

City of Beachwood Planning & Zoning Commission Rules of Procedure

Section 1 - Powers and Duties of the Planning and Zoning Commission

The Planning and Zoning Commission shall have such powers and duties as provided by the City Charter or Council concerning the plan, design, location, removal, relocation, and alteration of any public buildings or structures on public streets or property; the location, relocation, widening, extension, and vacation of streets, parkways, playgrounds, and other public places; the approval of plats for the subdivision of land; the zoning of the City for any lawful purpose; and such other powers as may be conferred upon it by ordinance of the Council or the general laws of Ohio.

Section 2 - Planning and Zoning Commission Composition, Terms, and Duties of the Secretary of the Commission

Composition

The Planning and Zoning Commission shall consist of seven (7) members as follows:

- The Mayor
- One (1) Councilmember, appointed by Council
- Four (4) residents of the City appointed by the Mayor, with one (1) from each of the three (3) districts established by Council and one (1) resident appointed at-large
- One (1) resident of the City appointed at-large by Council

Appointed members of the Commission shall serve staggered three-year terms and shall hold no other City office.

Duties of the Secretary of the Commission

At the Organizational Meeting required by Article III, Section 2 of the Charter, or as soon thereafter as may be convenient, Council shall appoint a Clerk of Council and Assistant Clerks of Council. The Clerk shall perform duties as set forth in the Charter or in City and State laws. In the Clerk's absence, the Assistant Clerks shall assume the same authority and responsibility under the Clerk's direction.

The Secretary of the Commission shall:

- Coordinate with applicants, ensuring deadlines are met and statutory procedures are followed
- Prepare meeting agendas and minutes
- Facilitate correspondence between administrative officials and parties involved in official business
- Maintain records of submissions and official correspondence
- Attend all Planning and Zoning Commission meetings
- Coordinate with City Council and/or the Architectural Board of Review as necessary

Section 3 - Districts

Council shall maintain three (3) districts, each with approximately an equal number of residents. Council may adjust district boundaries as needed based on the most recent decennial U.S. Census Bureau population figures to maintain reasonable geographical distribution.

- **District 1** – Richmond Road (including both sides of Auburn Drive east to the municipal boundary)
 - **District 2** – West of Richmond Road from Cedar Road to Fairmount Boulevard (including Cedar Road and Fairmount Boulevard)
 - **District 3** – South of Fairmount Boulevard, West of Richmond Road
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Section 4 - Meetings, Notice Requirements/Procedures, Minutes, Quorum, and Order of Business

Meetings

- All Organizational, Regular, Special, Executive Sessions, and Committee and Commission meetings shall be conducted in accordance with the Ohio Open Meetings Act (Ohio R.C. 121.22). All meetings of the Commission shall be public, and citizens shall have access to minutes and records at reasonable times.
- The Commission shall provide for Regular and Special Meetings as determined by the Commission. Special Meetings may be called by the Commission or the Chair with at least twenty-four (24) hours written or actual notice.
- The Chair or, in the Chair's absence, any two members of the Commission may cancel or reschedule a meeting if a quorum will not be present or if there are no agenda items to review.
- A Special Meeting is any meeting other than a Regular Meeting. Public bodies shall provide at least twenty-four (24) hours' advance notice to news media requesting notification, except in emergencies requiring immediate official action (BCO § 105.06). If a Special Meeting is called to discuss particular issues, only those issues may be discussed.
- Internal Planning and Zoning Commission Meetings shall be held on the Thursday prior to the scheduled Planning and Zoning Commission Meeting. The Chair will be available to answer questions regarding agenda items. Questions may also be submitted in advance to the Chair or Secretary.

Submission Deadlines

- Submission deadlines for agenda items shall be noon on the last day of the month preceding the next Planning and Zoning Commission Meeting.

Absence of the Commission Chair

- In the Chair's absence, the next senior member of the Commission shall serve as Acting Chair.

Notice Requirements/Procedures

- Each public body shall establish rules for meeting times, dates, and locations, which shall be kept by the Clerk and displayed in a prominent location at City Hall. Special Meetings require at least twenty-four (24) hours' advance notice to news media requesting notification, except in emergencies requiring immediate action. In such cases, reasonable notice shall be given as soon as possible.

