

## RULES OF PROCEDURE

### CITY OF HAMILTON PLANNING COMMISSION

The City Planning Commission of Hamilton is established pursuant to Ordinance No. 4697 and the Charter of the City of Hamilton. The Planning Commission, through this Ordinance and Charter, is authorized to exercise such power and authority as may be conferred upon them through the state law regulating city planning commissions and such other authority as may be conferred upon them by city ordinance provided, however, the City Planning Commission shall not exercise any power or authority specifically required by the Planning Commissioner by ordinance or charter of the City of Hamilton.

#### ORGANIZATION

A. Commission Members / Commissioners:

The City Planning Commission shall consist of seven members: the Mayor; the City Manager ex-officio; one member of the Hamilton Board of Education, who shall be a resident of the City of Hamilton, appointed by the City Manager and shall serve for two years; and four citizens of the City, who shall serve without compensation and shall be appointed by the City Manager for terms of four years each.

B. Alternate / Alternate Commissioners – City Manager, Mayor, and School Board positions:

The City Manager, Mayor, and Hamilton City School Board representative may appoint an alternate to serve as their representative at a Planning Commission meeting, in the event they will be absent or unable to participate in an agenda item.

C. Alternate / Alternate Commissioners – Citizen Appointed positions:

1. The City Manager may also appoint up to three (3) alternate commissioners, “First Alternate”, “Second Alternate”, and “Third Alternate”, who can sit in for the four (4) appointed citizen commission members in situations where any individual appointed citizen member is unable to attend and/or participate in a Planning Commission meeting.
2. In the event alternate commissioners are utilized for a Planning Commission meeting, the Planning Department will select from the list of alternates in numerical order (e.g. First Alternate shall be contacted first, as the alternate commissioner of highest seniority; Second Alternate shall be contacted second).
  - a. In the event where only one alternate is required for a Planning Commission meeting and the First Alternate cannot be reached to

determine attendance, the Planning Department will wait 24 hours before reaching out to the Second Alternate.

3. The numerical order of the alternate commissioners shall be determined by length of service as an alternate, with the First Alternate as the longest tenure.
4. Alternate commissioners shall serve a four-year independent term and are not required to be used on a one-for-one basis with any specific appointed citizen commission member.

D. All alternate commissioners shall meet all of the qualifications of the member of a commission member and shall possess all of the powers and responsibilities of a commission member when acting as alternate at a Planning Commission meeting.

## OFFICERS

- A. A chairman and vice chairman shall be elected by a majority vote by the members of the Commission every year at the second regular meeting in the month of January. Such other officers as are deemed necessary and advisable for the conduct of business shall be appointed as required and provided for by the Planning Commission.
- B. The chairman shall preside at all meetings and shall have the power to appoint such committees as may be authorized by the Commission for special studies or circumstances. The chairman, subject to these rules, shall decide all points of order or procedure unless otherwise directed by the majority of the Commission in session at that time.
- C. The vice chairman shall provide and exercise all of the duties of the chairman in his absence. Should neither the chairman nor the vice chairman be present at a meeting, a temporary chairman shall be elected by a majority vote of the members present.
- D. In conformance with Chapter 141 of the Codified Ordinances of the City of Hamilton, the Director of the Planning Department shall serve as Secretary to the Planning Commission.

## MEETINGS

- A. All regular meetings of the Planning Commission shall be open to the public.
- B. The regular meetings of the Commission will be held on the first and third Thursdays of each month in the Council Chambers of the Municipal Building, or such other place in the Municipal Building as deemed advisable by the Planning Commission, except when such day falls on a legal holiday, in which case the Planning Commission meeting would be rescheduled for the day following the regular meeting date.
  - a. The first Thursday meeting is 1:30 p.m.
  - b. The third Thursday meeting is 6:00 p.m.

C. Advertisement of Public Meeting:

- a. A commission calendar listing the scheduled public meeting dates of the year for the Planning Commission shall be posted on the City of Hamilton website under the "Planning Commission" section and Planning Department page by January of that year. This posting shall serve as the required advertisement of public meetings of the Planning Commission for the year, and shall be updated on a yearly basis.
- b. Individual meeting agendas listing the meeting time, date of meeting, and meeting location, shall serve as notice of public meeting, and shall be posted to the City of Hamilton website.
- c. Required mailing notices or required notification of public hearing items requiring review and action by the Planning Commission shall also serve as notice of public meeting and will contain language reflecting as such.

D. A quorum must be present to constitute an official meeting of the Commission and for the Commission to vote on any item requiring its action.

E. A quorum shall consist of four (4) members.

F. A concurring vote of the majority of the members present shall be necessary to pass on any matter referred to them or on any matter which the Planning Commission is required to pass by law. All members present must cast a vote on each motion, properly made and seconded, except when a conflict of interest exists, in which case the effective member or members must abstain from voting.

