

**CITY OF CINCINNATI
CITY PLANNING COMMISSION RULES
(Amended as of March 3, 2023)**

SECTION 1. GENERAL POWERS.

- A. Enacting Authority. The City Planning Commission (the “Commission”) of the City of Cincinnati, Ohio (the “City”) is established pursuant to, and shall exercise all the powers granted by, Art. VII of the City of Cincinnati Charter (the “Charter”), the applicable laws of the State of Ohio, the Cincinnati Municipal Code, and the ordinances of the City.
- B. Governance. The Commission is governed by the Charter, the Ohio Revised Code, the applicable laws of the State of Ohio, the Cincinnati Municipal Code, the ordinances of the City, and the rules hereinafter set forth and duly adopted by the Commission.
- C. Conflicts of Law. These rules supersede any previously adopted rules in their entirety. Whenever a conflict exists between these rules and the applicable laws of the State of Ohio, the Cincinnati Municipal Code, or ordinances of the City, the applicable laws of the State of Ohio, the Cincinnati Municipal Code, or ordinances of the City shall prevail.

SECTION 2. TERM; LEADERSHIP AND DUTIES; MEMBERSHIP.

- A. Term. The term of the Commission is one full calendar year beginning January 1 and ending December 31 (“Commission Term”). The term of each Commission member is in accordance with the Charter.
- B. Selection of Commission Leadership. The leadership of the Commission consists of a Chair and a Vice-Chair, which positions are elected by a majority vote of the members of the Commission at the first regularly scheduled meeting of each Commission Term.
- C. Duties of the Chair. The duties of the Chair include:
 - 1. To preside at all regularly scheduled and special meetings of the Commission;
 - 2. To decide all points of procedure, unless otherwise directed by a majority vote of the members of the Commission;
 - 3. To sign the meeting minutes of the Commission;
 - 4. To consult with the Secretary, as defined below, concerning meeting agendas; and
 - 5. Those duties otherwise set forth herein.

- D. Duties of the Vice-Chair. The Vice-Chair shall assume all the duties of the Chair in the Chair's absence or incapacity.
- E. Secretary. The Director of the Department of City Planning and Engagement, or his or her designee, is the secretary of the Commission (the "Secretary"). The Secretary is the point of contact between the Commission and the public and the Commission and planning staff. The Secretary has the specific duties set forth herein.
- F. Absence of Commission Leadership. In the absence of the Chair and the Vice-Chair at a meeting, a majority of the members of the Commission present at the meeting must elect a temporary Chair to assume the Chair's role solely for the purposes of that meeting.
- G. Membership. Art. VII, § 2 of the Charter governs the composition of Commission membership and Commission member terms.
- H. Public Officials. Commission members are public officials and are bound by certain provisions of the Ohio Revised Code, including, but not limited to, the ethics laws contained in Ohio Revised Code Sections 102.03, 102.04, 2921.42 and 2921.43.
- I. Committee Appointments. The Chair may appoint standing or special committees of the Commission at their election. Each standing or special committee must consist of at least four members and must have a chair and a vice chair. The Chair appoints the membership and leadership of such committees at their sole discretion. Standing or special committees shall not have any authority to take any action to bind the Commission. All meetings of the standing or special committees of the Commission shall be open to the public except as provided by Ohio law.
- J. Review of Department of City Planning and Engagement Work Plans. The Secretary shall present to the Commission the Department of City Planning and Engagement's annual work plan at the first meeting of each term.
- K. Adoption of Meeting Calendars. The Commission shall adopt a meeting calendar for the subsequent term before the end of each term.

SECTION 3. APPLICATIONS.

- A. Application Forms. Requests for consideration of a petition to, or approval of, the Commission must be made on forms approved by the Commission and furnished by the Secretary in the manner and procedure deemed appropriate by the Secretary and subject to all applicable rules and regulations.
- B. Applicant. Any reference herein to the term "applicant" includes an applicant's attorney or an authorized agent.

