

SOUTH BLOOMFIELD TOWNSHIP ZONING COMMISSION RULES OF PROCEDURE

Adopted December 7, 2016

ARTICLE I – Meetings of Commission

- Section 101 Organization of Meetings. At each meeting of the Zoning Commission (hereinafter referred to as the "Commission"), the chairperson, or in the absence of the chairperson, the vice chairperson, or the appropriate alternate, shall act as chairperson. The person designated by the Zoning Commission as its secretary shall act as, and perform the duties of, secretary of the meeting. If no such person is present at a meeting, any person who the chairperson of the meeting appoints shall act as secretary of the meeting.
- Section 102 Place of Meetings. All regular and special meetings of the Commission shall be held at the Village of Sparta Sewage Treatment Facility, 6605 State Route 229, Marengo, Ohio 43334, commencing at 7:00 p.m. and ending before 10:00 p.m., or at such other time and place as may from time to time be fixed by the Commission, or as shall be specified or fixed in the notice of the particular meeting.
- Section 103 Regular Meetings. Unless otherwise postponed or cancelled, regular meetings of the Commission shall be held on the second Wednesday of every April, July, October and December, if not a legal holiday, but if that day is a legal holiday under Ohio law, the regular meeting for that month shall be held on such other day as the Commission may determine. Regular meetings may be postponed or cancelled in advance by or at the direction of the chairperson or any two Commission members for reasons of either an anticipated lack of a quorum or a lack of business.
- Section 104 Special Meetings. Special meetings of the Commission shall be held whenever called by the chairperson or by two Commission members. Every Commission member shall furnish the secretary of the Commission with a telephone number and an address (and, if available, a facsimile number and email address) at which notice of meetings and all other Commission notices may be served on or mailed to such member. Unless waived before, at, or after the meeting as hereinafter provided, notice of each such meeting shall be given by the Commission member(s) calling such meeting or by the secretary to each member in any of the following ways:
- a. Orally. By orally informing the member of the meeting in person or by telephone at least twenty-four (24) hours before the date of the meeting.
 - b. Personal Delivery of Notice. By personal delivery of written notice to the member at least twenty-four (24) hours before the date of the meeting.
 - c. Mailed Notice. By mailing written notice to the member, or by sending notice to the member by facsimile transmission, e-mail, postage or other costs prepaid, addressed to the member at the address furnished by such member to the secretary of the Commission, or to such other address as

the person sending the notice shall know to be correct. Such notice shall be posted or dispatched a sufficient length of time before the meeting so that in the ordinary course of the mail or the transmission of facsimiles or e-mails, delivery thereof would normally be made to a member not later than twenty-four (24) hours before the date of the meeting.

The notice to Commission members for a special meeting shall specify the date, time, location and purpose(s) of the meeting. Unless otherwise specified in the notice, special meetings shall be held at the same location as regular meetings. Unless otherwise required by the laws of the State of Ohio, notice of any meeting of the Commission may be waived by any member, either before, at, or after the meeting, in writing, or by facsimile or e-mail.

Section 105 Workshop Meetings. Workshop meetings may be scheduled by the Commission during a regularly scheduled meeting or by at least three members of the South Bloomfield Township Board of Trustees or South Bloomfield Township Zoning Commission or any combination thereof. The three members calling such meeting shall give notice to all members of both boards, as well as members of the South Bloomfield Township Board of Appeals, by telephone, voicemail or e-mail at least twenty-four (24) hours in advance of the workshop. Notice shall include the date, time, location and purpose(s) of the meeting. Such meetings shall only be for the explicit purpose of discussion of potential amendments to the South Bloomfield Township Zoning Resolution. No vote shall occur at a workshop meeting.

Section 106 Walkabouts. All walkabouts will be scheduled by the Commission during a regularly scheduled meeting. Prior to the scheduled walkabout, the applicant or requesting party shall provide the Commission written authorization from the property owner permitting access to the property subject to the walkabout and any other additional information requested by the Commission. The chairperson may designate a member of the Commission to take general notes, including a sign-in sheet of all attendees. All notes and sign-in sheets shall be submitted to the secretary of the Commission as soon as practicable after the walkabout.

Section 107 Quorum. Three (3) members of the Commission shall constitute a quorum. In the absence of a quorum at any meeting or any adjournment thereof, any member may adjourn the meeting. No action can be taken in the absence of a quorum, but members present may discuss business without action. Three (3) or more members of the Commission shall not discuss or decide the business of the Commission outside a regular, special, workshop or scheduled walkabout meeting.

Section 108 Order of Business. The order of regular business at regular or special meetings of the Commission shall be: (1) call to order, (2) open comments, (3) approval/amendment of agenda action/discussion items, (4) approval/amendment of past meeting minutes, (5) Zoning Inspector's Report, (6) old business, (7) new business, (8) workshop, and (9) adjournment. Any publicly advertised public hearing will precede regular business. Subject matter for discussion before the Commission shall be approved under item three (3) of regular business or as allowed by the chairperson; subject, however, to the chairperson being overruled with respect thereto by a majority of the members of the Commission present.

