

Ordinance No. 25-69

Passed 5th day of May, 1969

ORDINANCE NO. 25-69

CITY OF CENTERVILLE, OHIO

AN ORDINANCE TO AMEND ORDINANCE NUMBER 6-1960 FOR THE PURPOSE OF ESTABLISHING A CITY PLANNING COMMISSION, THE TERMS OF, THE REMOVAL OF, VACANCIES CREATED BY, AND THE DUTIES AND POWERS OF ITS MEMBERS.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

SECTION 1. Definitions.

1. "Publish" as used in this ordinance means to publish in accordance with the provisions of and in the manner prescribed in Section 5.03 of the Centerville Charter.

2. "Zoning Ordinance" refers to Ordinance 15-61, passed December 11, 1961.

3. "Cause" as used herein in connection with the removal of members of the Planning Commission shall mean incompetency, dishonesty, drunkenness, immoral conduct, neglect of duty, willful violation of the provisions of this ordinance, collusion with anyone appearing before the Commission to request a zoning change, failure to request to be disqualified in any case involving a conflict of interest, or any other acts of misfeasance, malfeasance, or nonfeasance in office.

SECTION 2. That Section 1 of Ordinance Number 6-1960 shall be amended as follows, with the portions in brackets thereof repealed and the portions underlined added:

Section 1. That the [Zoning Ordinance 1955] Zoning Ordinance be, and the same hereby is supplemented by the addition of supplemental [Article XXVI] Section 30, to read as follows:

[ARTICLE XXVI] Section 30

CITY [VILLAGE] PLANNING COMMISSION

[SECTION 1. Constituency. The legislative authority of The Village of Centerville hereby establishes a Village Planning Commission of five (5) members, consisting of the mayor, one member of the legislative authority to be elected thereby for the remainder of his term as such member of the legislative authority, and three (3) citizens of the village to be appointed by the mayor for terms of six (6) years each, except that the term of one of the members of the first Village Planning Commission shall be for four (4) years and one for two (2) years. All such members shall serve without compensation.]

A. MEMBERSHIP AND TERMS. The Council of the City of Centerville hereby establishes a City Planning Commission consisting of seven (7) members to be appointed by the Council. One (1) member shall be a member of the Council; six (6) members shall be electors of the City who shall serve without compensation, and the City Manager shall be a member, ex-officio.

The term for the member of Council shall be two (2) years, but not to exceed the remainder of his term of office. The terms of the other six members shall be for terms of four (4) years each, except that the term of three of the members of the first Commission shall be for two (2) years.

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[SECTION 2. Removals and Vacancies. Any member or members can be removed from his or their office only by a majority vote of the Village Planning Commission or by any similar action taken by the Council.

Any vacancy that is made on the Commission, shall be filled by appointment by the Mayor of the Village and approved by the Council. Any appointment of this kind is to serve the unexpired term of the vacancy.]

B. VACANCIES. Any vacancy upon this Commission shall be filled for the unexpired term of the member whose office has become vacant in the same manner as is provided for the appointment of such member.

C. REMOVAL. Any member or members can be recommended for removal from his or their office by the affirmative vote of at least five (5) members of the Planning Commission, for cause, so stated in written or printed form by the Commission to the Council.

In accordance with Section 9.02 of the Centerville Charter, Council, in counsel with the City Manager, by ordinance, may remove any member of this Commission, for cause, so stated in written or printed form by the Council. Such removal may be initiated with or without recommendation of the Commission. Council's action shall be final.

[SECTION 3.] D. ORGANIZATION. The members of this Commission shall meet and from their group elect the following officers: A Chairman, a Vice-Chairman, [President, a Vice-President] and Secretary [-Treasurer.] Also [this Commission may create any other positions as they may see fit to properly carry on the full duties of this Commission, with the approval of any such positions created, by the Council of the Village. Any special services as may be necessary with the approval of the Council can be obtained and all such assistants or special services that are deemed necessary by the Commission before any compensation shall be made, must be approved by Council, also be written in their minutes. Compensation to be made from funds appropriated by Council]. the Commission may request the creation of any other positions or services to assist in carrying out its duties. Such positions or services may be created by City Council, filled by the City Manager, with compensation to be made from funds appropriated by Council.

