



**Powell**  
— OHIO —

**THE CITY OF POWELL**  
**RULES OF THE**  
**PLANNING AND ZONING COMMISSION**

Approved April 12, 2023

## CITY OF POWELL

### RULES OF THE PLANNING AND ZONING COMISSION

#### A. ESTABLISHMENT

The Planning and Zoning Commission shall be created in accordance with the City of Powell Charter [Section 11.01](#) (or as otherwise amended).

#### B. COMMISSION STRUCTURE

As established in the City of Powell Charter [Section 11.01](#), there is hereby created a Planning and Zoning Commission that shall consist of seven (7) members who are electors of the City. At least five (5) members shall be electors of the City who do not hold elective office and are not a City employee. Members shall be nominated by a member of Council and confirmed by a majority of the members of Council. At no time may more than two (2) members of Council serve as a member of the Commission.

Each member will serve a four (4) year term. Terms shall commence on January 1 and be staggered as established by Council by ordinance. A member may serve more than one term.

A vacancy during the term of any member shall be filled for the unexpired term by a member nominated by a City Council person and confirmed by a majority vote of all members of Council.

The Commission shall choose from its members a Chairperson and such other officers as it deems necessary; and shall keep minutes of its proceedings. Members of the Commission shall serve without compensation unless provided by ordinance.

The Commission shall meet at least once a month if there is business before the Commission. Four (4) members of the Commission shall constitute a quorum for the transaction of business and the affirmative vote of a majority (4 members) of all members (7 members) of the Commission shall be necessary for any official action. This Commission shall have all the power and authority conferred upon such commissions by the laws of the State of Ohio and shall conduct its affairs in a manner provided by such state law, unless otherwise modified by Council.

As established in the City of Powell Charter [Section 11.05](#) the Council may at any time remove any member of any board or commission created by this Charter with or without cause for any reason determined by the Council in its sole discretion. The removal shall not become effective without the concurrence of two-thirds of all members of Council.

### **C. MEMBER DUTIES**

At the first meeting as practicable after Council appointments, the Commission shall elect a Chair and Vice-Chair. Officers shall be entitled to vote and shall each hold office for one (1) year or until a successor is elected. Should the Chair be absent for a meeting, the Vice Chair shall preside over the meeting. Should both the Chair and Vice Chair be absent, the most senior member of the Commission shall preside.

A preface was requested by other commission members stating the intent of the Commission is to provide a public forum for community members to participate in the land use decision making process or at minimum provide transparency for any interested parties, whether members of the Powell community or otherwise.

#### **ROLE OF THE CHAIR:**

The responsibility of the Chair is, primarily, to ensure the integrity of the Commission process in accordance with Zoning Code Section [1133.08](#) which lists the following duties:

- (a) To prepare, adopt, and periodically update a comprehensive plan for community development (a policies plan for the development of the municipality), and to recommend that plan to Council for confirming adoption by Ordinance.
- (b) Recommend the proposed Zoning Ordinance, including text and Official Zoning District Map to the Council for formal adoption.
- (c) Initiate advisable Official Zoning District Map changes, or changes in the text of the Zoning Ordinance where same are consistent with the comprehensive plan adopted by the Commission and will promote the best interests of the public through recommendation to the Council.
- (d) Review all proposed amendments to the text of this Zoning Ordinance and the Official Zoning District Map and make recommendations to the Council as specified in [Chapter 1131](#).
- (e) Review all Planned District development proposals and applications and make recommendations to the Council as provided in this Zoning Ordinance.
- (f) Review all other development proposals as necessary and applications and make recommendations to the Council as provided in this Zoning Ordinance.
- (g) Review all special uses as identified in the respective zoning districts according to provisions and criteria stated in this Zoning Ordinance.
- (h) Carry on a continuous review of the effectiveness and appropriateness of this Zoning Ordinance and recommend such changes or amendments as it feels would be appropriate.

### **D. MEETINGS AND PROCEEDINGS OF THE PLANNING AND ZONING COMMISSION**

As established in Zoning Code Section [1133.07](#), the Commission shall meet at least once a month unless there are no submitted applications for that month. All meetings shall be held at the municipality offices or other public building within the municipality. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of

each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, the facts of each case, other official actions and other minutes of the meeting, all of which shall be a public record and shall be immediately filed with the Clerk of the Commission, a copy of which shall be sent to the Clerk of the Council. The concurring vote of four members of said Commission shall be necessary for the approval of a Commission action or to reverse a previous decision or determination of the Planning and Zoning Commission.

#### APPLICATIONS

- (a) Applications shall be submitted to the Zoning Administrator or designee in accordance with the Zoning Code and the administrative provisions of the Planning and Zoning Division.
- (b) Staff shall prepare and distribute an agenda to the Commission and to all applicants prior to the meeting listing all applications pending for the meeting and ensure proper public notice is distributed in accordance with Code.
- (c) Applications previously tabled may be scheduled first. The Chair of the Commission may alter the agenda order at the meeting.

