



VILLAGE OF ST. BERNARD

110 Washington Avenue, St. Bernard, Ohio 45217
Phone: (513) 242-7770 • Website: www.cityofstbernard.org

PLANNING COMMISSION CASE NO: 10-001-2025

PROPERTY ADDRESS: NA

PARCEL ID # NA

APPLICANT: VILLAGE OF ST BERNARD

PROPOSED REQUEST:

The applicant is proposing the adoption of Rules of Procedure for the Planning Commission.

BACKGROUND INFORMATION

The Village of St Bernard established a Planning Commission in Section 5.01 of the St. Bernard Charter as regulated by Ohio Revised Code 713.01. The Planning Commission appears to have gone defunct and no Policies or Procedures related to its function have been located.

Staff does not have an explanation for when or why the Planning Commission ceased to operate. Staff believes that for the proper operation of the Village of St. Bernard, the Planning Commission must be re-established and Procedures approved.

Staff is proposing acceptance of the “St. Bernard Planning Commission Rules of Procedure” as outlined in Exhibit A of this document. Staff believes that having a clear set of guidelines outlined in the Rules of Procedure is in the best interest of the Planning Commission and the Village of St. Bernard.

VILLAGE OF ST. BERNARD ZONING ORDINANCE

The following are the applicable sections of the St Bernard Zoning Ordinance:

STAFF COMMENTS:

Staff reviewed procedures from various jurisdictions in order develop the proposed Rules of Procedure. Drafts were provided to the members of the Planning Commission as well as Legal for review and amendments.

After several reviews and comments from Staff, members of the Commission, and Legal the proposed Rules of Procedure are presented for final approval and adoption.



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NEIGHBOR COMMENTS

Staff has not received any comments at the writing of the Staff Report. The original Agenda was posted to the Village website thirty (30) days prior to the meeting date and the Staff Report was posted seven (7) days to the meeting date.

MOTIONS

Motion to Approve: "I make a motion that Planning Commission take final action to APPROVE case 10-001-2025, request to adopt Rules of Procedure for the Planning Commission."

As Presented or

With changes noted in discussion

Motion to Deny: " I make a motion that the Planning Commission take final action to DENY case 10-001-2025, request to adopt Rules of Procedure for the Planning Commission."

If the decision is to DENY, please state reasons why

See Exhibit A Attached



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ST BERNARD PLANNING COMMISSION

RULES OF PROCEDURE

The Village of St Bernard Planning Commission is established pursuant to Section 5.01 of the Charter of the Village of St Bernard. The Planning Commission shall have all powers and duties accorded to a planning commission under Chapter 713 of the Ohio Revised Code (O.R.C.) as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now and hereafter in effect. The Planning Commission shall not exercise any power or authority not specifically required by ordinance or charter of the Village of St Bernard.

ORGANIZATION

A. Commission Members / Commissioners:

The Planning Commission shall consist of five (5) members: the Mayor; the Safety Services Director; and three (3) citizens of the Village, who shall serve without compensation and shall be appointed by the Mayor for terms of six (6) years, four (4) years, and two (2) years upon establishment of the Board and terms of six (6) years each thereafter.

B. Alternate / Alternate Commissioners – Safety Service Director and Mayor positions:

The Mayor may appoint an alternate to serve as the representative for them at a Planning Commission meeting, in the event either will be absent or unable to participate in an agenda item.

C. Alternate / Alternate Commissioners – Citizen Appointed positions:



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1. The Mayor may also appoint up to two (2) alternate commissioners who can sit in for the three (3) appointed citizen commission members in situations where any individual appointed citizen member is unable to attend and/or participate in a Planning Commission meeting.
2. In the event alternate commissioners are utilized for a Planning Commission meeting, the Zoning Department will select from the list of alternates in a rotating fashion so that each alternate has an equal opportunity to serve.
 - a. In the event where only one alternate is required for a Planning Commission meeting and the First Alternate cannot be reached to determine attendance, the Planning Department will wait 24 hours before reaching out to the Second Alternate.
3. Alternate commissioners shall serve a four-year independent term and are not required to be used on a one-for-one basis with any specific appointed citizen commission member.
- D. All alternate commissioners shall meet all of the qualifications of the member of a commission member and shall possess all of the powers and responsibilities of a commission member when acting as alternate at a Planning Commission meeting.

