

CITY OF CLEVELAND
RULES
OF THE
CITY PLANNING COMMISSION

Adopted
February 7, 1992

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RULES OF THE CITY PLANNING COMMISSION

CITY OF CLEVELAND

A R T I C L E I: M E M B E R S

In accordance with Section 76 of the Charter of the City of Cleveland, the Planning Commission shall be composed of seven members; six members shall be appointed by the Mayor for six-year terms, staggered at two year intervals, and one shall be a member of the City Council chosen by each Council to serve during the term of such Council.

A. The officers of the Planning Commission shall be a Chairman, Vice-Chairman, and a Secretary.

1. Chairman: The Chairman, appointed annually by the Mayor in accordance with Section 76 of the City Charter, shall preside at all meetings of the Planning Commission. He shall perform all duties incident to his office and shall be an ex-officio member of all committees.
2. Vice Chairman: The Vice Chairman, elected annually by the members of the Planning Commission, shall act as Chairman in the absence of the Chairman. In the absence of the Chairman and Vice Chairman, the members of the Planning Commission shall elect a Chairman Pro Tem.
3. Secretary: The Planning Director shall be ex-officio Secretary of the Planning Commission. He shall conduct the official correspondence, maintain an accurate record of the proceedings of the Planning Commission and of all its Committees, and issue such reports as the Planning Commission may order. He shall perform such other duties as the Planning Commission from time to time may assign to him. The Planning Director may assign such of these duties as he deems necessary to other members of the staff.

A. Unless otherwise provided by the Charter of the City of Cleveland, the Chairman shall appoint the members and officers of all committees, subject to the approval of the Planning Commission.

B. The following Standing Committees are hereby established:

1. Capital Projects Coordinating Committee: Established, as a "Coordinating Board" pursuant to Section 76-4 of the Charter of the City of Cleveland. The Committee shall be appointed by the Planning Commission and shall consist of the Directors of City Departments and other public agencies responsible for programming and implementing capital projects. The Planning Director shall chair the Committee and shall report on the activities of the Committee at the meeting of the Planning Commission next following each meeting of the Committee.
2. Planning Commission Advisory Committee: Established as an "Advisory Committee" pursuant to Section 76-4 of the Charter of the City of Cleveland. The members are appointed by the Mayor on recommendation of the Planning Commission. The Vice Chairman of the Commission shall be the Chairman of the Planning Commission Advisory Committee and shall report on the activities of the Committee at the meeting of the Planning Commission next

following each meeting of the Committee. The members of the Design Review Advisory Committee and the Business Revitalization District Design Review Advisory Committees shall be appointed by the Commission from the membership of the Planning Commission Advisory Committee.

3. Design Review Committee: Established pursuant to Section 76-4 of the Charter of the City of Cleveland and Chapter 341 of the Codified Ordinances, the members shall be appointed by the Planning Commission from the membership of the Planning Commission Advisory Committee.

- a. Nomination to the Planning Commission Advisory Committee:
The Commission shall solicit nominations for membership in the Design Review Committee from the local chapters of the American Institute of Architects, the American Planning Association, the American Society of Landscape Architects, and the Building Owners and Managers Association. The Planning Commission shall evaluate all nominations for conformity with the criteria for membership on the Design Review Committee and shall submit to the Mayor its recommendations for appointment to the Planning Commission Advisory Committee.

b. Criteria for Membership on the Design Review Committee:

The majority of members of the Design Review Committee shall be architects or other "recognized design professionals". The term "recognized design professional" shall refer to individuals with documented expertise in such fields as landscape architecture, urban design, graphic design, art history, or historic preservation. The remaining members shall be recognized community leaders with a demonstrated interest in the design and development of Cleveland.

c. Duties of the Design Review Committee: In accordance with Sections 341.04 and 341.05 of the Codified Ordinance, the Committee shall advise the Planning Commission on the design of public projects within the City of Cleveland and on public and private projects within the Public Land Protective District, Urban Renewal Areas, Community Development Plan Areas, and along the Cleveland Lakefront.

