



Planning Commission

~Agenda~

<http://www.ci.moraine.oh.us/>

Clerk of Council
937-535-1005

March 19, 2026

6:00 PM

I. Call to Order

- A. Nomination of Officers

II. Approval of Minutes

- A. Planning Commission Meeting Minutes - October 21, 2025

III. Public Hearing - Case No. R-01-2026: Zoning District Change of City Lots 2157, 2158, 5057, and 5275 from R-2 to B-1

- A. Staff Report
B. Opponents / Proponents
C. Close Public Hearing

IV. Business

- A. Decision - Case No. R-01-2026: Zoning District Change of City Lots 2157, 2158, 5057, and 5275 from R-2 to B-1
B. Time Limit Discussion
C. Roberts Rules of Order and Planning Commission By-laws Review

V. Other Business

VI. Adjournment

RECORD OF PROCEEDINGS

Minutes of **Planning Commission**

Held **October 21, 2025**

Call to Order

Meeting called to order at 6:00 PM.

Kevin Howard	Chair	Present
Stephen Noel	Vice Chair	Present
Tom Watts	Member	Present
Gina Delph	Member	Present

Staff Attendance: Building and Zoning Administrator Brent Carpenter; Clerk of Council Karen Powell

Vice Chair Kevin Howard asked for a nomination for Planning Commission Chair and Vice Chair.

Mr. Watts nominated Kevin Howard to serve as Planning Commission Chair.

RESULT: Passed (*Yes 4, No 0, Abstained 0*)
MOVER: Tom Watts
AYES: Kevin Howard, Tom Watts, Gina Delph, Stephen Noel
NAYS: None
ABSTAIN: None

Mr. Watts nominated Stephen Noel to serve as Planning Commission Vice Chair.

RESULT: Passed (*Yes 4, No 0, Abstained 0*)
MOVER: Tom Watts
AYES: Kevin Howard, Tom Watts, Gina Delph, Stephen Noel
NAYS: None
ABSTAIN: None

Approval of Minutes

Planning Commission Meeting Minutes - September 16, 2025

Mr. Howard asked if there were any changes or corrections to the September 16, 2025, Planning Commission meeting minutes. Hearing none, the minutes were approved as submitted.

Business

S-04-2025: Lot Combination of Moraine City Lot Numbers 5190 and 5191

Mr. Carpenter reported that the applicant, Moraine Land Associates, LLC, has applied to replat City Lot Numbers 5190 and 5191 to form a new Moraine Lot Number 5678. He stated the lot size will be 1.7098 acres after the combination. He remarked this lot combination is a formality for the construction of a new Wawa convenience store and fueling station, as construction cannot occur across lot lines. He said City Lot Numbers 5190 and 5191 are zoned as B-1. Mr. Carpenter noted that the Technical Review Committee does not have any objections to the lot combination.

Mr. Watts moved to approve the lot combination of Moraine City Lot Numbers 5190 and 5191; Mrs. Delph seconded the motion.

RECORD OF PROCEEDINGS

Minutes of **Planning Commission**

Held **October 21, 2025**

RESULT: Passed (*Yes 4, No 0, Abstained 0*)
MOVER: None
AYES: Kevin Howard, Tom Watts, Gina Delph, Stephen Noel
NAYS: None
ABSTAIN: None

Other Business

Mr. Watts said a piece of legislation was brought before the Planning Commission previously regarding a new Ordinance the City was looking at regarding the parking of campers, trailers, and RVs on personal property. He said the commission has not seen a revision. He asked if legislation was taken to Council?

Mr. Carpenter deferred to Mr. Sorice until he returns after leave.

Ms. Powell stated Mr. Sorice has not brought revised language to the amendment before Council.

Adjournment

Meeting adjourned at 6:05 PM.

Staff Report

Department: Community Development

Request: Staff Report

Item Background and Purpose:

Documentation and staff report regarding the Zoning District Change of City Lots 2157, 2158, 5057, 5275 to the B-1 Zoning District.

Attachments:

1. R-01-2026 Staff Report
2. Reviewed Application R-01-2026
3. R-01-2026 Legal Notice
4. 200' Radius Mailing Labels
5. Mailing Legal Notice R-01-2026 Legal Notice
6. PACKET 8x11 Zoning Map with Lot Numbers Listed
7. 11x17 Zoning Map
8. Harjeet Gas Station Site Plan Option 1
9. Harjeet Gas Station Site Plan Option 2
10. B-1 District MCO Chapter 1151
11. Highlighted Fueling Station Entrance
12. Landscaping Requirements
13. 1973-02-19 Regular Meeting
14. 1975-10-15 Regular Meeting



Technical Review Committee

Michael Davis, City Manager
Nick Sorice, City Planner
Doug Hatcher, Fire Inspector
Lauren Alvarado, City Engineer
Brent Carpenter, Building & Zoning Administrator
Beth Waters, Community Development Secretary
Andrew Dickerson, CBO, National Inspection Corporation

Planning Commission R-01-2026 Staff Report

Applicant: Harjeet Singh

Location: 3351 Main St. Moraine, OH 45439

Lot Numbers: 2157, 2158, 5057, 5275

Current Zoning District: R-2

Proposed Zoning District: B-1

This formality is brought before the Planning Commission today prior to a 30-day legal notice for a public hearing brought before City Council. All legal notices were issued per Moraine Codified Ordinances Chapter 1127.

Description: The applicant, Harjeet Singh, is applying for a Zoning District Change for the four (4) remaining residential-zoned (R-2) lots at the premises of 3351 Main St. Moraine, OH 45439 from R-2 to B-1. The Lots that are brought before the Planning Commission for a Zoning District Change are 2157, 2158, 5057, and 5275. The property encompasses nine (9) lots total with five (5) lots at the B-1 Zoning District, which are the lots that contain the existing structure on the property. The current R-2 Lots comprise of 0.3903 acres +/- of the 1.1029 acre +/- property per Montgomery County Auditor records. This consists of 35.39% of R-2 lots currently. The B-1 lots consist of 0.7126 acres +/- of the property.

The proposed use for this Zoning District Change per Application R-01-2026 is for the addition of a gas canopy with three (3) double-sided pumps. The architect, Craig E. Dillon, AIA Architects, informed us that this would be a Marathon franchise for the fueling station. Choices of unleaded, premium, and diesel would be available. The fueling station hours would be from 5 am – 12 am. It would not be a 24/7 fueling station.

In your packet, you will see that two (2) preliminary site plans are provided, showing an idea of what the applicant would like to propose with the Zoning District Change, if approved. Site Plan 1 includes variances, if the Zoning District Change were to be approved. Site Plan 2 indicates what the layout would be if there were no variances. This is per the B-1 District requirements in

your packet as there are setbacks required for parking and structures due to the location of the property.

The Technical Review Committee met on March 11, 2026, to review this application and documentation. With the review, it was agreed that Site Plan Option 1 provides better flow for traffic and larger vehicles to maneuver with the canopy. As the current structure will continue to house a drive-thru inside. It was mentioned that parking spots 1-10 would be an issue if a variance allowed the Main Street entrance to remain. The reason why the Main Street entrance would be closed off for this is in your packets under MCO 1185.17 (A) due to the new use on the property of a fueling station having an entrance on the same side of the street that is within 200' of the First Freedom Baptist Church property. The parking spots in front of the entrance would not allow enough clearance if a larger vehicle or public safety vehicle had to maneuver within that area. A buffer will need to be included as well with the Residential-Zoned church property to the east. The landscape requirements can be found in MCO Chapter 1187.

However, these site plans are only preliminary ideas to provide a visual to the Planning Commission and can change as this is contingent upon this Zoning District Change case.

If this case were to be recommended by Planning Commission and approved by City Council, a lot combination would be required as construction cannot occur across lot lines.

If there are any questions regarding the Technical Review Committee's report after our review of this zoning district change proposal, please feel free to ask at this time.

Thank you,

A handwritten signature in black ink, appearing to read "Nick Sorice".

Nick Sorice
City Planner



City of Moraine Planning Commission

Application for Zoning District Change

Revised 11/2021

Office Use (This Section only)

Date Received: 02/03/2026

Application No.: R-01-2026

Paid: Via Phone on 02/03/2026

Receipt #: 7342

Fee: \$200

Proposed Zoning Dist.: B-1

PUD District? N/A ☐

PUD Site Plan? N/A ☐

Location Information - General

City Lot Number(s): 5275, 5057, 2150, 2157 Area in Acres: 1.1 Acres

Site Address: 3351 Main Street, Moraine, OH

Applicant(s) – Please include additional owners, applicants, or developers on back of application

Name of Owner: Harjeet Singh

Address: 2039 Southfork Drive City: Lebanon State: OH

Contact Phone: 513-692-3735 (cell) Email: cstoremoraine@gmail.com

Zoning Data

Present Use: Existing convenience store & Drive-Thru

Present Zoning Dist.: R-2 Proposed Zoning Change: B-1

Proposed Use(s): Addition of new gas pumps & canopy

Supporting Information

Your Application must include the following information. This information should be provided as an attachment to this application at the time of its filing. Failure to provide such information may delay the processing of your application.

