

**CHAPTER 1105
Administrative Powers and Duties**

1105.01	Purpose	1105.04	Planning Commission
1105.02	Zoning Administrator	1105.05	Board of Zoning Appeals
1105.03	Design and Review Board	1105.06	City Council

1105.01 PURPOSE.

This Chapter sets forth the powers and duties of the Zoning Administrator, Design and Review Board, Planning Commission, Board of Zoning Appeals, and City Council with respect to the administration of the provisions of this Planning and Zoning Code.

1105.02 ZONING ADMINISTRATOR.

- (a) Establishment. The Zoning Administrator shall act as the administrative officer for the purpose of effecting the proper administration of the Planning and Zoning Code.
- (b) Powers and Duties. The Zoning Administrator or his/her designee shall have the following powers and duties:
 - (1) Unless specifically qualified otherwise, the Zoning Administrator shall enforce the provisions of this Code. The Zoning Administrator shall have all necessary authority on behalf of the City to administer and enforce the provisions of this Code. Such authority shall include the ability to order, in writing, the remedy of any condition found in violation of this Code and the ability to bring legal action to insure compliance with the provisions including injunction, abatement, or other appropriate action or proceeding.
 - (2) To interpret the meaning and application of this Planning and Zoning Code and its provisions.
 - (3) To issue zoning certificates as provided by this Planning and Zoning Code and keep a record of the same with a notation of any special conditions involved.
 - (4) To issue certificates of zoning compliance as provided by this Planning and Zoning Code and keep a record of the same.
 - (5) To accept, review for completeness, and respond to questions regarding applications upon which the Zoning Administrator is authorized by the provisions of this Planning and Zoning Code to review, including amendments to the Planning and Zoning Code, development plan review, conditional uses, variances, appeals, and subdivision plats.

- (6) To coordinate the City’s administrative review of applications required by this Planning and Zoning Code, including rezoning applications, development plan review, conditional use applications, and subdivision plats.
- (7) To maintain any records required by this Planning and Zoning Code including inspection documents, and records of all variances, amendments, conditional uses, and similar use determinations.
- (8) To make such records available for the use of Council, the Planning Commission, the Board of Zoning Appeals, the Design and Review Board, and the public.
- (9) To conduct or cause the inspection of buildings and uses of land to determine compliance with this Planning and Zoning Code.
- (10) To determine the existence of any violations of this Planning and Zoning Code 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.
- (11) To maintain in current status the “Official Zoning District Map” of the City of Wooster.
- (12) Provide such technical and consultation assistance as may be required by the Board of Zoning Appeals, the Planning Commission, and other boards and commissions, in the exercise of their duties relating to this Code.
- (13) Determination of Similar Uses per the standards in Section 1107.31, Similar Uses.
- (14) To review and act on sign applications, as required by Chapter 1171, Sign Regulations, according to the procedures, standards and criteria stated in this Planning and Zoning Code.

1105.03 DESIGN AND REVIEW BOARD.

The duties of the Design and Review Board shall be those assigned to the Design and Review Board in Chapter 155 of the City of Wooster’s Codified Ordinances.

1105.04 PLANNING COMMISSION.

- (a) Establishment. The Planning Commission was established in conformity with an ordinance adopted by Council on April 7, 1952. The official title of this Commission shall be the "Wooster City Planning Commission" and shall be known as the "Commission". The Planning Commission shall have such powers as are conferred by the general laws of Ohio, the Charter of the City, or by ordinance of Council.
- (b) Membership. The Commission shall consist of nine members who shall be residents of the City. There shall be at least one member from each ward. Members shall serve without compensation and shall be appointed by the Mayor for terms of six years. Any vacancy in membership shall be filled by appointment by the Mayor and shall be for the unexpired term only.
- (c) Quorum. A majority of the members shall be a quorum for the transaction of business, and no recommendation or approval shall be made without the consent of a majority of the Commission.
- (d) Meetings. The Planning Commission shall meet monthly. Prior to the end of each year, the members shall by motion determine the dates of its regular meetings for the succeeding year. The chairperson may cancel a meeting if there is no pending business to be conducted. Special meetings may be called by the chairman or by two members upon written request to the Planning Department or by a vote of the Commission at its regular meeting. All meetings shall be open to the public. The Commission shall establish its own rules and keep a journal of its proceedings, which shall be a public record. The officers of the Commission shall consist of a chairman and vice-chairman. The Commission, at its last regular meeting in December, shall elect the officers for a one-year term.
- (e) Rules. If a Commission member has a conflict of interest in an issue or owns a property within 300 feet of the outer limits of the area being disturbed as a result of the application under consideration by the Planning Commission, that member shall step down while the issue is being heard, considered and voted upon.
- (f) Powers and Duties.
 - (1) The Planning Commission shall, after thorough investigation, prepare, maintain, amend and submit to Council comprehensive plans for the future physical development and improvement of the City, based primarily upon utility, convenience and beauty, physical needs, density and the social welfare and physical well being of the people.
 - (2) The Commission, when requested by Council, or the administration, shall consider, investigate and report upon any special matter or question coming within the scope of its work.