4. Business Revitalization District Design Review Advisory

Committees: Established pursuant to Section 76-4 of the Charter of the City of Cleveland and Section 303 of the Codified Ordinances. The members shall be appointed by the Planning Commission from the membership of the Planning Commission Advisory Committee.

a. Nomination to the Planning Commission Advisory Committee:

The Planning Commission shall solicit nominations for membership on a Business Revitalization District Design Review Advisory Committee from the local organization or organizations sponsoring a Business Revitalization District and shall evaluate all nominations for conformity with the criteria of membership established in Section 306.06 of the Codified Ordinances. Following its evaluation, the Planning Commission shall submit to the Mayor its recommendations for appointment to the Planning Commission Advisory Committee.

b. Criteria for Membership on a Business Revitalization

District Design Review Advisory Committee: A majority of the members appointed to a Business Revitalization District Design Review Advisory Committee shall be architects or other "recognized design professionals" as defined in Section 306.06 of the Codified Ordinances. The remaining members shall represent business or other organizations in the District.

c. Duties of the Business Revitalization District Design Review

Advisory Committee: Each committee shall advise the Planning Commission on matters concerning the design of public and private projects within their respective Business Revitalization District.

5. Off-Street Parking Committee: Established pursuant to Section 349.12 of the Codified Ordinances. The members shall be the Director of City Planning, the Commissioner of Traffic Engineering, and the Chair of the Council Committee on Aviation and Transportation. The Director shall serve as Chair of the Committee. The Committee shall have such powers and duties as specified in Section 349.11 and 349.12 of the Codified Ordinances. The Director shall report the recommendations and actions of the Committee to the Planning Commission at the meeting of the Commission next following each meeting of the Committee.

6. Zoning Committee: Established pursuant to Section 76-6 of the Charter of the City of Cleveland and Section 329 of the Codified Ordinances. The members shall be appointed by the Planning Commission from staff of the Planning Department, the Board of Zoning Appeals, and the Department of Community Development. This Committee shall review all ordinances that propose to change or amend the Zoning Code or Zoning Map of the City of Cleveland and shall report its recommendations to the Planning Commission. The Committee shall review all zoning variance cases scheduled to be considered by the Board of Zoning Appeals and, on behalf of

the Planing Commission, shall make recommendations regarding each case reviewed.

7. Committee on Board and Staff Training: Established to ensure that the Planning Commission and the staff of the Planning Department are apprised of current trends in Zoning Law, Urban Design, Community Planning, Transportation Planning, and similar areas of concern to the Commission. The Committee shall consist of a member of the Commission appointed by the Chairman and the Planning Director or his designee and shall be responsible for preparing and administering the annual Board and Staff training program.

- C. The Chairman of the Planning Commission shall appoint such Special Committees as the Commission may from time to time authorize. The responsibilities and size of these Committees shall be determined by the Planning Commission at the time of their establishment.

- A. APPOINTMENT: In accordance with Section 76-1 of the Charter of the City of Cleveland, the Planning Commission shall nominate and the Mayor shall appoint, at his discretion, a Planning Director. The Director shall manage the professional and technical staff of the Planning Commission, which shall constitute the "Planning Department" and shall serve as Secretary of the Planning Commission. In accordance with Section 76-1, the Director shall serve until removed by the Mayor with the concurrence of a majority of the Commission.
- B. DUTIES: In addition to the duties specified by Section 76-1 of the Charter of the City of Cleveland and by Article II of these Rules, the Planning Director shall:
1. Manage the Planning Department and perform all duties required of him as a Departmental Director by the Mayor and the City Council. Said duties shall include but not be limited to the following:
 - a. Preparing for the Planning Commission's review and approval an Annual Work Program describing anticipated activities and projects to be undertaken by the Planning Department in a given budget year.

