

CHAPTER 2 ADMINISTRATION

The intent is to set forth the powers and duties of the Enforcing Officer, the Planning and Zoning Commission and the Village Council with respect to the administration of the provisions of this Zoning Code.

SECTION 2.1 – GENERAL PROVISIONS

The formulation, administration and enforcement of the Zoning Code is hereby vested in the following offices and bodies within the Village of Arcanum government:

- A. Enforcing Officer
- B. Planning and Zoning Commission
- C. Village Council
- D. Board of Zoning Appeals
- E. Village Solicitor

SECTION 2.2 – ENFORCING OFFICER

The mayor, or his/her designee, shall be the Enforcing Officer of this Zoning Code. For the purpose of this Zoning Code, the Enforcing Officer shall have the following duties:

A. Responsibilities Of The Enforcing Officer:

1. Enforce the provisions of this Zoning Code and interpret the meaning and application thereof.
2. Respond to questions concerning applications for amendments to the Official Zoning District Map.
3. Issue Zoning Permits as provided by this Zoning Code and keep a record with notations of any special conditions involved.
4. Act on all applications upon which the Enforcing Officer is authorized to act by the provisions set forth in this Zoning Code within twenty-one days or notify the applicant in writing of the disapproval of such application and reasons therefore. Failure to notify the applicant of such refusal or disapproval within twenty-one days shall entitle the applicant to submit the request to the BZA.
5. Conduct inspections of buildings and uses of land to determine compliance with the Zoning Code and, in the case of violation, provide written notice to the property owner specifying the nature of violation and the ordering of corrective action.
6. Maintain an up-to-date Zoning District Map which shall be kept on permanent display in the Village Administration Office.

7. Maintain permanent and current records required by this Zoning Code including, but not limited to, zoning permits, inspection documents and records of all variances, amendments and special uses.
8. Make such records available for the use by Village Council, Planning & Zoning Commission, BZA and the public.
9. Review and approve site plan pursuant to the Zoning Code.
10. Determine the existence of any violations of this Zoning Code or initiate other such administrative or legal action, as needed, to address such violations.

SECTION 2.3 – PLANNING & ZONING COMMISSION

Pursuant to ORC 713.01 and Ordinance 2020-32, the Village of Arcanum Council established the Planning and Zoning Commission.

A. Membership And Organization

The Planning and Zoning Commission is established of five members consisting of the Mayor, one member of Council, two citizens of the Village and one member of the public at-large. Positions are appointed by the Mayor with Council approval. The terms for each member shall be six years, except that the term of one of the members of the first commission shall be for four years and one for two years. All members serve without compensation.

The Planning & Zoning Commission shall elect its own officers annually and shall adopt the rules necessary to conduct its affairs. Meetings shall be held at the call of the chairperson at such a time as the Commission may determine. Three members of the Planning & Zoning Commission shall constitute a quorum in order to conduct business. When operating under a quorum, all votes must be unanimous. The chairperson, or in his/her absence, the acting chairperson, may administer oaths and compel to the attendance of witnesses. All meetings and records shall be open to the public.

B. Powers And Duties (Pursuant To ORC 713.02-713.10)

The Planning and Zoning Commission shall:

1. Make plans and maps of the whole or any portion of the municipal corporation, and any land outside thereof, which, in the opinion of the Commission, is related to the planning of the municipal corporation, and make changes in such plans or maps when it deems advisable. Such maps or plans shall show the Commission's recommendations for general location, character and extent of streets, alleys, ways, viaducts, bridges, playgrounds and any other public grounds, ways and open spaces and shall then be sent to Council.

2. Recommend the general location of public buildings and other public property; the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power and other purposes.
3. Recommend the removal, relocation, widening, narrowing, vacating, abandonment, change of use of or extension of such public ways, grounds, open spaces, buildings, property, utilities or terminals.
4. Be presented any amendment or change in the number, shape, area or regulations of or within any district, but no such amendment or change shall become effective unless the proposal is first submitted to the Planning Commission for approval or disapproval or suggestions and the Commission is allowed a reasonable time, not less than thirty days, for consideration and report to Council for final approval.

With regard to the systemic planning of the municipal corporation, the Planning and Zoning Commission may:

1. Frame and adopt a plan for dividing the municipal corporation or any portion thereof into zones or districts, representing the recommendations of the Commission, in the interest of the public health, safety, convenience, comfort, prosperity or general welfare for the limitations and regulation of height, bulk and location including percentage of lot occupancy, set back building lines and area and dimensions of yards, courts and other open spaces and the uses of buildings and other structures and of premises in such zones or districts.
2. Make recommendations to Public Officials concerning the general location, character and extent of any such public ways, grounds, open spaces, buildings, property utilities or terminals.
3. From time to time, adopt and publish any part thereof, and such part shall cover one or more major sections or divisions of the municipal corporation or one or more of the functional matters to be included in the plan.
4. From time to time amend, extend or add to the plan.
5. Accept, receive and expend funds, grants and services from the federal government or its agencies, from departments, agencies and instrumentalities of the state or any adjoining state or from one or more counties of this state or any adjoining state or from any municipal corporation or political subdivision of this or any adjoining state, or from civic sources, and contract with respect thereto, either separately or jointly or cooperatively and provide such information and reports as may be necessary to secure financial aid.
6. Control, preserve and care for historical landmarks; control, in the manner provided by the Zoning Code, the design and location of statuary and other works of art, which are the property of the municipal corporation; control the removal, relocation and alteration of any such works; and

control the design of harbors, bridges, viaducts, street fixtures and other public structures and appurtenances.

7. Make recommendations to the Village Council or to any corporations or individuals in such municipal corporation or the territory contiguous thereto, concerning the location of any buildings, structures or works to be erected or constructed by them.
8. Be authorized by the Village Council to control the height, design and location of buildings.
9. Control, appoint or employ such architects, engineers and other professional services and may appoint such clerks, draftsmen and other subordinates as necessary for the performance of its functions. The expenditures for such service and employments shall be within the amount appropriated for such persons by the legislative authority of the municipal corporation and shall provide for the expenses and accommodations necessary for the work of the Commission.

C. Recommendation For Approval/Disapproval

Whenever the Commission makes a preliminary plan of the municipal corporation, or any part thereof, no public building or structure, streets, parkway, park, playground, public ground, bridge or other public way, grounds, works or utility, whether publicly or privately owned, or a part thereof, shall be constructed or authorized to be constructed in the municipal corporation or planned portion thereof unless the location, character and extent thereof is recommended by the Planning and Zoning Commission.

1. In the case of disapproval, the Commission shall communicate its reasons to the Legislative Authority (Council) and to the head of the department of which has control of the construction of the proposed improvement of utility.
2. The Legislative Authority (Council), by a vote of not less than two-thirds of its members and of such department head, together may overrule such disapproval.
3. The narrowing, ornamentation, vacation or change in the use of streets and other public ways, grounds and places shall be subject to similar approval, and disapproval may be similarly overruled.

SECTION 2.4 – VILLAGE COUNCIL

A. Powers And Duties

The powers and duties of the Village Council pertaining to the Zoning Code are as follows:

1. Approve the appointments of members to the Planning Commission made by the Mayor.

2. Approve the appointments of members to BZA made by the Mayor.
3. Initiate or act upon recommended amendments to the Zoning Code or Official Zoning Map brought forth by the Planning and Zoning Commission.
4. Act upon a recommendation of the Planning and Zoning Commission provided that such legislative action is passed by a vote of not less than three-fourths of the Village Council.

**PAGE LEFT
INTENTIONALLY BLANK**