



**PLANNING AND ZONING COMMISSION  
RULES AND REGULATIONS**

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**A. ESTABLISHMENT**

The Planning and Zoning Commission (P&Z) 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**

The following section outlines the roles, duties, and responsibilities of Planning and Zoning Commission members.

#### Commission Officers

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 over the meeting.

#### Attendance

All members are required to attend meetings and notify City Staff of their absence from any scheduled meeting. Any member of the Planning and Zoning Commission that has been absent from four (4) consecutive regular meetings of the Commission or a total of six (6) regular meetings of the Commission, during any twelve (12) month period, whether excused or not, may be removed from membership on the Commission by an act of Council.

#### 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.

Conflict of Interest

Unless otherwise provided by Charter [Section 2.03](#), 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.

Should a conflict of interest be identified, the Commission member shall notify both Staff and the Chair or presiding officer. This notification may occur during or ahead of the meeting. During the meeting, the following procedure shall be used:

- (a) The Chair or presiding officer shall recognize the Commission member. The member will note they will not be participating or voting on the application due to a conflict of interest. The member may state their reason why a conflict of interest exists, but are not required to provide details.
- (b) The Commission member shall be excused by the Chair or presiding officer and shall leave the room. Once the matter is concluded, the Commission member may rejoin the meeting.

Ex-Parte Contact

Any Commission member should avoid ex-parte contact with any applicant or their representative(s) on an application on-file with the City. If any contact is made by an applicant, the member should refer the applicant to Staff.

Any Commission member should disclose any substantive discussions with resident(s) and/or the general public regarding a pending application at the next public meeting. This should include all relevant information provided by the resident(s) and/or general public in order to ensure that all Commission members are considering the same information, prior to rendering a decision.

**D. MEETINGS AND PROCEEDINGS**

As established in Zoning Ordinance [Section 1133.07](#), the Commission shall meet at least once a month unless there are no submitted applications or business 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.

### Record of Meetings / Actions

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 (4) 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 their designee in accordance with the Zoning Ordinance and the administrative provisions of the Planning Department.
- (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 the Zoning Ordinance.
- (c) Applications previously tabled may be scheduled first. The Chair or presiding officer of the Commission may alter the agenda order at the meeting.

### Attendance of the Applicant

While the attendance of an applicant or representative 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 will have the opportunity to present their application to the Commission following a presentation provided by City Staff, unless it is deemed unnecessary.

### 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 their 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 their designee.

### Meeting Conduct

- (a) 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.
- (b) These rules are to be included with the sign in sheet to aid all those in attendance that wish to participate.
- (c) All Commission members will act in accordance with the following during Commission meetings:
  - I. Respect to all throughout any hearing.
  - II. 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.
  - III. Debate that is civil, courteous, and respectful, regardless of differing viewpoints.
  - IV. 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. Commission members shall not engage in lengthy discussion amongst themselves during public comments.

#### Order of Proceedings

- (a) The presiding officer will read and introduce the item from the published agenda.
- (b) Staff will summarize the application, compliance with the zoning code, and recommendation for the Commission.
- (c) The applicant will have the opportunity to present the proposal to the Commission and be available for any questions of clarifications.
- (d) The hearing will then be opened to public comment. The presiding officer will recognize citizens wishing to speak on an item on the agenda. *Citizens wishing to be heard on items not included on the published agenda will be recognized under the agenda heading "Hearing of Visitors for Items not on the agenda."*
  - I. Each person addressing the Commission will be asked to state their name and address for the record. All questions or comments shall be directed to the presiding officer.
  - II. The presiding officer may elect, in 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 presiding officer 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 presiding officer. Commission members may request clarification of a public comment from a member of the audience during the Commission discussion session.
- (f) The Commission will begin debate on the item. Once Commission debate begins on an item, no further comments from the audience will be entertained and the discussion shall

be limited to Commission members. If an amendment or other motion is made which substantially changes the main motion, the presiding officer shall recognize persons in the audience wishing to speak to that amendment.

- (g) 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.
- (h) 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 the presiding officer. After said amount of time, the presiding officer may ask that member to please summarize so that the next member can then speak.

#### **E. COUNCIL DUTIES**

The powers and duties of the Council pertaining to the Zoning Ordinance are outlined in [Section 1133.15](#) which lists the following:

- (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.