- b. Preparing the Planning Commission's Annual General Fund Budget and grant applications for funding from other governmental and non-governmental sources.
- c. Managing the Planning Commission's several budgets and making such reports as, from time to time, may be required by the funders.
- d. Keeping a record of all fees collected by the Planning Department for the issuance of permits and the sale of maps and publications.
- e. Managing the departmental personnel including maintaining a Departmental Personnel Plan which describes the organization of the Planning Department and the responsibilities of the section heads and other staff members, maintaining current job descriptions for all staff, maintaining a Departmental Personnel Manual which defines the Planning Department's personnel policies and procedures, conducting periodic employee performance reviews, and executing all disciplinary procedures.
- f. Reporting weekly to the Mayor by attending the weekly Cabinet meeting; by submitting a Weekly Activity Report describing the activities of the Planning Department, the

Planning Commission, the Landmarks Commission, and the Board of Zoning Appeals; and by making such other reports as the Mayor may require.

- g. Representing the Planning Commission to the City Council by attending weekly City Council meetings, representing the Commission before Committees of Council, and reporting periodically to the City Planning Committee of Council.
2. Serve as Secretary of the Planning Commission. The duties of Secretary shall include but not be limited to the following:
 - a. Swearing in all witnesses appearing before the Planning Commission to testify regarding matters of legislation and design review utilizing the oath appended in Attachment 1.
 - b. Keeping a record of all ordinances, resolutions, and administrative acts or orders referred to the Planning Commission for review. This record shall include the date received, the date reviewed, the action taken, and the date returned to City Council. The Planning Director shall also maintain a record of all tabled legislation and all correspondence with the Clerk of Council regarding requests for extension time for review.

- c. Keeping a record of all plans, drawings, specifications, material samples and other documents presented to the Planning Commission for its review and approval.
- d. Keeping a record of all Certificates of Appropriateness issued by the Planning Commission and all Demolition Permits, Building Permits, and supplemental conditions signed by the Director or his designee on behalf of the Planning Commission.
- e. Monitoring compliance by project sponsors with the terms and stipulations contained in all Certificates of Appropriateness, Demolition Permits, Building Permits, and supplemental conditions signed by the Director or his designee on behalf of the Commission and notifying the Commission of Building and Housing regarding the violation of these terms and stipulations.
- f. Keeping a record of all enacted legislation applying for, accepting and expending grant funds; all enacted legislation, Consultant Review Committee, and Board of Control Resolutions authorizing the Planning Commission to enter into contract for goods and services; and all grant agreements and contracts signed by the Director on behalf of the Planning Commission.

- g. Signing on behalf of the Planning Commission all referred ordinances and resolutions and all legislative reports made by the Planning Commission and returning the referred legislation and the legislative reports to the Council within the thirty (30) day period specified in Section 76-3 of the Charter.

- h. Notifying the Clerk of Council as provided by Section 76-3 of the Charter of the City of Cleveland and by the Rules of City Council when action upon mandatory legislative referrals is to be delayed beyond thirty (30) days of the date of referral and obtaining an extension of time for Planning Commission action.

- i. Acting on behalf of the Planning Commission to expedite the orderly conduct of City business by approving administratively legislation concerning the following:
 - 1). The vacation of a street or alley, provided that a Resolution of Intent to Vacate has been approved by the Planning Commission and City Council;

 - 2). A utility easement under or over a public right of way provided, however, that any above grade utility improvement installed over a public right of way

has been reviewed and approved separately by the Planning Commission;

- 3). An encroachment into a public right of way, provided, however, that the design of said encroachment has been reviewed and approved separately by the Planning Commission;
- 4). A public improvement approved by the Planning Commission as part of the annually adopted Capital Improvement Budget, provided, however, that the design of said improvement has been reviewed and approved separately by the Planning Commission;
- 5). The development of a project being undertaken pursuant to a Community Development Plan or Urban Renewal Plan previously approved by the Planning Commission and adopted by City Council, provided, however, that the design of said project has been reviewed and approved separately by the Planning Commission;
- 6). The lease or acquisition by the City of property for a public project provided, however, that the Planning Commission has previously reviewed and

approved the location and purpose of said project and further provided that the design of said project has been reviewed and approved separately by the Planning Commission;

