

ARTICLE 14: ADMINISTRATION

- 1400 PURPOSE.
- 1401 GENERAL PROVISIONS.
- 1402 ZONING ADMINISTRATOR.
- 1403 RESPONSIBILITIES OF THE ZONING INSPECTOR/ ADMINISTRATOR.
- 1404 PLANNING COMMISSION.
- 1405 PROCEEDINGS OF THE PLANNING COMMISSION.
- 1406 DUTIES OF THE PLANNING COMMISSION.
- 1407 BOARD OF ZONING APPEALS.
- 1408 PROCEEDINGS OF THE BOARD OF ZONING APPEALS.
- 1409 DUTIES OF THE BOARD OF ZONING APPEALS.
- 1410 POWERS OF THE BOARD OF ZONING APPEALS.
- 1411 REMOVAL OF A BOARD OF ZONING APPEALS MEMBER FROM OFFICE.
- 1412 DUTIES OF THE ZONING INSPECTOR/ADMINISTRATOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY, AND COURTS ON MATTERS OF APPEAL.
- 1413 VILLAGE COUNCIL.
- 1414 SCHEDULE OF FEES.

ARTICLE 14

ADMINISTRATION

1400 PURPOSE.

This article sets forth the powers and duties of the Planning Commission, the Board of Zoning Appeals, the Village Council, and the Zoning Inspector/Administrator with respect to the administration of the provision of this Ordinance.

GENERAL PROVISIONS.

The formulation, administration and enforcement of this Zoning Ordinance are hereby vested in the following offices and bodies within the Village of Rock Creek government:

1. Zoning Inspector/Administrator;
2. The Planning Commission;
3. The Board of Zoning Appeals;
4. The Village Council; and
5. The Village Solicitor.

1401 ZONING ADMINISTRATOR.

A Zoning Inspector/Administrator designated by the Mayor, and approved by Council, shall administer and enforce this Ordinance. He/she may be provided with the assistance of such other persons as the Mayor and Council may direct.

1402 RESPONSIBILITIES OF THE ZONING INSPECTOR/ ADMINISTRATOR.

1. Enforce the provision of this Ordinance and interpret the meaning and application of its provisions.
2. Respond to questions concerning applications to the Zoning Ordinance text and the Official Zoning District Map.
3. Issue zoning permits, certificates of occupancy, and all permitted issues as provided by this Ordinance, and keep a record of the same with a notification of any special conditions involved.
4. Act on all applications, upon which he/she is authorized to act by the provisions of this Ordinance within the specified time or notify the applicant in writing of his refusal or disapproval of such application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his/her request to the Board of Zoning Appeals.

5. Conduct inspection of buildings, uses of land to determine compliance with this Ordinance, and in cases of violations, to notify, in writing, the person(s) responsible, specifying the nature of the violation and ordering corrective actions.
6. Maintain, in current status, the Official Zoning District Map, which shall be kept on permanent display in the Village Hall.
7. Maintain permanent and current records required by this Ordinance, including but not limited to, the zoning permits, zoning certificates, inspection documents, and/or records of all variances, amendments and/or special uses that will be kept at the Village Hall.
8. Make such records available for the use of the Village Council, the Planning Commission, the Board of Zoning Appeals, and the Public.
9. Review and approve site plans pursuant to this Ordinance.
10. Determine the existence of any violation of this Ordinance, and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.
11. Prepare and submit an annual written report to the Village Council and Planning Commission at the end of the year Council Meeting on the administration of this Ordinance, setting forth such information as may be of interest and the value in advancing and furthering the purpose of this Ordinance. This report will also include recommendations concerning the schedule of fees.

1404 PLANNING COMMISSION.

Appointment and Organization: In accordance with the Ohio Revised Code, Section 713.01, the legislative authority of each village may establish a commission of five members, consisting of the mayor, one member of the legislative authority to be elected thereby for the remainder of his term as such member of the legislative authority, and three citizens of the village to be appointed by the mayor for terms of six years each, except that the term of one of the members of the first commission shall be for four (4) years and one (1) for two (2) years. All such members shall serve without compensation.

1405 PROCEEDINGS OF THE PLANNING COMMISSION.

The Planning Commission shall adopt the rules necessary to conduct its affairs in keeping with the provisions of this Ordinance. Planning Commission meetings shall be held at the call of the chairman and at other times as the Planning Commission may determine. All meetings shall be open to the public. The Planning Commission shall keep minutes of its proceedings showing the vote of

each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the Village Hall. The presence of three (3) members shall constitute a quorum. The concurring vote of three (3) members of said Board shall be necessary to reverse an order, requirement, decision, or determination of the Zoning Inspector/Administrator or the Planning Commission.

