

ORDINANCE NO. 62-2019

INTRODUCED BY: Council as a Whole and Mayor James Graven

AN ORDINANCE AMENDING THE BOARD AND COMMISSIONS ADMINISTRATIVE POWERS AND DUTIES IN SECTION 1206.01 “PURPOSE,” SECTION 1206.02 “ZONING ADMINISTRATOR,” SECTION 1206.03 “PLANNING COMMISSION,” AND SECTION 1206.05 “BOARD OF ZONING APPEALS” AND DECLARING AN EMERGENCY

WHEREAS, Olmsted Falls Charter changes were passed by the electorate in November of 2017 merging the Zoning Boards and Commissions within the city; and

WHEREAS, it is deemed appropriate to amend and bring the Codified Ordinances of the City of Olmsted Falls in conformance with the Charter to reflect those mergers. Now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, CUYAHOGA COUNTY, OHIO, THAT:

SECTION 1. That Sections 1206.01; 1206.02; 1206.03; and 1206.05 of current Chapter 1206 are hereby amended to read as shown on Exhibit “A” attached hereto and incorporated herein by reference, and current Sections are therefore repealed.

SECTION 2. All prior legislation inconsistent with this legislation in whole or in part are hereby repealed to the extent necessary to avoid conflict with this legislation.

SECTION 3. Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure for the immediate preservation of the health, safety and welfare of the residents of the City of Olmsted Falls for the further reason that it is immediately necessary to update the Codified Ordinance to be in compliance with the City Charter. Therefore, this Ordinance shall take effect immediately upon the affirmative vote of not less than five (5) members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

Paul Stibich, President of Council

PASSED: _____

APPROVED: _____
James Graven, Mayor *Date*

APPROVED AS TO FORM: _____
Andrew D. Bemer, Director of Law

ATTEST: _____
Angela Mancini, Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

	Yea	Nay
Stibich	_____	_____
Jones	_____	_____
Munteanu	_____	_____
Gorski	_____	_____
Nicolay	_____	_____
Duncan	_____	_____
Fenrich	_____	_____

Exhibit “A”

CHAPTER 1206 – Administrative Powers and Duties

1206.01 PURPOSE.

This chapter sets forth the powers and duties of the Zoning Administrator, the Planning **AND ZONING** Commission, the Architectural Board of Review, ~~the Board of Zoning Appeals~~, and Council with respect to the administration of the provisions of this Planning and Zoning Code.

1206.02 ZONING ADMINISTRATOR.

(a) Appointment. The Mayor shall appoint a Zoning Administrator with the approval of Council for the purpose of effecting this proper administration of this Planning and Zoning Code. The Zoning Administrator shall report to the Service Director.

(b) Powers and Duties. For the purpose of this Code, the Zoning Administrator shall have the following powers and duties:

(1) To enforce the provisions of this Code in accordance with the administrative procedures specified in this Code.

(2) To issue certificates of zoning compliance as provided by this Code and keep a record of same with a notation of any special conditions involved.

(3) To issue conditional use permits when authorized by the Planning **AND ZONING** Commission.

(4) To accept and review for completeness all applications which the Zoning Administrator is authorized to review by the provisions of this Code. The Zoning Administrator shall promptly review each application submitted to determine compliance with applicable district regulations and submission requirements. If the application is deemed insufficient, the Zoning Administrator shall promptly notify the applicant of necessary changes. If the application is deemed sufficient and the application fee has been paid, the Zoning Administrator shall accept the application on that date for consideration of the action(s) requested.

(5) To respond to questions concerning the regulations and procedures set forth in this Code and to refer all questions of interpretation to the Planning **AND ZONING** Commission as set forth in Section 1202.04(c).

(6) To maintain in current status the Official Zoning Districts Map which shall be kept on permanent display in the City.

(7) To maintain permanent and current records required by this Code, including, but not limited to, zoning approval, inspection documents, and records of all variances, amendments, conditional uses, and similar uses.

(8) To make such records available for the use of City Council, the Planning **AND ZONING** Commission, ~~the Board of Zoning Appeals~~, the Architectural Board of Review, and the public.

(9) To conduct inspections of buildings and uses of land to determine compliance with this Code and, in the case of any violation, to stop work, and to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.

(10) To determine the existence of any violations of this Code and cause such notifications, revocation notices, stop work orders, or tickets to be issued, or initiate such

other administrative or legal action as needed, to address such violations.

(11) To take any other action that is authorized by this Code to ensure compliance with, or to prevent violation of, this Code.

1206.03 PLANNING AND ZONING COMMISSION.

(a) Organization. The composition and appointment of the Planning AND ZONING Commission shall be in compliance with and as provided in Section 10.06 of the City Charter.