- C. Timeliness and Completeness. All applicants must timely file all applications and supporting documents with the Secretary, detailing all information requested on the form and any additional information requested in writing by the Chair or Secretary. Any deadline for filing applications and supporting documents shall be 4 p.m. Eastern Standard Time on the respective date.
- D. Withdrawal. An applicant may request the Secretary to withdraw an application at any time before a motion is pending to determine the outcome of the application. If a motion is pending to determine the outcome of the application, then the motion may only be withdrawn by a motion from the moving Commission member upon a second by another Commission member and an affirmative vote by the Commission members present.
- E. Postponements. The Secretary is authorized to grant an applicant's request to postpone consideration of an item so long as the request for postponement is in writing, and the Secretary receives the request to postpone at least one business day in advance of the scheduled meeting. The Secretary shall not consider more than two requests from an applicant to postpone an item.
- F. Continuances. Following the expiration of the deadline to make a written request for postponement, an applicant must request the continuance of the consideration of an item by appearing at the scheduled meeting and making an oral request to the Commission. Upon hearing an oral request for a continuance, the Commission may grant the continuance if it determines the applicant has demonstrated good cause that the consideration of the item should be continued.

SECTION 4. MEETINGS.

- A. Open to the Public. All meetings of the Commission shall be open to the public except as provided by applicable law. In accordance with Cincinnati Municipal Code Chapter 121, the Commission may hold and attend meetings and may conduct and attend hearings by means of teleconference, video conference, or any other similar technology. All votes of the Commission shall be taken in open session, recorded by the Secretary, and available for public inspection at the Department of City Planning and Engagement.
- B. Notice of Public Meeting. The Secretary shall provide notice of all regularly scheduled and special meetings in accordance with the Cincinnati Municipal Code.
- C. Regular Meetings. The Commission shall conduct regularly scheduled meetings on the first and third Friday of each calendar month (unless a Friday is a recognized holiday by the City, in which case the meeting shall take place on the following Friday) at 9:00 a.m. in Cincinnati City Hall, City Council Chambers, 3rd Floor, 801 Plum Street, Cincinnati, Ohio 45202, or other location or by means of teleconference, video conference, or any other similar technology, as determined by the Chair from time to time, in consultation with the Secretary, subject to advance

notice in accordance with the Cincinnati Municipal Code. If no official matters are scheduled for a regularly scheduled meeting, then the Commission is not required to conduct a meeting.

- D. Special Meetings. The Chair, in consultation with the Secretary, may, at their discretion, convene a special meeting of the Commission. The Secretary shall deliver notice of the time, place, and purpose of all special meetings by telephone or e-mail to the Commission members at least 24 hours in advance of the special meeting. If a special meeting is open to the public, the Secretary shall post notice of the time, place, and purpose of all special meetings for public viewing at the Department of City Planning and Engagement, the office of the Clerk of Council, on the City's website, and by such other methods as are reasonably calculated to provide notice.
- E. Agenda. In consultation with the Chair, the Secretary shall prepare an agenda showing items for consideration at each regularly scheduled meeting (the "Agenda"). Items for consideration shall be presented to the Secretary no less than ten (10) calendar days before the regularly scheduled meeting at which they would be considered. The Commission may only consider items not included on the Agenda following a motion, second, and a majority vote of members present to consider such items by leave. In their sole discretion, the Secretary may petition the Commission to add an item to an Agenda by leave.
1. Agenda Composition. The Agenda shall contain consent items and discussion items. The Secretary shall further identify each item as a legislative, quasi-judicial, or administrative item. The Secretary shall appropriately identify other special items, i.e., special presentations to the Commission.
 2. Agenda Publication. The Secretary shall mail or otherwise distribute the Agenda and all materials pertinent to each item thereon to the Commission at least five business days before the regularly scheduled meeting.
- F. Staff Report. The Secretary shall prepare a staff report of all new business items, which shall be delivered or otherwise made available to the members of the Commission with the Agenda.
- G. Quorum. A quorum for any meeting or any undertaking of official business of the Commission shall consist of no less than four Commission members.
1. Establishing Quorum. The Secretary shall make a reasonable effort to notify an applicant and/or any other known interested parties of a failure to obtain a quorum before the meeting.
 2. Absence of Quorum. Failure to obtain a quorum, or the loss of an established quorum, shall postpone the meeting until the next regularly scheduled Commission meeting unless the Chair, in consultation with the Secretary, selects another date.