- Vicinity Map, showing property lines, streets, existing and proposed zoning
- List of owners for all property within 200 feet of any property included in this application. This includes properties immediately contiguous, across any streets, or properties that are non-adjacent but within the 200 foot radius.
- If applying for PUD approval, include all materials and information required by MCO Chapters 1155.05(c) and/or 1155.06(d), as applicable.

Harjeet Singh
Applicant Signature

02/02/2026
Date



**PLANNING COMMISSION
LEGAL NOTICE
R-01-2026**

An application for a Zoning District Change in accordance with Moraine Codified Ordinances (MCO) Chapter 1127 was submitted through the Community Development Department.

A Planning Commission Meeting regarding a Zoning District Change Application will be held on **Thursday, March 19, 2026, at 6 p.m.**

The agenda for this Zoning District Change is a request submitted by Harjeet Singh for the premises located at 3351 Main Street. The Lot Numbers affected by the Zoning District Change Request are 2157, 2158, 5057, and 5275.

This is a request for a Zoning District Change for the four (4) lots listed from R-2 (Single-Family Residential District) to B-1 (Neighborhood Business District).

Any person interested in or affected by this public meeting may appear and be heard at said public meeting. The meeting convenes at 6 p.m. at the **City of Moraine Municipal Building: 4200 Dryden Rd. Moraine, OH 45439.**

Additional information regarding this proposal may be obtained by visiting the Community Development Department or by contacting Nick Sorice, City Planner, at 937-535-1037. Additional contact can be made by email at nsorice@moraineohio.gov

3351 MAIN STREET
2839 SOUTHFORK DR
LEBANON OH 45036

FRITZ RONALD M AND PEGGY SUE
4600 E. VENETIAN WAY
DAYTON OH 45439

3401 E VENETIAN WAY
CITY OF MORaine
4200 DRYDEN RD
MORaine OH 45439

CRIOLLO EDGAR
3316 SHORELANDS RD
DAYTON OH 45439

FRUSHER JEFFERY A SR
4605 W VENETIAN WAY
DAYTON OH 45439

CRIOLLO EDGAR
3316 SHORELANDS RD
DAYTON OH 45439

CURRENT RESIDENT
3320 SHADYVIEW RD
DAYTON OH 45439

CURRENT RESIDENT
3320 SHADYVIEW RD
DAYTON OH 45439

WHITAKER WALLACE PAUL
3300 OUTDOOR RD
DAYTON OH 45439

WILDER MARK
3216 OUTDOOR RD
DAYTON OH 45439

SWEET BEVERLY J AND BLIN D RICHARDS
3218 OUTDOOR RD
DAYTON OH 45439

ALTA VISION INC
2232 E RIVER RD
DAYTON OH 45439

CURRENT RESIDENT
3220 OUTDOOR RD
DAYTON OH 45439

FLYNN LESLIE AND JOHN JR
3222 OUTDOOR RD
DAYTON OH 45439

MARTHA A GRIFFIN
3221 OUTDOOR RD
DAYTON OH 45439

HASS JOHN
3281 OUTDOOR RD
DAYTON OH 45439

FIRST FREEDOM BAPTIST
CHURCH OF MORaine
3315 MAIN ST
DAYTON OH 45439

ARRIVAL HOMES LLC
P O BOX 364
ENGLEWOOD OH 45322

CURRENT RESIDENT
3309 MAIN ST
DAYTON OH 45439

CURRENT RESIDENT
3311 MAIN ST
DAYTON OH 45439

CURRENT RESIDENT
3313 MAIN ST
DAYTON OH 45439

CENTERVILLE TOWING LLC
10980 COBBLE BROOK DR
DAYTON OH 45458

CURRENT OWNER
3305 MAIN ST
DAYTON OH 45439

JESSE H BURCHETT
911 E PEARL ST
MIAMISBURG OH 45342

CURRENT RESIDENT
3412 BEECHGROVE RD
DAYTON OH 45439

JANE ANN MOORE
3404 BEECHGROVE RD
DAYTON OH 45439

WAX TRACIE L
3311 TRAIL ON ROAD
DAYTON OH 45439

UZHCA MERCY
3321 TRAIL ON RD
DAYTON OH 45439

JON & PAIGE LLC
1325 W DOROTHY LN
DAYTON OH 45439

CURRENT RESIDENT
3333 TRAIL ON ROAD
DAYTON OH 45439

CURRENT RESIDENT
3335 TRAIL ON ROAD
DAYTON, OH 45439

ROUSH HOPPER NOAH AND
TAYLOR STARBUCK
3341 TRAIL ON RD
DAYTON OH 45439



**PLANNING COMMISSION
LEGAL NOTICE
R-01-2026**

As a property owner who is within 200 feet of a property applying for a Zoning District Change, you are being notified of the information pertaining to the legal notice.

An application for a Zoning District Change in accordance with Moraine Codified Ordinances (MCO) Chapter 1127 was submitted through the Community Development Department.

A Planning Commission Meeting regarding a Zoning District Change Application will be held on **Thursday, March 19, 2026, at 6 p.m.**

The agenda for this Zoning District Change is a request submitted by Harjeet Singh for the premises located at 3351 Main Street. The Lot Numbers affected by the Zoning District Change Request are 2157, 2158, 5057, and 5275.

This is a request for a Zoning District Change for the four (4) lots listed from R-2 (Single-Family Residential District) to B-1 (Neighborhood Business District).

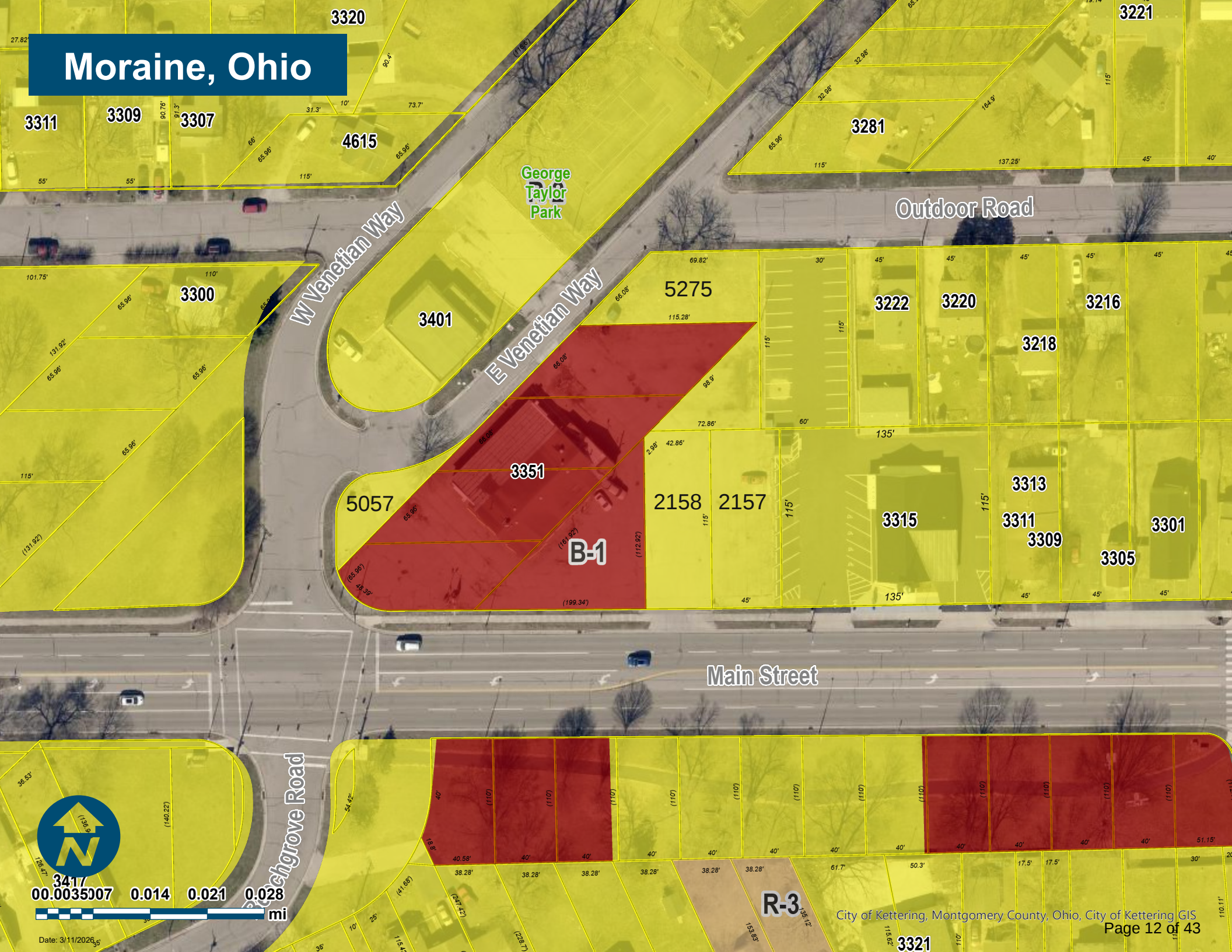
Any person interested in or affected by this public meeting may appear and be heard at said public meeting. The meeting convenes at 6 p.m. at the **City of Moraine Municipal Building: 4200 Dryden Rd. Moraine, OH 45439.**

