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## ARTICLE 17. PLANNING COMMISSION

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### **Section 1700. Purpose of the Planning Commission**

The purpose of the Planning Commission is to review and make recommendations regarding zoning-related matters such as regulations and policies, to review and authorize projects which conform to the provisions of this Ordinance, and to perform other duties as determined by the Village Council. The Planning Commission shall have the powers and duties as described in this Ordinance.

### **Section 1701. Organization and Procedures of the Planning Commission**

**1701.1 Appointment of Commission Members:** The Planning Commission has been established by Council pursuant to Ohio Revised Code 713.01 and consists of five (5) voting members including the mayor, one (1) 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 to be appointed by the mayor for terms of six (6) years each. The members of the Planning Commission may receive such compensation as the Council provides.

**1701.2 Officers and Rules of the Commission:** The Planning Commission shall organize annually and elect a President, Vice-president and Secretary. The Commission shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Ordinance, provided, however, that such rules are consistent with all other Ordinance of the municipality.

**1701.3 Quorum of the Commission.** A simple majority of the Planning Commission, ~~if in attendance,~~ shall constitute a quorum.

**1701.4 Meetings of the Commission.** Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. All meetings of the Planning Commission shall be public. However, the Commission may go into executive session for discussion but not for vote on any case before it. The Commission shall hear testimony from any member of the public.

**1701.5 Minutes and Records of the Commission:** The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Clerk and shall be a public record.

**1701.6 Commission Authority for Witnesses, Oaths, Etc.:** The Planning Commission shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents under such regulations as it may establish.

**1701.7 Officials and Employees Shall Assist Commission:** The Planning Commission may call upon the various officials and employees of the municipality for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the Planning Commission as may reasonably be required.

**Section 1702. Applications to Planning Commission**

Any person, firm or corporation owning or leasing land and/or a structure or portion of a structure may submit an application to the Planning Commission.

**1702.1 Contents of Application to Commission:** An application to the Planning Commission, for all types of projects shall contain eight (8) collated sets of the information listed below, including two sets with original signatures. Applicants are encouraged, but not required, to contact the Zoning Inspector to review the requirements for applications prior to submittal.

- 2 • An application form, available from the Zoning Inspector, to be completed and signed by the applicant and property owner(s).
- 6 • A site plan and building plan as described in this section.
- 8 • ~~Names and addresses of property owners and occupants of properties within two hundred (200) feet of the subject property.~~
- 8 • ~~A fee as required in this Ordinance.~~

**1702.2 Contents of Site and Building Plan.** The site plan shall show the information listed below. The scale of plans shall be sufficient to adequately evaluate whether the proposed site and building plan complies with the regulations of this Ordinance. All plans shall be of a sufficient scale to determine compliance with the provisions of this Ordinance.

- Project name, location and address.
- Applicant's name.
- Scale and north arrow.
- ~~Map showing the general location of the project.~~

- Location and names of street(s) providing access to the project, and exact location of the project in relation to the nearest cross street.
- Lot and parcel numbers of the project and all adjacent properties, including across streets.
- Dimensions of the lot(s), and location and use of existing structures (including ponds and driveways).
- ~~Required~~ setback lines.
- Location, height, size and use of proposed and existing structures and yards, according to all dimensions that are regulated in this Ordinance.
- Plan of structures and/or portions thereof where the proposed use will be conducted, including entrances, exits, and other details which are relevant to the use.
- Foundation plan for manufactured homes.
- Zoning district of project and adjacent properties, including across streets.
- Location, width and names of existing streets, railroad rights-of-way, and easements.
- Existing sewers, water lines, culverts and other underground structures, and power transmission poles and lines, within and adjacent to the site.
- Location and sites of proposed easements and municipal utilities.
- Location and dimensions of all vehicular and pedestrian facilities within and without the site.
- Location and dimensions of all off-street parking areas, including entrance driveways, maneuvering lanes, service lanes, loading areas, and similar areas.
- Location, dimensions and proposed uses of all on-site recreation areas.
- Location of fire lanes.
- Location of refuse disposal, storage and removal areas.
- Location, type and size of plant material or fences for any required buffers.
- Statement that no part of the land involved in the application has been previously used to provide required setback space or lot area for another structure.
- Statistical data on all relevant characteristics of the proposed development, including number and size of dwelling units, percentage of lot coverage, total gross and net acreage, numbers and dimensions of parking spaces including handicapped accessible spaces.
- Survey by a registered engineer or surveyor.
- Any other information which in the judgment of the Zoning Inspector may be necessary to provide for the enforcement of this Ordinance.

