

**PROCESS FOR VILLAGE OF GLENDALE  
CONSIDERATION OF PROPOSAL FOR  
QUIET ZONE**

**I. APPLICATION**

- A. Mayor's Quiet Zone Committee files Letter/Application with Clerk-Treasurer of the Village, seeking approval of a Proposal to establish a railroad quiet zone in the Village of Glendale ("Application").
  - 1. the Application should include a written description of the Proposal and drawings consistent (where appropriate) with a Basic Data Package per § 154.61 of the Zoning Code.
- B. Controlling authority for GPHPC's review of this Application comes from § 32.46 of Glendale Codified Ordinances (see attached), and from statute ORC § 713.02.
- C. There is no procedure in the Ordinances or State statutes for this sort of Proposal, so the GPHPC and Council are free to adopt a reasonable procedure consistent with the guarantees of due process under the law.
- D. At all times following its receipt, the Application will be available for public inspection at the Village Offices, during regular business hours.
  - 1. the Administrator shall also scan and post the Application to the Village website.

**II. GPHPC CONSIDERATION OF APPLICATION**

- A. As soon as practicable, but within 5 days of receipt of the Application, the Clerk-Treasurer will forward a full copy of the Application to the Chair of the GPHPC and the Mayor.
  - 1. The Clerk-Treasurer will also forward a copy of the Application materials to the Chair of Finance Committee of the Village Council.
    - a. (see below for Finance Committee's review of Application)
  - 2. The Clerk-Treasurer will also forward informational copies of the Application materials to the Chair of Laws, Claims and Miscellaneous Committee of the Village Council.

- B. Following receipt of Application, GPHPC Chair will present the Application to the GPHPC at its next regularly scheduled meeting, at which:
1. GPHPC will determine, by majority vote of the members present, whether the Application is complete.
  2. GPHPC will determine, upon recommendation of the Chair and by majority vote of the members present, whether and to what extent changes are needed in the Process in reviewing the Application.
  3. GPHPC will schedule, by majority vote of the members present, a Public Hearing to be held no less than 30 days after the publication required in II.C below,
    - a. Public Hearing may be at a regular GPHPC meeting or at a Special Meeting of the GPHPC,
    - b. the Public Hearing may be in the GPHPC's regular meeting location, or some other suitable location.
- C. Within 5 days of the scheduling of the GPHPC Public Hearing, the Administrator will (a) announce the Public Hearing by Village e-mail and posting on bulletin boards, and (b) submit notice of the Public Hearing for publication in a newspaper of general circulation in the Village at the earliest possible date.
- D. At least 7 days but no more than 14 days in advance of the GPHPC Public Hearing, the Administrator will announce the Public Hearing a second time by Village e-mail.
- E. GPHPC will conduct its Public Hearing, and consider the Application for the Proposal.
- F. Within 90 days after the conclusion of its Public Hearing, the GPHPC will vote to approve, disapprove or modify the Proposal by vote of a majority of its membership, by way of a Resolution of Recommendation to Council.
- G. Within 5 days of its passage, the Chair of the GPHPC shall forward the Resolution of Recommendation to the Mayor.

### III. **FINANCING**

- A. Concurrent with the GPHPC's consideration of the Application, the Mayor's Quiet Zone Committee will continue its efforts to obtain financing for the Village's responsibilities from all appropriate sources, including private foundations, government grants, and private citizens.
  - 1. Upon conclusion of its fundraising efforts, the Mayor's Quiet Zone Committee will submit its financing proposal to the Mayor and the Clerk-Treasurer of Village
    - a. the Mayor and the Clerk-Treasurer will refer the Quiet Zone Committee's financing proposal to the Finance Committee of Council.
  - 2. The Finance Committee shall consider the Quiet Zone Committee's financing proposal, even if GPHPC has not completed its recommendation on the Application.
    - a. meetings of the Finance Committee will be scheduled and publicized as provided for by rules governing meetings of the standing committees of the Village.
  - 3. The Finance Committee will make its recommendations to Council.

