



COMMUNITY DEVELOPMENT • 115 Executive Parkway, Suite 400 • Hudson, Ohio 44236 • (330) 342-1790

DATE: April 5, 2017  
TO: City of Hudson Planning Commission for  
April 10, 2017 Planning Commission Meeting  
FROM: Mark Richardson, Community Development Director  
SUBJECT: Amendments to the Administrative Rules

### **Project Introduction**

Due to advances in technology, staff is recommending amendments to Planning Commission's Administrative Rules as shown on the attached mark-up prepared by Assistant City Solicitor Aimee Lane. The amendments would accomplish the following:

1. Allow minutes and decisions to be signed electronically by the chair, or in the absence of the chair, the vice-chair.
2. Allow for electronic delivery of the decision to the applicant.
3. Remove the specification of the number of copies of plans to be submitted, but retains the ability of staff to refuse to place an incomplete application on an agenda.
4. Repeals a paragraph from the Growth Management rules as it no longer applies as a result of the recent amendment to the Land Development Code.

Similar amendments are being adopted by the Board of Zoning and Building Appeals.

### **Required PC Action, Part I. I. Board Administration**

The Commission may at any time make amendments or supplements to these Rules by way of motion and vote, only after said amendment or supplement has received no less than two (2) readings by the Commission at separate meetings of the Commission and has been reviewed and approved by the City Solicitor as to legal form.

### **Recommendation**

Adopt the amended Administrative Rules after second reading scheduled for the May 8, 2017 meeting.

**CITY OF HUDSON**  
**PLANNING COMMISSION**  
**ADMINISTRATIVE RULES**

The following rules shall govern the meetings of the Planning Commission of the City of Hudson pursuant to Article IX, Sections 9.02 and 9.03 of the Charter, which read as follows:

**SECTION 9.02 PLANNING COMMISSION - POWERS AND DUTIES**

All meetings of the Commission shall be public, except as may be provided by the laws of the State of Ohio. No public building, street, boulevard, parkway, park, playground, bridge or tunnel shall be constructed or authorized to be constructed in the Municipality, nor shall any street, avenue, parkway, boulevard or alley be opened for any purpose whatsoever, nor shall any street, avenue, parkway, boulevard or alley be widened, narrowed, relocated, or its use changed or any ordinance referring to zoning or building codes or other regulations controlling the use or development of land be passed unless and until Council shall have submitted the same to the Planning Commission for report and recommendation. Any foregoing matter so referred to the Planning Commission shall be considered by the Commission at a public hearing, of which notice shall be given in the manner provided by ordinance of Council, and thereafter shall be acted upon by the Planning Commission within one hundred twenty (120) days from the date of the regular Planning Commission meeting at which the matter was accepted, unless a longer time be allowed by Council. The Planning Commission report and recommendation shall be filed with the Clerk of Council within the prescribed time. Any proposed action by Council relating to changes of zoning, building codes, or other regulations controlling the use or development of land shall require five (5) votes of Council for passage. Four (4) votes by Council shall be required to return a recommendation to the Planning Commission for further consideration, and this may be done only once. In addition to the foregoing, the Planning Commission shall be the Platting Commission of the Municipality, shall have the power and duty to review, approve, disapprove, or approve subject to conditions, all applications for zoning certificates for industrial buildings in industrial zones, and shall have such other powers as are now or may hereafter be conferred upon it by the laws of Ohio or by ordinance of Council. (Amended 11-7-00)

## **SECTION 9.03 CONTINUING COMPREHENSIVE PLAN**

The Comprehensive Plan in effect shall be the operative growth management policy for the Municipality, and as such shall guide Council in taking action with respect to the physical development of the Municipality and expenditures for capital improvements.

The Planning Commission shall review and make any needed recommendations for the timely modification updating of the Continuing Comprehensive Plan of the Municipality. Recommendations for modification or amendment of such Plan may be made to Council at any time. Notwithstanding the foregoing, the Plan shall be reviewed by the Commission for revisions every five (5) years or more often if requested by Council. When a section has been reviewed by the Planning Commission, the Chairperson of the Commission, within thirty (30) days of the completion of the review, shall submit the text of that section, with or without proposed amendments, to the Council. If any amendment is proposed, Council shall hold a public hearing with respect to the section and proposed amendment, and shall thereafter adopt, reject or modify the amendment. (Amended 11-7-00)

### **I. BOARD ADMINISTRATION**

#### **A. Meetings**

Meetings of the Commission are scheduled to allow compliance with required notice provisions of the Codified Ordinances and the Charter. Meeting dates for the review or hearing of specific cases shall be set after a completed application has been duly filed with the Department of Community Development. Before a formal application may be filed, staff must have determined that a complete set of plans was submitted and that all staff comments were addressed. Cases will be scheduled at the next available meeting after this determination.