- H. Attendance. Any Commission member unable to attend a meeting shall notify the Secretary by telephone or e-mail at least one business day before the meeting. Three or more consecutive unexcused absences during any Commission Term will result in the Secretary issuing a letter to the Commission member seeking their resignation from the Commission. The resigning Commission member shall submit a resignation letter to the Mayor.
- I. Voting.
1. Voting Rights. All members of the Commission shall be voting members. Any member of the Commission may make a motion or second a motion.
 2. Official Commission Action. The Commission shall adopt all official acts by a majority vote of the Commission members present at a meeting unless applicable law or these rules require more votes.
 3. Motions. All official acts of the Commission shall first require a motion by a member of the Commission seconded by another member of the Commission. All motions shall be stated clearly and shall list any proposed conditions. If another member does not second a motion, it is not eligible for a vote of the Commission, and the motion shall expire. Upon expiration of a motion, the Chair shall entertain further discussion by the Commission until a member makes another motion and another member seconds such motion.
 4. Roll Call Vote. The Chair shall take all votes of the Commission by a roll call vote. However, the Chair may permit a straw poll vote of the Commission at their discretion.
 5. Majority Vote. As used in these rules, the phrase “majority vote of the members of the Commission” shall mean an affirmative vote by a simple majority of the Commission members present at a meeting.
 6. Abstentions. A Commission member may abstain from voting on an item, but an abstention shall not reduce the votes required to take official Commission action.
 7. Tie Vote. If the vote on a motion produces a tie, the motion shall have failed as if the Commission had taken no action on the item. Accordingly, the Commission shall require further action to dispose of the item.
 8. Record of Vote. The Secretary shall record each Commission member’s vote on every question. Alternatively, the Secretary shall indicate if the member is absent, recused, abstains, or otherwise fails to vote.
 9. Conflicts of Interest and Ethics. No Commission member shall vote upon, discuss, review, recommend, inspect, investigate, or take any other action on a matter in violation of Ohio ethics law provisions, including, but not limited to Ohio Revised Code Sections 102.03, 102.04, 2921.42, and 2921.43.
 10. Duty to Disclose Conflicts of Interest and Ethics Concerns. Any Commission member who encounters a possible conflict of interest or

ethical concern shall disclose that issue to the Secretary and the City Solicitor as soon as practical before a scheduled meeting.

11. Determination of Conflicts of Interest and Ethics Concerns. Commission members are encouraged to consult the City Solicitor or their representative for legal guidance concerning conflicts of interest and ethics concerns.
12. Duty to Recuse. If a member has a conflict of interest or ethical concern, the affected member shall remove themselves from the meeting room during that portion of the meeting involving the matter from which that member is conflicted. The Chair shall deem a member who recuses themselves from consideration of an item due to a conflict of interest or ethical concern as absent for that item, which absence shall reduce the number of Commission members used to calculate quorum and the number of votes required to take official Commission action.

SECTION 5. MEETING PROCEDURES.

A. General Rules.

1. Meeting Procedure. The Chair shall call items in the order set forth on the Agenda unless the Chair, in their sole discretion, determines to dispose of agenda items more efficiently.
2. Appearances. Any person may appear in person at the meeting or may be represented by an attorney or by a duly authorized agent. All persons wishing to appear before the Commission shall sign in on a form or a speaker card furnished by the Secretary and located at the entrance to the meeting room or by other means deemed appropriate by the Secretary. The Commission may exclude the testimony of anyone who has failed to sign in at the meeting.
3. Written Submissions. The Commission may consider timely received written submissions, communications, memoranda, or other written arguments from an applicant or any person.
 - a. Submission Deadline. All persons shall submit written narratives, communications, memoranda, arguments, or other materials to the Secretary no later than 48 hours before the meeting date to ensure that the Commission members are fully apprised of the issues, positions, arguments, and contentions concerning an application. If the submission deadline falls on a holiday, then the deadline is 24 hours before the holiday. The Secretary shall not accept late submissions. The Commission may consider written materials after the filing deadline at the hearing at the sole discretion of the Chair.
4. Applicant's Failure to Appear. If an applicant fails to appear before the Commission on a quasi-judicial item as scheduled and has not requested

