

Chapter 1103: Administration and Decision-Making Authorities

1103.01 Purpose

The purpose of this chapter is to set forth the powers and duties of the City of Wooster City Council, the Wooster City Planning Commission, the City of Wooster Design and Review Board, the City of Wooster Board of Building and Zoning Appeals, the City of Wooster Zoning Administrator, and the City of Wooster Engineer with respect to the administration and enforcement of the provisions of this code.

1103.02 Review Authority Names and/or References

For the purposes of this code, the formal names of the administration and decision-making authorities identified above may also be referred to abbreviated names as identified below:

- (a) The City of Wooster City Council may be hereafter referred to as “City Council.”
- (b) The Wooster City Planning Commission may be hereafter referred to as the “City Planning Commission,” or “Planning Commission.”
- (c) The City of Wooster Design and Review Board may be hereafter referred to as the “Design and Review Board.”
- (d) The City of Wooster Board of Building and Zoning Appeals may be hereafter referred to as the “Board of Building and Zoning Appeals” or the “BZA.”
- (e) The City of Wooster Zoning Administrator may be hereafter referred to as the “Zoning Administrator.”
- (f) The City of Wooster City Engineer may be hereafter referred to as the “City Engineer.”

1103.03 City Council

In addition to any other authority granted to the City Council by charter, ordinance, or State law, the City Council shall have the following powers and duties, as it relates to this code.

- (a) Initiate, hear, review, and make decisions related to amendments to the text of this code or the [Official Zoning Map](#);
- (b) Review and accept, where appropriate, any proposed dedication of streets, utilities, and other public improvements required by this code;
- (c) Establish fees for development review procedures, certificates, and permits outlined in this code;
- (d) Initiate, hear, review, and make decisions related to the designation of Landmarks and Landmark districts;
- (e) Review and accept, where appropriate, the public dedication of streets that were formerly considered private streets or the vacation of dedicated right-of-way; and
- (f) Perform any other duties related to the administration and enforcement of this code as authorized by the charter, this code, and the ORC.

1103.04 Review Boards

For the purposes of this code, there shall be review boards established for the administration and enforcement of this code including the Planning Commission, the Design and Review Board, and the Board of Building and Zoning Appeals.

(a) General Rules and Regulations for Review Boards

The following shall apply to the Planning Commission, Design and Review Board, and Board of Building and Zoning Appeals:

- (1) The Mayor shall appoint all members of the Planning Commission, Design and Review Board, and BZA.
- (2) Members of a board shall serve without compensation.
- (3) All members of the boards shall be residents of the City.
- (4) Each member, of each board, shall serve three-year terms with appointments staggered with no more than three appointments per year. In accordance with §4.06 of the Charter, no member shall serve for more than 12 consecutive years.
- (5) Members of the review boards shall not otherwise be employed or appointed to any other Wooster municipal office.
- (6) Members of a board may be removed for misfeasance, malfeasance, or nonfeasance by City Council.
- (7) A vacancy occurring during the term of any member of the board shall be filled, by appointment from the Mayor, for the unexpired term in a manner authorized for the original appointment.
- (8) The Planning Commission, Design and Review Board, and BZA may, by a majority vote of its entire membership, adopt bylaws or rules for the governance of said board provided they are consistent with State law and with any other ordinances of the City.
- (9) The boards shall keep minutes of their meetings and hearings, which shall be a public record.
- (10) All meetings of the boards shall be open to the public, except as exempted by law.
- (11) Any board member that 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 board on which they sit, that member shall step down while the issue is being heard, considered and voted upon.
- (12) The departments, divisions and agencies of the City shall cooperate with and assist the boards in implementing the purposes for which it is formed.
- (13) **Meetings**
 - A. Each board shall hold such meetings as it may require for conducting its business. Prior to the end of each year, the members shall, by motion, determine the dates of its regular meetings for the succeeding year.
 - B. The Chairperson of each board may cancel a meeting if there is no pending business to be conducted, after consulting with the Zoning Administrator.
 - C. Special meetings may be called by the chairperson or by two members of the individual board upon written request to the Zoning Administrator, or by a vote of the applicable board at its regular meeting.
 - D. At the last regular meeting of each year, each board shall elect a Chairperson and Vice-Chairperson who shall serve for one-year terms. These officers shall be elected from among the members of the applicable boards. During the temporary absence of the Chairperson, the Vice-Chairperson shall fulfill the duties of the Chairperson.

(14) Quorums and Decisions

- A.** Any combination of four or more regular members of a single board shall constitute a quorum.
- B.** A motion made on a decision shall carry when at least four members of the individual board concur.
- C.** Non-decision items, such as continuance or approval of minutes, shall only require a majority of the quorum of the individual board to concur.
- D.** A member of a board shall not be qualified to vote if that member did not attend the public hearing of the applicable case subject to a decision unless he or she has read or listened to the transcript of the public hearing.