1. Regular Meetings shall normally occur on the second, and fourth (as required for Districts 6 and 8 applications only) Mondays of each month at 7:30 P.M. in the Meeting Room of the City Hall. The Commission may at any time and by vote, change the time or place of its regular meetings.
2. Special Meetings shall be scheduled by the Chair, or a majority of PC members, for hearings, reviews, or work sessions. The date, time, location, and order of business shall be as determined by the Chair or a majority of PC members.
3. Work Sessions shall be scheduled by the Chair or a majority of PC members for purposes of education and enrichment. Topics shall be agreed to by the Commission in consultation with the Staff. No business shall be conducted, nor shall any application be reviewed, nor shall any decision be made at a work session.

4. Although public hearings are not required for site plan applications in Districts 6 and 8, posting of sites with temporary signs shall be done according to the Land Development Code. Further, owners of property adjacent to or directly across a street from the boundary and within 300 feet of the subject property or properties shall be notified by direct mail within four (4) days of the meeting at which the site plan will be discussed. At the meeting, the Commission may seek comment from those so notified.

B. Attendance

Commission members shall attend all Commission meetings. Commission members unable to attend any Commission meeting shall notify Staff or the Chair, so that the Chair can verify that a quorum will be present at said meeting. If a Commission member is absent from three (3) or more regular meetings or work sessions within one (1) year without justifiable excuse as determined by the Chair and/or a majority of the Commission members, the Commission shall consider recommending that Council pursue removal of said member pursuant to Section 10.01 of the Charter.

C. Election of Officers

At the first regular meeting in each calendar year, the Commission shall elect one of its members as Chair and one of its members as Vice-Chair. In the event of a vacancy before the expiration of the term for which the Chair or Vice-Chair is elected, the office shall be filled at the next regular meeting after the vacancy has occurred.

D. Appointment of Subcommittees

The Chair shall appoint one (1) member and one (1) alternate to the Design Subcommittee for Districts 6 and 8, the administrative rules for which are at Part III of these rules. The Chair may also appoint subcommittees consisting of two (2) or more Commission members to study and report back to the full Commission on matters requiring detailed review or analysis. A subcommittee shall dissolve, and appointment thereto shall expire upon return of a report to the Commission, or at the end of the calendar year, whichever is sooner. For the purpose of these rules, subcommittee meetings shall be considered as and shall be subject to the same notice requirements and sections of these rules as the special meetings of the Commission.

E. Conflict of Interest

A member who believes he or she has a conflict of interest, whether financial or otherwise, direct or indirect, actual or perceived, in voting on an application shall notify the Chair upon introduction of said application before the Commission and shall, further, state for the record at the

meeting the general nature of such conflict and physically excuse himself or herself from any and all meetings or parts therein where said application is discussed.

F. Conduct

The Commission shall act as a body and not through its individual members. Commission members shall be free to speak publicly and express views and opinions as citizens on any issue, but shall not presume to communicate in any official capacity, whether as a Commission member, for other Commission member(s), or for the Commission as a whole. The Commission may, however, appoint a spokesperson to communicate or represent the official actions of the Commission on a particular issue.

G. On any occasion that the Commission determines it proper, the Chair may request that the City Solicitor attend a specific hearing or review, or issue a written opinion to the Commission covering legal issues pursuant to the hearing or review.

H. For any matters not specifically covered by these Rules, the Commission shall rely upon Robert's Rules of Order, but only as they pertain to motions, seconds, discussion, and voting.

I. The Commission may at any time make amendments or supplements to these Rules by way of motion and vote, only after said amendment or supplement has received no less than two (2) readings by the Commission at separate meetings of the Commission and has been reviewed and approved by the City Solicitor as to legal form.

## **II. ORDER OF BUSINESS**

A. Call to Order

The Chair or, in the absence of the Chair, the Vice-Chair, or in the absence of both the Chair and Vice-Chair, the member, of those present, who has served on the Commission for the longest number of years, shall take the Chair at the hour appointed for the meeting and shall immediately call the Commission to order and shall serve as Chair pro tempore for the meeting.

B. Roll Call

The name and position of all Staff members present shall be noted. The MPC Clerk shall then call the roll of the members in random order, except that the Chair shall be called last and the names of those present and those absent shall be entered in the minutes.