Additional information regarding this proposal may be obtained by visiting the Community Development Department or by contacting Nick Sorice, City Planner, at 937-535-1037. Additional contact can be made by email at nsorice@moraineohio.gov

Thank you,

Nick Sorice
City Planner
City of Moraine

Moraine, Ohio



Moraine, Ohio

M-1

00.0035007 0.014 0.021 0.028
mi



3/11/2026

George Taylor Park

George Taylor Park

Outdoor Road

Main Street

Eter Drive

Beechgrove Road

Trail On Road

4720

3329

3326

3324

3316

3320

4600

3221

3209

3205

3313

3311

3309

3307

4615

3281

Outdoor Road

3300

3306

3401

B-1

3351

B-1

3222

3220

3216

3208

3204

3218

3313

3311

3309

3301

3217

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R-3

3335

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3321

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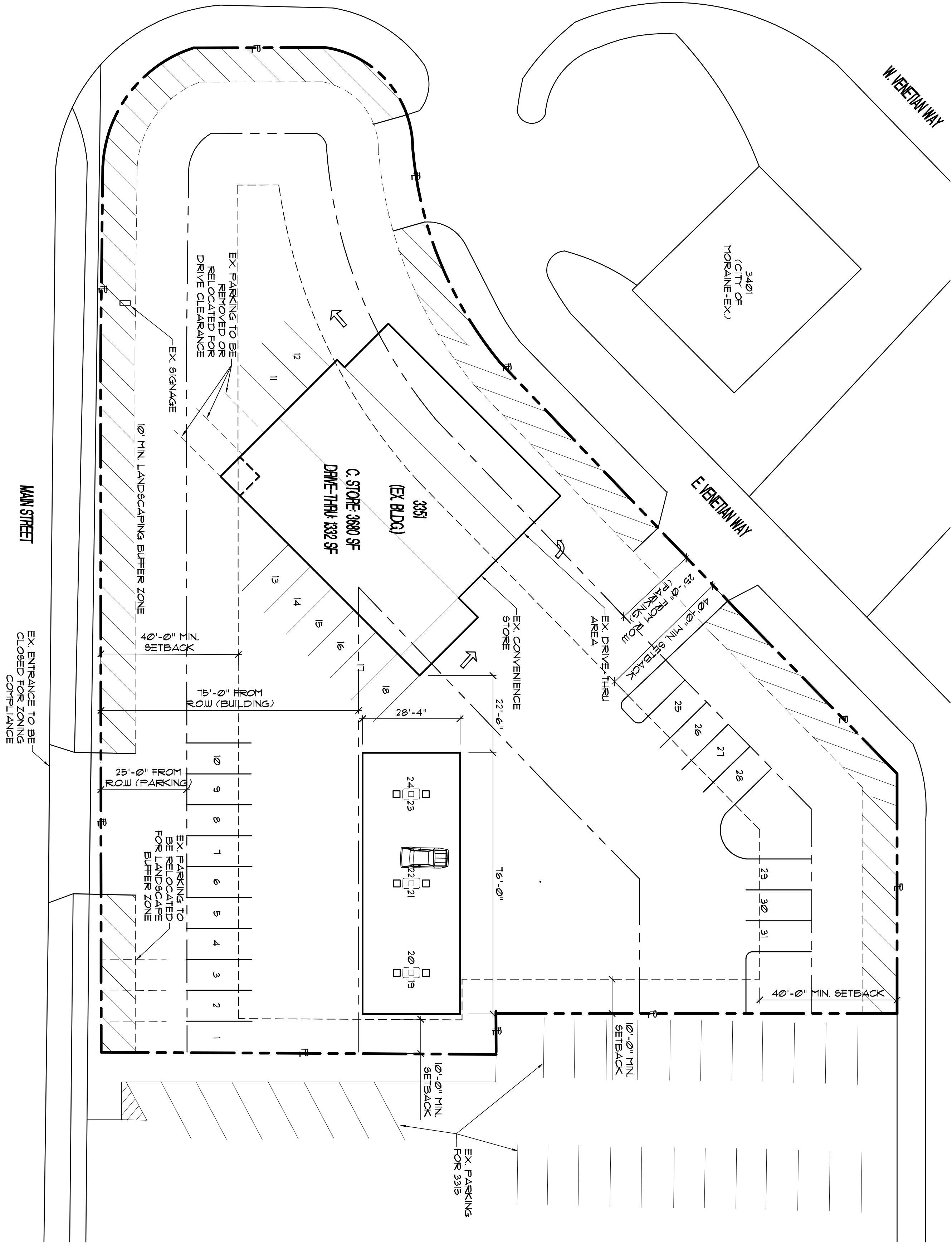
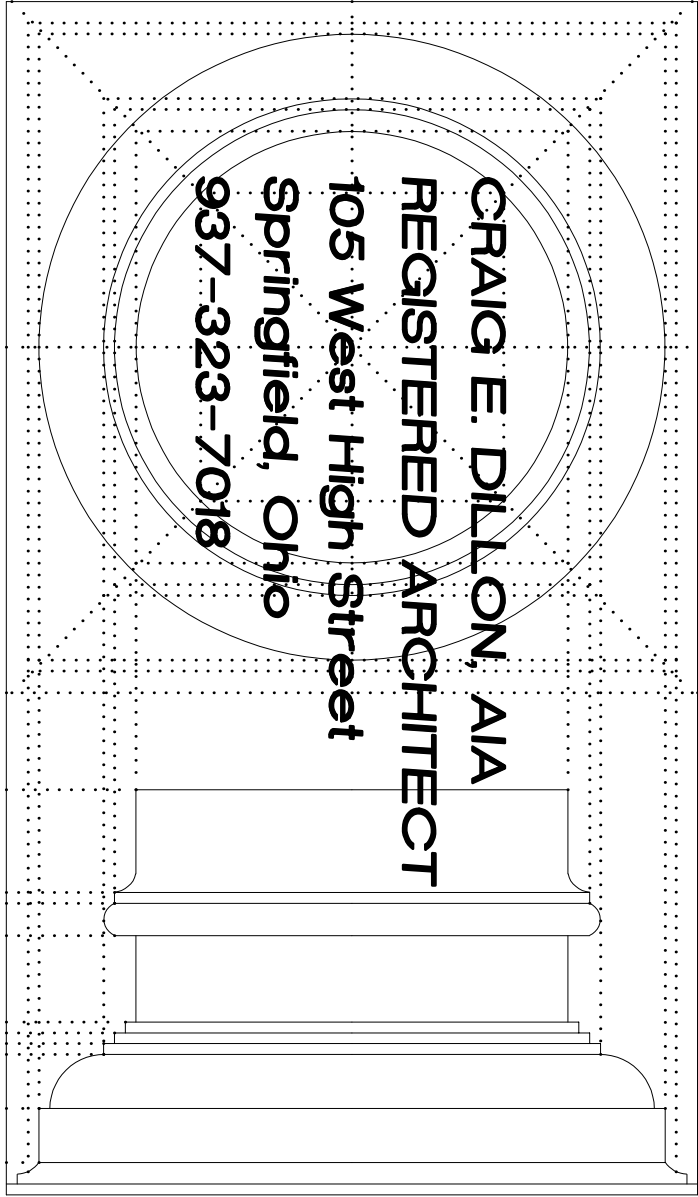
3307

3301

4808

4900

NEW GAS STATION FOR HARJEET GAS STATION 3351 MAIN STREET MORaine, OH 45439 28, JANUARY 2026



SITE PLAN (OPT. 1)
SCALE: 1"=20'-0"
HARJEET GAS STATION

PARKING REQUIREMENT:
PER MCO 189.01 CONVENIENCE FOOD STORES, MINI-MARKETS & GROCERY OUTLETS:
1-1/2 SPACES FOR EVERY TWO HUNDRED (200) SQUARE FEET OF FLOOR AREA, PLUS ONE (1) SPACE FOR EACH EMPLOYEE
APPROX. 3680 SF/200' = 18.4 X 15 = 27.6
MIN. 28 SPACES + 3 EMPLOYEE = 31 SPACES TOTAL

PRELIM
NOT FOR
CONST.
2/2/2026

CO

OF

CRAIG E. DILLON AIA, ARCHITECT

ARCHITECTS

AR 0011102

SHEET TITLE:

COVER

COMMISSION NO.

