
RULES AND REGULATIONS

FOR THE

HAMILTON COUNTY

REGIONAL PLANNING COMMISSION

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Amended

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Hamilton County Regional Planning Commission
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RULES AND REGULATIONS
FOR
HAMILTON COUNTY REGIONAL PLANNING COMMISSION

ARTICLE I

CREATION AND PURPOSE

- Section 1. The Hamilton County Regional Planning Commission was created pursuant to Section 713.21 of the Ohio Revised Code. Its purpose is to exercise such powers and to perform such duties as shall be consistent with the laws of Ohio.

ARTICLE II

MEETINGS

- Section 1. The Commission shall have one regular meeting each month, which shall be held on the first Thursday at 12:30 P.M., unless otherwise determined by the Commission, and shall be held in the Offices of the Commission or at such other place within Hamilton County, Ohio, as shall be determined by the Commission. All meetings of the Commission shall be open to the public and notice thereof shall be given in accordance with the Ohio "Open Meeting Law." A schedule of regular meetings shall be posted in the office of the Planning Commission.
- Section 2. A special meeting may be called at any time by the Executive Director, by the Chairman, or by two or more members of the Commission and shall be held at the place where the regular meetings are usually held, unless otherwise authorized by a majority of the members of the Commission. Special meeting notices, including a summary of the purpose of said meeting, shall be posted in the manner provided above.
- Section 3. At least forty-eight (48) hours before each meeting, a notice, stating the time and place of the meeting and the matters to be considered at the meeting, shall be given by the Executive Director to each member of the Commission by delivery thereof to the member's office or residence or by depositing the same in the United States mail addressed to such member at his office of residence, first-class postage prepaid; provided, however, that notice of a special meeting or adjourned meeting shall not be required when announcement of such meeting and purpose thereof shall be made

at a regular meeting at which a quorum is present, except as to those members who are not present at such regular meeting, and, as to them, notice may be given by telephone, or as determined by the Executive Director or Chairman, and shall be given at least twenty-four (24) hours before such meeting. Any news media requesting notification of special meetings shall be given 24-hour advance notice and immediate notice of any emergency meetings.

- Section 4. Any person may request advance notification of all meetings of the Commission by depositing a sum of \$12.00 per year with their request, with the Executive Director of the Commission, to cover postage, supplies, and administrative expenses, or by providing the Executive Director with self-addressed stamped envelopes for this purpose. In the case of special or emergency meetings, the Executive Director shall make a reasonable effort to notify persons requesting notice by telephone.
- Section 5. Any person or representative of the news media shall declare their desire for notification of meetings by December 31 of each year, or notification for the following year will be discontinued.
- Section 6. No matter shall be considered at any meeting which is not on the calendar for such meeting, except by consent of a majority of the Commission present.
- Section 7. A quorum of the Commission shall consist of a majority of all members of the Regional Planning Commission. Such quorum may exercise the powers of the Commission and the action of a majority (i.e. at least four members excluding abstentions) of the full Commission is the action of the Commission.
- Section 8. Recommendations on zone amendments shall consider consistency with adopted land use plans as required in Article VI, Section 4. Any zone amendment that receives majority vote of the full Commission while being considered for consistency with adopted land use plans shall be reported to the Rural Zoning Commission as being consistent with adopted land use plans and therefor recommended for approval. Any zone amendment that fails to receive an affirmative vote of at least four (4) members while being considered for consistency with adopted land use plans shall be reported to the Rural Zoning Commission as being inconsistent with adopted land use plans and therefor recommended for denial except as provided in Article VI, Section 4.
- Section 9. Except as otherwise determined by the Commission, the conduct of all meetings shall be governed by Robert's Rules of Order.

ARTICLE III

OFFICERS

- Section 1. The officers of the Commission shall be a Chairman, Vice-Chairman, a Secretary and an Executive Director.
- Section 2. The Chairman and Vice-Chairman shall be elected by the Commission at its first regular meeting of the calendar year and shall serve for a term of one (1) year or until their successors have been elected and qualified. The chairman shall not serve more than two (2) consecutive terms.
- Section 3. The Commission shall appoint an Executive Director who shall also serve as Secretary of the Commission.
- Section 4. The Commission shall elect or appoint such other officers, assistants, agents and committees as it may from time to time determine.
- Section 5. Any officers or employee elected or appointed by the Commission may be removed at any time upon vote of the majority of all members of the Commission, subject, however, to Civil Service Regulations if applicable.

ARTICLE IV

DUTIES OF OFFICERS

- Section 1. The Chairman shall preside at all meetings of members of the Commission and shall exercise, subject to the control of the Commission, a general supervision of the affairs of the Commission, and shall perform generally all duties incident to the office and such other duties as may be assigned to him by the Commission.

The Chairman or acting chairman presiding over a regular or special meeting of the Commission shall have the same privilege of originating and seconding motions, voting on all matters, and participating in discussions and procedures, as allowed to all other members of the Commission, without relinquishing the chair.