C. Quorum

A majority of the positions of the Planning Commission shall constitute a quorum for doing business. Affirmative votes from a majority of the quorum shall be necessary to decide in favor of an applicant on any matter on which the Commission has original jurisdiction.

D. Meeting Order

All meetings of the Commission shall be open to the public with the exception of properly called Executive Sessions. After roll call, the business of a regular meeting of the Commission shall be taken up for consideration and disposition in the following order:

1. Correspondence for the record
2. Commission discussion
3. Public comments on matters not on the meeting agenda
4. Old business
5. New business
6. Approval of minutes
7. Public discussion
8. Adjourn

E. Agenda

The order of business of any meeting of the Commission shall, not later than four (4) days prior to the date of the meeting, be reduced to writing by Staff under the heading "Agenda" and shall be posted as required by applicable City ordinances. Applications of any kind may be included on an agenda only when application requirements as listed in the Land Development Code, and as listed below, have been met. The Chair shall have the discretion to limit the number of cases to be heard at any Regular Meeting, based on the complexity or number of cases with complete applications pending. All reasonable efforts will be made to hear such pending case applications that are not heard at the Regular Meeting, because of their deferment by the Chair, at a Special Meeting of the Planning Commission that same month.

F. Minutes

The minutes shall be taken by the PC Clerk at all public meetings of the Planning Commission. The minutes shall be submitted to the Commission in writing for formal approval by the members provided that, after written PC decisions are signed by the Chair, such decisions shall constitute the final decision of the Commission.

Unless a public reading of the minutes of the prior meeting is requested by a member of the Commission, such minutes may be approved or

approved as corrected if each member previously has been provided a copy.

~~The minutes~~After the minutes have been approved by the Commission, ~~they~~ may be signed by the Chair, or in his/her absence, the Vice-Chair, by electronic signature ~~after the minutes have been approved by the Commission and through the Chair or Vice Chair has authorized use of an City's~~ electronic signature verbally or in writing, including by electronic mail, to City staff software program.

G. Hearings and Other Reviews

1. When hearings are required by the Land Development Code and/or the Charter, all hearings before this Commission shall be public hearings and all applicants, contiguous property owners, and interested parties who have requested notice shall be notified by Staff, by mail of the place, date, and time as provided by the Land Development Code and/or the Charter. Where hearings are not required, reviews shall follow the same procedures, except without the additional notice requirements.
2. It shall be the obligation of the applicant to bring all necessary witnesses, exhibits, and evidence and present the same to the Commission at the time of the scheduled hearing or review. The burden of proof is upon the applicant. The applicant may appear in person or be represented by another person authorized to act on the applicant's behalf.
3. Failure of the applicant or his duly appointed representative to appear at the scheduled hearing or review may result in dismissal of the application.
4. Any and all members of the Commission shall have the right to question the applicant and all parties testifying either for or against the application.
5. All decisions of the Commission shall be final, unless otherwise provided by the Charter or Codified Ordinances of the City.

H. Meeting Procedures

1. The Department of Community Development shall determine that, where required, all legal notices have been published and mailed. Sign-in sheets with space for name, signature, and address for each attendee shall be provided at each meeting. The Chairman, at the beginning of each meeting, shall announce that sign-in sheets are present and shall encourage all present to sign the sheet.

2. Where a review is to be conducted as a public hearing, the Chair shall place under oath or affirmation all witnesses, including Staff, giving any testimony on any matter, either jointly or individually, by administering an appropriate oath of truthfulness. The Chair shall verify that each witness has been so sworn or affirmed.
3. The hearing or review shall include the following:
  - a. Project introduction and report by Staff
  - b. Applicant presentation
  - c. Questions of Applicant and Staff by the Commission
  - d. Hearing of Public Testimony by the Commission
  - e. Closing of Public Comment Hearing by the Commission
  - f. Follow-up/additional questions by the Commission, Staff, and Applicant
  - g. Final Applicant comments
  - h. Discussion by the Commission
  - i. Action by the Commission
4. The Chair may at any time limit the length of time or the number of times a witness may speak at a public hearing of a case. The Chair may also at any time declare a speaker out of order and insist that a speaker refrain from further spoken participation in the hearing or review. The Chair may, at any time prior to the rendering of a decision by the Commission on an application, re-open the floor for discussion, comments, testimony and questions.