PHASE:

SCALE:

DRAWN BY: —

CHECKED BY: CED

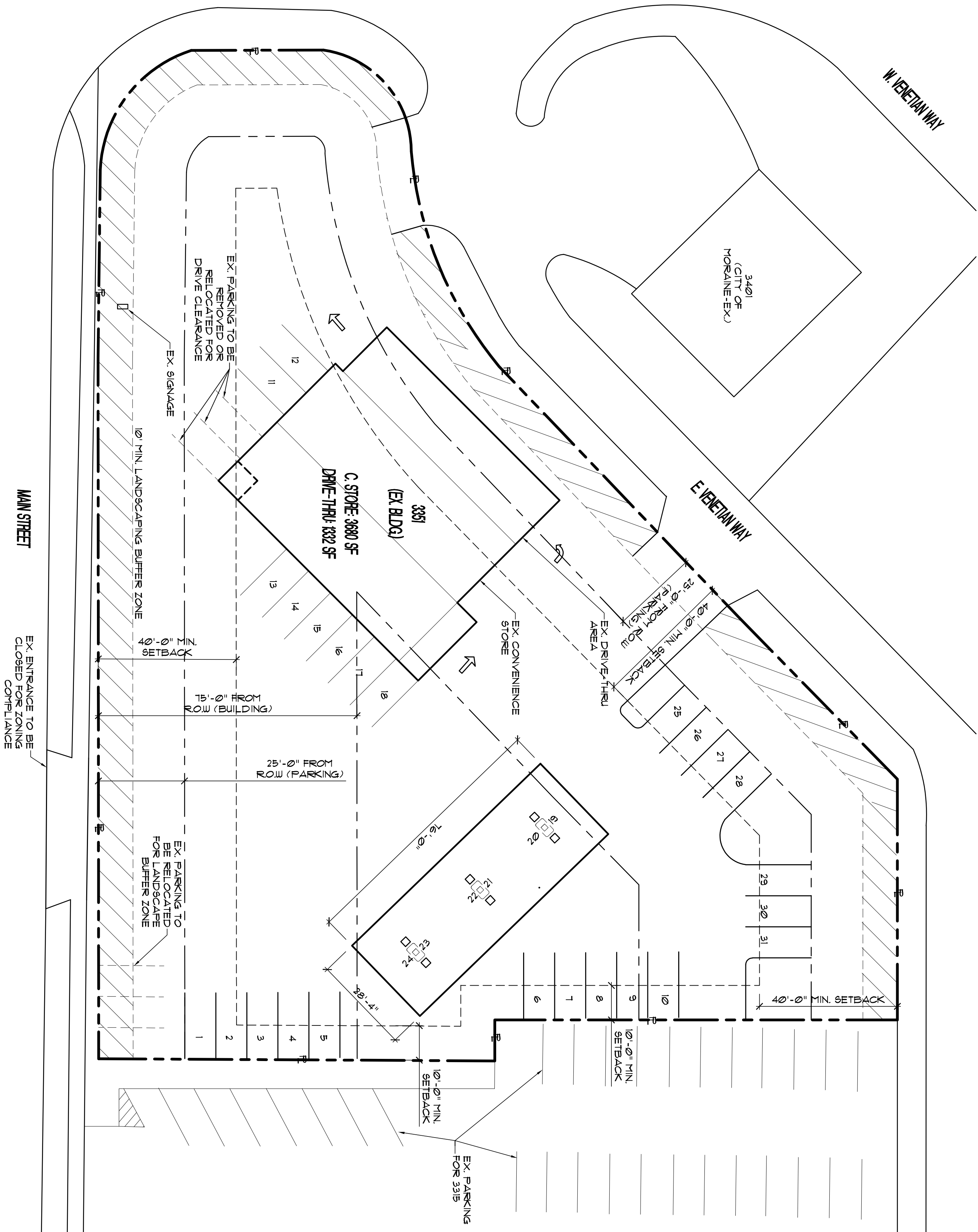
REVIEWED BY: CED

ISSUE DATE: 00-00-00

MARK	DATE	REVISION

NEW GAS STATION FOR
HARJEET GAS STATION
3351 MAIN STREET
MONTGOMERY COUNTY
OH 45439

CRAIG E. DILLON, AIA
REGISTERED ARCHITECT
105 West High Street
Springfield, Ohio
937-323-7018



SITE PLAN (OPT. 2)
SCALE: 1"=20'-0"
HARJEET GAS STATION

PARKING REQUIREMENT:

PER MO 181/20 CONVENIENCE FOOD STORES, MIN. MARKETS & CARRY-OUTS, 1 1/2 SPACES FOR EVERY TWO HUNDRED (200) SQUARE FEET OF FLOOR AREA, PLUS ONE (1) SPACE FOR EACH EMPLOYEE

APPROX. 3660 SF/200 = 18.4 X 15 = 276
ROUNDED TO 28

MIN. 28 SPACES + 3 EMPLOYEES = 31 SPACES TOTAL

COVER

MARK DATE REVISION

MORaine
45439

MONTGOMERY COUNTY

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CHAPTER 1151

B-1 Neighborhood Business District

1151.01 Purpose.

1151.02 Uses.

1151.03 Site development regulations.

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1115

Accessory buildings and uses - see P. & Z. 1181.02, 1181.05

Supplemental regulations - see P. & Z. Ch. 1185

1151.01 PURPOSE.

The B-1 Neighborhood Business District is intended to provide for relatively small business and service establishments in suitable locations primarily to serve the daily staple needs of residents. (Ord. 1203-97. Passed 7-10-97.)

1151.02 USES.

(a) Permitted Uses.

- (1) Minor B-1 District which is entirely surrounded by R Districts and which district, including the streets, contains less than five acres.
 - A. Any use permitted and as regulated in the R-4 District;
 - B. Retail sales and services including any local convenience retail and for service uses including: grocery, fruit or vegetable store, meat market, drug store, shoe repair shop, hardware and paint stores, barber and beauty shops, dry cleaning and laundry pickup stations, laundromats;
 - C. Business and professional offices, supplying commodities or performing services primarily for residents of the neighborhood;
 - D. Restaurant, cafe, not including dancing or live entertainment;
 - E. Automobile service station, minor repair and storage garages; and
 - F. Commercial parking lots for passenger vehicles except as otherwise provided in the Zoning Code;
 - G. Accessory building incidental to the principal use. Regulations governing accessory facilities and uses are specified in Chapter 1181.
- (2) Major B-1 District. The following uses are allowed, provided no such use shall be permitted in a minor B-1 District.
 - A. Any local retail business or service establishment such as an electrical appliance shop, plumbing and heating shop, printing shop, furniture shop, interior decorating shop, and upholstery shop including automobile, boat and like upholstery;
 - B. Theaters, not including drive-ins;
 - C. Hotel; and
 - D. Garage for general automobile repair; but not including major body and fender work, overall painting and steam cleaning;
 - E. Accessory buildings incidental to the principal use. Regulations governing accessory facilities and uses are specified in Chapter 1181.

(b) Special Uses. The following special uses are subject to review in accordance with Chapter 1117.

- (1) Micro Antenna or wireless communication antenna attached to a pole located in the right-of-way provided the antenna does not exceed more than twenty feet above the highest point of the separate antenna structure and the transmission and receiving equipment is limited to five cubic feet and located in an underground vault and positioned parallel to the road, and is situated on the non-road way side of the pole. Also provided that said facilities meet all standards as set in Chapter 1117 for "Telecommunications: Commercial Mobile Radio, Television and Radio Service Facilities". (Ord. 1203-97. Passed 7-10-97.)

1151.03 SITE DEVELOPMENT REGULATIONS.

(a) Lot Requirements.

- (1) Minimum lot area 5,000 square feet
- (2) Minimum lot frontage 60 feet

(b) Yard Requirements.

(1) Minimum front yard depth.

- A. Dwellings: Same as permitted in R-4 District.
- B. Permitted Uses: 40 feet*

(2) Minimum rear yard depth.

- A. Dwellings: Same as permitted in R-4 District.
- B. Permitted Uses: 40 feet

(3) Minimum side Yard width.

- A. Dwellings: Same as permitted in R-4 District.
- B. Permitted Uses: None required except adjoining any R-District in which case, not less than 10 feet.

(c) Structural Requirements.

- (1) Maximum building height shall be forty (40) feet.
 - (d) Parking and Loading Requirements.
 - (1) See Chapter 1187 for off-street parking and loading requirements.
 - (e) Signs.
 - (1) See Chapter 1189 for size and location of permitted signs.
 - (f) Supplementary Regulations.
 - (1) All permitted businesses, services or processing shall be conducted wholly within a completely enclosed building except for the sale of automotive fuel, lubricants and fluids at service stations and except for off-street automobile parking and loading.
 - (2) Within a major B-1 District all principal permitted buildings shall be located at least fifty (50) feet from any lot in any R District.
 - (3) In any B-1 District fronting directly across the street from any R-2 or R-3 District, the parking and loading facilities shall be distant at least twenty- five (25) feet from the established right-of-way line, and the buildings or the structures at least seventy-five (75) feet from the established right of way.
 - (4) Goods shall consist primarily of new merchandise.
 - (5) Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water-carried waste.
 - (g) See Chapter 1185 for additional provisions for commercial facilities.
 - (h) Special uses shall comply with all pertinent development standards contained in Chapter 1117.
- *The front yard depth shall be measured from the established right-of-way line as shown on the Official Thoroughfare Plan.
- (Ord. 1203-97. Passed 7-10-97.)

