

EXHIBIT 5



RULES AND REGULATIONS CITY OF BEXLEY BOARD OF ZONING AND PLANNING

January 12, 2017 FINAL

1. CHAIRPERSON:

The Board shall designate a Chairperson to serve a twelve month term, commencing July 1st. The initial Chairperson's term shall commence in January of 2017 and expire June 31, 2017. The Chairperson shall preside at all meetings, cause issuance of notices, orders and generally provide for administration of the Board's affairs. In the absence of the Chairperson, the Board shall designate an interim chairperson to carry out such duties.

2. MEETINGS:

The Board shall hold a regular meeting on the fourth Thursday of each month. In those instances when the fourth Thursday of any month is a holiday or follows a holiday, the regular meeting shall be scheduled on an alternate date, determined by the Board. The Chairperson or any two members may adjourn a regular meeting or call a special meeting by giving a notice thereof not less than seven (7) days prior to the date of such meeting. All regular and special meetings of the Board shall be held at Bexley City Hall, commencing at 6:00pm, or at such other time and place as may be designated by the Chairperson in the notice of meeting.

3. PUBLIC MEETINGS:

Meetings of the Board are public meetings, and are subject to the provisions of Bexley Codified Ordinance Chapter 223.

4. QUORUM:

Four (4) members out of a seven (7) member Board shall constitute a quorum and the affirmative vote of four (4) members of the Board shall be required to take any action, except for adjournment of any meeting. (1223.08)

5. ALTERNATES:

The Board shall consist of seven (7) regular members and four (4) alternate members appointed by the Mayor and approved by Council. The alternate members shall serve only during the absence of a regular commission member. (1223.06)

6. NOTICE OF PUBLIC HEARING:

Except as otherwise provided by ordinance, a Notice of Public Hearing, summarizing the subject of an application and setting forth the date, time and place of the Board's public hearing on such application, shall be mailed, by first class mail on behalf of the Board at least fourteen (14) days before the date of such meeting, to the applicant and to the owners of all properties which are within a 200' radius of the property.

The agenda and agenda application information for all regularly scheduled meetings will be published on the city website seven (7) days in advance of the meeting.

The failure of delivery or any defect in the Notice shall not invalidate any action of the Board. The Notice provided in this section may be waived in writing by any person entitled to receive it, and attendance at a meeting shall be deemed waiver of such Notice.

7. ATTENDANCE OF THE APPLICANT:

The applicant or an authorized representative shall attend the meeting pursuant to notice. The Board may dismiss, without hearing, an application if the applicant or authorized representative is not in attendance. If circumstances prevent the applicant from attending the meeting designated in the notice, the applicant may submit a letter prior to the meeting requesting tabling the application. If the applicant or his representative is not in attendance at such meeting, the Board may move to consider the application in those circumstances where dismissal without hearing would constitute a hardship on the adjoining property owners or other interested persons.

8. APPLICATION:

- a. An application for hearing before the Board shall be submitted to the Building Department at least four (4) weeks before the next regular meeting. The application shall be complete (as determined by the City) and shall contain the application form and all information required by the application form. Failure to submit a complete application may cause the application to be withheld from the agenda.

- b. In the case of modifications to tabled applications, the modifications shall be submitted to the Building Department at least two (2) weeks before the next regular meeting.
- c. The Board or the Zoning Officer may, for good cause, waive the advanced filing requirement, provided that public notice is provided in accordance with Section 6 (Notice of Public Hearing), and provided that the Building Department, in its sole discretion, has adequate time to review and process the application. The Board's decision to hear an application that has been submitted after the deadline shall constitute a waiver of the filing deadline.
- d. Unless otherwise directed by the Board, a tabled application upon which no action has been taken for more than one year from the date of tabling shall be deemed withdrawn.

9. SECRETARY:

The Board shall have a Secretary. The duties of the Secretary shall include the following: preparation of a report on each case to be heard by the Board, maintenance of the official journal of proceedings of the Board, issuance of orders of the Board, and such other professional planning assistance and clerical assistance as may be necessary.

10. ENFORCEMENT OF ORDERS:

The Zoning Officer shall enforce all orders of the Board.