Service Rules for Alternate Members

If all regular members are present and able to serve, then alternates shall neither participate in the discussion nor vote and shall remain seated with the audience. An alternate who is not serving shall be entitled to the same level of participation in the meeting as any other member of the general public.

If a regular member is absent or unable to serve, the alternate shall fill the vacant seat for the entire meeting and shall participate in discussion and vote on all matters on the agenda.

If a regular member is at the meeting, but unable to serve relative to a specific agenda item, then the alternate shall fill the vacant seat for only that agenda item. (As with any other refusal, the regular member who is unable to serve shall leave the room during all discussions and any votes related to that agenda item.)

Continuity Rules for All Members



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If an alternate member serves on an agenda item that requires a vote and is tabled, then the same alternate member shall participate in all future discussions and votes related to that agenda item, even if the regular member for whom the alternate member served is present and able to serve when the item is picked up from the table.

Similarly, no member may participate in discussion or vote on an agenda item that is picked up from the table, unless the member was in service when the item was initially discussed and tabled.

If a regular member is absent for an agenda item that is not an application for approval, is not an appeal, does not require a vote, or is general discussion related to long-term planning and zoning, then the regular member shall return to service regarding the same agenda item if available at future meetings, regardless of any previous absence.

If these Rules unduly affect the ability of the Planning Commission to perform its function in a legal, ethical, or reasonable manner, then the Planning Commission may act differently and may seek the advice of the Village Solicitor.

OFFICERS

- A. A chairman and vice chairman shall be elected by a majority vote by the members of the Commission every year at the first regular meeting. Such other officers as are deemed necessary and advisable for the conduct of business shall be appointed as required and provided for by the Planning Commission.
- B. The chairman shall preside at all meetings and shall have the power to appoint such committees as may be authorized by the Commission for special studies or circumstances. The chairman, subject to these rules, shall decide all points of order or procedure unless otherwise directed by the majority of the Commission in session at that time.
- C. The vice chairman shall provide and exercise all of the duties of the chairman in his absence. Should neither the chairman nor the vice chairman be present at a meeting, a temporary chairman shall be elected by a majority vote of the members present.
- D. The Zoning Administrator shall serve as Secretary to the Planning Commission.



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MEETINGS

- A. All regular meetings of the Planning Commission shall be open to the public.
- B. The regular meetings of the Commission will be held on the first Thursday of each month in the Council Chambers of the Municipal Building at 6:00pm, or such other place in the Municipal Building as deemed advisable by the Planning Commission, except when such day falls on a legal holiday, in which case the Planning Commission shall determine the date and time for the rescheduled meeting.
- C. Advertisement of Public Meeting:
 - a. A commission calendar listing the scheduled public meeting dates of the year for the Planning Commission shall be posted on the Village of St Bernard website. This posting shall serve as the required advertisement of public meetings of the Planning Commission for the year, and shall be updated on a yearly basis.
 - b. Individual meeting agendas listing the meeting time, date of meeting, and meeting location, shall serve as notice of public meeting, and shall be posted to the Village of St Bernard website.
 - c. Required mailing notices or required notification of public hearing items requiring review and action by the Planning Commission shall also serve as notice of public meeting and will contain language reflecting as such.
 - d. Executive Sessions: In the event any regular or special meeting will include an executive session (meeting closed to public), all of the above notice requirements shall so state and give the purpose thereof in accordance with Section 121.22 of the Ohio Revised Code.
- D. A quorum must be present to constitute an official meeting of the Commission and for the Commission to vote on any item requiring its action.
- E. A quorum shall consist of three (3) members.
- F. No Meeting shall be held if quorum is not met.