(b) Powers and Duties. For the purpose of this Planning and Zoning Code, the City Planning AND ZONING Commission shall have the following responsibilities that are in addition to all other powers and duties granted to the Commission by Section 10.06 of the City Charter:

- (1) To interpret the meaning and intent of this Code as stated in Section 1202.04.
- (2) To review and act on all plans and plats for the subdivision of land according to the procedures set forth in Chapter 1224.
- (3) To review requests for waiver of improvement requirements for a minor subdivision as set forth in Section 1224.02(f)(3) of the Subdivision Regulations.
- (4) To review and approve or disapprove all new and modified development plans for non-single-family developments as required by this Code.
- (5) To review and approve or disapprove applications for conditional use certificates for a particular zoning lot according to provisions and criteria stated in Section 1232.05.
- (6) To make a determination that a proposed use that is not listed or provided for in this Code is substantially similar to and of the same general character as the uses that are listed as permitted in a particular district according to the procedures set forth in Section 1232.08.
- (7) To review all proposed amendments to the Planning and Zoning Code and Zoning Districts Map and to submit to Council its recommendations with respect to such proposed amendments according to the provisions and criteria set forth in Chapter 1212.
- (8) To review and approve or disapprove the substitution of one nonconforming use for another nonconforming use.
- (9) To interpret district boundaries as stated in Section 1234.08.
- (10) To investigate and to propose, on its own initiative, such amendments to this Code as it may deem consistent with the purposes of this Code and which further the public health, safety, and general welfare of the City.
- (11) To adopt rules and bylaws for the holding of regular and special meetings, for the transaction and disposition of its business, and for the exercise of its powers.

(12) TO HEAR AND DECIDE APPEALS. THE PLANNING AND ZONING COMMISSION SHALL HEAR AND DETERMINE ALL APPEALS FROM ANY DECISION OR ACTION MADE BY THE ZONING ADMINISTRATOR, OR BY ANY ADMINISTRATIVE OFFICER ON MATTERS RELATING TO THIS CODE, FOR RELIEF FROM ANY ORDER, REQUIREMENT, DECISION, OR DETERMINATION, INCLUDING THE REFUSAL, GRANTING, OR REVOCATION OF PERMITS, AND THEN TO DECIDE APPEALS BY EITHER REVERSING, AFFIRMING WHOLLY OR IN PART OR MODIFYING SUCH ORDER, REQUIREMENT, DECISION, OR DETERMINATION SUBJECT TO THE PROVISIONS OF SECTION 1232.06

(13) TO AUTHORIZE VARIANCES FROM THE TERMS OF THIS CODE. WHEN RESULTS INCONSISTENT WITH THE GENERAL PURPOSE OF THIS CODE RESULT THROUGH THE STRICT AND LITERAL INTERPRETATION AND ENFORCEMENT OF THE PROVISIONS HEREOF, THE PLANNING AND ZONING COMMISSION SHALL HAVE AUTHORITY SUBJECT TO THE PROVISIONS OF SECTION 1232.07 TO GRANT, UPON SUCH CONDITIONS AS IT MAY DETERMINE, SUCH VARIANCES FROM THE PROVISIONS OF THIS CODE AS MAY BE IN HARMONY WITH ITS GENERAL PURPOSE AND INTENT, SO THAT THE SPIRIT OF THIS CODE SHALL BE OBSERVED, PUBLIC SAFETY AND WELFARE SECURED, AND SUBSTANTIAL JUSTICE DONE.

(14) TO REVIEW AND APPROVE OR DISAPPROVE THE RESTORATION, RECONSTRUCTION, OR EXTENSION OF NONCONFORMING BUILDINGS AND STRUCTURES; AND THE IMPROVEMENT OF A VACANT NONCONFORMING LOT WITH A BUILDING OTHER THAN A SINGLE-FAMILY DWELLING.

DELETE SECTION 1206.05 IN ITS ENTIRETY

~~1206.05 BOARD OF ZONING APPEALS.~~

~~—(a) Organization. The Board of Zoning Appeals is authorized to act as provided in Ohio R.C. 713.11 and Section 10.07 of the City Charter and shall have all the powers and duties prescribed by law and by this Planning and Zoning Code.~~

~~—(b) Powers and Duties. For the purpose of this Code, the Board of Zoning Appeals shall have the following powers and duties:~~

~~—(1) To hear and decide appeals. The Board of Zoning Appeals shall hear and determine all appeals from any decision or action made by the Zoning Administrator, or by any administrative officer on matters relating to this Code, for relief from any order, requirement, decision, or determination, including the refusal, granting, or revocation of permits, and then to decide appeals by either reversing, affirming wholly or in part or modifying such order, requirement, decision, or determination subject to the provisions of Section 1232.06.~~

~~—(2) To authorize variances from the terms of this Code. When results inconsistent with the general purpose of this Code result through the strict and literal interpretation and enforcement of the provisions hereof, the Board of Zoning Appeals shall have authority subject to the provisions of Section 1232.07 to grant, upon such conditions as it may determine, such variances from the provisions of this Code as may be in harmony with its general purpose and intent, so that the spirit of this Code shall be observed, public safety and welfare secured, and substantial justice done.~~

~~—(3) To review and approve or disapprove the restoration, reconstruction, or extension of nonconforming buildings and structures; and the improvement of a vacant nonconforming lot with a building other than a single-family dwelling.~~

~~—(4) To recommend, as appropriate, amendments to this Code to the Planning Commission for its consideration.~~

~~—(5) To adopt rules and by-laws, provided they are not in conflict with this Code or the City Charter, for the holding of regular and special meetings, for the transaction and disposition of its business, and for the exercise of its powers.~~