#### ATTENDANCE OF APPLICANT

While the attendance of an applicant or representative at all meetings at which the case is under consideration is discretionary. The Commission strongly encourages attendance to aid in dialogue and answering questions. The Commission may table, with or without a hearing, an application if the applicant or applicant's representative is not present when the matter is called at the meeting. Applicants or their representative are expected to present to the Commission, unless otherwise deemed unnecessary by staff, the Commission or the applicant or representative.

#### TABLING AND WITHDRAWAL

Requests to table or withdraw a case, including the reason for the request, shall be made in writing by the applicant to the Zoning Administrator or designee prior to the meeting or verbally by the applicant or his/her representative at the meeting. Requests shall require approval by a majority of the Commission members in attendance. A tabled case may be rescheduled for the next available meeting, or at such other time as specified by the Commission, or the next available meeting after the reason for the tabling has been resolved, as determined by the Zoning Administrator or designee.

#### MEETING CONDUCT

- (a) The Chair will read the item from the agenda.
- (b) Staff will summarize the proposal for the Commission.
- (c) The applicant is encouraged to present the proposal to the Commission and be available for any questions of clarifications.
- (d) The hearing will be open to public comment. The Chair will recognize citizens wishing to speak on an item on the agenda. *Citizens wishing to be heard on items not included on the formal agenda will be recognized under the agenda heading "Hearing of Visitors for Items not on the agenda."* Each person addressing the Commission is asked to state his/her name and address. All questions or comments shall be directed to the Chair. The Chair may elect, in sole their discretion and at the request of other Commissioners to enforce a maximum testimony length of three (3) minutes. After three (3) minutes, the Clerk

- will signal the Chair who will ask the individual to "please summarize comments" as they are past the allotted time.
- (e) The public hearing will be closed. Once the public comment session is closed, no further comments from the audience will be entertained, unless specifically permitted by the Chair. Commission members may request clarification of a public comment from a member of the audience during the Commission discussion session.
  - (f) All Commission members will act in accordance with the following during Commission meetings:
    - Respect to all throughout any hearing.
    - Respect for the time citizens have taken out of their day to attend a meeting and the corresponding effort to hear matters in a timely manner.
    - Debate that is civil, courteous, and respectful, regardless of differing viewpoints.
    - Members should give each matter its due attention. Meaning, they should make every effort to appear on time for meetings and give their attention to the issue being heard. Council members shall not engage in lengthy discussion amongst themselves during public comments.
  - (g) Participation in Commission discussion during meetings shall be limited to Commission members until specific participation is directly requested by Commission members and acknowledged by the presiding officer.
  - (h) The Planning and Zoning Commission will begin debate on the item. Once Commission debate begins on an item, no further comments from the audience will be entertained. If an amendment or other motion is made which substantially changes the main motion, the chair shall recognize persons in the audience wishing to speak to that amendment.
  - (i) Commission members are expected to devote their full attention to the discussion of Commission business during meetings. Any communications, whether virtual, telephone, electronic mail, or other means, to individuals outside the public deliberations of the Commission are highly discouraged and should only occur under emergency circumstances.
  - (j) As a matter of courtesy to the other members of Commission and to the public, it is expected that each member will attempt to be prepared on what they wish to say, and to limit their total speaking time to approximately five (5) minutes. This will include time spent asking for clarification and engaging members of the public (e.g. responding directly to their comments). If a member expects to need more than this amount of time, they should request additional time from Commission. After said amount of time, the Chair may ask that member to please summarize so that the next member can then speak.
  - (k) Robert's Rules of Order are to be used as a guide in the governance of this Commission and for all cases not otherwise provided for in these rules. Technical violations of these rules or parliamentary procedure provisions shall not invalidate Commission actions.
  - (l) These rules are to be included with the sign in sheet to aid all those in attendance that wish to participate.

**E. MISCELLANEOUS**

COUNCIL 1133.15

The powers and duties of the Council pertaining to the Planning and Zoning Ordinance are as follows:

- (a) Appoint Council's members on the Planning and Zoning Commission.
- (b) Appoint Council's members of the Board of Zoning Appeals.
- (c) Initiate or act upon suggested amendments to the Zoning Ordinance text or Official Zoning District Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing.
- (d) Approve a written recommendation of the Planning and Zoning Commission.
- (e) Override a written recommendation of the Planning and Zoning Commission on a text or map amendment provided that such legislative action is passed by a vote of not less than three-quarters of all members of the Council.
- (f) Provide for the compensation of clerks for the Planning and Zoning Commission and for the Board of Zoning Appeals.
- (g) Set and approve the bond required of the Zoning Administrator.
- (h) Establish by ordinance a schedule of Zoning related fees.

CONFLICT OF INTEREST 2.03

Unless otherwise provided by this Charter, the laws of the State of Ohio pertaining to ethics and unlawful interests in a public contract shall apply to all elected and appointed officials and employees of the City, and to the appointees to the City's boards and commissions. In order to address any potential ethics or contract issue in the manner provided by law, such officials, employees and appointees shall disclose to the Law Director the potential issue and shall refrain from any deliberations, votes or any other participation in said matter prohibited by Ohio ethics law.