Minutes

- Meeting video recordings shall serve as the official minutes for all meetings, including Planning and Zoning Commission and Council Committee meetings. A written summary shall detail general discussion on each agenda item and record votes on Ordinances, Resolutions, and Motions. If video is unavailable, the audio recording shall serve as the official record. If neither video nor audio is available, the Clerk shall prepare detailed written minutes.

Quorum

- The Commission consists of seven (7) members, and a quorum shall consist of four (4) members.
- A lesser number may recess, adjourn, or hold informal discussions but may not take official action.

Order of Business

1. **Call to Order** – The Chair shall call the meeting to order.
2. **Roll Call** – The Secretary shall call the roll and record attendance.
3. **Approval of Minutes** – A motion to approve the Minutes shall be introduced and seconded, followed by a roll call vote.
4. **Council Report** – Given by Council's Appointment to the Commission, if applicable.
5. **Citizen's Remarks** – Limited to three (3) minutes each.
6. **Items Before the Planning and Zoning Commission**
7. **Adjournment**

Section 5 - Procedures for Items before the Planning and Zoning Commission

Council Referrals and Procedures for Planning and Zoning Commission Items Referred to City Council

- Conditional Use Permits in all Zoning Districts
- Determinations that a Use is Similar, Harmonious, and Compatible in a Zoning District (generally in the Public and Institutional, Commercial, and Industrial Districts)
- Variances in all Districts except the U-1 Single Family Residential District and for signs and fences in any district
- Amendments to the Zoning Code or the Zoning Map

Administrative Appeals

- Where specifically authorized, decisions of City officials made in the administration and enforcement of these Codified Ordinances may be appealed to the Planning and Zoning Commission by any person claiming to be adversely affected by such decisions.

Variances

- When an applicant's plans on file with the City do not meet a requirement of the Zoning Code, the Commission shall, upon request, consider granting or not granting the variance or recommending or not recommending the granting of a variance to Council, depending on the type of variance. A variance may be granted or recommended if the Commission determines that, based on the presented evidence and circumstances:
 - Substantial hardship or practical difficulty prevents compliance with a zoning standard.
 - The variance, if granted, will not impose an undue hardship on other properties.
 - The resulting development, with the approved variance, will align with the spirit, intent, and purpose of the Zoning Code, resulting in a more harmonious and useful development and ensuring substantial justice is done.
- When the Commission makes its recommendation to Council, Council shall review each decision on a case-by-case basis to ensure the best quality development while preserving the integrity of the Zoning Code. Council may accept, modify, or reject any recommendation of the Commission.
- Each parcel of real estate is unique, and each circumstance differs; therefore, the granting of any variance shall not be considered a precedent for other properties.
- Where a variance is granted, it shall be the least variance found to be reasonable under all circumstances. The decision of Council shall be final.

Rezoning / Map Amendments

- Council may amend zoning regulations and rezone property within the City on its own motion or at the request of a property owner or owner's agent. Every proposed amendment shall first be submitted to Council for consideration. Before adoption, proposed amendments shall be referred to the Commission for a report and recommendation. Upon receipt of the Commission's report, Council shall conduct a public hearing, advertised in a newspaper of general circulation within the City for at least thirty (30) days. Council may refer a proposed amendment to a committee for further study at any time before adoption.
- Council may declare a moratorium for up to 120 days if it finds it necessary to prevent applications for Site Development Plan approval or building permits while zoning amendments are under review. This prevents property owners' rights from vesting while legislation is pending.
- Applications for rezoning must be filed in accordance with Section 1107.03 of the Planning and Zoning Code.

Conditional Use Permits / Special Use Permits / Similar or Harmonious Use

- Where uses require a Conditional Use Permit, the Commission will review the application to determine any necessary stipulations, conditions, criteria, or standards. The Commission recommends approval, denial, or approval with stipulations to Council. Council has the final authority to grant or deny Conditional Use Permits.
- Where the Code allows applicants to request additional uses as similar and harmonious to permitted uses in a district, the Commission reviews such applications and makes recommendations to Council. The Commission's recommendation may include conditions, stipulations, or requirements. Council has the final authority to approve or deny the request.

