

ORDINANCE NO. 07-19
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Belinda Kenley ON THE 15th DAY OF April, 2019.

AN ORDINANCE AMENDING ORDINANCE NO. 14-08, CHAPTER 1216, ARTICLES 3 AND 5 OF THE CENTERVILLE MUNICIPAL CODE, THE UNIFIED DEVELOPMENT ORDINANCE FOR THE CITY OF CENTERVILLE, OHIO, TO AMEND REGULATIONS FOR PLANNING COMMISSION ROLES AND RESPONSIBILITIES AND APPEAL PROCEDURES.

PREAMBLE

WHEREAS, on the 15th day of December, 2008, the City of Centerville enacted the Unified Development Ordinance (UDO) to establish zoning regulations and to provide for its administration, enforcement and amendment; and

WHEREAS, the City Council directed the City Manager to conduct an annual review of the UDO and amendments thereto to assure consistency with previous ordinances, to update it to reflect current policies and to eliminate duplicity; and

WHEREAS, the Centerville City Council desires to assign the Centerville Planning Commission to serve as the Centerville Property Review Commission and to have all the powers and duties thereof; and

WHEREAS, revision of Sections 3.05 and 5.19 of the UDO regulations which establish the roles and responsibilities of the Planning Commission and set appeal procedures for the Planning Commission; and

WHEREAS, the amendments are in harmony with the City of Centerville's comprehensive plan, *Create the Vision*; and

WHEREAS, all requirements of Chapter 713 of the Ohio Revised Code, with regard to the adoption of the UDO and/or amendments thereto by the Planning Commission and subsequent action of the City Council have been met.

NOW, THEREFORE, the Municipality of Centerville hereby ordains:

Section 1. Ordinance Number 14-08 passed on the 15th day of December, 2008 and as subsequently amended, be, and the same hereby is revised as follows with new language to

be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

By amending Article 3, Administration, as follows:

3.05 Planning Commission Role and Responsibility

- A. Role: The role of the Planning Commission in land use regulation and development approval includes responsibility for reviewing and recommending to City Council a Comprehensive Plan for the physical development of the City, the Official Transportation Plan, the Official Zoning Map and UDO amendments and/or enactments, amendments to the UDO regulations, preliminary plans and final plats, and other ~~administrative~~ *jurisdictional* development approvals. The Planning Commission also serves as the Centerville Board of Zoning Appeals *and the Centerville Property Review Commission*.
- B. Powers and Duties: For the purposes of this UDO *and the Property Maintenance Code*, Planning Commission shall have the following powers and duties:
1. The Planning Commission shall have all the powers and duties prescribed by the Ohio Revised Code, the Charter of the City and all other applicable ordinances of the City;
 2. Recommendation of Ordinances to Council. The Planning Commission shall have the power to draft a new ordinance or an amendment to an existing ordinance. The Planning Commission shall recommend action to the City Council on a new ordinance or an amendment to an existing ordinance;
 3. Consultants. The City Manager, at the request of the Planning Commission, may temporarily retain the services of a consultant in special instances or circumstances to assist the Planning Commission in performing its duties;
 4. Rules of Procedure. The Planning Commission shall have the power to adopt rules of procedure as may be necessary to perform its duties;
 - ~~5. To make decisions on conditional uses, major site plans, variances, preliminary plans and final plats, and other administrative approvals;~~
 5. ~~6.~~ To decide appeals of administrative decisions *by the City Planner or the Code Official, or a designated representative*;
 6. ~~7.~~ To approve proposed uses that are not listed *in the UDO, or are not as* substantially similar to a permitted or conditionally permitted use listed in the UDO, *as determined by the City Planner*;

7. ~~8.~~ To assist with the implementation of the principles, goals, and strategies of the ~~Create the Vision Community Plan~~ *Centerville comprehensive land use plan*; and
9. ~~To grant variances to the standards of the UDO; and~~
8. ~~10.~~ The Planning Commission shall have all additional powers granted by the City Council.

By Amending Article 5, Development Procedures, as follows:

5.19 Appeal Procedure


- A. Responsibility: This Section identifies the responsibility for hearing appeals and establishes the appeals process for decisions made by the Administration, the Planning Commission, and the Board of Architectural Review.
 1. Appeal of Administrative Action: Any person or party adversely affected by the improper application of these regulations regarding any order, requirement, decision, or determination made by the City Planner, *Code Official*, or a designated representative in the administration or enforcement of the UDO, may appeal to the Planning Commission.

Section 2: This Ordinance shall become effective at the earliest date allowed by law.

PASSED THIS 15th DAY OF April, 2019.


Mayor of the City of Centerville, Ohio

ATTEST:


Clerk of Council, City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 07-19, passed by the Council of the City of Centerville, Ohio on the 15th day of April, 2019.

Carin R. Andrews
Clerk of the Council

Approved as to form, consistency with the
Charter and Constitutional Provisions.
Department of Law
Scott A. Liberman
Municipal Attorney