1406 DUTIES OF THE PLANNING COMMISSION.

In accordance with the Ohio Revised Code, Section 713.02, for the purpose of this Ordinance, the Planning Commission shall have the following duties:

1. Recommend the proposed Zoning Ordinance, Land Use Text, Subdivision Regulations, and maps including the Zoning Map, Land Use Map, Flood Zone Map, Street Classification Map, and current water line and sewer line map to the Village Council for formal adoption;
2. Initiate and advise Official Zoning District Map changes, or changes in the text of the Zoning Ordinance, where said changes promote the best interest of the public in general, through written recommendations to the Village Council;
3. Review all proposed amendments to the text of this Ordinance and the Official Zoning District Map and make recommendations to the Village Council as specified in Article 7 of this Ordinance;
4. Review all Planned Unit Development Applications and make Recommendations to the Village Council as provided in this Ordinance;
5. Review all special uses, as identified in the respective zoning districts, according to provisions and criteria stated in this Ordinance;
6. Carry on a continuous review of the effectiveness and appropriateness of this Ordinance and recommend such changes or amendments as it feels would be appropriate; and
7. Removal of a Planning Commission from Office: Members of the Planning Commission shall be removable from office, by the mayor, with the approval of council, for non-performance of duty, misconduct in office, and/or other reasonable causes. The removal from office will only be carried out after written charges against the member are made and a public hearing has been held regarding the charges. A copy of the charges will be served upon the member, so charged, at least ten (10) days prior to the hearing either personally or by registered mail. The member will then be given an opportunity to be heard and answer to such charges. Any vacancies shall then be filled by appointment by the Mayor, and approved by Council, and shall be for the unexpired term.

1407 BOARD OF ZONING APPEALS.

A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the mayor, and approved by council. The terms of all members shall be of such length and so arranged that the terms of one member shall expire each year. Each member shall serve until his successor is appointed and approved.

1408 PROCEEDINGS OF THE BOARD OF ZONING APPEALS.

1. In accordance with the Ohio Revised Code, Section 713.11 the Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance;
2. An Organizational meeting shall be held, in January of every year. Meetings shall be held at the call of the chairman and at such times as the Board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Zoning Appeals shall keep all records and minutes of its proceedings, at the Village Hall, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board of Zoning Appeals; and
3. A total of three (3) members of the Board of Zoning Appeals shall constitute a quorum. The Board of Zoning Appeals shall act by a majority vote. The concurring vote of three (3) members shall be necessary to reverse an order of the determination of the Zoning Inspector/Administrator to decide in favor of an applicant in any matter over which the Board has original jurisdiction under this Ordinance, or to grant any variance from the requirements stipulated in this Ordinance, or to grant any variance from the requirements stipulated in this Ordinance.

1409 DUTIES OF THE BOARD OF ZONING APPEALS.

For the purpose of this Ordinance, the Board of Zoning Appeals shall have the following specific responsibilities:

1. Any person aggrieved may take appeals to the Board of Zoning Appeals. Such appeal shall be taken within twenty (20) days after the decision by filing with the Village Clerk, from whom the appeal is taken, and with the Board, a notice of appeal specifying the grounds thereof. The Village Inspector/Administrator, from whom the appeal is taken shall forthwith

transmit to the Board all the papers constituting the record upon which the action appealed from was taken;

2. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal give ten (10) days notice to the parties in interest, and decide the same within a reasonable time after it is submitted. Upon the hearing, any party may appear in person or by attorney; and
3. Authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done.

1410 POWERS OF THE BOARD OF ZONING APPEALS:

1. To interpret the Ordinance:
 - A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector/Administrator in the enforcement of this Ordinance;
 - B. Permit the extension of a district where the boundary line of a district divides a lot held in a single ownership at the time of the passage of this Ordinance;
 - C. Interpret the provisions of this Ordinance, in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning District Map;
 - D. Permit the following two (2) variances:
 - 1) Vary the yard regulations, where there is an exceptional or unusual physical condition of a lot, which condition is not generally prevalent in the neighborhood and which condition, when related, to the yard regulations of this Ordinance would prevent a reasonable or sensible arrangement of building on the lot; and
 - 2) Vary the parking regulations, where an applicant demonstrates conclusively that the specific use of a building would make unnecessary the parking spaces required by this Ordinance, but providing that such a reduction not be more than fifty (50) percent of the usual requirement.
 - E. Permit the following two (2) exceptions:
 - 1) Use of premises for the public utility for radio, television, land and/or microwave tower or broadcasting station; and
 - 2) Permit repairs and maintenance of nonconforming structures provided they are limited to normal upkeep and maintenance and

to permit minor alterations and modernization's as long as the cubic content is not increased.

F. Grant Conditional Use Permits:

- 1) Hear and decide upon applications for conditional use permits specifically listed in the district regulations of this Ordinance. Before authorizing the issuance of such conditional use permit, the Board may impose such conditionals as will, in the Board's judgment to insure that:
 - a) The establishment, maintenance, and/or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 - b) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted nor substantially diminish and impair property values within the neighborhood;
 - c) The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
 - d) A conditional use permit cannot be issued unless adequate utilities, access roads, drainage, and/or other necessary facilities are provided;
 - e) Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
 - f) The conditional use, shall in all other respects, conform to the applicable regulation to the district in which it is located and the Board shall find that there is a public necessity for the conditional use.