to postpone or to continue the hearing as provided in Section 3 above, the Commission, at its discretion, may take one of the following actions:

- a. Postpone. Postpone the hearing until the next regularly scheduled Commission meeting; or
 - b. Dismiss. Dismiss the application based on the applicant's failure to prosecute; or
 - c. Rule. Rule on application's merits provided that each Commission member participating in such a vote acknowledges on the record that they have reviewed all materials in the record, including any written arguments, evidence, or testimony.
5. Decorum. The Chair shall maintain decorum at all times during meetings. Before testifying at a Commission meeting, all persons appearing before the Commission shall clearly state their first and last name and their personal address or business address for the record. All speakers shall speak clearly into the microphone provided on the speaker's table or podium and refrain from speaking over other parties. No one shall be permitted to speak from the audience. The Chair shall have the right to expel from a meeting any person exhibiting a lack of decorum or causing disruptive or combative behavior.
6. Criminal Offenses Against Public Administration. Commission members are public officials whose duties and actions are protected from threats of violence and intimidation, among others. Commission members shall report immediately to the City Solicitor any instances or attempts of bribery, intimidation, retaliation, or obstruction of official business by an applicant or any other party.
- B. Consent Items. The Chair shall conduct the disposition of items found on the consent agenda in the following manner:
1. Inquiry. The Chair shall ask the Secretary whether anyone has petitioned to move items from the consent agenda to the discussion agenda and whether any Commissioners wish to move any items from the consent agenda. The Chair shall then entertain a motion to remove items from the consent agenda, if any, and place those items under the applicable quasi-judicial or legislative discussion heading.
 2. Action. The Chair shall next entertain a motion to approve the items remaining on the consent agenda.
- C. Rules Applicable to Legislative Discussion Items.
1. Ex-Parte Communication. Commission members may discuss legislative items with members of the public outside of regularly scheduled meetings of the Commission but are not required to do so if, at the member's discretion, such discussions or contact would impair the member's professional obligations to the Commission and the public.

2. Legislative Discussion Item Hearing Procedure. The Chair shall conduct the disposition of legislative discussion items in the following manner:
 - a. Call Item. The Chair shall call legislative items in the order provided by the Agenda unless the Chair, in their sole discretion, determines to dispose of agenda items more efficiently.
 - b. Staff Presentation. The Chair shall call the Department of City Planning and Engagement staff to present its staff report to the Commission.
 - c. Questions of Staff. The Chair shall permit Commission members to ask questions of staff.
 - d. Applicant's Presentation. The Chair shall provide the applicant an opportunity to make a statement. Presentations for legislative items shall be limited to three (3) minutes per person.
 - e. Questions of the Applicant. The Chair shall permit Commission members to ask questions of the applicant.
 - f. Public Comment. The Chair shall call any members of the public who have completed a request to speak on an item. Persons providing public comment for legislative items before the Commission shall not be sworn. Comments on legislative items shall be limited to three (3) minutes; provided, however, the Chair may, in their sole discretion, waive such time limitations in the interest of advancing relevant public discourse. Any unused portion of that three-minute allotment is not transferable to another person. The Chair shall permit Commission members to ask questions of the members of the public following their comments.
 - g. Affiliated Groups. If a group of affiliated persons speaks on an item, the Chair may also request that one spokesperson from the group address the Commission.
 - h. Commission Discussion. The Chair shall entertain discussion among the Commission members, including any requests by a Commission member to ask questions of any person who has spoken or requested to speak on an item. The Chair may end the discussion by calling the question, provided, however, a majority of the members of the Commission may vote to overrule the Chair.
 - i. Motion. The Chair shall entertain a motion to dispose of the item.
 - j. Vote. If the motion is seconded, the Chair shall request a vote.