- (3) Prepare and recommend to Council amendments to the Subdivision Regulations
 - (4) Review and make recommendations on all matters of community growth and development.
 - (5) Hear and decide on all matters referred to and upon which it is required to pass by this Planning and Zoning Code
 - (6) To review and act on all development plans required by this Planning and Zoning Code.
 - (7) To review and act on sign applications, as required by Chapter 1171, Sign Regulations, according to the procedures, standards and criteria stated in this Planning and Zoning Code.
 - (8) To review and decide upon conditional use certificates according to the procedures, standards and criteria stated in this Planning and Zoning Code.
 - (9) To review all proposed amendments to this Planning and Zoning Code, including amendment to the Zoning Map, and make recommendations to City Council as provided in this Planning and Zoning Code.
 - (10) To investigate and propose on its own initiative such amendments to the Planning and Zoning Code including the Zoning Map, as it may deem consistent with the purposes of this Planning and Zoning Code and which further the public health, safety, and general welfare of the City of Wooster.
 - (11) To review and act on proposed subdivision plats according to the procedures, standards and criteria stated in this Planning and Zoning Code.
- (g) Intra-governmental Cooperation. The departments, divisions and agencies of the City shall cooperate with and assist the Planning Commission in implementing the purposes for which it is formed.

1105.05 BOARD OF ZONING APPEALS.

- (a) Establishment. The Board of Zoning Appeals is hereby established. The official title of the Board shall be the "Board of Zoning Appeals of the City of Wooster" and such body shall be known as the "Board." The Board shall have all powers as are conferred by the general laws of Ohio, the Charter of the City of Wooster, and by ordinance of Council.
- (b) Membership. The Board shall consist of seven members to be appointed by the Mayor all of whom shall be residents of the City. There shall be at least one member from each ward represented on the Board. Members of the Board shall hold no other public offices in the City. Members shall serve without

compensation. Members shall be appointed for three year terms and terms of appointment shall be staggered.

- (c) Quorum. The presence of the four members shall constitute a quorum. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of any duly authorized administrative officer. A member of the Board shall not be qualified to vote if that member did not attend the public hearing of the case unless he has read or listened to the transcript of the public hearing.
- (d) Meetings. The Board of Zoning Appeals shall adopt rules or bylaws for the holding of regular and special meetings, for the transaction and disposition of its business, and the exercise of its powers. The Board shall meet monthly at a time and place to be designated by vote of the Board. Regular monthly meetings may be cancelled if no appeals are filed. Special meetings may be called by the Chairman provided legal notices for such meetings are given. The officers of the Board shall consist of a Chairman and Vice-Chairman. The Board, at its last regular meeting in December, shall elect the officers for a one-year term. The Board shall establish its own rules and keep a record of its proceedings, which shall be a public record. The Board shall keep written records and minutes of all its proceedings, showing evidence presented, findings of fact by the Board, and the vote of each member upon each question, or if absent or failing to vote. All meetings shall be open to the public.
- (e) Rules. If a Board member has a conflict of interest in the issue appealed or owns property within 300 feet of the outer limits of the area being disturbed as a result of the application under consideration by the Board, that member shall step down while the issue is being heard, considered and voted upon.
- (f) Powers and Duties. The Board in addition to such other powers and duties as are set forth in this Code or as may be provided for by ordinance of Council and the City Charter, shall have the following functions, powers and duties, exercisable in accordance with the procedures contained in this Chapter.
 - (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by an administrative official in the administration or enforcement of this Planning and Zoning Code, unless otherwise provided in this Planning and Zoning Code.
 - (2) To authorize such variances from the terms of this Planning and Zoning Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this Planning and Zoning Code will result in practical difficulty or unnecessary hardship, and so that the spirit of this Planning and Zoning Code shall be observed and substantial justice done.

- (3) To resolve any disputes with respect to the precise location of a zoning district boundary, using, where applicable, the standards and criteria of Chapter 1121, *Establishment of Districts and Map*.
- (4) To permit the substitution of one nonconforming use with another nonconforming use in conformance with the provisions of this Planning and Zoning Code.
- (5) To hear and decide all other matters referred to and upon which it is required to pass by this Code.

1105.06 CITY COUNCIL.

For the purposes of this Planning and Zoning Code, the City Council shall have the following powers and duties:

- (a) Hold public hearings and vote upon proposed amendments to this Planning and Zoning Code.
- (b) Investigate and propose on its own initiative such amendments to the Planning and Zoning Code as it may deem consistent with the purposes of this Planning and Zoning Code and which further the public, health, safety, and general welfare of the City of Wooster.
- (c) Act upon suggested amendments to this code text or the Official Zoning District Map.
- (d) Confirm or reject the recommendation of the Planning Commission for all development plans in Planned Developments according to the procedures, standards and criteria stated in this Planning and Zoning Code.
- (e) To approve for public dedication streets formerly considered to be private streets or the vacation of dedicated rights-of-way.