- 7). The appropriation of a property pursuant to a Community Development Plan, provided however, that a Resolution of Intent to Appropriate has been approved by the Planning Commission and City Council;
- 8). The disposition of Land Bank or Urban Renewal parcels provided, however, that the proposed disposition is consistent with the Citywide Plan and all applicable zoning and further provided that the Planning Commission has previously reviewed and approved the design of any project to be developed on the parcel and the price or lease terms proposed for the disposition of the property;
- 9). The lease of City-owned land or buildings to public bodies or private organizations or individuals, provided, however that such leases involve no physical change to these properties and the

proposed reuse is consistent with the Citywide Plan and applicable zoning;

- 10). Necessary governmental functions in the repair and reconstruction of sewers, water mains and equipment, streets and alleys, street lighting, traffic signals, electric power lines and equipment, and similar capital stock;
- 11). Necessary governmental functions in the maintenance and operation of the Cleveland Hopkins International Airport, Burke Lakefront Airport, The Cleveland Convention Center, the Cleveland Municipal Stadium, the West Side Market, the Cleveland Public Power System, the Cleveland Water System, and the Cleveland Sewer System, provided, however, that the contemplated maintenance activities do not involve permanent visible changes to the exterior or significant interior spaces of these buildings and facilities;
- 12). Such other matters as the Planning Commission may, by specific resolution, authorize the Director to sign on its behalf.

- j. Acting on behalf of the Planning Commission to expedite the conduct of City business by approving administratively the design of projects subject to architectural review because they are in the Public Land Protective District, a Business Revitalization District, an Urban Renewal Area, or a Community Development Plan Area. Such administrative approvals shall be subject to all applicable ordinances and to the rules and procedures applied by the Planning Commission to govern the actions of the Design Review Committee and the Business Revitalization Advisory Committees.

- k. Preparing, in cooperation with the staff of the Department of Finance, the City's Capital Improvement Budget and Capital Improvement Plan in accordance with Section 76-2 of the Charter.

- A. Public Meetings: All meetings of the Planning Commission and its Committees shall be public and minutes shall be kept that will be available to the public.
- B. Regular Meetings: The regular meetings of the Planning Commission shall be held on the first and third Friday of each month in Room 514 of City Hall at 9:00 A.M. unless otherwise ordered by the Planning Commission.
- C. Special Meetings: Special meetings of the Planning Commission may be called by the Chairman, or upon the written request of three or more members of the Commission. The Planning Director shall provide written notice to each member of the Planning Commission, served personally or left at the usual place of residence or business at least twenty-four (24) hours in advance of the meeting, unless such notice is waived in writing by the members of the Commission. Verbal notice of the special meeting is acceptable if it is more than twenty-four (24) hours in advance of the meeting. Any such notice shall state the subjects to be considered at the meeting.
- D. Quorum: A majority of the appointed members of the Planning Commission shall constitute a quorum for the transaction of business. No vote of the Planning Commission shall be valid unless a quorum is

present at the time of the vote. No member shall be entitled to vote unless he or she is physically present at the meeting at the time of the vote.

E. Agenda: A Draft Agenda of the subjects to be considered at a regular or special meeting of the Planning Commission shall be prepared and distributed to Commission members at least 48 hours prior to a meeting. The Planning Director, in consultation with the Chairman, shall prepare a Final Agenda at least 24 hours prior to a meeting. Said Final Agenda shall be distributed to the Planning Commission members and made available to the public prior to the meeting. No other subjects shall be voted upon at a regular or special Planning Commission meeting unless, by unanimous vote of those present, the Commission decides to consider other subjects.