Section 109 Voting. Each member present at a meeting shall be entitled to one vote. Alternate member(s) shall be permitted to vote when they are substituting for an absent or abstaining member of the Commission. The secretary shall call the roll on any motion made by a Commission member. Commission members' votes shall be made orally by either an aye or nay. All members shall be required to vote aye or nay, unless recognized with a conflict of interest as stated in Section 208. The concurring vote of at least three (3) members of the Commission shall be necessary to pass any motion to recommend the approval, disapproval, or modification, of any proposed amendment or to decide in favor of an applicant on any matter which the Commission is required to hear under the South Bloomfield Township Zoning Resolution. The failure of an applicant to secure at least three (3) such concurring votes shall constitute and result in a recommendation for denial of the proposed amendment and a decision for disapproval of the application. All rezonings and major development plan amendments shall be forwarded to the Board of Trustees with the Commission's recommendation, unless otherwise provided for in the Zoning Resolution.

Section 110 Public Notice of Regular and Special Meetings. The Commission hereby establishes the following methods whereby any person may determine the date, time and place of regular meetings of the Commission, and the date, time, place and purpose(s) of special and emergency meetings of the Commission:

- a. Regular Meetings. The secretary shall give notice of the Commission's regular meeting schedule by posting a copy of the legal notice at the South Bloomfield Township Hall. If the date, time or location of a regular meeting is changed or cancelled, notice of the change or cancellation shall be posted at the Village of Sparta Sewage Treatment Facility, 6605 State Route 229, Marengo, Ohio 43334 at least twenty-four (24) hours prior to the meeting except in the event of an emergency.
- b. Special, Workshop, Walkabouts and Emergency Meetings. The secretary shall give notice of the date, time, location and purpose(s) of a special meeting and walkabouts (other than an emergency meeting) by posting a notice in the same locations as provided for posting notice of the Commission's regular meeting schedule. The notice shall be posted at least twenty-four (24) hours in advance of the meeting or walkabout. In the case of an emergency meeting, the secretary shall, if sufficient time allows, give notice of an emergency meeting in the same manner as provided for nonemergency special meetings. Otherwise, notice of an emergency meeting is not required, except as provided below.
- c. Notice to News Media of Special, Workshop, Walkabouts and Emergency Meetings. News media who have requested notice of special meetings or walkabouts shall be notified by the secretary of the date, time, location and purpose(s) of any such meeting at least twenty-four (24) hours in advance of the meeting. If the meeting is an emergency meeting, the secretary or the Commission member or members calling it shall immediately notify the media who have requested such notification. News media wishing to receive such advance notification shall provide the secretary, in writing, with a mailing address, telephone number and facsimile number (and, if

available, an e-mail address) for purposes of giving such notification. Any such request shall remain in force for twelve (12) months.

- d. Notice of Meetings to Discuss Particular Business. The secretary shall give reasonable advance notice of any regular or special meeting at which a particular type of public business is to be discussed to any person who has requested such notice. Persons wishing to receive such advance notification shall make such request in writing to the Commission and shall list the requestor's name, mailing address, telephone number and facsimile number (and, if available, an e-mail address), and the specific type of public business in which the requestor has a particular interest and desires notice. In addition, the requestor shall furnish the secretary of the Commission with a sufficient number of stamped, self-addressed envelopes for mailing such notice. If time permits, the requestor will be notified of such meetings by mail. Otherwise, notice shall be by telephone, facsimile or e-mail. Any such request shall remain in force for twelve (12) months.
- e. Special Notice Required by Law. When a particular form or method of notice is required by statute for a public hearing or meeting of the Commission, notice of the hearing or meeting shall be given in the form or manner prescribed by statute, in addition to notice otherwise required under this Section.

Section 111 Attendance of the Applicant. The applicant or an authorized representative shall attend the hearing scheduled by the Commission on such application. The failure of the applicant or the authorized representative to attend the hearing may result in the Commission tabling the hearing until a subsequent meeting of the Commission, or proceeding to conduct the hearing in the absence of the applicant, whichever is decided by a majority vote of the Commission. Any tabling may require additional fees to be paid by the applicant. If extraordinary circumstances beyond such person's control would prevent the applicant from attending the scheduled hearing, the applicant may submit, in writing, a request to table the application and reschedule the hearing, If extraordinary circumstances beyond such person's control prevented the applicant from appearing or notifying the Commission, in writing, prior to action taken by the Commission, the applicant may, based on the circumstances, make a written request that the Commission reconsider the application again at a subsequent meeting. This request shall be accompanied by any required tabling fee and shall be filed with the Zoning Inspector or secretary prior to the hearing and such request shall constitute a waiver of the time period within which such hearing would otherwise be required to be held. The Commission may, in its discretion, grant such request and reschedule the hearing for such time or times as determined by the Commission. Once a hearing is commenced, nothing herein shall prevent the Commission from conducting the hearing on multiple days until its conclusion.