**1702.3 Zoning Inspector May Waive Some Data for the Site and Building Plan.** The Zoning Inspector shall have the authority to require additional data in the application if he/she determines that it is necessary to determine if the proposed project conforms to the requirements of this Ordinance. The cost of additional information shall be borne by the applicant. (Additionally, the Zoning Inspector shall have the authority to waive some data required in the application if he/she determines that it is not needed to evaluate whether the application complies with the provisions of this Ordinance.) Such waivers and/or requirements shall be made in writing by the Zoning Inspector. The intent of this provision is to provide sufficient data and to avoid unnecessary delay or expense to the applicant and Village in the preparation and review of applications for Zoning Certificates. It is not the intent of this section to waive all requirements for a site and building plan, because such documentation is necessary to verify conformance with, for example, setbacks, buffers, use of primary and accessory structures, and parking requirements.

**Section 1703. Process for Application Review.**

Applications to the Planning Commission shall be processed as follows: Village Office - see notes

- a. The application shall be submitted to the Zoning Inspector. The Zoning Inspector shall determine whether the application is complete within three (3) business days. b.
- c. If the application is determined to be complete, the Planning Commission shall schedule the hearing and shall give at least ten (10) days public notice thereof in a newspaper of general circulation in the municipality and at least ten (10) days notice to property owners and occupants of land within two hundred (200) feet of the premises in the application.

subject property

- d. ~~If the application is deemed to be incomplete, it shall be the responsibility of the applicant to request a refund of the application fee from the Zoning Inspector.~~  
The Planning Commission shall decide to approve or disapprove the application. As part of the review process, the Planning Commission may require modifications, request additional information, and/or submit the application to the Tuscarawas Regional County Planning Commission for recommendation. It is recommended but not required that modifications, revisions, and conditions should be recorded in the form of a list as a convenience in reviewing further submittals and inspections.
- e. The Planning Commission shall decide to approve or disapprove the application within sixty (60) days of the date of determination that the application is complete.
- d. Approval of the Application shall not be final until any revised plans required by Commission have been submitted by the applicant and approved by the Zoning Inspector for conformance with the approval by Commission.
- h. The Zoning Inspector shall issue a Zoning Certificate, as appropriate, for an application which has been approved. The Zoning Inspector shall transmit one copy of the approved application and Zoning Certificate to the applicant, and shall maintain one copy in the Village files. Alternatively, the Zoning Inspector shall transmit documentation of any application which is disapproved, along with the reasons for the disapproval, to the applicant and shall maintain one copy in the Village files.

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**Section 1704. Interpretation of Zoning District Map**

Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the zoning map, the Planning Commission shall interpret the map in such a way as to carry out the intent and purpose of this Ordinance. In case of any questions as to the location of any boundary line between zoning districts, a request for interpretation of the zoning district map may be made to the BZA and a determination shall be made by the Planning Commission. *within 60 days Planning Comm.*

**Section 1705. Planning Commission Decisions are Binding**

ok Decisions of the Planning Commission shall be binding upon the Zoning Inspector and observed by him/her, and he/she shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Planning Commission.

ok **Section 1706. Planning Commission Decisions May be Appealed to the Court of Common Pleas**

The Planning Commission may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirements, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all powers of the Zoning Inspector from whom the appeal is taken. Any party adversely affected by a decision of the Planning Commission may appeal to the Court of Common Pleas of the county on the ground that the decision was unreasonable or unlawful.