1185.17 FILLING STATIONS AND PUBLIC GARAGES.**(a) Entrances and Exits; Oil Storage.****(1) Entrances and Exits.**

A. No gasoline filling station or a commercial customer or employee parking lot for twenty-five (25) or more motor vehicles or a parking garage or automobile repair shop, shall have an entrance or exit for vehicles within 200 feet along the same side of a street of any school, public playground, church, hospital, public library or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.

(2) Appliance Pit Location.

A. No gasoline filling station or public garage shall be permitted where any oil draining pit or visible appliance for any such purpose other than filling caps, is located within twelve (12) feet of any street lot line or within twenty-five (25) feet of any R district, except where such appliance or pit is within a building.

(3) Setback for Corner.

A. On all corner lots, all vehicular entrances to, or exits from, and curb openings, shall be set back a minimum of twenty-five (25) feet from the corner property lines extended or from the established right-of-way lines as shown on the Official Thoroughfare Plan. All curb openings whether on a corner lot or not, shall not exceed forty (40) feet in width at the curb line, and thirty (30) feet at the property line. There shall be a minimum of twenty (20) feet measured along the property line, between any series of driveways.

(Ord. 1069-94. Passed 4-28-94.)

1187.05 OFF-STREET PARKING LANDSCAPING REQUIREMENTS.

The following provisions are to be considered minimum landscaping requirements for the conditions defined herein. In cases in which respective zoning districts require greater yard setbacks, and/or landscaping, those requirements shall prevail.

Wherever in any zoning district off-street facilities are provided for parking or any other vehicular uses as provided in Section 1187.02, such off-street facilities and land shall conform to the minimum landscaping requirements set forth in this section, except, that single and two-family residential uses on individual platted lots and multi-level parking structures shall be exempt from such requirements. All landscaped areas shall be protected from vehicular encroachment by curbs, wheel stops and other similar devices. Existing trees, as defined herein, may be used to meet the requirements of this section.

(a) Plant Material.

- (1) Trees. All trees shall be species having an average mature spread or crown of greater than fifteen (15) feet in the Miami Valley area and having trunk(s) which can be maintained in a clean condition over five (5) feet of clear wood. Trees having an average mature spread or crown less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15) foot crown spread. Tree species shall be a minimum of eight (8) feet overall height immediately after planting. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than six (6) feet to such public works, unless the tree root system is completely separated by a barrier.
- (2) Shrubs and hedges. Shrubs shall be a minimum of two (2) feet in height when measured immediately after planting. Hedges, where required, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen within a maximum of one (1) year after time of planting. Plant spacing will be three (3) feet on center at installation.

(b) Development Standards.

- (1) Required landscaping adjacent to public right of way. On any parcel providing an off-street parking area or other vehicular use area in excess of three thousand (3,000) square feet or ten (10) spaces, where such area will not be entirely screened visually by an intervening building or structure from any abutting right of way, excluding alleys, there shall be provided landscaping between such area and such right of way as follows:
 - A. A strip of land at least ten (10) feet in depth located between the abutting right of way and the off-street parking area or other vehicular use area which is exposed to an abutting right of way shall be landscaped to include an average of one (1) tree for each fifty (50) linear feet or fraction thereof. Such trees shall be located between the abutting right of way and off-street parking area or other vehicular use area.
 - B. In addition, a hedge, wall or other opaque durable landscape barrier of at least two (2) feet in height shall be placed along the entire length of such landscaped area. If such opaque durable barrier is of nonliving material, for each ten (10) feet thereof, an average of one (1) shrub or vine shall be planted abutting such barrier but need not be spaced ten (10) feet apart. Such shrubs or vines shall be planted along the street side of such barrier unless they are of sufficient height at the time of planting to be readily visible over the top of such barrier. The remainder of the required landscaped areas shall be landscaped with grass, ground cover or other landscape treatment.
- (2) Required landscaping adjacent to interior property lines. On any parcel providing an off-street parking area or other vehicular use area, there shall be provided landscaping between such area and such property line as follows:
 - A. Where such area abuts property zoned or, in fact, used primarily for residential or institutional purposes that portion of such area not entirely screened visually by an intervening structure or existing conforming buffer from an abutting property, there shall be provided a landscaped buffer. Such landscaped buffer shall be located between the common lot line and the off-street parking area or other vehicular use area exposed to the abutting property so that the purpose of screening the off-street parking area or other vehicular use area is accomplished. The vertical requirement for such landscaped buffer area may be reduced to not less than three (3) feet where the only vehicular use area to be screened is a driveway not exceeding ten (10) feet in width.
 - B. In addition, an average of one (1) tree shall be provided for each fifty (50) lineal feet of such interior property line or fractional part thereof. Such trees shall be located between the common lot line and the off-street parking area or other vehicular use area. Each such tree shall be planted in at least 150 square feet of planting area with a minimum dimension of at least eight (8) feet. Each such planting shall be landscaped with grass, ground cover or other landscape material excluding paving in addition to the required tree.
 - C. Where such area abuts a dedicated alley or property zoned and, in fact, used for office, commercial or industrial purposes and exceeds 3,000 square feet or ten (10) spaces, only the tree provision with its planting area as prescribed in this subsection shall be required.
- (3) Required vehicular use area interior landscaping.
 - A. Off-street parking areas in excess of 3,000 square feet or ten (10) spaces shall have at least ten (10) square feet of interior landscaping for each parking space excluding those spaces abutting a perimeter for which landscaping is required by other sections thereof.
 - B. Each separate landscaped area shall contain a minimum of 150 square feet and shall have a minimum dimension of at least eight (8) feet and shall include at least one (1) tree, with the remaining area adequately landscaped with shrubs, ground cover or other landscaping material. The total number of trees shall not be less than one (1) for each 100 square feet or fraction thereof of required interior landscaping area. Such landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide traffic flow and direction.
 - C. The front of a vehicle may encroach upon any interior landscaped area or walkway when such area is at least three and one-half (3- 1/2) feet in depth per abutting parking space and protected by motor vehicle stops or curbing. Two (2) feet of such landscaped area or walkway may be part of the required depth of each abutting parking space.

- (4) Sight distance for landscaping adjacent to public rights of way and points of access. When an accessway intersects a public right of way, all landscaping shall provide unobstructed cross-visibility at a level between two and one-half (2-1/2) and six (6) feet within the areas of property on both sides of an accessway formed by the intersection of each side of the accessway and public right-of-way lines with two (2) sides of each triangle being ten (10) feet in length from the point of intersection and the third side being a line connecting the ends of the two (2) other sides; provided that trees having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the cross visibility area shall be allowed, and further provided they are located so as not to create a traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than three (3) feet from the edge of any accessway pavement.
- (c) Applicability. The provisions of this section shall apply to all new off-street parking or other vehicular use area. At such time as existing off-street parking or other vehicular use areas are enlarged or expanded, such provisions shall apply to the previous existing areas as well as the new area. Any appeal from an administrative determination relating to these regulations shall be to the Board of Zoning Appeals. Prior to issuing occupancy permits for new construction, implementation and completion of landscaping requirements in off-street vehicular facilities shall be required. Where a conflict exists between the strict application of this section and the requirements for number of off-street parking spaces or requirements for off-street loading facilities as found in the schedule of off-street parking and loading requirements, the requirements of this section shall supersede the Schedule.
- (d) Time of Completion. All tree plantings and planting screens required by this Zoning Code shall be installed prior to occupancy or commence of use. Where compliance with the preceding sentence is not possible because of the season of the year, the Zoning Administrator shall grant an appropriate delay, but shall issue no permanent zoning compliance certificate or certificate of occupancy until completion of all required plantings. Any zoning compliance permit or certificate of occupancy may be revoked, after thirty (30) days written notice to the person assessed for taxes on the affected lot and to the occupant, whenever planting screens or required tree plantings are not maintained as required by this Zoning Code. (Ord. 1069-94. Passed 4-28-94.)

PLANNING COMMISSION

February 26, 1973

Public Hearing

The Moraine City Planning Commission met at 7:42 p.m. on February 19, 1973 for the purpose of conducting a Public Hearing. The meeting was called to order by Mr. Johnson and others present were Mr. Quillen, Mr. Blakeman, Mr. Bruce, Mayor Gerhardt and the City Clerk.

Mr. McLean was excused on a motion by Mr. Bruce and seconded by Mr. Blakeman.

