

TITLE SEVEN - Zoning Administration

- Chap. 1171. Administrative Agencies.
 Chap. 1173. Fees and Costs.
 Chap. 1175. Enforcement.
 Chap. 1179. Appeals, Variances and Conditional Use Permits.
 Chap. 1183. Amendments.

**CHAPTER 1171
 Administrative Agencies**

- | | |
|---|---|
| <p>1171.01 Purpose.
 1171.02 General provisions.
 1171.03 Director of Zoning.
 1171.04 Planning Commission.
 1171.05 Board of Zoning Appeals.
 1171.06 City Council.
 1171.07 Removal for misconduct and
 vacancy appointments.</p> | <p>1171.08 Duties of the Director of
 Zoning, Board of Zoning
 Appeals, legislative authority
 and courts on matters of
 appeal.
 1171.09 Schedule of fees.</p> |
|---|---|

CROSS REFERENCES

- Planning Commission - see CHTR. Sec. 5.10
 Board of Zoning Appeals - see CHTR. Sec. 5.14
 Department of Zoning - see CHTR. Sec. 5.15

1171.01 PURPOSE.

This Chapter sets forth the powers and duties of the Director of Zoning or his/her authorized representative, Planning Commission, the Board of Zoning Appeals, and the City Council with respect to the administration of the provisions of this Ordinance.

1171.02 GENERAL PROVISIONS.

The formulation, administration, and enforcement of this Zoning Ordinance is hereby vested in the following offices and bodies within the City of Harrison government:

- A. Director of Zoning or his/her authorized representative.

- B. Planning Commission.
- C. Board of Zoning Appeals.
- D. City Council.

1171.03 DIRECTOR OF ZONING.

The Director of Zoning designated by the Mayor shall administer and enforce this Ordinance. He or she may be provided with the assistance of such other persons as the Mayor may direct.

A. Duties of the Director of Zoning

For the purpose of this Ordinance, the Director of Zoning or his/her authorized representative shall have the following duties:

1. Enforce the provisions of this Ordinance and interpret the meaning and application of its provisions, as well as take all necessary steps to remedy any condition found in violation, by ordering in writing the discontinuance of illegal uses or illegal work in progress. Request the City Law Director to commence appropriate legal action when necessary.
2. Respond to questions concerning applications for amendments to the Zoning Ordinance text and the Official City Zoning Map.
3. Issue Zoning Certificates and Certificates of Occupancy as provided by this Ordinance and keep a record of same with a notation of any special conditions involved.
4. Act on all applications upon which he or she is authorized to act by the provisions of this Ordinance within twenty-one (21) days upon receipt of a complete and full application, or notify the applicant in writing of refusal or disapproval of such application and the reasons therefor. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his or her request to the Board of Zoning Appeals.
5. Conduct inspections of buildings and uses of land to determine compliance with this Ordinance and in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
6. Maintain in current status the Official City Zoning Map which shall be kept on permanent display in the City Offices.
7. Maintain permanent and current records required by this Ordinance including, but not limited to Zoning Certificates, and inspection documents. Records of all variances, amendments, and conditional uses shall be kept by the Director of Zoning.

8. Make such records available, within five (5) working days, for the use of the City Council, the Planning Commission, the Board of Zoning Appeals, and the public.
9. Determine the existence of any violations 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.
10. Prepare and submit an annual report to the City Council and Planning Commission on the administration of this Ordinance, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Ordinance. Such report shall include recommendations concerning the schedule of fees. (Ord. 46-01. Passed 11-6-01.)

1171.04 PLANNING COMMISSION.

The Planning Commission is designated according to Section 5.10 of the Charter for the City of Harrison and Section 1171.04A below. The main functions of the Planning Commission are to review and approve site plans and make recommendations to the City Council concerning changes to the zoning code. More specific responsibilities are detailed in the Charter for the City of Harrison and Section 1171.04C.

A. Appointment and Organization

The Planning Commission shall be composed of five (5) members, qualified electors who reside in the incorporated area of the City. Membership shall include the following:

1. Mayor.
2. A member of City Council elected by Council to serve during his/her term.
3. Three (3) members appointed by the Mayor with consent of Council.

The term of office shall be three (3) years and terms shall be so arranged that the term of at least one (1) member shall expire each year. Any vacancy shall be filled for the remainder of the unexpired term in the manner the original appointment was made.

