

# Chapter 1223: Development Approval Authority

## 1223.01 Purpose

The purpose of this chapter is to identify the authority of the review and decision-making bodies in the development review procedures as established in Chapter 1224: Development Review Procedures.

## 1223.02 Administration Generally

The staff of the City's Planning Department, Zoning Division, the Mayor, City Council, the Planning and Zoning Commission, and the Board of Zoning Appeals shall administer this Code jointly as specified herein, except where specific authority is given to another City or County department or agency as set forth in this Code.

## 1223.03 The Mayor and City Council

In addition to any other authority granted to the Mayor or City Council by charter, ordinance, or State law, the Mayor and City Council shall have the following powers and duties related to this Code:

- (1) Initiate, hear, review, and make decisions related to amendments to this Code;
- (2) Initiate, hear, review, and make decisions related to amendments to the Zoning District Map;
- (3) Appoint members of the Planning and Zoning Commission (PZC), the Board of Zoning Appeals (BZA), the Design Review Board (DRB), and to appoint the persons responsible for the administration and enforcement of this Code;
- (4) Establish fees for development review & permits; and
- (5) To hear, review, and confirm decisions on final plats and acceptance of public improvements as part of major subdivisions and general plans for planned developments.

## 1223.04 Planning and Zoning Commission (PZC)

- (1) Reference  
The Planning & Zoning Commission, established in the City of Green Charter, shall be known and hereafter referenced in this Code as the PZC.
- (2) Membership  
The members of the PZC, shall be appointed to five year staggered terms. (Charter, Article VII, Section 7.5)
- (3) Powers and Duties  
The Planning and Zoning Commission (PZC) shall have the following functions, powers and duties, exercisable in accordance with the procedures contained in this Code, Ohio Revised Code, and as established by the City Charter:
  - (A) Initiate, hear, review, and make recommendations related to amendments to this Code;

- (B) Initiate, hear, review, and make recommendations related to amendments to the Zoning Map;
- (C) Hear, review, and make decisions on conditional use applications;
- (D) To interpret the boundaries on the Zoning Map, where questions with respect to zoning boundaries may have been raised, to carry out the intent and purpose of this Code. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning Map may be made to the PZC and a determination shall be made by the PZC, after formal public notice is given to adjacent and other affected property owners pursuant to the procedure established in Section 1224.11: Appeals;
- (E) To hear, review, and make decisions on preliminary plans and make recommendations on final plats as part of major subdivisions;
- (F) To hear, review, and make decisions on minor subdivisions upon referral of the Planning Director;
- (G) To hear, review, and make decisions on an appeal of the Planning Director's decision on a minor subdivision pursuant to Subsection 1224.05 (8): Appeals;
- (H) To hear, review, and make decisions on site plans required in and pursuant to Section 1224.07: Site Plan Review; and
- (I) To hear, review, and make decisions on applications to vary the terms of the land development standards (related to subdivision) of Chapter 1229: Development Standards, as part of a major subdivision review, when such variance will not be contrary to the public interest, where, owing to special conditions, literal enforcement of the provisions of this Code will result in undue hardship, and so that the spirit of this Code shall be observed and substantial justice done. Such variances shall be made pursuant to Subsection 1224.06 (16): Variances of Land Development Standards.

(4) Meetings

All meetings of the PZC shall be open to the public and the PZC 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 action, all of which shall be immediately filed in the office of the Planning Department and City Council and shall be a public record.

(5) Bylaws

The PZC shall, by a majority vote of its entire membership, adopt bylaws governing its procedures on such matters as officers, agendas, voting, quorum, order of business, and related matters as it may consider necessary or advisable, provided such bylaws are consistent with the provisions of this Code.

(6) Action by the PZC

Any action taken by the PZC shall have the supporting votes of the majority of the full membership of the PZC, regardless of the number of Commission members present.

## 1223.05 Board of Zoning of Appeals (BZA)

(1) Reference

The Zoning Board of Appeals, established in the City of Green Charter, shall be known and hereafter referenced as the BZA in this Code.