1411 REMOVAL OF A BOARD OF ZONING APPEALS MEMBER FROM OFFICE.

Members of the Board of Zoning Appeals shall be removable from office, by the mayor, with the approval of two-thirds of all members of the Village Council, for non-performance of duty, misconduct in office, and/or other reasonable causes such as, bribery, misfeasance, malfeasance, nonfeasance, misconduct in office, gross neglect of duty, gross immorality, or habitual drunkenness. The removal from office will only carried out after written charges against the member are made and a public hearing has been held regarding the charges. A copy of the charges will be served upon the member, so charged, at least ten (10) working days prior to the hearing either personally or by registered mail. After the file of charges, the Village Council is required conduct a hearing at it's next regular

meeting. An extension of the time prior to the hearing may be granted only upon application of the accused. The accused may appear in person and be represented by his lawyer and he is entitled to be heard and answer to the charges:

1. To remove the accused from office, a vote of two-thirds (2/3) of all members of the Village Council is required. Although law declares the action of the Village Council to be final, an appeal may be taken to the court of common pleas; and
2. Any vacancies shall be filled by appointment by the Mayor, and approved by Council, within thirty days, and that person shall fill the position for the unexpired term.

1412 DUTIES OF THE ZONING INSPECTOR/ADMINISTRATOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY, AND COURTS ON MATTERS OF APPEAL.

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector/Administrator, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector/Administrator, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Ordinance shall not include hearing and deciding questions, shall be as stated in this section and this Ordinance. Under this Ordinance the Village Council shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law, and establishing a schedule of fees and charges as stated in Section 1414 of this Ordinance. Nothing in this Ordinance shall be interpreted to prevent any official of the Village from appealing a decision of the Board to the courts as provided in chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's written decision.

1413 VILLAGE COUNCIL.

The powers and duties of the Village Council, pertaining to the Zoning Ordinance, are as follows:

1. Approve the appointments of members to the Planning Commission;
2. Approve the appointments of members to the Zoning Board of Appeals;
3. Initiate, or act upon, suggested amendments to the Zoning Ordinance text or Official Zoning District Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing; and

4. Override a written recommendation of the Planning Commission on a text or map amendment provided that such legislative action is passed by a vote of not less than three-quarters ($\frac{3}{4}$) of the Village Council.

1414 SCHEDULE OF FEES.

1. The Village Council shall, by Ordinance, establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Ordinance, after considering the recommendations of the Zoning Inspector/Administrator with respect to the actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Inspector/Administrator, and may be altered or amended only by the Village Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure;
2. The following fees shall be paid to the Village for each Application, Variance, or Conditional use. Such fees shall be non-returnable, regardless of the approval or denial of the application; and
3. If a vote is required on any zoning change application, the applicant shall pay all election expenses incurred by the Village related to the Zoning Change.

PRIMARY STRUCTURES

New Single Family House.....	\$25.00
Multi-family more than one housing unit (per unit).....	\$25.00
Garage (attached or unattached).....	\$15.00
Residential Additions and Alterations.....	\$15.00
Occupancy Permits.....	\$5.00
Temporary Occupancy Permit.....	\$5.00
Time Extension Fee for One Year.....	\$20.00
Planned Unit Development per acre with a minimum of 25 acres.....	\$4.00
Commercial Unit.....	05¢ per square foot

Commercial Additions and Alterations..... 05¢ per square foot
 Industrial Structure..... 05¢ per square foot
 Industrial Additions and Alterations..... 05¢ per square foot

ACCESSORY BUILDINGS

Residential..... \$10.00
 Commercial.....\$25.00
 Industrial..... \$25.00
 Swimming Pools, Five-hundred (500) Gallons and Over..... \$10.00
 All other structures.....\$10.00

DEMOLITION OF BUILDINGS

One-Story Buildings..... \$10.00
 Two-Story and Above Buildings..... \$15.00

OUTDOOR SIGN PERMITS

Residential Outdoor Signs..... \$5.00
 Commercial Outdoor Signs..... \$10.00
 Industrial Outdoor Signs..... \$10.00

OTHER FEES

Zoning Change Request..... \$100.00
 Construction of Communication Antenna and/or Tower..... \$100.00
 Variances Request..... \$50.00
 Change of Use..... \$10.00

Conditional Zoning Request.....	\$25.00
Residential Appeals.....	\$25.00
Commercial Appeals.....	\$30.00
Industrial Appeals.....	\$50.00
Time Extension.....	\$20.00
Planned Unit Development per acre.....	\$4.00
Subdivision Development per acre.....	\$4.00