ARTICLE II – Members of the Commission

Section 201 Purpose and Composition of the Commission. The purpose of the Commission is to hear and review rezoning applications, development plans and other matters, and to otherwise exercise those powers and duties conferred by law and the South Bloomfield Township Zoning Resolution, all of which shall be performed in

compliance with Ohio Revised Code, Chapter 519. The members of the Commission shall consist of those five (5) individuals who are, from time to time, duly appointed by the South Bloomfield Township Board of Trustees. The South Bloomfield Township Board of Trustees may appoint alternate(s) to the Commission who, if so appointed, may take the place of an absent member at a Commission meeting in accordance with the procedures prescribed by the Trustees. Unless a member (or alternate, if so appointed) either resigns, dies, is removed from the Commission by the South Bloomfield Township Board of Trustees, or ceases to reside inside of the unincorporated area of South Bloomfield Township, then each member shall serve on the Commission until the member's successor is appointed and qualified.

- Section 202 Commission Officers. The Officers of the Commission to be elected from among its members shall be a chairperson and vice chairperson.
- Section 203 Election of Officers. At the regular meeting held during the month of December in each calendar year at which a quorum is present, officers shall be nominated and voted upon, with the person(s) receiving the greatest number of votes being deemed so elected. Any Commission member may make a nomination for any officer position. Each shall hold the status of such an officer at the pleasure of the Commission.
- Section 204 Term of Office. All officers shall take office the meeting following their election. Unless a member either resigns, is removed as hereinafter provided, or ceases to be a member of the Commission, each officer shall hold office until December 31st of the next succeeding calendar year following such officer's election, or if the election is not held at the next succeeding December meeting following such officer's election or any adjournment thereof, until such time as an election of officers is held, and until a successor is duly elected and qualified.
- Section 205 Removal of an Officer. Any officer may be removed, without cause and at any time, by the Commission at any regular meeting or special meeting; provided, however, that in the case of a special meeting, the notices (or waivers of notices) of the special meeting shall specify that such removal action is to be considered. In any case in which an officer is removed, such officer shall still remain and be a member of the Commission unless removed as a member of the Commission pursuant to Ohio Revised Code, Chapter 519.
- Section 206 Resignation of an Officer. Any officer may resign such office at any time by giving written notice to the chairperson, vice chairperson, or secretary of the Commission. Any such resignation shall take effect at the time specified therein. Unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. Notwithstanding the previous, no such resignation shall be construed as resigning one's status as a member of the Commission unless such resignation so specifies therein and is delivered to the South Bloomfield Township Board of Trustees by or on behalf of such member.
- Section 207 Powers, Authority, and Duties of the Commission. The Commission shall have the powers and authority conferred and the duties prescribed by law, in addition to those specified or provided in the South Bloomfield Township Zoning Resolution,

and these Rules, unless otherwise conflicting with applicable law, in which case, applicable law shall prevail.

Section 208 Conflict of Interest. Prior to discussion and/or decision on a matter where a member of the Commission may have conflicting interests, the member or an accuser shall make a statement to the chairperson stating the conflict and ask to be excluded from the discussion as a member of the Commission. After recognized this member shall also be excluded from the roll call vote on the matter. If the conflict is disputable, the Commission shall be entitled to take a majority vote of its remaining members to determine whether the conflict warrants abstention.

Section 209 The Chairperson of the Commission. The chairperson of the Commission, if and while there an incumbent of the office, shall preside at all meetings of the Commission at which the chairperson is present. The chairperson shall have and exercise general supervision over the conduct of the Commission's affairs, its order of business and over its other officers and appointees; subject, however, to being overruled by a majority of the Commission members present and any contrary law. The chairperson shall see that all orders and directives of the Commission are carried into effect. The authorization of the Commission and subject to applicable law, the chairperson or designee may compel the attendance of witnesses. The chairperson may cancel, delay or postpone any meeting for good cause.

Section 210 The Vice Chairperson. If and while there is no incumbent of the office of the chairperson of the Commission, and during the absence of the chairperson of the Commission, the vice chairperson shall have the duties and authority specified for the office of chairperson, and shall perform such other duties as may be assigned by the Commission or by the chairperson. In the absence of the chairperson and vice chairperson, the member of the Commission having the longest tenure on the Commission present at the meeting will assume the position of interim chairperson, unless the senior person wishes to relinquish that responsibility to another member. The interim chairperson shall carry out all or any portion of the duties of the chairperson in his/her absence.

ARTICLE III – Rules of Procedure/Amendment

Section 301 Rules of Procedure. The Commission shall use Robert's Rules of Order to supplement these Rules of Procedure. Failure to use Robert's Rules of Order shall not invalidate any procedure taken by the Commission.

Section 302 Amendment. The Commission may amend these Rules of Procedure by a majority vote in any regular meeting of the Commission at which a quorum is present.

-end-