The application of Mr. Danny Crouch was read for a change from R-2, non conforming to B-1, neighborhood business in order to demolish the old "Family Market" and replace with a new structure in order to operate a grocery store on Lot No's. 2159, 2160 and 2161 located at 3351 Sellars Rd. Mr. Crouch was present to represent his application, to make comments and answer questions. He was aware that if the zoning was granted, he would have to appear before the Board of Zoning Appeals to apply for variances.

He has three lots combined. There is presently a house on Lot No. 2159 which he wishes to remain there; he wants to put the building on the other two lots and part of Lot 2159. At this stage, there are no plans or descriptions of the building he is planning to build; however, he felt any improvement would be an asset to the community. He plans to have the building constructed sometime in 1974 and he will demolish the old building upon its completion. Parking facilities will be provided where the old building is presently located.

Those appearing in favor of the change were: Mrs. Haines - 3329 Clearview, Mrs. Mattix - 4708 Venetian Way, Mrs. McCloud - Beechgrove, Mrs. McClellan, Beechgrove and Mr. Caldwell, 3308 Clearview. They all felt a new building would improve the area.

There was no opposition expressed either verbal or written.

The Public Hearing adjourned at 8:00 p.m. on a motion by Mr. Quillen and seconded by Mr. Bruce.


Secretary


Chairman

REGULAR MEETING

A Regular Meeting of the Moraine City Planning Commission was called to order at 8:01 p.m. on February 19, 1973 by the Chairman, Mr. Johnson. All members were present except Mr. McLean and including the Mayor and City Clerk.

The January 19 Public Hearing and Regular Meeting Minutes were read and approved on a motion by Mr. Blakeman and seconded by Mr. Quillen.

Mr. McHugh's letter of February 16, 1973 regarding Mobile Home Subdivisions was read. In lieu of the problems which had been presented at the Public Hearing, the conversation between the Clerk and Mr. Syrakis regarding legality, not having the material completed so that the Law Director could not submit his final recommendations, it was moved by Mr. Blakeman, seconded by Mr. Quillen and unanimously approved by those present that the matter be tabled until it has been completely evaluated, and this information be forwarded to Council.

The Mayor commented that he had spoke with Mr. Syrakis subsequent to the Clerk's conversation and that his remarks were made concerning mobile home parks instead of mobile home subdivisions. He advised that possibly the city's law director could advise on this. He also discussed the planned unit development section with him; and he indicated that he felt it was good enough for a Public Hearing.

Mr. Danny Crouch's application for a zoning change from R-2 to B-1 was presented and it was moved by Mr. Blakeman, seconded by Mr. Quillen and carried unanimously by those present to approve this change and to inform council of this recommendation.

The preliminary plan which had previously been submitted for Section 3 of Moraine German Village was reviewed. This is proposed as a development of 44 townhouse units on 5 individual lots totaling approximately 3.5 acres. The structures will be sold individually yet they are attached. After discussing the matter, it was felt these particular units would obstruct the view of the existing single family residences; the topography did not demand the number of units requested, it would place too many people in this small area and create an impact upon the school system, law enforcement officers and public facilities, and affect the enhancement of the single family area. On this basis, it was moved by Mr. Quillen, seconded by Mr. Blakeman and carried unanimously by those present, that the Commission recommend denial of this plan.

Planned Unit Development was tabled on a motion by Mr. Quillen and seconded by Mr. Blakeman because it was felt this should be considered as a part of the mobile home subdivision.

Regular Meeting (Cont'd).

The next item of old business was the election of the officers.

It was moved by Mr. Quillen, seconded by Mr. Bruce and carried that Mr. Johnson be appointed Chairman. Roll call: All in favor except Mr. Johnson not voting.

It was moved by Mr. Quillen, seconded by Mr. Johnson to appoint Mr. Blakeman as Vice Chairman. Roll call: All in favor except Mr. Blakeman abstained.

It was moved by Mr. Quillen and seconded by Mr. Blakeman that Mr. Bruce be appointed as Secretary. Roll Call: All in favor except Mr. Bruce not voting.

The next meeting will be March 20, 1973. The meeting adjourned at 9:10 p.m. on a motion by Mr. Quillen and seconded by Mr. Blakeman.

Galter J. Bruce
Secretary

Harold Johnson
Chairman

CITY OF MORaine
PLANNING COMMISSION

MINUTES OF THE PUBLIC HEARING HELD WEDNESDAY, OCTOBER 15, 1975.

The City of Moraine Planning Commission met for a Public Hearing on October 15, 1975 at 7:30 P.M. Roll call: All members were present, except for Mr. Bill Hewitt.

Mr. Caudill called the case of Jack and Danny Crouch (Family Market) request for rezoning lots 2162 and 2163 from R-2 single family residence to B-1 neighborhood business.

Mr. Caudill then presented a letter from the staff stating that the staff had no objections to this rezoning application.

Mr. Bill Hewitt entered the Planning Commission Meeting at 7:45 P.M.

The chairman, Mr. Caudill, then asked if there was anyone present to speak in favor of the rezoning application.

Mr. Danny Crouch, one of the owners of the Family Market located at 3351 Sellars Road, was present to speak in favor of the rezoning application. He stated that they wished to build a new Family Market to meet with the City requirements.

Mr. Earl Brooks then made the comment that Mr. Ronald Payne was turned down for the same type of application a few months prior to this date.

Mr. Hewitt replied that the Planning Commission did not turn down Mr. Payne's application for rezoning; Council turned down his application.

Mr. Ronald K. Payne of 3735 Sellars Road stated that he did not feel that his application for rezoning should be compared to Jack and Danny Crouch's application. He felt that each application for rezoning should be considered separately.

Mr. Payne also stated that people living within 200 feet of the property to be rezoned do not necessarily have to be notified by a certified letter, and a list of the names does not have to be certified to the Planning Commission.

Mr. Hollinger questioned whether or not this rezoning would interfere with departure of fire vehicles, since the Fire Station No. II is located near this property.

There being no further business, Mr. Hewitt made the motion to adjourn at 8:05 P.M. Motion was seconded by Mr. Thomas. All members voted yes.

Robert Hollinger
SECRETARY

Elva C. Caudill
CHAIRMAN

CITY OF MORaine
PLANNING COMMISSION

REGULAR MEETING

OCTOBER 15, 1975

The regular meeting fo the Planning Commission was called to order at 8:05 P.M. by the chairman, Mr. Caudill. Roll call showed all members present.

The minutes of the previous regular meeting dated September 17, and the previous public hearing dated September 17 were accepted as received. A motion to approve the minutes was made by Mr. Thomas and seconded by Mr. Hollinger. All members voted yes.

In old business, it was brought up that Surveys Unlimited would like to have a work session with the Planning Commission. It was decided that this matter would be brought up at the next regular meeting.

In new business, the matter of the junk yard ordinance was brought up. It was decided that this matter would be brought up for discussion and comments at the next regular meeting, since most of the members had not had a chance to look over the ordinance, and one member had not yet received his copy.

Also in new business, a motion was made by Mr. Brooks to confer with the Fire Chief before approving the application for rezoning made by Jack and Danny Crouch for rezoning lot nos. 2162 and 2163 from R-2 to B-1. This motion was seconded by Mr. Hollinger. All members voted yes.

There being no further business, Mr. Brooks made the motion to adjourn at 8:40 P.M. Motion was seconded by Mr. Thomas. All members voted yes.

Robert Hollinger
SECRETARY

Elva C. Caudill
CHAIRMAN

Time Limit Discussion

Department: Community Development

Request: Action Item

Item Background and Purpose:

Attachments:

Roberts Rules of Order and Planning Commission By-laws Review

Department: Clerk of Council

Request: Action Item

Item Background and Purpose:

This discussion is an informational review of procedures and by-laws for the Planning Commission.