### IV. **COUNCIL CONSIDERATION OF PROPOSAL AND FINANCING**

- A. Upon receipt of the GPHPC's Resolution of Recommendation for, against or modifying the Proposal and the Finance Committee recommendation, the Mayor will present the matter to Council.
  - 1. Council will determine, upon recommendation of the Mayor and by majority vote of the members present, whether and to what extent changes are needed in the Process in reviewing the Application.
- B. The Finance Committee will present its recommendation relative to financing to Council
- C. Within 30 days of receipt of both the GPHPC Resolution of Recommendation and the Finance Committee recommendation, the Mayor will schedule a Public Hearing to be held at a Regular meeting or Special Meeting that is no less than 30 days after the publication required in III.D below.

- D. Within 5 days of the scheduling of the Council Public Hearing, the Administrator will (a) announce the Public Hearing by Village e-mail and posting on bulletin boards, and (b) submit notice of the Public Hearing for publication in a newspaper of general circulation in the Village at the earliest possible date.
- E. At least 7 days but no more than 14 days in advance of the Council Public Hearing, the Administrator will announce the Public Hearing a second time by Village e-mail.
- F. Council will conduct its Public Hearing, and consider the Application for the Proposal.
- G. Within 90 days after the conclusion of its Public Hearing, Council will render its decision on all aspects of the Proposal (except financing). Council may:
  - 1. Approve a Resolution of Recommendation *of approval* from the GPHPC, as presented by the GPHPC, by Village Ordinance with the concurrence of at least a majority of Council membership;
    - a. the failure of a concurrence of at least a majority of Council membership to approve a Resolution of Recommendation *of approval* from the GPHPC shall be construed as Council's rejection of the Proposal.
  - 2. Approve a modification of a Resolution of Recommendation *of approval* from the GPHPC, as presented by the GPHPC, by Village Ordinance with the concurrence of at least a majority of Council membership; or
  - 3. Overrule a Resolution of Recommendation *of disapproval* from the GPHPC, as presented by the GPHPC, by Village Ordinance with the concurrence of at least two-thirds of Council membership.
- H. At a subsequent date to be determined by Council, Council will render its decision on the recommendation of the Finance Committee.

V. **SUBSEQUENT GOVERNMENT APPROVALS**

- A. If Council's decision is in favor of measures needed for a Quiet Zone and adequate financing is available, the Village will then begin the process to obtain approval from Federal Railroad Administration for a Quiet Zone.

**§ 32.46 POWERS.**

(A) The Glendale Planning and Historic Preservation Commission (GPHPC) shall have power to make plans and maps of the whole or any portion of the village, and of any land outside the municipality, which, in the opinion of the GPHPC, bears relation to the planning of the municipality, and may make changes in the plans or maps when it deems the changes advisable. The maps or plans shall show the GPHPC's recommendations for new streets, alleys, ways, viaducts, bridges, subways, parkways, parks, playgrounds, or any other public grounds or public improvements, and the removal, relocation, widening, or extension of the public works then existing.

(B) With a view to the systematic planning of the village the GPHPC may make recommendations to the Mayor, Council, and department heads concerning the location of streets, transportation, and communication facilities, public buildings, and grounds. The GPHPC may have the power to control, preserve, and care for historical landmarks, to control in the manner provided by ordinance the design and location of works of art and public monuments, which are or may become the property of the municipality, the removal, relocation, and alteration of any works belonging to the municipality, and the design of bridges, viaducts, street fixtures, and other public structures and appurtenances.

(C) Whenever the GPHPC shall have made a plan of the municipality, or any portion thereof, no public building, street, boulevard, parkway, park, playground, public ground, canal, bridge, viaduct, tunnel utility (whether publicly or privately owned), or part thereof, shall be constructed or authorized to be constructed in the municipality or the planned portion of the municipality until and unless the location thereof shall be approved by the GPHPC. In case of disapproval, the GPHPC shall communicate its reasons for disapproval to Council and the department head of the department which has control of the construction of the proposed improvement or utility.

(D) Council, by a vote of not less than two-thirds of its members shall have the power to overrule the disapproval. The narrowing, ornamentation, vacation, or change in the use of streets and other public ways, grounds, and places shall be subject to similar approval, and disapproval may be similarly overruled.

(E) The GPHPC may make recommendation to any public authorities or to any corporations or individuals in the municipality or the territory contiguous thereto, concerning the location of any buildings, structures or works to be erected or constructed by them.

('56 Code, § 18-1) (Ord. 2001-40, passed 4-1-02)

***Statutory reference:***

*Powers and duties of Planning Commission, see R.C. § 713.02*