F. Order of Business: The business of the Planning Commission shall be considered in the following order, unless otherwise determined by the Commission:

1. Call to Order
2. Roll Call
3. Minutes
4. Public Hearing(s)
5. Mandatory Legislative Referrals
6. Summary Calendar
7. Legislative Administrative Referrals
8. Design Review Reports
9. Design Review Administrative Referrals
10. Director's Report
11. Adjournment

G. Presiding Officer: The Chairman of the Planning Commission shall preside over Commission meetings. In the absence of the Chairman, the

Vice Chairman shall preside, and in the event of his or her absence the Planning Commission shall elect a Chairman Pro Tem. The Chairman shall preserve order and decorum, confine speakers to the subject under discussion, decide all points of order, and ensure that all matters are sufficiently explained and debated before they are submitted to a vote. The Chairman shall apply the Rules of the Cleveland City Planning Commission and Roberts Rules of Order when making rulings.

H. Voting: No Planning Commission member shall vote on any question in which he is financially interested or in which he has been directly involved in his private occupation or public service other than the Commission. Abstention from voting by a Planning Commission member who is present shall not affect the existence of a quorum. If a Planning Commission member abstains from voting, he shall state the reason for the abstention. The minutes of the Planning Commission meeting shall record the reasons so stated.

I. Additional Rules: Except as herein otherwise provided, the proceedings of the Planning Commission shall be governed by the City Charter, the Codified Ordinances of the City of Cleveland, and the Rules of City Council, and it shall be the duty of the presiding officer to adhere to and enforce such rules. If the presiding officer is unable to make a ruling on any procedural matter, he may defer to the Director of Law for a ruling. Upon the motion of any member

present, a majority of the Planning Commission members may vote to appeal to the Director of Law for a ruling.

- J. Motion: The form of all motions shall be "I move that" followed by the substance of the motion. Another member shall second the motion. Any motion may be withdrawn by the maker before it has been amended or voted upon. When a motion is made, it shall be stated by the presiding officer before any debate shall be in order.
- K. Reconsideration: After the decision on any question, any member who voted with the majority may move a reconsideration of any action at the same or the next succeeding meeting. A motion to reconsider shall require a majority vote of all the members elected to the Planning Commission. After a motion for reconsideration has been acted upon, no other motion for a reconsideration thereof shall be made without unanimous consent of the members present.
- L. Review of Legislation: In accordance with Chapter 76-3 of the Charter of the City of Cleveland, the Planning Commission shall review all ordinances or resolutions of Council or acts or orders of any administrative officer or agency of the City of Cleveland, which affect the Citywide Plan or the Downtown Plan (known collectively as the "City Plan") or concern the plan, design, character, extent, location or use of any public improvement or public property or change thereof, or concern zoning or other regulation affecting or

controlling the use or development of land or otherwise come within the functions of the Planning Commission as set forth in Section 76-1 of the Charter. The City Council shall refer to the Planning Commission all such pending ordinances and resolutions for its review and recommendation. The Planning Commission shall review referred ordinances within 30 days from the date of referral unless a longer time is allowed by the Clerk of Council. Ordinances and resolutions not acted upon within the 30 days (or longer if an extension of the review period is granted by the Council Clerk) shall be deemed to have been approved by the Planning Commission.

- M. Action on Referred Legislation: All ordinances and resolutions reviewed by the Planning Commission shall be returned to City Council with one of the following reports: "Approve", "Approve Subject to the Stated Amendment", or "Disapprove Unless Amended", or "Disapprove". A motion to "Approve Subject to Stated Amendment", or to "Disapprove Unless Amended" shall state the intent and the specific language of the amendment. A motion to "Disapprove" shall specify the reason for the disapproval. In accordance with Chapter 76-3 of the Charter of the City of Cleveland, any ordinance, resolution or order returned to Council by the Commission as "Disapproved" or "Disapproved Unless Amended" shall require a two-thirds vote of all members of Council for adoption. If there is no affirmative vote to either "Approve", "Approve Subject to the Stated Amendment", "Disapprove Unless

Amended", or "Disapprove", a motion shall be made to "Table" the legislation for later consideration.