[SECTION 4.] E. RULES. The members of this Commission shall hold as many meetings as may be necessary to take care of the business at hand. They shall also adopt a set of rules for their procedure of business, also make a record of all such meetings and decisions. [Three] Four members present shall constitute a quorum to transact business, except that a vote of five (5) members shall be required to recommend amendments or changes to the "Zoning Ordinance." The Commission shall make reports to Council as may be required by Council and the minutes of any and all meetings held during each month shall be [read] submitted to the Council at each regular Council meeting.

[SECTION 5.] F. POWERS AND DUTIES. The general powers and duties of this Commission to be performed and exercised are herein provided for and in the general accord with the ordinances and Charter of the [Village] City.

1. The Planning Commission shall have any other powers that may be granted or conferred upon it by Council or with such other powers as may be prescribed to carry out the duties of this Planning Commission in accordance with the provisions of Section 9.02 of the Centerville Charter.

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2. The Planning Commission shall have all powers now or hereafter conferred upon it, to perform all duties which may be imposed upon the Planning Commission, or Commissions in cities, and Villages, [by] under Sections 713.01 to 713.15 inclusive of the Revised Code of Ohio, except that any ordinance recommended for passage by the Planning Commission shall be passed by the Council unless five (5) members of Council vote no. Council by a vote of five (5) of its members may amend any ordinance recommended for passage by the Planning Commission.

3. Before the City Planning Commission shall recommend to Council the rezoning of lands, or amendments or changes to the "Zoning Ordinance", it shall hold a public hearing on the question. The City Planning Commission shall cause to be published a notice of the public hearing. Such notice shall be published at least ten (10) days prior to the Public Hearing and shall contain a summary of the question, and the time and place of the public hearing.

G. ADMINISTRATIVE BOARD (BOARD OF ZONING APPEALS) The City Planning Commission, as provided in Section 713.11 of the Revised Code of Ohio shall serve as the Administrative Board. The Commission shall perform the duties and have the powers provided for therein and in Section 23 of the "Zoning Ordinance". The existing Board of Zoning Appeals shall immediately transfer all public records and property to the City Planning Commission, and the Board of Zoning Appeals is hereby abolished.

H. APPEALS TO THE COUNCIL. Any person, firm or corporation, or any officer, department, board or agency of the Municipality, or any interested elector of the Municipality who has been aggrieved or affected by any decision of the Planning Commission may appeal from such decision to the Council by filing notice of intent to appeal within five (5) days and filing a petition with the Clerk of Council within fifteen days from the date of the decision and setting forth the facts of the case. The Clerk of Council shall immediately inform the City Manager of receipt of such notice and petition.

The Council shall hold a public hearing on such appeal not later than forty-five (45) days after such appeal has been filed with its Clerk. The Council vote by an affirmative vote of five (5) of its members shall decide the matter and their decision shall be final.

SECTION 3. That the Village Planning Commission shall immediately transfer all public records and property to the City Planning Commission, and the Village Planning Commission is hereby abolished.

[Section 2.] 4. That all existing ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. That Section 3 of Ordinance No. 6-1960 shall be amended as follows with the portions in brackets there of repealed and the portions underlined added:

[Section 3. For the reasons stated in the preamble hereof, this ordinance is declared to be an emergency measure and shall take effect immediately upon its passage.]

This ordinance shall become effective at the earliest date allowed by law.

RECORD OF ORDINANCES

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PASSED this 5th day of May, 1969.

/S/ Paul C. Hoy
Mayor of the City of Centerville,
Ohio

ATTEST:

/S/ Marilyn McLaughlin
Clerk of the Council of the
City of Centerville, Ohio

C E R T I F I C A T E

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true and correct copy of an ordinance passed by the Council of the City of Centerville, Ohio, on the 5th day of May, 1969.

/S/ Marilyn J. McLaughlin
Clerk of Council