I. Decision of Commission

1. Upon review of the full public record of an application and due deliberation of the Commission, any member, except the Chair, may make a motion. The motion shall include both content and a summary of the findings which support the motion. A second shall be required. The motion may be withdrawn only by the member making the motion. The member making the motion may amend it. However, if the motion has been seconded, the member seconding the motion must agree to the amendment.
2. Other members may move to amend the motion, with a second and additional supporting findings required. A positive vote is required for any amendment to be included in motion. The amendment may be withdrawn only by the member making the amendment.
3. A motion or amendment shall die for lack of a second.
4. In the case of all applications, the Commission shall either:



- a. Take a roll call vote on a motion to approve, approve with conditions or modifications, or disapprove the application; or
  - b. Announce a date at which it will meet to render its decision; or
  - c. Continue the application/case for further information and/or evidence to be produced.
5. A member abstaining from voting on a motion shall state the reason(s) for doing so. An abstention from voting on a motion shall not be counted in the calculation of votes for or against said motion.
6. The Clerk or its designee shall then call the roll of the members on the motion at hand, in random order, except that the Chair shall be called last, and the names of those voting for and against, and abstaining from voting on the motion shall be entered in the minutes.
7. Where a motion to disapprove or recommend disapproval of an application shall have been defeated, a member in the initial majority may make a motion to either approve or for approval with conditions or modifications.
8. Where a motion to approve or to approve with conditions shall have been defeated, it does not mean that the application has been disapproved. The passage of a motion to disapprove the application is required to, in fact, disapprove the application.
9. In the event of a tie vote on a motion or the inability to obtain the votes of a majority of those present that constitute at least a quorum for a motion, the application shall automatically be continued to the next regular meeting or to a special meeting for consideration.
10. The decision of the Commission shall be reduced to writing within ten (10) days of the meeting and shall set forth its findings in the decision. The original written decision shall be signed by the Chair, or in his/her absence, the Vice-Chair and filed with the record copy of the minutes of the meeting at which the decision is made. A decision may be signed by the Chair, or in his/her absence, the Vice-Chair, by electronic signature ~~after~~through the ~~decision has been review by the Chair or Vice-Chair and the Chair or Vice-Chair has authorized use of an~~City's electronic signature ~~verbally or in writing, including by electronic mail, to City staff~~software program.

A copy of the decision shall be served on the applicant by electronic mail, certified mail, return receipt requested, a recognized commercial carrier (i.e., FedEx), or hand-delivery to the applicant. If a decision is served by electronic mail, the applicant shall be advised to return to the City a signed and dated acknowledgment of receipt by electronic mail, facsimile, regular U.S. mail, or hand

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delivery. If the applicant fails to return such acknowledgment of receipt within ten (10) days after the decision is sent to the applicant, the City shall serve the decision by one of the other methods of service.

J. Record of Proceedings

On any occasion that the Commission determines it proper, any evidence may, in addition to the formal minutes, be recorded by a court reporter to reflect the full testimony and evidence submitted on any matter before the Commission. A court reporter may interrupt the proceedings at any time to obtain a speaker's name, to require repetition of any statement, or for any other reason that helps to ensure an accurate record of the proceedings.

**III. DESIGN SUBCOMMITTEE FOR DEVELOPMENT IN DISTRICTS 6 AND 8**

- A. Meetings of the subcommittee shall be held prior to the Planning Commission meeting at which the project will be reviewed.
- B. Two members of the subcommittee shall constitute a quorum; and the member or alternate of the Planning Commission must attend all meetings in order for there to be a quorum.
- C. Proper notice shall be posted for meetings of the subcommittee.
- D. A representative of the applicant who can speak to the building design must be present at meetings of the subcommittee.
- E. The design standards of the subcommittee are contained in Section 1207.18 of the Land Development Code. Projects before the subcommittee are not subject to the Architectural Design Standards.
- F. The subcommittee shall recommend that Planning Commission approve, deny, or alter the design of the building. If alterations are recommended, they must be specific.
- G. Minutes shall be taken by the staff of the Community Development Department and shall contain the specific recommendations of the subcommittee to the Planning Commission.

**IV. APPLICATION PROCEDURES**

- A. Procedure for Applications for Rezoning of Property
  - 1. All applications of owners or lessees of property shall be in writing consistent with the requirements of the Land Development Code

and filed with the Community Development Department at a date no later than five (5) weeks prior to the PC Meeting at which the subject application will be heard.

