 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.
3. ~~The Chair and Vice Chair shall serve no more than two (2) consecutive terms in their respective offices unless at least one (1) year has elapsed since their previous full term ended. Nothing in these rules shall deprive the Chair or Vice Chair of any duties or obligations as a Commission member.~~

C. Attendance of Members:

1. Attendance is a responsibility of each member of the Commission. Regular aAttendance is encouraged 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 ~~secretary~~ Chair and the Director or designee ~~liaison~~ as soon as possible before any Commission meeting if unable to attend.

D. Resignation:

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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. ~~at the beginning of the meeting~~ or prior to the case being heard.
2. In all administrative hearings, the applicants or the applicants' representative(s) are entitled to cross-examine all witnesses. ~~Such~~ 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 (~~Sunshine Law~~ 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 ~~in Council Chambers, City Hall, at 6:30 p.m.~~ 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 ~~at the same place and hour as set forth above,~~ 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 ~~hour~~ (24) hour notice ~~(written or personal contact)~~ communicated to each member of the Commission. ~~When necessary to accomplish the work of the Commission, another meeting may be held on the third Thursday of the month at the same place and hour as set forth above, unless otherwise specified.~~ Notice and

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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 ~~hereby adopted for the governments~~ of this Commission and for, ~~in~~ 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)

~~AA.~~ Applications shall be submitted to Land Use and Long Range Planning the ~~Planning Director~~ Commission Liaison in accordance with the Zoning Code and the administrative provisions of ~~application submission requirements and pursuant to the application schedule maintained by the Development staff~~ Land Use and Long Range Planning.

~~1.~~ ~~15 day rule for application amendment/plan submittal. To ensure that materials for consideration at an upcoming meeting are available for public review and inspection and are fully reviewed by the staff~~ City 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.

~~B.~~ ~~Amendments to the text provisions of the Code may be initiated by the City Council, the Planning and Zoning Commission, or by petition of one or more residents or property owners of the city. An amendment to the zoning district boundaries contained on the Official Zoning Map may be initiated by the City Council, the Planning and Zoning Commission, or by the owner or owners of property which is the subject of the proposed amendment, or by an individual holding a valid interest in the subject property (purchase agreement or other similar instrument). Proposed ordinances and resolutions establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations shall be~~

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~~initiated by the applicant's submittal of a completed application requesting such modification; or by City Council on its own initiative as may be necessary for the public interest.~~

~~C. After introduction before City Council, the proposed ordinance or resolution is placed on the Commission's agenda for such meeting as specified or at the next special or regular meeting called for such purposes.~~

V. AGENDA

~~A. Staff Land Use and Long Range Planning shall prepare and distribute an agenda to the Commission prior to the meeting listing all applications pending for the meeting. Applicants ~~A copy of the agenda shall also be provided to all applicants.~~, and ~~with the~~ having staff planning report and other documents attached. Applications previously tabled and those requiring less time may be scheduled first.~~

~~2.bB. Applications previously tabled may be scheduled first. The Chair of the Commission may request alteration of the agenda order at the meeting.~~ No new agenda items shall be taken up after 10:30 p.m.

VI. APPLICATION MATERIALS AND STAFF 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. Staff The Case Manager shall prepare a written report for each application appearing on the agenda. The staff report shall be provided to the Commission, the applicant(s), and to residents upon request. Copies of maps, plans, and diagrams, which are part of the staff report provided to the Commission members shall not exceed 11" x 17". Large plans may be requested from Land Use and Long Range Planning. The Planning Report shall also may include, as necessary, statements from the Law Director's office, Engineering, Parks and Open Space, the Washington Township Fire Department and Recreation Services Director, Grounds and Facilities Director, City Forester, and any other appropriate personnel regarding~~

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their opinions, recommendations, and suggested conditions of approval for
~~as to~~ 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 ~~dismiss~~ table, with or without a hearing, an application if the applicant or applicant's representative is not present when the matter is called ~~for hearing~~ 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. ~~Such~~ Requests may require approval by a majority of the Commission members in attendance at the meeting. A tabled case may ~~shall~~ be rescheduled for the next available meeting, or at such other time as unless otherwise 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), ~~introduces Commission members and staff,~~ gives a brief overview of the meeting procedure, and makes any other comments necessary to the appropriate conduct of the meeting.

~~B. At the beginning of the meeting, the~~ Chair may recommend changes to the agenda regarding the order in which cases will be heard, with approval by the Commission shall determine the order of in which cases will be heard. Priority will be given to e ~~Consent cases will normally be the first considered.~~ The Chair shall calls each case separately. Individuals desiring to speak on any application shall be sworn in by the Chair.