D. Rules Applicable to Quasi-Judicial Discussion Items.

1. Ex Parte Communication. Outside of a scheduled quasi-judicial proceeding, Commission members shall not engage in conversation with an applicant, or members of the public, about applications and similar subjects related to matters that will be the subject of deliberation and judicial discretion. Applicants and members of the public may contact the Department of City Planning and Engagement to request access to an application or for clarification of these rules.
2. Directly Affected Persons. For the purposes of these rules, “directly affected person” means a person who can demonstrate some unique harm distinct from the harm suffered by the community at large. An entity may qualify as a directly affected person, provided that one member of the entity qualifies as a directly affected person.
3. Burden of Proof. With respect to quasi-judicial items, an applicant bears the ultimate burden of proof by a preponderance of the evidence.
4. Sworn Testimony. A city solicitor shall swear all persons providing testimony before the Commission for quasi-judicial items at the beginning of the meeting or before their testimony.
 - a. Attorneys. Attorneys may not be sworn unless they are serving as a witness or providing testimony rather than as an advocate and providing argument.
 - b. Department of City Planning and Engagement Staff. Department of City Planning and Engagement staff members may not be sworn unless they serve as witnesses in the proceeding.
5. Presentation Time Limits. Parties participating in a quasi-judicial hearing shall limit the presentation of evidence, witnesses, cross-examination, and rebuttal to a reasonable duration. The Chair may, at their sole discretion, extend presentation time pursuant to this Section as necessary to ensure that the parties are fully permitted to present any relevant position, argument, or contention; to refute the positions, arguments, and contentions of opposing parties; to conduct cross-examination; and, to ensure that all non-duplicative evidence and testimony is entered into the record and that the requirements of due process are otherwise satisfied.
6. Quasi-Judicial Discussion Item Hearing Procedure. The Chair shall conduct the disposition of quasi-judicial discussion items in the following manner:
 - a. Call Item. The Chair shall call quasi-judicial items in the order provided by the Agenda unless the Chair, in their sole discretion, determines to dispose of agenda items more efficiently.
 - b. Staff Presentation. The Chair shall call a staff member from the Department of City Planning and Engagement to present their staff report to the Commission. The staff member’s presentation shall be limited to evidence submitted by the parties and found in the public record.

- c. Presentation by the Applicant. The Chair shall call the applicant to present its position, arguments, and contentions, offer and examine witnesses, and present evidence supporting its position. In their discretion, the Chair may limit or restrict the applicant's presentation to the matters relevant to the application.
 - d. Cross Examination of the Applicant. If an attorney represents a directly affected person, the Chair shall permit the attorney to cross-examine the witnesses proffered by the applicant.
 - e. Presentation by Directly Affected Person. The Chair shall call a directly affected person to present their position, arguments, and contentions, offer and examine witnesses, and present evidence supporting their position.
 - i. Multiple Directly Affected Persons. If there are multiple directly affected persons, the Chair shall permit each directly affected person to present their positions, arguments, and contentions, offer and examine witnesses, and present evidence relevant to the application. However, the Chair may limit duplicative and redundant arguments at their discretion.
 - f. Cross Examination of Directly Affected Persons. If an attorney represents an applicant, the Chair shall permit the attorney to cross-examine the position, arguments, and contentions of witnesses proffered by directly affected persons.
 - g. Rebuttal. The Chair shall provide the applicant the right to rebut or refute any position, argument, or contention opposing its application.
 - h. Commission Member Questions. The Chair shall entertain any requests by a Commission member to ask questions of any person who has testified or offered to testify on the item. The Chair shall have the discretion to end questioning by a Commission member by calling the question, provided, however, a majority of the members of the Commission may vote to overrule the Chair.
 - i. Deliberation. The Chair shall entertain discussion and deliberation. Upon a motion duly made, seconded, and a vote approved by a majority of Commission members, the Commission may deliberate off the record and in private.
 - j. Vote. Following deliberation, the Chair shall entertain a motion on the record to determine the item, to continue the hearing, or to take any other action permitted by applicable law.
- E. Parliamentary Rules. The Commission shall follow the rules and procedures set forth herein in the conduct of its meetings. The Chair may apply Roberts' Rules of Order where these rules and procedures are silent.