- Section 2. The Vice-Chairman shall perform all duties of the Chairman in his absence or during his inability to act, and shall have such other and further powers, and shall perform such other and further duties, as may be assigned to him by the Commission.
- Section 3. The Executive Director, acting as Secretary for the Commission, shall perform generally all duties incident to the office of the Secretary. He shall attend all meetings of the Commission; shall keep and make a proper record of the meetings of all proceedings of the Commission, shall serve all notices required to be given by law, by these regulations or by the Commission, shall serve as Planning Director for the Commission and as Secretary of the Rural Zoning Commission upon designation by such Commission and, as such, shall have general charge of the functions of the Commission; and shall perform such other duties as may, from time to time, be assigned to him by the Commission. It shall also be his duty to sign all requisitions and warrants of the Commission for funds, but in his absence such may be signed by the Administrative Secretary or the Chairman of the Commission. All other duties incident to the office of Secretary and Executive Director in the absence of such officer shall be the responsibility of the Development Review Administrator for matters pertaining to the Regional Planning Commission and the responsibility of the Zoning Administrator for matters pertaining to the Rural Zoning Commission.

ARTICLE V

PUBLIC HEARING

- Section 1. It shall be the policy of the Commission to hold no public hearings except as required by law or except on such matters as it shall determine to be of great public concern because of the effect of its decision upon the entire community or a substantial part thereof.
- Section 2. Notice of public hearings shall be given as provided by law or, if there be no such provision, as required by these Regulations. Notice of such public hearing shall be mailed at least forty (40) days before the date of a hearing that concerns any matter that has not been acted on by affected local governing bodies. Notice of public hearings shall be mailed at least ten (10) days before the date of a hearing that concerns any matter that has been acted on by the affected local governing bodies. The notice shall clearly state the place, date, time and nature of the hearing. The required notice shall be mailed to the governing bodies of affected townships and municipalities and at least one local newspaper (i.e. a press release).

Section 3. The time and place of each public hearing shall be determined by the Executive Director or the Commission, except as otherwise required by law.

Section 4. If any meeting or hearing of the Commission shall be adjourned to a later date, public announcement shall be made by the Chairman of the meeting at said meeting or hearing as to the date, time and place to which said meeting shall be adjourned.

ARTICLE VI

ADMINISTRATION OF PLANS

Section 1: Adoption of Plans. Before adopting any comprehensive plan, land use plan, or other plan relating to development of the county or part thereof, the Regional Planning Commission shall hold at least one (1) public hearing as provided in Article V.

After adoption by the Regional Planning Commission, the Commission shall certify its plan to the Rural Zoning Commission, the Board of County Commissioners and affected jurisdictions.

Section 2: Amendment of Plans. Any person or group of persons whose interests are substantially affected may petition to the RPC to amend any plans adopted by the Regional Planning Commission by submitting a complete application in accordance with the "Submittal Requirements for Land Use Plan Amendments" as approved by the Commission.

Amendments to adopted plans shall be considered on a semi-annual basis at regular public hearings on the first Thursday of January and July. Amendments submitted by the governing body of the affected township or municipality that are subsequent to a zone amendment already acted upon by RPC shall be considered by RPC on a semi-annual basis on the dates identified in the previous sentence. Amendments shall be submitted to RPC staff no later than December 1 for the January RPC meeting and no later than June 1 for the July RPC meeting.

Special public hearings on amendments to adopted plans shall be scheduled if:

- The amendment is approved by the governing body of the affected township or municipality and referred to the RPC with a specific finding that the importance of the amendment warrants a special public hearing to be scheduled prior to the next regular semiannual hearing; or

- The amendment is denied by the governing body of the affected township or municipality but accepted for special public hearing by at least a majority of the full Commission (i.e. four affirmative votes).

Before amending any adopted plan the Regional Planning Commission shall hold at least one (1) public hearing as provided in Article V.

No plan adopted by the Regional Planning Commission and a township or municipality shall be amended by the Regional Planning Commission before review by affected jurisdictions. The approval of such jurisdiction shall be conclusively presumed unless its governing body notifies the Regional Planning Commission to the contrary prior to the date of the public hearing.

Before any plan amendment is adopted by the Regional Planning Commission, the Commission must make a specific finding that one or more of the following apply, and such finding shall be recorded in the minutes and records of the Regional Planning Commission:

- (a) that major changes of an economic, physical, or social nature have occurred within the planning area which were not anticipated in the adopted plan and which have substantially altered the basic character of the area; or
- (b) that new information not available when the plan was adopted substantially alters the basis or rationale for a portion of the plan; or
- (c) that major changes have occurred outside the planning area which have rendered parts of the plan unrealistic or unattainable; or
- (d) that detailed subarea plans have revealed the need for a plan amendment; or
- (e) that the plan or part thereof was inappropriate or improper when adopted and that a sufficient basis exists for admission of a mistake or need for change in adopted plans or policies.