- (2) Membership  
The members of the BZA, shall be appointed to five year staggered terms by the Mayor per Green City Charter. (Charter, Article VII, Section 7.6)
- (3) Powers and Duties  
The Board of Zoning Appeals (BZA) shall have the following functions, powers, and duties, exercisable in accordance with the procedures contained in this Code, Ohio Revised Code, and as established by the City Charter:
  - (A) To hear, review, and make decisions on appeals where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Code or any amendment adopted pursuant thereto. Such appeals shall be made pursuant to Section 1224.11: Appeals.
  - (B) To hear, review, and make decisions on applications to vary the terms of this Code, unless otherwise specified, when such variance will not be contrary to the public interest, where, owing to special conditions, literal enforcement of the provisions of this Code will result in undue hardship, and so that the spirit of this Code shall be observed and substantial justice done. Such variances shall be made pursuant to Section 1224.10: Variance.
- (4) Meetings
  - (A) All meetings of the BZA shall be open to the public and the BZA 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 action, all of which shall be filed in the Offices of the Zoning Division and City Council.
  - (B) The Chairperson, or in his or her absence, the acting Chairperson may administer oaths, and the BZA may compel the attendance of witnesses.
- (5) Action by the BZA  
Any action taken by the BZA shall have the supporting votes of the majority of the full membership present at a hearing of the BZA.
- (6) Bylaws  
The BZA shall, by a majority vote of its entire membership, adopt bylaws governing its procedures on such matters as officers, agendas, voting, quorum, order of business, and related matters as it may consider necessary or advisable, provided such bylaws are consistent with the provisions of this Code.

## 1223.06 Design Review Board (DRB)

- (1) Establishment/Reference  
The Design Review Board (DRB) shall have the following functions, powers, and duties, exercisable in accordance with the procedures contained in this Code:
- (2) Membership
  - (A) The DRB shall consist of five members, who shall be appointed as follows:
    - 1.) The Mayor shall appoint one member. The term of the mayoral appointment shall be two years and a person appointed by the Mayor shall fill any expired or unexpired term of the mayoral appointment.

- 2.) The City Council shall appoint two members. The term of the council appointments shall be two years with one term scheduled to expire each year. Any expired or unexpired term shall be filled by an appointment by City Council.
  - 3.) The City Engineer; and
  - 4.) The Planning Director.
- (B) Each appointed member shall be a registered architect, landscape architect, surveyor, professional engineer, or certified land planner or shall have significant experience in building design or construction, or a related field.
- (3) Powers and Duties  
The DRB shall have the power and duty, exercisable in accordance with the procedures contained in this Code, to review and make recommendations to the PZC on site plans pursuant to Section 1224.07: Site Plan Review.
- (4) Meetings  
The DRB shall hold at least one meeting annually, in January of each year, for the purpose of organizing. Additional meetings shall be held as agreed by the members and as required by this chapter.
- (A) Meetings shall be open to the public.
  - (B) Attendance by a majority of the DRB members shall constitute a quorum for the conduct of business.
  - (C) Recommendations and other actions shall be made by vote of the majority of the membership.
- (5) Bylaws  
The DRB shall, by a majority vote of its entire membership, adopt bylaws governing its procedures on such matters as officers, agendas, voting, quorum, order of business, and related matters as it may consider necessary or advisable, provided such bylaws are consistent with the provisions of this Code.

## 1223.07 Planning Department

The Planning Department, established by City Charter, shall have the following general functions, powers and duties, exercisable in accordance with the procedures contained in this Code. The Planning Department shall include the Planning Director and any other personnel as shall be determined.

- (1) To establish application requirements and schedules for review of all development review applications, to review and make recommendations to the City Council, PZC, and DRB on all application for development approval considered by those public bodies, and take any other actions necessary to administer the provisions of this Code;
- (2) To review and make decisions on land disturbance permits pursuant to Section 1224.09: Land Disturbance Permit;
- (3) To review and make decisions on minor subdivisions pursuant to Section 1224.05: Minor Subdivision;
- (4) The Planning Department shall prepare staff reports and recommendations for all development review procedures, except appeals, that require PZC, DRB, or City Council review and/or decision;

- (5) The Planning Department shall coordinate meetings related to this Code and provide support, expertise, and technical assistance to City Council, PZC, BZA, and DRB; and
- (6) To maintain a record of all administrative and legislative proceedings under this Code as it pertains to the Planning Department. The Planning Department shall also be responsible for maintaining the Zoning Map.

## 1223.08 Zoning Division

The Zoning Division shall have the following general functions, powers and duties, exercisable in accordance with the procedures contained in this Code.

- (1) To review and make decisions on applications for all zoning permits and certificates of use and compliance;
- (2) Determine the existence of code violations and cause such notifications, revocation notices, stop orders or citations to be issued, or initiate such other administrative or legal action as needed, to address such violations;
- (3) The Zoning Division shall provide the necessary information and administrative support for meetings, hearings and record-keeping;
- (4) To maintain a record of all required administrative actions under this Code as it pertains to the Zoning Division;
- (5) To review and process applications as noted under Table 1224.1;
- (6) To conduct inspections of building locations, sites, site amenities, and uses to determine compliance with approved plans and requiring corrective action when applicable; and
- (7) To issue certificate of use & compliance permits and ensure compliance with applicable codes.