

Ordinance 16-2017

AN ORDINANCE TO AMEND SECTION 1202 OF THE CODIFIED ORDINANCES REGARDING THE PLANNING AND ZONING COMMISSION

WHEREAS, the Council enacted Ordinances 14-1985 and 4-1989 specifying the rules and regulations which became Chapter 1202, Planning and Zoning Commission, in the codified ordinances of the Village of Minerva Park.; and

WHEREAS, it is necessary and appropriate to revisit, clarify, and update regulations from time to time; and

WHEREAS, the Planning and Zoning Commission recommended that the ordinance language be clarified regarding the Planning and Zoning Commission;

NOW, THEREFORE, be it resolved by the Council of the Village of Minerva Park, Franklin County, State of Ohio, that:

Section 1. Section 1202.04 is hereby amended to read as follows:

1202.04 DUTIES.

The Planning and Zoning Commission shall:

- (a) Conduct studies and surveys relative to overall planning for the growth, development, redevelopment, rehabilitation and renewal of the Village, prepare such plans, reports and maps as are required to support their findings, and make such recommendations to Council as it feels are in the best interests of the Village.
- (b) Continuously review and report to Council its recommendations concerning the Village's capital improvement programs and the Village's subdivision, platting and zoning ordinances and regulations.
- (c) Cooperate with other governmental or private planning agencies, securing such studies, surveys and reports prepared by such agencies to ensure maximum benefits for the Village.
- (d) Review and approve or disapprove all plans to change, relocate, widen, extend or vacate streets, alleys, parks, playgrounds, recreation areas and other public ways and places, including such drawings and data required to be submitted with the application. The Commission is hereby empowered to request and to require such additional data and drawings as are deemed necessary to render a decision on the application submitted.
- (e) Review all requests for rezoning or variances from existing zoning or building regulations. Such applications and the Commission's recommendations shall be forwarded to Council for formal approval or disapproval.
- (f) Establish such rules, regulations and procedures as are necessary to ensure the prompt and orderly processing of all matters brought before it, including coordination with the Village Council Clerk, Engineer, Building Inspector and such other officials as shall be deemed necessary.

Section 2. Section 1202.06 is hereby amended to read as follows:

1202.06 SUBMITTAL OF PERMIT APPLICATIONS AND RELATED DOCUMENTS; ISSUANCE OF PERMITS; APPEALS.

Ordinance 16-2017
(continued)

(a) All applications for permits to construct, remodel, improve, alter, relocate, tear down or demolish any building or structure, or to locate or position any pre-cut or pre-assembled building or storage shed, or to change, relocate, alter, widen, extend or vacate streets, alleys, parks, playgrounds, recreation areas and other public ways and places, required by ordinance or resolution of the Village, now in effect or which may hereafter be passed and effective, shall be submitted to the Planning and Zoning Commission for its review and approval or disapproval.

(b) All applications for permits that require a rezoning or variance action from an existing zoning or building ordinance or regulation shall be held in abeyance pending the submission of a request for such rezoning or variance by the applicant and action taken thereon. The Commission shall forward such applications and requests, with its recommendations thereon, to Council for final approval or disapproval within sixty days of the receipt of the request for rezoning or variance.

(c) All matters pertaining to building permits referred to the Commission shall have action taken upon them within sixty days from the date of referral, except those permits which require rezoning or variance actions. The time period established may be extended by authorization of Council or by mutual agreement between the Commission and the applicant.

(d) Building permit applications referred to the Commission involving new construction and repair, alteration or additions to existing buildings and structures shall be reviewed and approved by the Commission before the Building Inspector has reviewed the plans, drawings and related documents and has indicated that such plans, drawings and related documents meet all the requirements of the Building and Housing Code and are therefore approved.

(e) Building permits shall be issued by the Planning and Zoning Clerk. Permits shall be issued only after receipt of a written notification of approval of the application for the permit by the Commission and only after the permit has been signed by the mayor.

(f) Applicants for building permits may appeal the decisions of the Commission to Council. Such appeals must be filed with the Village Council Clerk not later than thirty days from the date of the notification to the applicant of the decision of the Commission.

Section 3. Section 1202.07 is hereby amended to read as follows:

1202.07 AUTHORITY RE ZONING MEASURES.

(a) Before any zoning ordinance, resolution or amendment thereto, authorized by Ohio R.C. 713.07 to 713.11, inclusive, may be passed, Council shall hold a public hearing thereon and shall give at least thirty days notice of the time, place and purpose of such meeting, in accordance with Ohio R.C. 713.12.

(b) The Planning and Zoning Commission is hereby authorized to hold such public hearings as are necessary before any ordinance, resolution or amendment thereto, authorized by Ohio R.C. 713.07 to 713.11, inclusive, being considered by the Commission, is forwarded to Council with the recommendations of the Commission. Such public hearings shall be processed in accordance with Ohio R.C. 713.12. Public hearings held by the Commission shall not be substituted for required public hearings on the part of Council.

Ordinance 16-2017
(continued)

(c) Each ordinance, resolution or regulation establishing, amending, revising, changing or repealing a zoning classification, district, use or regulation shall be referred to the Commission for approval, disapproval or recommendation, except any ordinance, resolution or regulation which the Commission has recommended and forwarded to Council. Within sixty days of such referral, the Commission shall cause such ordinance, resolution or regulation to be returned to the Village Council Clerk, together with the written recommendations of the Commission, concurred in by a majority of the Commission. If the Commission should fail to make a recommendation within sixty days, Council may act thereon as if it had received a recommendation of approval for such ordinance, resolution or regulation.

(d) No ordinance, resolution or regulation which violates, differs from, or departs from the plan or report submitted by the Commission shall take effect, unless passed and approved by not less than three-fourths of the membership of Council.

(e) No ordinance, resolution or regulation which is in accordance with recommendations, plans or reports submitted by the Commission shall be deemed to pass or take effect without concurrence of at least a majority of the members elected to Council.

Section 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Section 5. All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

Section 6. This Ordinance shall take effect and be in force from and after its passage.

/S/ Lynn Eisentrout

Lynn Eisentrout, Mayor

First Reading: June 19, 2017
Second Reading: Waived
Third Reading: Waived
Passed: June 19, 2017

ATTEST

APPROVED AS TO FORM

/S/ Kimberly Pulley

Kimberly Pulley, Fiscal Officer

/S/ Eugene Hollins

Solicitor