Attachments:

1. BZA and PC Overview Presentation - Final - Compressed
2. Planning Commission - Current Rules Regs - September 2016

CITY OF MORAINES BOARD OF ZONING APPEALS

EFFECTIVE MEETING
MANAGEMENT
&
OVERVIEW OF ROBERT'S
RULES OF ORDER



1

ROLES OF PARTICIPANTS

- Chairperson
 - Plan Meeting
 - Start Meeting
 - Controls Discussion
 - Quiets the Talkative
 - Draws out the Silent
 - Facilitate meeting
 - Summarizes/Ends all Meetings or Actions
 - Monitors Follow Through

2

ROLES OF PARTICIPANTS

- Members or Attendees
 - Arrive On Time
 - Provide Feedback
 - Assist in the Pre-Planning as Needed
 - Commit to Actions or Decisions Made
 - Remain Constructive
 - Follows Requirements of By-laws

3

BY-LAWS

- Highest Authority
- Clearly Defined Executive Roles
- Easy to Read and Follow
- Robert's Rules of Order
- Rules May Not Be Suspended Unless By-laws Allow for Such

4

ORDER OF BUSINESS

- Regular Meeting
 - Roll Call
 - Approval of Minutes
 - Administration of Oaths
 - Administered by the Secretary
 - All providing testimony, including staff members, must take the oath
 - public hearing(s)

5

ORDER OF BUSINESS (CONTINUED)

- Reconvene Regular Meeting
- Decisions on Cases; Deliberation of other items of business
- Building & Zoning Administrator's Report
- Items of the Public
- Matters of the Board
- Adjournment

6

PUBLIC HEARINGS

- All facts of the case must be presented during the hearing
- All questions of the applicant or staff must occur during the hearing
- If sworn testimony is provided, appeals may only be filed on material presented during the hearing
- Once adjourned, no questions or additional information may be entered into the record

7

PUBLIC HEARING FORMAT

- Call to Order
- Call for Abstentions
- Staff Report & Summary of Case
 - Questions of the Staff Member
 - No Time Limit
- Applicant
 - Questions of the Applicant
 - No Time Limit

8

PUBLIC HEARING FORMAT

- Proponents (Those in Favor)
 - Questions of Proponents
 - Time Limit: 5 minutes (unless changed by board)
- Opponents (Those Opposed)
 - Questions of Opponents
 - Time Limit: 5 minutes (unless changed by board)
- Rebuttal
 - Time Limit: 5 minutes (unless changed by board)
- Adjournment

9

PUBLIC HEARING FORMAT

- Changes to the Order of Business may be made by majority vote
- Time limits may be established or changed by majority vote
- If additional information is needed, the public hearing may be reopened immediately or continued to a specified time and date
- Public hearings may be called as required by law or as determined by the board or commission to be in the public's interest

10

DELIBERATION & DECISION

- Deliberation
 - No questions!
 - No new information!
 - Disagreement vs. disrespect
 - May take place in the public hearing if desired
- Decision
 - Motion and Second (in the affirmative)
 - Roll Call
 - A failed motion to approve is the same as a motion to deny

11

DECISION PROCEDURE

- Adjourn the hearing
- Reconvene the meeting
- Deliberate and decide on the subject of the public hearing
 - More efficient
 - Easier to remember the facts of the case
 - Reduces the likelihood of errors
 - Reduces the temptation to ask questions

12

ROBERT'S RULES OF ORDER

Parliamentary Procedure is a time-tested method for the smooth functioning of an assembly and to provide answers to questions of procedure that may arise.

Robert's Rules of Order Newly Revised (12th edition, 2020) is the basis for most instruction on parliamentary procedure.

13

6 STEPS TO EVERY MOTION

- Member is recognized and makes a motion
- Another member seconds the motion
- The presiding officer restates the motion
- The members debate the motion
- Vote occurs
- Result is announced, instructions are issued and the next item of business is introduced

14

PHRASING A MOTION

- A Quick Reference Chart is available describing the order of precedence
- Motions should be in the affirmative - even if you oppose it!

15

MOTIONS WITHOUT THE 6 STEPS

- Privileged Motions
 - Question of Privilege
 - Call for the Orders of the Day
- Incidental Motions
 - Point of Order
 - Point of Information
 - Division of Assembly
 - Object to Consideration

16

GENERAL EXCEPTIONS

- The presiding officer may offer a course of action “if there is no objection.” If no objection is raised, the 6 steps are skipped, and the motion is adopted.
- This procedure is used effectively for adoption of the minutes.

17

NON-DEBATABLE MOTIONS

- Recess
- Orders of the Day
- Lay/Take From the Table
- Limit or Close Debate
- Division of the Assembly
- Division of the Question
- Suspend the Rules
- Reconsider a Motion
- Dispense with Reading of the Minutes

18

NON-DEBATABLE MOTIONS (CONTINUED)

- Adjourn
- Objection to Consideration of the Motion
- Previous Question (close debate)
- Limit or Extend Limits of Debate
- Parliamentary Inquiry
- Point of Information
- Point of Order
- Raise a Question of Privilege
- Appeal from the Decision of the Chair

19

5 WAYS TO MODIFY A MOTION

- Informally (prior to announcement)
- Unanimous Consent
- Motion to Amend
- Refer to Committee
- Substitute Motion

20

3 WAYS TO AMEND A MOTION

- Inserting Words or Paragraphs
- Striking Out Words or Paragraphs
- Inserting and Striking Out Words or Paragraphs

*Amendments may also be amended

21

PROCESSING AN AMENDMENT

- The amendment should be debated and voted on prior to the consideration of adoption of the main motion
- There is no need to withdraw the main motion if another member wishes to amend the motion
- Order of Precedence

22

NON-AMENDABLE MOTIONS

- Adjourn
- Orders of the Day
- Division of the Assembly
- Lay/Take from Table
- Dispense with Reading of the Minutes
- Objection to consideration of the question
- Postpone Indefinitely

23

NON-AMENDABLE MOTIONS (CONTINUED)

- Previous Question (Close Debate)
- Parliamentary Inquiry
- Point of Information
- Raise Question of Privilege
- Suspend the Rules
- Appeal Decision of the Presiding Officer
- Reconsider Motion

24

OUT OF ORDER MOTIONS

- Motions that conflict with by-laws
- Motions that have already been rejected during the same session or conflict with adopted motions
- Motions that conflict or present the same question that has been temporarily disposed of
- Motions that propose actions outside of the scope of the organization's by-laws

25

QUICK SUMMARY

- The organization is paramount
- All participants must perform their given roles
- Effective leadership means effective meetings
- By-laws are the highest authority
- Motions should be in the affirmative
- Motions may be amended or modified prior to adoption without withdrawing the main motion
- Permissible interruptions don't require a 2nd

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City of Moraine

Planning Commission

Rules and Regulations

Effective Date: 9/16

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ARTICLE I: NAME OF COMMISSION

The name of the Commission will be the City of Moraine Planning Commission.

ARTICLE II: AUTHORIZATION

The authorization for the establishment of the Commission is set forth in the Charter of the City of Moraine, Article 7.1.

ARTICLE III: MEMBERSHIP

1. The Commission will consist of five (5) electors appointed by Council to serve without compensation for terms of two (2) years. Council, by majority vote of four (4) of its members, will chose a successor to fill any vacancy in the membership of the Commission.
2. Voting members of the Commission will hold no elected public office. A member of the Commission should not be engaged in conduct or activities that would conflict with their Oath of Office to uphold the Charter, ordinances, resolutions of the City and other laws of the State.
3. By concurrence of four (4) or more members, Council has the power to remove a member of such Commission or Board for just cause. The decision of the Council in removing a member of such Board or Commission is final. (City Charter Section 7.6)

ARTICLE IV: ELECTION OF OFFICERS

1. The officer of the Commission will consist of a Chair and Vice Chair. At the first regular meeting of each calendar year, an organizational meeting will be held.
2. Nominations for these positions will be made from the membership of the Commission at the annual organizational meeting. The candidate receiving the majority of votes cast will be declared elected. The officers elected will serve until the organizational meeting the following year.
3. The Chair will preside over all meetings and hearings of the Commission. The City Planner or Chair will sign all correspondence, reports and recommendations from the Commission. The Chair will also have such duties normally conferred to such office by Robert's Rules of Order.
4. The Vice Chair will act for the Chair in their absence. In the absence of both the Chair and Vice Chair, the City Planner or designee will call the meeting to order and the members present will, by majority vote, elect an Interim Chair who will serve for the duration of that meeting.

ARTICLE V: MEETINGS

1. Regular meetings will be held the third week of each month on an as needed basis. At the annual organizational meeting, the Commission will determine the day of the week and the beginning time for these scheduled meetings. In the event no business is to be considered or a quorum cannot be present, the staff liaison will have the authority to cancel or reschedule the meeting as needed.
2. The City Planner, or designee, will notify the Commission if a meeting is necessary at the earliest date possible prior to the scheduled meeting date.
3. A quorum for public hearings and meetings will consist of three (3) members of the Commission. Regardless of the number of members present, the affirmative vote of at least three (3) members will be required to issue a recommendation on, approve or deny any applications received. Therefore, the vote must be unanimous when only three members are present.
4. Voting will be by roll call and will be kept as a part of the official minutes of the meeting.
5. The Chair may call special meetings. The Chair shall call a special meeting when requested to do so by a majority of the members of the Commission. The City Planner, or designee will contact all members of the Commission not less than 24 hours prior to such special meeting. The notice for the special meeting will state the specific subject(s) to be considered and no other matters may be considered by the Commission during said special meeting. The order of business at special meetings will be set forth in the written notice of the special meeting sent to the members and may not be altered in any way
6. All meetings will be open to the general public except as provided by law.
7. Unless otherwise specified, Robert's Rules of Order will govern all proceedings.

ARTICLE VI: ORDER OF BUSINESS

1. The Commission may conduct one or more public hearings. Upon adjournment of the public hearing(s), the Commission will convene the regular meeting to render a decision on the subject(s) of the public hearing.
2. By a majority vote, the Commission may alter the order of business at regularly scheduled meetings to give consideration to the public in attendance. The order of business in Special Meetings, however, may not be altered in any way from the written notice.