(b) Planning Commission**(1) Establishment**

The Wooster City Planning Commission was established by Ordinance #1167, adopted by City Council on September 6, 1921.

(2) Membership

The Planning Commission shall be composed of seven members, with at least one member appointed from each ward.

(3) Roles and Powers of the Planning Commission

The Planning Commission shall have the following roles and powers:

- A.** Prepare, maintain, and amend 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;
- B.** Initiate, hear, review, and make recommendations to City Council related to amendments to the text of this code or the zoning map;
- C.** Hear, review, and make decisions on conditional uses in the respective zoning district;
- D.** Review and make decisions on equivalency provision review applications, when the proposed equivalency provision is not related to a certificate of appropriateness application;
- E.** Review and make decisions on development plan applications;
- F.** Review and make decisions on minor subdivisions when such application is forwarded to the Planning Commission by the Zoning Administrator;
- G.** Review and make decisions on the concept plans, preliminary subdivision plats, and final subdivision plats for major subdivisions;
- H.** Review and make decisions on requests for subdivision modifications;
- I.** Consider, investigate, and report upon any special matter or question coming within the scope of its work as requested by City Council, or the administration; and
- J.** Perform any other duties related to the administration and enforcement of this code as authorized by the charter, this code, by ordinance of City Council, and/or the ORC.

(c) Design and Review Board

(1) Establishment

The City of Wooster Design and Review Board is hereby established by City Council pursuant to the Charter of the City of Wooster, Ohio.

(2) Membership

The membership of the Design and Review Board shall be as follows:

- A.** The Design and Review Board shall be composed of seven members.
- B.** Members of the Design and Review Board shall all demonstrate special interest, experience or knowledge in history, architecture, historic preservation, or related disciplines. Membership of the Design Review Board should, to the maximum extent feasible, include:
 - i. Members owning property or possessing/representing an interest in property coming under the jurisdiction of the Design and Review Board; and
 - ii. A minimum of two members representing the disciplines of architecture, architectural history, history, archeology, planning, or related disciplines that may also meet the requirements of Paragraph (i) above.

(3) Roles and Powers of the Design and Review Board

The Design and Review Board shall have the following roles and powers:

- A.** Review and make decisions on certificate of appropriateness applications as defined in Section [1105.08](#);
- B.** Review and make decisions on an equivalency provision review application, when the proposed equivalency provision is related to a certificate of appropriateness application;
- C.** Propose and make recommendations for the designation of Landmarks and areas to be designated as Landmark Districts, in conformance with the provisions of this code;
- D.** Review and provide a recommendation for final development plan applications for exterior building alterations or renovations, building additions, or new construction in the C-4 District in accordance with Section [1105.07](#);
- E.** Review and make decisions on sign permits for permanent signs in the C-4 District in accordance with [Chapter 1127: Signage](#) and Section [1105.12](#);
- F.** Conduct a continuing survey of all areas, places, buildings, structures, works of art or similar objects in the City which the Design and Review Board, on the basis of information available or presented to it, has reason to believe are or will be eligible for designation as Landmarks or Landmark Districts;
- G.** Establish rules and regulations consistent with the provisions of this code and the spirit of its purpose to assist the Design and Review Board in evaluating applications for Landmark designations submitted to it, the manner in which such applications are processed, and the proper and orderly conduct of its business;

- H. Seek professional expertise when considering a National Register nomination and other actions which are normally evaluated by a professional in a specific discipline, and that discipline is not represented on the Design and Review Board;
- I. Work for the continuing education of the residents of the City with respect to the historic and architectural heritage of the City and the Landmarks and Landmark Districts designated under the provisions of this chapter. It shall keep current and public a register of Landmarks and Landmark Districts;
- J. Act as a liaison on behalf of the City to individuals and organizations concerned with historic preservation. The Design and Review Board shall also act in an advisory role to other officials and departments of local government regarding the protection of local cultural resources;
- K. The Design and Review Board members are encouraged to attend training, educational sessions or in-depth consultation with the Ohio Historic Preservation Office (hereinafter referred to as the "OHPO") once a year; and
- L. Perform any other duties related to the administration and enforcement of this code as authorized by the charter, this code, by ordinance of City Council, by mutual agreement with the Ohio Historic Preservation Office (OHPO), and/or the ORC.

(d) Board of Building and Zoning Appeals (BZA)

(1) Establishment

The Board of Building and Zoning Appeals is hereby established by City Council pursuant to the Charter of the City of Wooster, Ohio.

(2) Membership

The BZA shall be composed of seven members, with at least one member appointed from each ward.