Plats

- All plats for the subdivision or re-subdivision of land must first be filed with the Commission and comply with the City's zoning requirements.
- The Commission recommends street locations to Council to ensure efficient traffic flow and safety.
- Each plat must also be submitted to the City Engineer for review and approval. After final review, plats are forwarded to Council.
- The Commission must approve or reject plats within ninety (90) days, and Council must act within sixty (60) days unless an extension is granted for good cause. Any plat not approved within these timeframes is considered rejected.

Site Plan Approval

- Applications for site plan approval may be submitted for preliminary or final approval.
- Preliminary approval may be granted at the Commission's discretion when applicants are unable to finalize plans. Preliminary approvals are nonbinding on the City.

Site Development Plans

- A "Site Development Plan" consists of preliminary and final drawings required to obtain Commission approval or a recommendation to Council for certain projects.
- These plans indicate topography, proposed buildings, land use, open spaces, parking, and other details necessary to evaluate compliance with the Zoning Code.

Section 6 - Debate and Decorum

Preservation of Decorum

- The Chairperson shall preserve decorum, maintain order, decide all Points of Order, and keep Commission members focused on the matter under discussion.
- The use of profane or vulgar language is strictly prohibited by Commission members and attendees.

Power to Preserve Decorum

- The Commission may, by majority vote, suspend the meeting to restore order and decorum.

Speaking by Commission Members

- Any Commission member wishing to speak shall raise their hand for recognition by the Chairperson. Upon recognition, they may speak.

Speaking by Members of the Administration

- The Mayor and members of the Administration wishing to speak shall raise their hand for recognition by the Chairperson. Upon recognition, they may speak.
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Section 7 - Citizen's Remarks

Citizens Addressing the Planning & Zoning Commission

- Members of the public may address the Commission during the Citizen's Remarks portion of Regular and Special meetings.

Time Allotted

- Each speaker is limited to three (3) minutes.
- The Citizen's Remarks portion shall not exceed thirty (30) minutes unless extended by the Chairperson or a majority vote of the Commission.

Speaking Roster

- Anyone wishing to address the Commission must sign the speaking roster, providing a mailing and email address.
- The roster will be available at the back of the Council Chambers until the Citizen's Remarks portion begins.

Conduct of Speakers

- Speakers must state their name, address, and the subject of their comments, which should be addressed to the Chairperson.
- If necessary, the Chairperson may divide the available time equitably among speakers.
- All speakers must observe the Commission's Rules of Decorum.
- Disruptive, harassing, or otherwise objectionable comments will not be permitted. The Chairperson may end any inappropriate remarks.

Response to Citizen's Remarks

- The Commission will not respond to questions posed during Citizen's Remarks but will refer inquiries to the appropriate member of the Administration, who will respond within a reasonable timeframe.

Section 8 - Commission Members Code of Conduct

These principles of conduct describe how Commission members should treat each other, members of the community, and the public while working together for the common good of the City. Conducting the City's business in an atmosphere of respect and civility is required. Commission members are responsible for holding themselves and each other accountable for displaying actions and behaviors that consistently model the ideals expressed herein.

Each Commission member expressly agrees to these principles of conduct:

- Consistently demonstrate professionalism, respect, and civility in working for the greater good of the City and its residents.
- Commit to act and be seen as acting with integrity and impartiality that will bear the closest scrutiny.
- Commission members shall not influence any person in any improper way to obtain any advantages or favors.
- Commission members shall not comment on matters of pending or threatened litigation if such comments disclose confidential or privileged information.
- When confronted with a conflict of interest, completely abstain from making any decision about or influencing how the matter is resolved. Such abstention or recusal includes refraining from voting, discussing, reviewing, recommending, inspecting, investigating, or taking any other action on the matter.
- Commission members shall respond promptly and in accordance with the City's Public Records Policy to all public records requests. All responsive documents shall be provided directly to the Law Department and not to the requesting party. All decisions regarding the release of public records shall be made by the Law Department. A "Record" includes any document, in any format—paper or electronic (including business email)—that is created, received, or comes under the jurisdiction of the City of Beachwood and documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.
- Maintain information provided as legal advice as privileged and confidential.
- Consider all communications, whether verbal or written, from legal counsel as privileged and confidential unless stated otherwise.