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- G. A concurring vote of quorum shall be necessary to pass on any matter referred to them or on any matter which the Planning Commission is required to pass by law. All members present must cast a vote on each motion, properly made and seconded, except when a conflict of interest exists, in which case the effective member or members must abstain from voting.
- H. A special meeting of the Planning Commission may be called by the chairman, or the vice-chairman in the event the chairman is out of town, or any two (2) members of the Commission. In the case of a special meeting, sufficient notice of the time, place and purpose of the special meeting shall be conveyed to the membership and proper notice as required by State of Ohio public meeting law and the St Bernard Charter shall be made. At any special meeting, only the agenda item for the special meeting shall be heard or considered.
- I. Variation from the order of the agenda can be made by the chairman if he so determines because of the number of persons present or for some other reason that items should be considered other than which appears on the agenda.

VOTING

- A. All members shall have the power to vote. Votes shall be taken by roll call vote.

MINUTES

- A. Minutes shall be kept by the secretary on all meetings of the Planning Commission. Such minutes shall contain all the motions or resolutions of the Planning Commission.
- B. The minutes shall be subject to the approval of the Planning Commission and shall be authenticated by the board at the next Board meeting or earliest practical meeting. The minutes shall be approved by roll call vote.

PROCEDURES

- A. All inquiries and applications or matters requiring official action by the Commission shall be submitted to the Zoning Administrator or his or her designee thirty (30) days prior to the meeting of the Planning Commission at which it is to be considered so that



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there is ample time to have necessary reports or information prepared by the Secretary prior to placing it on the agenda.

B. The normal order of business shall be:

1. Call to order.
2. Roll call.
3. Swearing in of participants.
4. Public hearings:
 - i. Staff
 - ii. Applicant
 - iii. Speakers for or Against the Application
 - iv. A recommendation or decision on the item considered.
5. Approval of the minutes of the previous meeting a motion thereon.
6. Other items of the agenda.
7. Discussion of the miscellaneous items.

C. All proceedings, decisions, and resolutions of the Commission shall be initiated by motion. The vote upon the motions and resolutions shall be recorded.

D. Agenda and staff reports for the forthcoming meeting shall be prepared by the secretary and shall be emailed to the Planning Commission by no later than seven (7) days preceding the regular meeting or mailed or delivered to the Commissioner's home or business, as the Commissioners desire.

E. The Planning Commission shall require such surveys, plans or other information as may be reasonably required by said Commission for the purpose of evaluation or consideration of the matter. In each request a letter from the petitioner or petitioner's application should be presented to the Commission or the Secretary which will give full information as to the full intentions of the petitioner as well as a legal and informal description of the property in question. In the event that sufficient data have not been furnished, the Commission may table the matter until such time as required information has been furnished.

F. On matters pertaining to changes of the Zoning Ordinance, street renaming, or vacation proceedings, the Planning Commission shall hold a public hearing thereon and shall notify by mail all property owners within 200 feet of the property in question or in the case of a general amendment to the Zoning Ordinance, a legal notice of a public hearing shall be posted on the Village of St Bernard website. Such notice or



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advertisement shall give the time and place of such public hearing and a brief statement of the item to be considered. Notices by mail, or by website shall be sent or published twenty (20) days prior to the date set on the calendar for the hearing.

- G. In addition to holding public hearings as outlined in Paragraph F, the Planning Commission may also hold any additional public hearings where it is felt that public comment will be beneficial to the Planning Commission.
- H. Variances & Waivers to the Zoning Ordinance for properties zoned Planned Development ("PD") shall be reviewed and approved or denied by the Planning Commission.
 - 1. On matters pertaining to Variances/Waivers to the Zoning Ordinance for properties zoned "PD", the Planning Commission shall hold a public hearing thereon and shall notify by mail all property owners within 200 feet of the property in question.
 - 2. Such notice or advertisement shall give the time and place of such public hearing and a brief statement of the item to be considered. Notices by mail, or by website shall be sent or published twenty (20) days prior to the date set on the calendar for the hearing.

Procedure at Hearings

At a hearing, any person or applicant may appear or be represented by authorized agents or attorneys.