- N. Rules of Committees: The Standing and Special Committees of the Planning Commission shall be governed by the rules of the Commission and Roberts Rules of Order.

- O. Adjournment: The Chairman, at his discretion, may adjourn the meeting for the purpose of obtaining the assistance of legal counsel or other expert testimony or advice that is needed to clarify a point under discussion or review.

- P. Minutes: The Planning Director shall prepare and retain official minutes for all meetings of the Planning Commission and its Committees and shall retain tape recordings of all meetings and such other documentation as may be required by the City's Records Commission. Minutes for each regular or special Planning Commission meeting shall be ratified by the Commission at its next regular meeting.

- A. Public Hearings: The Planning Commission shall conduct a public hearing for all ordinances which propose to amend the Zoning Map or the Zoning Code of the City of Cleveland, and for all Community Development Plans prepared pursuant to Chapter 313 of the Codified Ordinances. A public notice shall be given by the Planning Commission as required by the Codified Ordinances and any persons or organizations desiring to be heard will be afforded an opportunity to be heard on the proposed ordinance or plan. A public hearing may be adjourned from time to time without further notice. The Planning Commission shall preserve a record of all proceedings.
- B. Summary Calendar: The Director shall place all legislation of a routine nature on the "Summary Calendar" of a meeting's agenda. The Planning Commission may act upon the Summary Calendar in its entirety or may, at the request of any member, act individually upon any of the items so listed. The Director and his staff shall be prepared to discuss any item listed on the Summary Calendar.
- C. Legislative Administrative Approvals: All legislation that is approved administratively by the Director on behalf of the Planning Commission shall be listed under "Legislative Administrative Approvals" on the agenda of the earliest regular Commission meeting following the issuance by the Director of such approvals. The

Planning Commission shall indicate its concurrence with the Director's actions by affirming the "Legislative Administrative Approvals".

- D. Design Review Administrative Approvals: All Design Review cases approved administratively by the Director shall be listed under "Design Review Administrative Approvals" on the agenda of the earliest regular Planning Commission meeting following issuance by the Director of such approvals. The Planning Commission shall indicate its concurrence with the Director's actions by affirming the "Design Review Administrative Approvals."

- A. Amendments: These rules may be amended by a majority vote of the members of the Planning Commission present at any regular or special meeting, provided notice of the proposed change shall have been mailed to the members of the Commission by the Planning Director five (5) days prior to such meeting.
- B. Resolutions: The Planning Commission may, from time to time, adopt resolutions instructing the Planning Director to act on behalf of the Commission, or adopting a policy or procedure which will guide future actions of the Commission or the Department. The Planning Director shall keep a record of any such resolution adopted by the Planning Commission, shall append all such resolutions to the official copy of the Rules of the City Planning Commission, and shall furnish all such resolutions to the Commission members for their use.

A R T I C L E

VIII: REPEALER

This document shall supersede all rules and statements heretofore adopted, or in effect by practice.

Adopted by the City Planning Commission October 4, 1963 and effective as of that date.

Amendments have been adopted by the City Planning Commission on:

March 4, 1966

October 6, 1967

June 4, 1971

July 18, 1975

September 16, 1977

February 16, 1979

July 20, 1984

A revision was adopted by the City Planning Commission on February 7, 1992.

ATTACHMENT 1

OATH FOR CLEVELAND CITY PLANNING COMMISSION MEETING WITNESSES

DO YOU, _____, SOLEMNLY SWEAR, OR AFFIRM TO TELL

THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,

SO HELP YOU GOD OR UNDER PENALTY OF PERJURY?