SECTION 6. PLANNING STAFF CONFERENCES.

- A. Proposed Zone Change, Text Amendment, and Final Development Plan Staff Conferences. The Secretary shall convene a public staff conference for petitions to change the zoning map or to consider final development plans before consideration of such items before the Commission. In their discretion, the Secretary may convene a public staff conference related to an amendment to the text of the City of Cincinnati Zoning Code before considering such text amendment by the Commission. The Secretary shall determine the time and place of all public staff conferences.
- B. Notice of Public Staff Conferences. The Secretary shall provide notice of a public staff conference by regular mail and postmarked at least 14 calendar days before a conference on the following:
1. To owners of record of real property within the area proposed for zone change and to all owners of real property located within a 400-foot radius of the subject property. The Secretary shall also notify the community council(s) representing the citizens in the area of concern and other parties as the Secretary may deem advisable to notify. The Secretary may require an applicant to place signage concerning the proposed change(s) in a form approved by the Commission and furnished by the Secretary at the subject property or in a manner reasonably calculated to afford notice to the citizens of the area of concern.
- C. Notice of Public Staff Conference for Text Amendments. The Secretary shall provide notice of a public staff conference for a text amendment by regular mail and postmarked at least 14 calendar days before a conference on the following:
1. The community council(s) representing the citizens in the area of concern; and,
 2. To other parties as the Secretary may deem advisable to notify.
- D. Conference Procedure. A Department of City Planning and Engagement staff member shall be present at a public staff conference. The procedure for a public staff conference shall be as follows:
1. A staff member shall act as chairperson and shall direct a presentation of the petition and the relevant facts.
 2. The chairperson shall call upon the petitioner and opponents, if any, for their presentations.
 3. The staff may ask questions of the petitioner, proponents, and opponents and may allow reasonable rebuttals by the proponents and opponents.
 4. The staff shall record the statements made at the conference.
 5. The staff may request written statements from the petitioner, proponents, and opponents addressed to the Commission.
- E. Staff Reports. Following a public staff conference, the staff shall present the petition, staff recommendations, and written statements to the Commission. After the staff has held a public staff conference and made a recommendation, the

Secretary shall place the item on the Agenda for a regularly scheduled Commission meeting unless the Commission decides to consider such item at a special meeting. In addition to public notice of a Commission meeting, notices of the date, time, and place of the presentation shall be sent to all persons who indicated at the public staff conference that they wished to be notified of the meeting before the Commission. Copies of the staff report and recommendations will be made available to the applicant or his representative, community council representatives, and interested citizens, limited in number by economic prudence. The interested parties shall indicate at the public staff conference who shall receive the report and recommendation.

SECTION 7. EFFECTIVE DATE; AMENDMENTS OR SUSPENSION OF RULES.

- A. Effective Date. These rules shall be made effective upon approval by a majority vote of all the members of the Commission.
- B. Amendments. The Commission may amend or revoke these rules by a majority vote of Commission members, provided that written notice of the proposed amendment or revocation is provided to each Commission member at least three business days before such meeting.
- C. Suspension. The Commission may suspend these rules at any meeting by a majority vote of the members present.

Rules of Procedure City of Cincinnati City Planning Commission: Table of Amendments		
Action	Effective Date	Section(s)
Adopted	April 5, 1984	
Revised	September 28, 1990	
Revised	January 7, 2011	1-7
Revised	November 18, 2011	1-7
Revised	March 3, 2023	1-7

[END OF RULES]