The Chair shall direct the meeting and the order of any presentations and discussions. The typical order for considering an application is:

- a. Staff describes the nature of the application and identifies submitted exhibits and evidence as needed in order to acquaint the Planning Commission with the procedural aspects and background of the case.
- b. Applicant describes the application, makes a case as to why it should be approved or recommended for approval by the Planning Commission, and presents any additional evidence.
- c. Planning Commission questions the applicant and/or staff.
- d. Public comment. (Note: Planning Commission hearings are not public hearings and so there is no requirement to allow public comment; the Planning Commission may choose to allow public comment.)
- e. Planning Commission questions the applicant, staff, or members of the public.



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f. Planning Commission discusses the application and deliberates. (Note: Entering the discussion phase does not prohibit the Planning Commission from directing questions to the applicant, staff, or members of the public.)

g. Planning Commission moves and votes to approve, approve with conditions, or deny the application (or recommend those actions to Council, if appropriate).

Hearings may be continued in progress if approved by a majority of the Planning Commission.

No Planning Commission Member shall vote on any matter deciding an application except after attending the hearing on the application.

EVIDENCE

The Planning Commission shall not be bound by strict rules of evidence, nor shall it be limited to consideration of such evidence as would be admissible in a court of law, but it may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence. The Chair shall rule on all questions relating to the admissibility of evidence, but may be overruled by a majority of the Planning Commission members present. The Planning Commission may limit the time of presentation for the applicant, or any other party, to three (3) minutes each or such longer time as it deems to be reasonable.

CONDUCT AT HEARINGS

During a hearing, each party shall proceed without interruption. All presentations shall be to the Planning Commission. All questions to the Planning Commission shall be addressed to the Chair. Only the Chair or Planning Commission members, Village Solicitor, or staff may direct any questions to the applicant, witnesses, or any person speaking from the audience. The Chair or Planning Commission members may call for pertinent facts from staff or make appropriate comments pertinent to the case. No Planning Commission member should debate or argue with a person in the audience.



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FINDINGS AND DECISIONS

After conclusion of a hearing, the Planning Commission shall examine the evidence before it in relation to findings required by the St Bernard Code and make its decision. More particularly, after conclusion of the hearing on a case the Chair may elect:

- a. To proceed immediately to a decision on the application, or
- b. To defer a decision until later in the same meeting, or
- c. To defer a decision to a later meeting.

The Planning Commission decision is not final until it approves the minutes of the meeting or issues Findings of Fact and Conclusions of Law.

MEETING MINUTES

Any member of the Planning Commission may move to approve the minutes of a previous meeting. Minutes can be approved with reading, without reading, or with specific amendments that any member of the Planning Commission may present. In addition, the minutes of the meeting, after approval and acceptance by the Planning Commission, shall become a part of the record of the case and shall be available to the applicant.

RECORDS OF CASES

The decision of the Planning Commission shall be shown in the record of the case. Such record shall show the reasons for the determination, with a summary of the evidence introduced and any findings of fact made by the Planning Commission.

APPOINTMENTS

A. The Planning Commission shall appointment one of their members to serve as a Primary member and an Alternate member to the Board of Zoning Appeals. The term of the member of Planning Commission shall expire at the same time as his/her term on such Commission. Each member shall serve until his/her successor is appointed and qualified.



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- B. The Planning Commission may make other appointments from their membership or upon recommendation of the Safety Services Director to other Boards, Commissions, Committees, Councils, etc., as requested.

REMOVAL or RESIGNATION

- A. A Commissioner may be removed by the Mayor for the following reason(s):
- i. Missing four (4) meetings in a twelve (12) month period.
 - ii. Inappropriate Conduct, including but not limited to:
misfeasance, malfeasance, or nonfeasance
 - iii. Change of Residency, no longer living within the Village

In the case of a removal or resignation of a member from the Board, a new member shall be appointed by Mayor to fill the unexpired term.

AMENDMENTS

- A. These rules may be amended or modified provided that such amendment is present in writing at one meeting and favorable action taken thereon at a subsequent meeting.
- B. Four (4) members of the Commission by due motion and record may suspend or vary the application of these rules to a particular application, case, problem or proceeding pending before the Commission.

ADOPTED: _____
_____, Chairperson

DATE: ____/____/____

Andrew J. Schweier, Secretary

DATE: ____/____/____



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