2. All applications and additional documentation for rezoning of property from owners or lessees shall be filed and processed consistent with the Land Development Code.
3. All applications shall be accompanied by the nonrefundable required filing fee.
4. ~~Where blueprints, drawings, or exhibits of any kind are necessary, up to twenty (20) copies of the same~~Submissions shall be ~~filed~~made in accordance with the ~~application requirements of the Planning and Zoning Code of the Codified Ordinances.~~ Unless all ~~required plans, drawings, and exhibits and/or sketches~~ are complete ~~in detail, Staff, staff~~ may refuse to place an item on an agenda.
5. No application shall be heard by the Commission until the applicant has complied with the above conditions.

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B. Procedure for Applications for Subdivision of Land

1. All applications shall be in writing and filed with the Community Development Department at a date no later than five (5) weeks prior to the PC Meeting at which the subject application will be heard except that an application for a project in Districts 6 and 8 may be filed no later than two (2) weeks prior to the PC meeting at which the subject application will be heard.
2. All applications shall be accompanied by the nonrefundable required filing fee.
3. All applications shall meet the requirements of the Land Development Code.
4. ~~Where blueprints, drawings, or exhibits of any kind are necessary, up to twenty (20) copies of the same~~Submissions shall be ~~filed~~made in accordance with the ~~application requirements of the Planning and Zoning Code of the Codified Ordinances.~~ Unless all ~~required plans, drawings, and exhibits and/or sketches~~ are complete ~~in detail, Staff, staff~~ may refuse to place an item on an agenda.
5. No application shall be heard by the Commission until the applicant has complied with the above conditions.

C. Procedure for Application for Site Plan Review

1. All applications shall be in writing and filed with the Community Development Department at a date no later than five (5) weeks prior to the PC Meeting at which the application will be heard except that an application for a project in Districts 6 and 8 may be filed no later than two (2) weeks prior to the PC meeting at which the subject application will be heard.
2. All applications shall be accompanied by the nonrefundable required filing fee.
3. All applications shall meet the requirements of the Land Development Code.
4. ~~Where blueprints, drawings, or exhibits of any kind are necessary, up to twenty (20) copies of the same~~ Submissions shall be filed made in accordance with the application requirements of the Planning and Zoning Code of the Codified Ordinances. Unless all required plans, drawings, and exhibits and/or sketches are complete ~~in detail, Staff, staff~~ may refuse to place an item on an agenda.
5. No application shall be heard by the Commission until the applicant has complied with the above conditions.

D. Procedure for Application for Conceptual Site Plan Review (Optional)

1. All applications shall be in writing and filed with the Community Development Department at a date no later than five (5) weeks prior to the PC Meeting at which the application will be heard except that an application for a project in Districts 6 and 8 may be filed no later than two weeks prior to the PC meeting at which the subject application will be heard. .
2. All applications shall be accompanied by the nonrefundable filing fee.
3. All applications shall meet the requirements of the Land Development Code.

E. Procedure for Text Amendments to Comprehensive Plan

1. All text amendments to the Comprehensive Plan shall be accomplished in accordance with Section 9.03 of the Charter of the City of Hudson, Ohio.

2. The Chair may place on the agenda the issue of the review and modification of the Comprehensive Plan, as often as the Chair desires, but shall do so at least every five (5) years.
3. The PC may direct the issue of the review and modification of the Comprehensive Plan to Staff or to a subcommittee of the membership for study and analysis.
4. If the PC, a subcommittee of the PC membership, or Staff recommends an amendment or modification, a public hearing may be held by the PC on the requested amendment or modification.

F. Procedure for Approval of Growth Management Allotment

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The section of the Land Development Code allowing the transfer of allotments contained within Section 1211.05 (jk)(1) shall be interpreted to allow the transfer of allotments between phases of one subdivision or separate subdivisions as long as the phases or the subdivisions, as applicable, share characteristics of one contiguous development, which may include shared boundaries, shared streets, shared utilities, and share the same or related land developers. All lots involved in such a transfer must be under common ownership.

~~The award of allotments shall be made, one to each applicant who made application for surplus allotments remaining after each semi-annual award of that semiannual application period, then on the following semi-annual award application deadline, additional remaining allotments shall be awarded on a pro-rata basis to applicants qualifying for more than one allotment according to the procedure of the pro-rata allotment formula of Section 1211.06(b). Applications for surplus allotments will be awarded within the period between the semi-annual award date and the next semi-annual application deadline. Each applicant must qualify under Section 1211.05.~~

Adopted Effective: \_\_\_\_\_, 2017

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Robert Kagler, Chair

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**Aimee Lane,**

**Assistant to City Solicitor**