~~B.C.~~ As necessary, Land Use and Long Range Staff Planning presents an overview of a verbal report the application and states makes its

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recommendation. The presentation will generally include such items as the relationship of the application to the Community Plan, and may 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 Commission only and is not binding on the action of the Planning and Zoning Commission. It should be limited to ~~four minutes in length generally, and not more than 15 minutes for a complex case.~~

- D. ~~The applicants and/or applicants their representative(s) next have the opportunity to present any additional information or clarifications of their case not otherwise covered by the City's presentation. The Commission shall have the right to limit the length of the presentation to a reasonable time. This will be limited to 15 minutes, unless extended by the Commission. The Commission may ask questions or request clarification of the applicant's presentation or any other aspect of the presentation as it may deem necessary and appropriate.~~
- 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 clarifications 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 ~~presentations~~ to the Commission. All persons presenting evidence or speaking before the Commission shall identify themselves by name and address. If required by the ~~Unless otherwise modified by the Chair, there will be a five (5) minute limit for each citizen comment.~~ The Chair has the authority to limit the time for each citizen comment and the number of persons making comments on any case or limit the number of times a single person may speak. The Commission may permit applicants or their representatives the opportunity to respond to any issues raised before the Commission by the City 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 the City, applicant, or the public. The applicants or applicants' representatives respond to any issues raised before the Commission.

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- H. ~~The Commission may ask questions regarding any aspect of the presentation, and discuss the application.~~
- B. ~~At the conclusion of the public comments section of the meeting, the Commission will undertake a discussion among the Commissioners.~~
- ~~J.F.~~ The Commission votes, by roll call.
- ~~K.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.
- ~~L.H.~~ Land Use and Long Range Planning ~~The Commission shall report the actions of the Planning and Zoning Commission to Council~~ by roll call vote, authorize the Secretary of the Commission to issue a written notice of the Commission's recommendation to the Clerk of Council. Such recommendation shall be submitted to the Clerk of Council as soon as practicable.

X. RECONSIDERATION

- A. All actions by the Commission shall be final subject to the following provisions of this section. Actions may be reconsidered by the Commission upon its own motion or for good cause shown.
- B.A. 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 was taken. Only one ~~No~~ 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 ~~an only~~ upon a showing of new facts or a change in circumstances from the original decision. which might result in a different result. The reasons for granting a reconsideration shall be included within the Commission's decision.

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XI. EX-PARTE CONTACT

- A. ~~The Commission members should avoid ex-parte contact with the applicant or their representative(s), any interested party on an application on-file with Land Use and Long Range Planning. Members should not engage in conversations with the property owner, neighbors, the applicant interested parties or with each other except for that which takes place at a scheduled Planning and Zoning Commission 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. ~~If the applicant or other individual persists in offering information by way of ex-parte conduct, The Commission member should report these any attempted contacts at the meeting and may refuse to participate in the deliberation and decision of the case. 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.~~
- C. ~~The intent of these procedures is to ensure that everyone has the same information on which to base a decision. If any such contacts are made by an applicant, the member should refer the applicant to staff. If the applicant persists in offering information by way of ex-parte conduct, the member should report these contacts 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 Commission who feels that they have a conflict of interest on any matter that is on the Commission agenda, shall voluntarily excuse themselves 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.~~

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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 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 A copy of these rules shall be provided to ~~anyone each applicant or representative at the time of the filing of an application or to anyone requesting~~ a copy. Copies of these rules will also be made available at the meeting. ~~To the audience by placement at the entrance to the hearing room~~ A summary of the descriptions of the various types of proceedings conducted before the Commission will also be available ~~at the entrance of the hearing room 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.

Passed by Planning and Zoning Commission on April 8, 1993.

Confirmed and adopted by Council on May 17, 1993.

Amended by the Commission on June 19, 2003.

Confirmed and adopted by Council on July 7, 2003.

Amended by the Commission on _____

Confirmed and adopted by Council on _____

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RULES AND REGULATIONS PLANNING AND ZONING COMMISSION DUBLIN, OHIO

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 the Dublin Codified Ordinances Section 153.232.

II. COMMISSION MEMBERS (Dublin City Charter §7.03)

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 encouraged 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.

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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

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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 City 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 prior to the meeting listing all applications pending for the meeting to all applicants.

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

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- 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 may 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

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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. Interested citizens may make comments to the Commission. All persons presenting evidence or speaking before the Commission shall identify themselves by name and address. The Chair has the authority to limit the time for each citizen comment and the number of persons making comments on any case or limit the number of times a single person may speak. The Commission may permit applicants or their representatives the opportunity to respond to any issues raised before the Commission by the City or the public.
- D. 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 the City, applicant, or the public.
- E. The Commission 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 Commission's motion.
- G. 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 was taken. 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

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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 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 Planning and Zoning Commission 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. The Commission member should report any attempted contact-at the meeting and may refuse to participate in the deliberation and decision of the case.

