

Rules & Regulations of the City of Westerville Planning Commission

The Planning Commission of the City of Westerville, Ohio, constituted pursuant to Section 1107.04 of the Planning and Zoning Code, adopts these Rules and Regulations to govern its proceedings in accordance with Section 161.03(a) of the Codified Ordinances.

SECTION I. MEETINGS

- A. The Commission shall hold one regular monthly meeting on the fourth Wednesday of each month unless there are no items that require the Commission's actions. If a holiday occurs in the fourth week of the month, the meeting may be held on another date acceptable to the Commission.
- B. Each regular meeting shall be held at 6:30 p.m. in City Council Chambers at 21 South State Street unless otherwise specified at least seven (7) days prior to the meeting. After 10:00 p.m., once discussion of the present agenda item is complete, discussion of the next item will be held over to the next calendar day, subject to the discretion of the Commission. The Commission will reconvene at 6:30 p.m. in the same location to complete the meeting. Proceedings on the second day will be considered a continuation of the previous day's meeting.
- C. All the meetings of the Commission shall be open to the public, except for Executive Sessions permitted by Section 121.22 of the Ohio Revised Code.
- D. All meetings shall be generally conducted in accordance with Roberts' Rules of Order, Newly Revised, except as otherwise provided in these Rules and Regulations.
- E. Work sessions of the Planning Commission shall be held as determined by the Commission. The sessions shall be held at a time, date, and place determined by the Commission and notice shall be given in accordance with the Charter and applicable state statutes.
- F. Special meetings may be held consistent with the requirements of Section 161.04 of the Codified Ordinances.

SECTION II. PROCEDURES

- A. The Director of the Department of Planning and Development or the Director's designee shall serve as Secretary to the Commission.
- B. The Law Director or the Director's representative shall be present at the regularly scheduled monthly meetings to provide guidance and advice on legal issues, which may arise at these meetings.
- C. The Secretary shall create the Planning Commission meeting agenda and maintain a record of the Commission's proceedings.

- D. The Secretary shall not include on the agenda or submit to the Commission for consideration any application that is incomplete or for which there has not been sufficient time for Staff to complete its review and to prepare a staff report. The staff report and all relevant information shall be available to the Commission the week preceding the meeting.
- E. All individuals speaking before the Commission shall sign in with the Deputy Clerk, shall identify their name and address for the record, and shall be sworn in. Staff will also be sworn in at the start of each meeting. As people step forward to make comments, the Chair will confirm that each individual was present at the start of the meeting, signed in, provided their name and address for the record, and was sworn in. If not, the individual will be sworn in and signed in at that time.
- F. All applicants will be granted a maximum of 10 minutes to make their presentation. During public hearings, any member of the public will then be granted 3 minutes to speak, after which time the Chair will allow questions from the members of the Commission. This policy is adopted by the Planning Commission to provide for the orderly discussion of business scheduled for consideration. Such time limits shall prevail unless altered by the Chair without opposition by a Commission member. Every Applicant and member of the public addressing the Commission will approach the podium and state his or her name and address for the record. The Chair is authorized to direct any member of the public to stop speaking in the event that a) such person's comments exceed the allotted time; b) such person's behavior becomes disruptive to the orderly progression of the meeting; or c) such person fails to adhere to the agenda item under discussion. With respect to applications that do not require a public hearing, the acceptance of public comment is subject to the discretion of the Chair.
- G. Expedited Hearing: A Commission member may request an expedited hearing on any agenda item. Upon voluntary waiver by the Applicant and without objection from any Commission members, the Chair may dispense with the presentation of testimony by the Applicant and Staff and proceed to a vote on the item based on the existing record and, if required, the public hearing. Prior to obtaining the Applicant's voluntary waiver, the Chair should inquire whether the Applicant agrees to any conditions set forth in the Staff report.
- H. For certain projects, applicants might benefit from presenting their proposal to the Planning Commission prior to filing a formal application, thereby affording the Commission, the applicant, and Staff the opportunity to discuss the project and related questions or concerns prior to formal consideration -- called a conceptual plan review. All comments in a conceptual plan review are preliminary only. Comments received by the applicant are for initial guidance, but are not binding on the Commission or Staff or to be relied upon by the Applicant. Commissioners and Staff's final opinion upon consideration of the formal application may change from the comments in the conceptual plan review in their sole discretion.