Each proposed revision and modification of the Master Plan or other adopted plan shall require the affirmative votes of at least four members.

After adoption by the Regional Planning Commission, the Commission shall certify each plan amendment to the Rural Zoning Commission, the Board of County Commissioners, and affected townships and municipalities.

Section 3: Implementation of Plans. After adopting any comprehensive plan, land use plan, or other plan relating to development of the county or part

thereof, the Regional Planning Commission within the limitations of resources and established policies shall:

- (a) maintain consistency with the objectives and policies of the plan in accordance with Section 4 of this Article when making any recommendation on zone amendments or other issues requiring action from the Regional Planning Commission;
- (b) investigate and make recommendations to the governing body upon reasonable and practical means for putting into effect the land use plan or part thereof, in order that it will serve as a pattern and guide for physical growth and development;
- (c) render an annual report to the governing bodies of the county and affected townships and municipalities on the status of the plan and progress of its application;
- (d) endeavor to promote public interest in and understanding of adopted plans and regulations relating to it;
- (e) consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally with relation to carrying out the adopted plans.

Section 4: Consistency with Plans. Recommendations of the Regional Planning Commission regarding zone amendments and other land use issues shall be consistent with township and municipal plans, provided that each of the following conditions are satisfied:

- (a) that the governing body of the township or municipality and the Regional Planning Commission have officially adopted such a plan;
- (b) that zoning regulations have been adopted to effectively implement the plan recommendations regarding uses and standards, spatial patterns and timing.
- (c) that the timing of regulatory actions to implement land use plan map recommendations for individual sites will not undermine the development policies and strategies of the adopted plan.

Note: Since a plan is long term, while zoning responds to shorter term needs and conditions, the zoning map will only gradually fulfill the prescriptions of the land use plan. The appropriate time for implementation of each land use plan map recommendation through zone map amendments can only be determined by evaluation of the potential effect of such actions at a particular time on achieving or undermining the overall goals, objectives, policies

and strategies of the adopted plan. Therefore, the zoning map cannot always be consistent with the longer term land use plan. Where such conflicts exist, the Regional Planning Commission can only support or comply with the land use plan after making a determination that implementation is currently possible and desirable in accordance with standards (b) and (c) above.

- (d) that the plan is internally consistent, compatible with other plans adopted by the Regional Planning Commission, and includes a clear statement of objectives and policies;
- (e) that the plan is current (based on the criteria listed in Section 2 (a) through (e) of this Article) and has been reviewed during the past five years; and
- (f) that adherence to the plan will not adversely affect the development of regional goals or violate the duties of the Regional Planning Commission as provided in Sec. 713.23 of the Ohio Revised Code.

Recommendations of the Regional Planning Commission shall be consistent with plans adopted by the Commission where the local governing body has not adopted a plan or where a plan adopted by the local governing body conflicts with the plan adopted by the Regional Planning Commission provided that conditions (b) through (f) of this section are satisfied.

Recommendations of the Regional Planning Commission may be inconsistent with plans adopted by the Commission only after making a specific finding that one or more of conditions (b) through (f) of this section have not been satisfied. Such finding shall be recorded in the minutes and records of the Regional Planning Commission.

Section 5: Interpretation of Plans. The Regional Planning Commission shall interpret the graphic and non-graphic goals, objectives, policies and recommendations of adopted plans. The need for interpretation recognizes that adopted plans being general, advisory, nonregulatory and long term cannot as a practical matter address every specific situation to which they may have to be applied. The following standards shall govern the Regional Planning Commission in interpreting recommendations of adopted plans:

- (a) in the event of a conflict between the text and the map of an adopted land use plan the text of the plan shall control.
- (b) in the event of uncertainty as to the consistency between a development proposal and an adopted plan the action of the Regional Planning Commission shall assure that the public interest as defined by the adopted goals, objectives, policies and strategies of the plan is not abrogated.

- (c) the spatial boundaries or graphic limits of land use recommendations on land use plan maps shall be considered as generalized area designations rather than precise boundaries. The actual spatial limit of specific site recommendations shall be determined by evaluation of the potential effect of each action or proposal on the achievement of overall goals, objectives, policies and strategies of the adopted plan.
- (d) the land use category recommendations on graphic maps of adopted plans shall be considered as recommendations for future land use to guide incremental development decisions. The timing or appropriateness for implementation of specific site recommendations shall be determined by evaluation of the potential effect of each action or proposal on the achievement of overall goals, objectives, policies and strategies of the adopted plan.

ARTICLE VII

AMENDMENTS TO RULES AND REGULATIONS

Section 1. These rules and regulations may be amended by the affirmative vote of at least four members of the Commission, provided that each proposed amendment be presented in writing at a regular or special meeting and that a vote thereon be taken at a subsequent regular or special meeting.