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XIII. DISTRIBUTION OF RULES

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XIV. SUSPENSION OF RULES

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PLANNING AND ZONING COMMISSION

RECORD OF ACTION

MAY 21, 2009

CITY OF DUBLIN,

Land Use and
Long Range Planning
5800 Shier-Rings Road
Dublin, Ohio 43016-1236

Phone/ TDD: 614-410-4600
Fax: 614-410-4747
Web Site: www.dublin.oh.us

Creating a Legacy

The Planning and Zoning Commission took the following action at this meeting:

1. **Planning and Zoning Commission Rules and Regulations**

03-053ADM

Administrative Request

Proposal: Modifications and amendments to the Planning and Zoning Commission Rules and Regulations.

Request: Review and recommendation of approval to City Council of the revised Rules and Regulations under the provisions of Code Section 153.232.

Planning Contact: Claudia D. Husak, AICP, Planner II.

Contact Information: (614) 410-4675, chusak@dublin.oh.us.

RESULT: The Commission briefly discussed the revisions made by Planning to the Rules and Regulations based on the comments from the May 7, 2009 meeting. The Commissioners requested that references to the City Charter and the Zoning Code be included in the Rules and Regulations.

STAFF CERTIFICATION

Claudia D. Husak, AICP
Planner II

03-053ADM
Administrative Request
PZC Rules and Regulations



CITY OF DUBLIN,

Land Use and
Long Range Planning
5800 Shier-Rings Road
Dublin, Ohio 43016-1236

Phone/ TDD: 614-410-4600
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Web Site: www.dublin.oh.us

Creating a Legacy

PLANNING AND ZONING COMMISSION

RECORD OF ACTION

MAY 7, 2009

The Planning and Zoning Commission took the following action at this meeting:

**3. Planning and Zoning Commission Rules and Regulations
03-053ADM**

Administrative Request

Proposal: Modifications and amendments to the Planning and Zoning Commission Rules and Regulations.

Request: Review and recommendation of approval to City Council of the revised Rules and Regulations under the provisions of Code Section 153.232.

Planning Contact: Claudia D. Husak, AICP, Planner II.

Contact Information: (614) 410-4675, chusak@dublin.oh.us.

RESULT: The Commission discussed the modifications and amendments to the Rules and Regulations as proposed by Planning. The Commissioners agreed to eliminate language that is repeated in the Zoning Code or the City Charter and to modify the rules for ex-parte communication to not permit contact with any interested party on a pending application.

STAFF CERTIFICATION

Claudia D. Husak, AICP
Planner II

03-053ADM

Administrative Request
PZC Rules and Regulations

Ms. Amorose Groomes and Mr. Zimmerman agreed that having a solar-powered entry feature light fixture was a real plus.

Rene Birnbrich, representing the Trinity Park Homeowners Association agreed with the condition listed in the Planning Report.

Motion and Vote

Mr. Freimann made the motion to approve this Amended Final Development Plan because it complies with the applicable review criteria and the existing development standards within the area, with one condition:

- 1) That documentation verifying the recording of the landscape easements is provided prior to approval of a sign permit and certificate of zoning plan approval.

Mr. Taylor seconded the motion. The vote was as follows: Mr. Fishman, yes; Ms. Kramb, yes; Mr. Zimmerman, yes; Ms. Amorose Groomes, yes; Mr. Taylor, yes; and Mr. Freimann, yes. (Approved 6 – 0)

Additional Administrative Business

Chair Amorose Groomes called a recess at 7:34 p.m. and reconvened the meeting five minutes later to continue the following case.

**3. Planning and Zoning Commission Rules and Regulations
03-053ADM**

Administrative Request

Chair Amorose Groomes explained the case procedures.

Claudia Husak suggested that Planning discuss the proposed changes to the Commission's Rules and Regulations under the provisions of Code Sections 153.232.

I. POWERS AND DUTIES OF THE COMMISSION

Richard Taylor said when he looked at what was in the Rules already, the problems that he had with the first few pages was basically that there were three different places where there was information about what the Commission did, the City Charter, Sections 7.02 and 7.03; Section 153.232 of the Zoning Code; and the Rules and Regulations. He said the Zoning Code authorizes the Commission to come up with their own rules of order. Mr. Taylor said that he thought that the rules of order were essentially on the last few pages. He said that his concern was that the powers and duties of the Commission should not be included in the document and that if the Commission puts what is in the Charter and Zoning Code in the Rules of Order, they will have the same information in three places and the opportunity for confusion is very high. He said in terms of powers and duties of the Commission, Section 1, the only thing it needs to say is *for detailed information about this, refer to the Charter and the Codified Ordinances*. He said that information is available in its original form in other places.