11. ORDERS OF THE BOARD:

A decision or order of the Board shall become effective upon the execution of the Board's written record of Action of the decision and approval of the minutes of the meeting at which the decision was made..

12. TIME LIMIT OF ORDERS:

Unless otherwise provided by ordinance, if construction, demolition or the other action authorized by the Board is not commenced within one (1) year from the effective date of a decision, order, permit authorization or approval of or by the Board, then such decision, order, authorization, approval, permit or other action shall be void, unless upon written request, the Zoning Officer may grant a one time (1) year extension not to exceed the original time period, and requests for any further extension may only be granted by the Board.

13. THE OFFICIAL JOURNAL:

The official journal of the Board shall be maintained by the Secretary. The official journal shall contain the minutes of all meetings of the Board, including all decisions

and orders adopted by the Board. The minutes of meetings of the Board shall become a part of the official journal upon approval thereof by the Commission and signature by the Secretary. The posting of approved minutes on the City's website shall constitute the official journal.

14. RECONSIDERATION:

All actions of the Board shall be final and no request by the applicant for reconsideration of the Board's actions shall be accepted. The Board may, upon a majority vote, reconsider their action.

15. WITHDRAWAL:

An application may be withdrawn by written request of the applicant.

16. READING OF CORRESPONDENCE:

Letters and emails that are addressed to the Board will be provided to the Chairperson and noted at the beginning of each meeting, and will be available to the public. Anonymous correspondence will not be noted or summarized.

17. PUBLIC COMMENT AND TESTIMONY:

The Board may receive public comments and will hear testimony upon pending applications, including appeals, during the meeting. Comment and testimony will be heard as follows:

a. General Public Comment

1. General public comment shall be allowed at a time specified in the agenda.
2. Speakers wishing to address the Board during the public comment period must fill out a speaker form stating their name and address.
3. Each speaker may have one opportunity to speak during the public comment period.
4. Speakers are not restricted in the topic of their comments.
5. The Board may, in its discretion, limit the number of public comments received or the time each speaker may speak during the public comment period.
6. Public comment is not testimony at an administrative or quasi-judicial hearing, and as such speakers will not need to be sworn in.

b. Recommendations to Council / Public Hearings

1. The Board will hear public comment on any items on the agenda upon which the Board is required to submit a recommendation to Council such as proposed amendments to the Planning and Zoning Code or

consideration of Planned Unit Districts. The public hearing shall be conducted when the agenda item is being considered by the Board.

2. Speakers wishing to address the Board during the public hearing must fill out a speaker form stating their name and address.
3. Each speaker may have no more than one opportunity to speak during the hearing.
4. The Board may, in its discretion, limit the time each speaker may speak, the period the Board will hear comments and prohibit or discourage repetitive comments.
5. Comments during public hearings is not testimony at an administrative or quasi-judicial hearing, and as such speakers will not need to be sworn in.

c. Administrative or Quasi-Judicial Hearings

1. The Board shall conduct an administrative or quasi-judicial hearing upon all applications before it that require such a hearing.
2. During such hearings the Board will hear relevant testimony upon the application before it from persons with standing including applicants as well as individuals who may be directly and adversely affected by the decision on the application being considered by the Board.
3. The Chair may determine standing except that, upon motion of any member of the Board to consider standing, the Board shall determine, by a simple majority vote of the Board, if any person has standing to testify at or otherwise participate in the hearing.
4. All witnesses providing testimony at an administrative hearing are subject to cross-examination, and are limited to one period of testimony per hearing except as otherwise permitted by the Board.
5. No public comment is permitted at an administrative hearing.

18. MEDIATION:

The Board, upon its own motion or upon request of an applicant, may refer an application to non-binding mediation by a person designated by the Board, after consultation with the applicant and other interested parties. The costs thereof shall be assessed as determined by the Board.

19. APPEALS:

Rights of appeal to Council, if any, are defined in the Codified Ordinances of the City of Bexley, Ohio.

Adopted: _____, 2017

Chairperson

Attest: _____
Kathy Rose, Director of Building and Zoning

REVISION HISTORY:
Adopted January 26, 2017