G. A special meeting of the Planning Commission may be called by the chairman, or the vice-chairman in the event the chairman is out of town, or any four members of the Commission. In the case of a special meeting, sufficient notice of the time, place and purpose of the special meeting shall be conveyed to the membership and proper notice as required by State of Ohio public meeting law and the Hamilton City Charter shall be made.

H. Variation from the order of the agenda can be made by the chairman if he so determines because of the number of persons present or for some other reason that items should be considered other than which appears on the agenda.

VOTING

A. All members shall have the power to vote and in the event of a roll call vote, members will cast their vote in alphabetical order.

## MINUTES

- A. Minutes shall be kept by the secretary on all meetings of the Planning Commission. Such minutes shall contain all the motions or resolutions of the Planning Commission.
- B. The minutes shall be subject to the approval of the Planning Commission and shall be authenticated by the chairman or presiding officer and the secretary at a particular meeting.

## PROCEDURES

- A. All inquiries and applications or matters requiring official action by the Commission shall be submitted to the Planning Department prior to the meeting of the Planning Commission at which it is to be considered so that there is ample time to have necessary reports or information prepared by the Secretary prior to placing it on the agenda.
- B. The normal order of business shall be:
  - 1. Call to order.
  - 2. Roll call.
  - 3. Swearing in of participants.
  - 4. Public Forum
  - 5. Approval of the minutes of the previous meeting a motion thereon.
  - 6. Public hearings, followed by immediately by a recommendation or decision on the item considered.
  - 7. Other items of the agenda.
  - 8. Discussion of the miscellaneous items.
- C. All proceedings, decisions, and resolutions of the Commission shall be initiated by motion. The vote upon the motions and resolutions shall be recorded.
- D. Agenda for the forthcoming meeting shall be prepared by the secretary and shall be emailed to the Planning Commission by no later than Thursday preceding the regular meeting or mailed or delivered to the Commissioner's home or business, as the Commissioners desire, no later than the Friday preceding the meeting.
- E. The Planning Commission shall require such surveys, plans or other information as may be reasonably required by said Commission for the purpose of evaluation or consideration of the matter. In each request a letter from the petitioner or petitioner's application should be presented to the Commission or the Secretary which will give full information as to the full intentions of the petitioner as well as a legal and informal description of the property in question. In the event that sufficient data have not been furnished, the Commission may table the matter until such time as required information has been furnished.

- F. On matters pertaining to changes of the Zoning Ordinance, street renaming, or vacation proceedings, the Planning Commission shall hold a public hearing thereon and shall notify by mail all property owners within 500 feet of the property in question or in the case of a general amendment to the Zoning Ordinance, a legal notice of a public hearing shall be posted on the City of Hamilton website under the "Planning Commission" or "Planning Department" page. Such notice or advertisement shall give the time and place of such public hearing and a brief statement of the item to be considered. Notices by mail, or by website shall be sent or published ten (10) days prior to the date set on the calendar for the hearing.
- G. In addition to holding public hearings as outlined in Paragraph F, the Planning Commission may also hold any additional public hearings where it is felt that public comment will be beneficial to the Planning Commission.
- H. Public hearings shall be held in the following manner: Chairman or presiding officer shall call for the public hearing and read the notice of public hearing. After the Planning Commission has heard the report from the secretary relative to the public hearing, the chairman shall call for comments from the petitioner and then the proponents of the proposed request. After the petitioner and proponents have been heard, any person wishing to object to the proposed request will then be heard. Any persons speaking should first provide the Secretary with their name and address. Each party will then be granted the opportunity for rebuttal; then if there are no further questions by members of the Planning Commission, the public hearing will be adjourned. Discussion and action on public hearings will take place as previously indicated in Paragraph B, Procedures.

## APPOINTMENTS

- A. At the first official meeting of every new year, the Planning Commission shall make four (4) yearly appointments from their membership to serve as a Primary member and an Alternate member to the Board of Zoning Appeals and the Architectural Design Review Board. If the Planning Commission is unable to fill any of these appointments from their own membership, Planning Commission may make appointments to the Board of Zoning Appeals and the Architectural Design Review Board based upon the recommendation of the City Manager.
- B. The Planning Commission may make other appointments from their membership or upon recommendation of the City Manager to other Boards, Commissions, Committees, Councils, etc., as requested.

AMENDMENTS

- A. These rules may be amended or modified provided that such amendment is present in writing at one meeting and favorable action taken thereon at a subsequent meeting.
- B. Six (6) members of the Commission by due motion and record may suspend or vary the application of these rules to a particular application, case, problem or proceeding pending before the Commission.

ADOPTED: \_\_\_\_\_  
Liz Hayden, Secretary

DATE: March 5, 2020