(3) Roles and Powers of the BZA

The BZA shall have the following roles and powers to:

- A. Hear, review, and decide on appeals of any administrative decision where it is alleged there is an error in any administrative order, requirement, decision, or determination made by the Zoning Administrator, Planning Commission, Design and Review Board, City Engineer, or other staff member authorized to make such decisions or orders, unless another appeals board is established by this code;
- B. Hear, review, and decide on variance requests in accordance with the applicable provisions of this code;
- C. Resolve any disputes with respect to the precise location of a zoning district boundary, using, where applicable, the standards and criteria of Section [1107.03](#);
- D. Permit the substitution of one nonconforming use with another nonconforming use in conformance with the provisions of Section [1131.05](#);
- E. To hear appeals for any and all matters within the jurisdiction of the Division of Building Standards concerning the Ohio Residential Building Code and the Minimum Housing Standards and Property Maintenance Code;

- F. To review any uncertainties or disputes concerning the exact location of zoning district boundaries as identified in Section [1107.03](#); and
- G. Perform any other duties related to the administration and enforcement of this code as authorized by the charter, this code, or the ORC.

(4) Meetings

- A. The BZA shall act by motion and shall designate a board member, staff member, or other designee, to keep minutes of its proceedings, showing the vote of each member or if any member is absent or fails to vote, the facts of each application considered by the BZA, and, where applicable, the section of this code, under which the BZA has considered the application, petition or other matter brought before the BZA.
- B. The BZA shall make findings and conclusions which support all of its decisions. The findings and conclusions shall set forth and demonstrate the manner in which the decision recommended carries out and helps to implement the goals and objectives of the comprehensive plan, the purpose of this code, and other official policies and objectives of the City, and that the granting of the request for which application is made will not be unreasonably incompatible with or detrimental to the affected properties and to the general public.
- C. The privilege of cross-examination of witnesses shall be accorded all interested parties or their counsel in accordance with the rules of the BZA.

1103.05 Administrative Staff

(a) Zoning Administrator

(1) Establishment

The City of Wooster Zoning Administrator shall be established to aid in the administration and enforcement of this code. The Zoning Administrator may be provided with the assistance of such other persons as the City Administrator may direct.

(2) Roles and Powers of the Zoning Administrator

The Zoning Administrator shall have the following roles and powers to:

- A. 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. All officials and employees of the City may assist the Zoning Administrator by reporting to the Zoning Administrator any new construction, reconstruction, land uses, or violations that are observed;
- B. Review and provide comments and reports, as needed, for the various procedures where the Planning Commission, Design and Review Board, BZA, or City Council reviews an application;
- C. Review and make decisions on zoning certificates, certificates of zoning compliance, and administrative waiver applications;
- D. Review and make decisions on questions of interpretation related to this code;

- E. Accept, review for completeness, and respond to questions regarding review procedure applications established in this code;
- F. Participate in any pre-application meetings as may be requested by a property owner or potential applicant in accordance with this code;
- G. Coordinate the City's administrative review of applications required by this code, including rezoning applications, development plan review, conditional use applications, and subdivision plats;
- H. Review and make decisions on minor subdivision applications;
- I. Maintain in current status the "Official Zoning District Map" of the City of Wooster;
- J. Refer requests for appeals of decisions to the BZA pursuant to the procedures established in Section [1105.13](#);
- K. Provide such technical and consultation assistance as may be required by the BZA, the Planning Commission, Design and Review Board, and City Council, in the exercise of their duties relating to this code;
- L. Maintain permanent and current records of all applications and the decisions related to those application;
- M. Review, inspect property, and make decisions on compliance with the provisions of this code;
- N. Investigate complaints and issue citations or other forms of enforcement and penalties for any violations and keep adequate records of all violations;
- O. Order discontinuance of any illegal work being done;
- P. Revoke a certificate or approval issued contrary to this code or based on a false statement or misrepresentation on the application; and
- Q. Take any other action authorized by this code to ensure compliance with or to prevent violation(s) of this code.

(3) Decisions of the Zoning Administrator

A decision of the Zoning Administrator may be appealed to the BZA in accordance with Section [1105.13](#) unless another appeals board is established by this code.

(b) City Engineer

(1) Establishment

The City of Wooster City Engineer shall be established to aid in the administration and enforcement of this code. The City Engineer may be provided with the assistance of such other persons as the City Administrator may direct.

(2) Roles and Powers of the City Engineer

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

- A. Develop and recommend the City of Wooster Construction Standards, engineering requirements, stormwater management standards, and other documents related to subdivision improvement specifications that may be adopted or approved outside of this code;

- B. Review and make recommendations to the Zoning Administrator on minor subdivision applications and signing of the final conveyance;
 - C. Review and make recommendations to the Planning Commission and City Council on major subdivision applications;
 - D. Review and make decisions on engineering plans and construction drawings for major subdivisions;
 - E. Participate in any pre-application meetings requested by a property owner or potential applicant in accordance with this code;
 - F. Maintain permanent and current records of all public improvements and improvement drawings that are part of major subdivision applications; and
 - G. Inspect, or cause to be inspected, all construction or installation work related to public improvements as required by these regulations.
- (3) Decisions of the City Engineer**

A decision of the City Engineer with regard to this code may be appealed to the BZA in accordance with Section [1105.13](#) unless another appeals board is established by this code.