B. Proceedings of the Planning Commission

1. The Commission shall elect a Chairperson and Vice-Chairperson from its membership and the secretary shall be the administrative coordinator for the City. The Commission shall adopt rules necessary for the conduct of its affairs in keeping with the provisions of the City Charter and this Ordinance.
2. Commission meetings shall be held at the call of the Chairperson, and at such other times as the Commission may determine.
3. All meetings shall be open to the public. If permitted under Ohio law, the Planning Commission may go into executive session for discussion, but not for a vote on any case before it.

4. The Secretary of the Planning Commission shall keep minutes of its proceedings showing the vote for 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. The Secretary of the Planning Commission shall not have the privilege of voting on matters of the Commission. All minutes shall be public record and immediately filed in the office of the Commission.
5. A quorum of the Planning Commission shall consist of a majority of all the members of the Planning Commission. The concurring vote of a majority of members, with a minimum of three, shall be necessary to reverse an order, requirement, decision, or determination of the Director of Zoning or his/her authorized representative or the Board of Zoning Appeals.

C. Duties of the Planning Commission

For the purpose of this Ordinance, the Commission shall have the following duties:

1. Recommend the proposed Zoning Ordinance, including text and the Official City Zoning Map to the City Council for formal adoption.
2. Initiate advisable Official City Zoning Map changes or changes in the text of the Zoning Ordinance where same will promote the best interest of the public in general through recommendations to the City Council.
3. Review all proposed amendments to the text of this Ordinance and the City Zoning Map and make recommendations to the City Council.
4. Review all Planned Unit Development Applications and make recommendations to the City Council as provided in this Ordinance.
5. Review all conditional 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.
7. The Commission may for their purpose, within the limits of the funds appropriated by Council, employ or contract with such planning consultants and executive and clerical assistants as it deems necessary.
8. The Commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies.

D. Interpretation of Uses not Found in the Zoning Districts

In the case of a use that is not specifically mentioned in this Ordinance, the Planning Commission shall classify the use of a similar nature to a use that is already listed in this Ordinance. The use that is approved as a similar use shall be recommended by the Planning Commission for addition to the permitted uses in the zoning districts previously described in this Ordinance. (Ord. 53-09. Passed 7-21-09.)

1171.05 BOARD OF ZONING APPEALS.

The Board of Zoning Appeals designated by the Mayor as described in Section 5.14 of the Charter for the City of Harrison and Section 1171.05A., is a quasi-judicial body that shall hear request for appeals, variances, and conditional uses and decide whether or not to grant the request. The Board of Zoning Appeals shall have such additional powers and duties as provided by this Ordinance.

A. Appointment of the Board of Zoning Appeals

The Board of Zoning Appeals (Board) shall consist of five (5) members, who shall be qualified electors of the City and appointed by the Mayor with the consent of City Council. The term of office shall be five (5) years and their terms shall be so arranged that the term of one (1) member shall expire each year. Any vacancy shall be filled for the remainder of the unexpired term in the manner the original appointment was made.

B. Proceedings of the Board of Zoning Appeals

1. The Board of Zoning Appeals shall annually elect a President and Vice-President. The Secretary shall be the Administrative Coordinator of the City of Harrison. The Board of Zoning Appeals shall adopt rules for the conduct of its affairs in keeping with the provisions of the City Charter and this Ordinance.
2. The Secretary shall record Board of Zoning Appeals action and 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 minutes shall be public record and immediately filed in the Office of the Clerk of Council.
3. Meetings shall be held at the call of the President and at such other times as the Board of Zoning Appeals may determine. The President, or in his or her absence, the Vice-President, may administer oaths and compel the attendance of witnesses. All meetings and hearings shall be open to the public. If permitted under Ohio Law, The Board of Zoning Appeals may go into Executive Session for discussion, but not for a vote on any case before it.
4. A quorum of the Board of Zoning Appeals shall consist of a majority of all the members of the Board of Zoning Appeals. The Board shall decide upon all applications or appeals within twenty-one (21) days after the final hearing. Unless otherwise specifically set forth in this zoning code, no variance nor conditional use exception shall be granted without the affirmative vote of at least three (3) members of the Board. All other decisions of the Board shall require not less than three (3) concurring votes. No member of the Board of Zoning Appeals shall be authorized to vote by proxy.
5. The Board of Zoning Appeals shall have the power to subpoena witnesses; administer oaths, and cite for contempt, and require the production of documents, under such regulations as it may establish.