3. The recommendations of the Commission, the names and addresses of the people who spoke before the Board, and materials exhibited or copies thereof will be transmitted by correspondence to the City Manager and/or their designee.
4. The Commission may recess to Executive Sessions as permissible under the Ohio Revised Code.

ARTICLE VII: CONSULTING AND OTHER PERSONNEL SERVICES

The Commission will have the authority to employ consultants or other professionals as deemed necessary, subject to the approval of Council and the availability of funds for the payment of the services. The Commission will arrange and be responsible for the conduct of such personnel unless determined otherwise. Whenever practical, the Commission may make use of existing City consultants and/or staff to provide such services.

ARTICLE VIII: HEARINGS

1. In addition to those required by law, the Commission may hold public hearings when determined that such hearings will be in the public interest.
2. Notice of the time and place of such hearing will be posted as required by the City. In addition, the Commission may, by a majority vote, determine that such notice will be published in a newspaper of general circulation not less than ten (10) days prior to the date of the hearing.
3. At any such hearing, the subject matter will be presented in summary by the City Planner or designee.
4. The names, addresses, and summary of the comments of those speaking before the Commission will be recorded in the minutes. All materials presented by persons appearing before the Commission will be retained and exhibited as a part of the appropriate case file.
5. The recommendation(s) of the Commission; the names and addresses of the people who spoke before the Commission; and materials exhibited or copies thereof will be provided to Council upon request.

ARTICLE IX: HEARING FORMAT

The following format will cover all public hearings except as noted:

1. Open the Hearing: The Chair or designee will open the public hearing, summarize the public hearing process and read the request.

2. Administer Oath: The Chair or designee will administer an oath or affirmation to all persons present who wish to testify at the hearing.
3. Abstentions: The Chair or designee will call for any abstentions from the Commission members on the request.
4. Staff Report and Summary: The City Planner or designee will present the staff report.
5. Questions of Staff Report: Any questions by the Commission of the staff report will be directed through the Chair.
6. Applicant: The applicant or representative of the applicant may make a presentation on the application. There will be no set time limit for this presentation.
7. Questions of Applicant: Any questions by the Commission on the applicant's presentation will be recognized by the Chair.
8. Proponents: Persons other than the applicant will be allowed to speak in favor of the request. The presentation of each proponent will be limited to five (5) minutes.
9. Questions of Proponents: Any questions by the Commission on the proponent's presentation will be recognized by the Chair.
10. Opponents: Persons will be allowed to speak in opposition of the request. The presentation of each opponent will be limited to five (5) minutes.
11. Questions of Opponents: Any questions by the Commission or by the Applicant on the opponent's presentation will be recognized by the Chair.
12. Rebuttal: All rebuttal statements will be directed through the Chair. The Applicant will be heard last. Rebuttal statements will be limited to five (5) minutes.
13. Close Hearing: Upon majority vote, the Chair will close the hearing. If the hour is late or pertinent data needs to be obtained, the Chair will announce a continuation of the hearing to another specified date, time and place.
14. Deliberation and Decision: The Commission will deliberate each case during the regular meeting and reach a decision. If time does not permit or if additional information is needed, the application will be continued to a specified date, time and place.
15. Changes to the Format: Alterations to the format of any public hearing may be approved by majority vote. Similarly, the time limitations on presentations made during the hearing may be changed by majority vote provided that the change is enacted prior to the first speech and remain consistent throughout the meeting.

ARTICLE X: RECOMMENDATIONS

1. By majority vote, the Commission will recommend approval or denial of the application. The Commission may require variations or modifications as a condition of approval of the application. A written decision of approval or denial will be signed by the City Planner or designee within 10 days after the decision is rendered. Regardless of the date of signature, the date of decision will be the date on which the Commission's final vote on the matter occurred.
2. The Commission assists in the planning; zoning; preparation of the Comprehensive Plan as required by the City Charter; makes recommendations to Council; performs such other duties and makes such other recommendations after study and review as may be requested by Council.

ARTICLE XI: YEARLY REPORTS

The Commission will submit an annual report to Council. The report will include a list of all matters heard by the Commission, the status of any pending matters and the action taken by the on each matter. The annual report may include further recommendations the members of the Commission may deem of sufficient importance.

ARTICLE XII: RECORDS and COMMISSION SECRETARY

1. All official records will be filed, kept and maintained in accordance with appropriate records retention schedules and available for public inspection by the Clerk of Council who serves as Commission Secretary. Minutes of the Commission are permanent City records. Minutes are not official until formally accepted by the Board.
2. Minutes shall include vote results of each member and whether a member is absent or abstains from voting. In addition, the minutes will record all official actions taken, the names and addresses of persons appearing before the Commission, all evidence presented to the Commission and a synopsis of the discussion of each item of business. Such evidence may be included by reference as needed.
3. The City Planner or designee will be responsible for the preparation of the agenda of regular and special meetings. The Clerk of Council shall also provide notice of all meetings to Board members, see to the public notice of meetings and attend to correspondence of the Board under the signature of the Chairperson or designee.
4. The City Planner will provide legal notice of hearings and attend to correspondence of the Commission.

ARTICLE XIII: AMENDMENTS

1. These By-Laws may be amended by a majority vote of the Commission.
2. The City Planner is hereby granted the authority to provide for nonsubstantive changes in the language of these by-laws including but not limited to renumbering of Sections and Articles and alterations required by the City Charter, the Codified Ordinances of the City or the Ohio Revised Code.

APPENDIX A – City of Moraine Charter, Section 7.1 (Planning Commission)

Section A: Membership

The Commission will consist of five (5) electors appointed by Council to serve without compensation for terms of two (2) years. The first three (3) electors appointed will serve for two (2) years, and the remaining two (2) for one (1) year. Thereafter, appointments will be made for two (2) year terms. Council, by majority vote of four (4) of its members will choose a successor to fill any vacancy of electors.

Section B: Powers and Duties.

It will be the function and duty of the Commission to act as the platting commissioners of the City, and as such it will have control of planning and will provide regulations covering the platting of all land within the City.

The Commission will adopt and recommend to the Council a comprehensive general plan for the physical development of the City, which will include the location of public ways, property, bridges, utilities, buildings, parks, playgrounds and recreation areas. The comprehensive general plan will show all existing school locations in the City and will show the proposed location of new schools as determined by the Board of Education.

The Commission will prepare and recommend to the Council, ordinances creating areas, zones, and districts of permitted and excluded uses, including rules, restrictions, and limitations governing the design, heights, floor areas, size of structures, area size of lots, size of yards, courts, open spaces, use and occupancy of public and private buildings, structures and land for trade, industry, off-street parking, residences, parks, playgrounds and other uses or purposes as will promote the general welfare of the City and its inhabitants.

Before the Commission will recommend to Council the rezoning of any lands, it will hold a public hearing on the question. The Commission will cause to be posted in not less than three (3) of the most public places in the City as determined by the Council and on the City of Moraine website, a notice for the public hearing. Such notice will be posted at least ten (10) days prior to the public hearing and will contain the time and place of the public hearing, a description of the property, a present zoning classification, and what zoning change is sought. In addition thereto, the notice will be mailed to all property owners within a radius of two hundred feet of the property sought for rezoning, and said mailing will be by certified mail, return receipt requested. Failure of receipt of notice will not invalidate any proceedings.

The Commission will, within thirty (30) days after the hearing, forward its recommendations to the Council and the Council will within ninety (90) days accept or reject said recommendation. The decision of the Commission will be posted in not less than three (3) of the most public places in the City as determined by the Council and on the City of Moraine website within three (3) days subsequent to its decision.

The Commission will make a base map to be titled “The Official Map of the City of Moraine.” It will have control over the platting and subdivision of lands and the improvement or development thereof.

In the performance of its function, the Commission may enter upon any land and make examinations and surveys, and place and maintain necessary monuments and marks thereon (Amended 11-04-2003).

Section C: Appeals from Commission to Council.

Any person, firm, corporation, or any officer, department, board or agency of the City, or any elector of the City who has been affected by any final decision of the Commission in regard to its platting and subdivision duties or its duties to approve and implement a comprehensive general plan may appeal from such final decision to the Council of the City by filing a petition with the Clerk of Council within fifteen (15) days from the date of the decision and setting forth the basis for the appeal.

Council will hold a public hearing on such appeal not later than forty-five (45) days after such appeal has been filed with its Clerk. The Council will cause to be posted, in not less than three (3) of the most public places in the City as determined by the Council and on the City of Moraine website, a notice for the public hearing. Such notice will be posted at least ten (10) days prior to the public hearing and will contain the time and place of the public hearing as well as a description of the action being appealed. Council by an affirmative vote of four (4) of its members will decide the matter, and their decision will be final (Amended 11-04-2003).