Section 9 - Parliamentary Procedures

These procedures apply to all Planning and Zoning Commission Meetings.

In the absence of a rule governing matters of business in the Planning and Zoning Commission's Rules of Procedure, the City Charter, or the Statutes of the State of Ohio, the most recent version of *Robert's Rules of Order, Newly Revised* shall govern parliamentary procedures for City Council, the Planning and Zoning Commission, and the Committees of Council.

Questions and Motions

- When a motion is introduced and seconded, the Commission Chair or the Commission Secretary shall restate the motion, placing it before the Commission.
- Any motion or amendment may be withdrawn by the mover or seconder before a decision if a majority of Commission members present agree.
- Following debate, the Commission Chair or the Commission Secretary shall put the question to a vote and announce the results.
- A Commission member may call for a vote to end debate, known as “Calling for the Question.” This requires a motion, a second, and approval by five (5) members of the Commission. This vote is separate from and precedes the vote on the pending matter. There shall be no debate on the motion to Call for the Question.
- All formal actions shall be made by motion.
- Motions shall be made in the affirmative whenever possible and must be seconded before a Roll Call vote.

Reconsideration

- Any Commission member who previously voted with the prevailing side may move to reconsider any vote or proceeding of the Commission. A motion for reconsideration must be made no later than the next Regular Meeting. An action taken by the Commission may only be reconsidered once.

Point of Order

- A Point of Order is a motion made when a Commission member believes the Planning & Zoning Commission Rules of Procedure are being violated. This motion may be made while another member has the floor and does not require a second. The Commission Chair must determine the validity of the motion. If the Rules of Procedure are being violated, the Chair shall enforce the rule.

Point of Information

- A Point of Information is a request by a Commission member to the Commission Chair seeking clarification on a matter relevant to the business at hand. The Commission Chair shall direct the request to the appropriate person, and all information shall be exchanged through the Chair to maintain decorum.

Section 10 - Voting Procedures and Conflicts of Interest

Voting Procedures

- All votes shall be taken by roll call, with the Clerk calling the names of each member in alphabetical order and recording the vote in the minutes.
- Every motion requires at least four (4) affirmative votes to pass.
- Votes shall be recorded as “yes” or “no.” A vote to “abstain” shall be counted with the majority of those who do vote. A member who does not vote due to a conflict of interest shall not participate in discussion or vote on the issue and shall not sit with the Commission during proceedings related to that issue (*Charter Article III, Section 7(1)(B)*).

Conflicts of Interest

- Commission members and their family members must avoid any interest in a contract with the Municipal Corporation they represent and avoid even the appearance of a conflict of interest.
- If a Commission member declares a conflict of interest, they shall provide an explanation, which shall be recorded in the meeting minutes. In such cases, quorum and voting requirements remain the same as if the office were vacant (*Charter Article III, Section 7(3)*).
- Commission members with questions regarding conflicts of interest are encouraged to consult the Law Director or Assistant Law Director before formal discussion or voting.

Passage/Adoption

- The affirmative vote of at least four (4) Commission members is required to pass any motion.

Section 11 - Miscellaneous

Amendment to the Rules

The Planning and Zoning Commission's Rules of Procedure shall remain in effect until amended or repealed by the Commission. Amendments, alterations, or new rules may be adopted by a simple majority vote of members present at any meeting, provided the proposed changes are in writing.

Enforcement of Rules

The Commission Chair shall conduct all Commission meetings in accordance with these Rules of Procedure. If a conflict arises between these Rules and the City Charter, the City Charter shall take precedence. If any Commission member violates a rule, the Commission Chair, upon a Point of Order motion, shall call the member to order. If the member is speaking when the Point of Order is raised, they shall immediately stop unless permitted by the Chair to explain. The Commission Chair will then rule whether the Point of Order is valid and require compliance if it is.

Review of Rules

Subject to the direction of the Commission Chair, these Rules shall undergo comprehensive review at least once every five (5) years.

Violations of Rules

Violators of these Rules may be subject to either a public or private reprimand, in addition to any other enforcement provisions under local, state, or federal law.

Training Requirements

- Annual Public Records training
- Annual Ohio Ethics training (conflicts of interest)
- New Member Training conducted by the Clerk of Council/Secretary of the Commission