- a) Procedures for a conceptual plan review.
 - i. Applicants wishing to take advantage of this opportunity shall file an application for conceptual plan review for a particular meeting according to the established schedule of deadlines and a \$100 review fee.
 - ii. Applicants must submit, at minimum, a conceptual site plan or drawing, as well as a narrative describing the project, to be distributed to the Planning Commission. Digital versions and two hard copies of all materials must be provided.
 - iii. Staff shall schedule the conceptual plan review for a work session, which may be held on the same day as a regular meeting, or which may be held on such other time or day as designated by Staff. Prior to the meeting, Staff may provide the Planning Commission with a brief written report summarizing the request and providing background and direction.
 - iv. At the work session, the time allotted for presentation and discussion of a conceptual plan review shall be limited to thirty (30) minutes total per application, unless extended by the Chair without objection from the Commission. In order to allow sufficient time for Commissioners' feedback and discussion, applicants are advised to make their presentations brief and concise, focusing on the key issues for which they seek Planning Commission's input.
 - v. While the members of the public may attend and observe a conceptual plan review, it is not a public hearing, and public comment will not be heard.
 - vi. If multiple applications for conceptual plan are received for the same meeting date, the Secretary may decline placing one or more on the applicable agenda.
- b) To be eligible for the conceptual plan review process, the applicant's proposal should include:
 - i. A development that conflicts with an adopted City plan;
 - ii. A development impacting a non-residential site adjacent to a residential zoning district;
 - iii. A development impacting or adjacent to a historic, archaeological, or environmentally sensitive feature;
 - iv. A development of a non-conforming site or a site which does not meet the development standards of the zoning district in which it is located;

- v. A development that could generate sufficient volumes of traffic, unusual traffic patterns, or types of traffic that result in lowering the level of service of affected streets;
 - vi. And/or a development with other unusual or unique impacts that, in the professional opinion of the Secretary, warrant special review.
- I. The Chair of the Planning Commission or in his/her absences, the Vice Chair, shall sign all decisions, findings, or recommendations by the Planning Commission in written entry form.
 - a) Upon application of either the Applicant or the Secretary of the Westerville Planning Commission, the Chair of the Planning Commission may amend any Entry to remedy any error at any time provided that such Amended Entry is filed in the office of the Secretary of the City of Westerville Planning Commission as soon as practical.
 - J. The Commission shall be notified by the Secretary of any decision of the Commission that is under consideration by City Council as the result of any appeal, or the initiation of review by Council as specified by Section 1107.06 of the Planning & Zoning Code.

SECTION III. ACTIONS BY THE COMMISSION

- A. The Commission may table an agenda item with the consent of the applicant. The Commission may table an agenda item without the consent of the applicant consistent with the time constraints of the Zoning Code and Subdivision Regulation. Unless otherwise specified, a tabled item shall be considered at the next regularly scheduled meeting.
- B. Once a Decision has been rendered by the Commission, if any questions, disputes or disagreements between Staff and the applicant arise regarding the fulfillment of any conditions of approval, either party may request resolution of the matter by the Planning Commission.
- C. No official action shall take place in any executive session or by any vote outside of a public meeting.
- D. Any motion of reconsideration must be made in accordance with Robert's Rules of Order, which restrict the opportunity for reconsideration to the same meeting as the vote from which reconsideration is being sought.

Adopted by the Westerville Planning Commission
November 28, 1990

Amended: May 26, 1999; October 24, 2001; October 26, 2005; March 27, 2013;
September 25, 2019; July 27, 2022