6. Conditional approvals not picked up within six (6) months will be null and void.

C. Duties of the Board of Zoning Appeals

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

1. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Director of Zoning or his/her authorized representative.
2. 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.
3. Grant conditional use permits as specified in Section 1179.04 and such additional safeguards as will uphold the intent of this Ordinance.
4. The Board of Zoning Appeals may call upon and make use of such information and counsel as is available from the various public officials, departments, and agencies of the City for assistance in the performance of its duties. It shall be the duty of such public officials, departments, and agencies to render such assistance to the Board of Zoning Appeals as may reasonably be required.
5. Perform such other functions and have such other powers as Council may provide.

1171.06 CITY COUNCIL.

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

- A. Appoint one (1) member to the Planning Commission.
- B. Approve mayoral appointments to the Planning Commission and Board of Zoning Appeals.
- C. Initiate or act upon suggested amendments to the Zoning Ordinance text or Official City Zoning Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing prior to its submittal to City Council.

- D. Review the Planning Commission's recommendation on proposed Planned Unit Development applications, and approve/disapprove the application by an affirmative vote of at least four (4) members of Council.
- E. Override a written recommendation of the Planning Commission on a text or map amendment provided that such action is passed by a vote of not less than five (5) members of City Council. (Ord. 53-09. Passed 7-21-09.)

1171.07 REMOVAL FOR MISCONDUCT AND VACANCY APPOINTMENTS.

Each member of the Board of Zoning Appeals and the Planning Commission shall serve until his or her successor is appointed and qualified. Members shall be removed for non-performance of duty, misconduct in office, or other reasonable cause deemed by the Mayor or Council and shall be notified by written charges. A public hearing will be held and a copy of the written charges must be served upon the member so charged at least ten (10) days prior to the hearing either personally by registered mail or at his or her place of residence. At the public hearing, the member shall be given an opportunity to be heard and answer such charges. Any and all vacancies shall be filled by appointment by the Mayor and/or City Council and shall be for the unexpired term.

1171.08 DUTIES OF THE DIRECTOR OF ZONING, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY, AND COURTS ON MATTERS OF APPEAL.

- A. It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Director of Zoning or his/her authorized representative and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Director of Zoning or his/her authorized representative. Recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law.
- B. It is further the intent of this Ordinance that the duties of the City Council, in connection with this Ordinance, shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Section and this Ordinance.
- C. Under this Ordinance, the City 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 of establishing a schedule of fees and charges as stated in Section 1171.09 of this Ordinance.
- D. Nothing in this Ordinance shall be interpreted to prevent any official of the City from appealing a decision of the Board of Zoning Appeals 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 of Zoning Appeals's written decision.

1171.09 SCHEDULE OF FEES.

After considering the recommendations of the Director of Zoning or his/her authorized representative with respect to actual administrative costs, both direct and indirect, the City Council shall by ordinance, establish a schedule of fees for Zoning Certificates, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Ordinance. The schedule of fees shall be posted in the office of the Director of Zoning or his/her authorized representative and may be altered or amended only by the City 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.

1171.08 DUTIES OF THE DIRECTOR OF ZONING, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY, AND COURTS ON MATTERS OF APPEAL.

- A. It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Director of Zoning or his/her authorized representative and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Director of Zoning or his/her authorized representative. Recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law.
- B. It is further the intent of this Ordinance that the duties of the City Council, in connection with this Ordinance, shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Section and this Ordinance.
- C. Under this Ordinance, the City 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 of establishing a schedule of fees and charges as stated in Section 1171.09 of this Ordinance.
- D. Nothing in this Ordinance shall be interpreted to prevent any official of the City from appealing a decision of the Board of Zoning Appeals 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 of Zoning Appeals's written decision.

1171.09 SCHEDULE OF FEES.

After considering the recommendations of the Director of Zoning or his/her authorized representative with respect to actual administrative costs, both direct and indirect, the City Council shall by ordinance, establish a schedule of fees for Zoning Certificates, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Ordinance. The schedule of fees shall be posted in the office of the Director of Zoning or his/her authorized representative and may be altered or amended only by the City 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.