

**ARTICLE III
ADMINISTRATIVE BODIES AND THEIR DUTIES**

Section 3.01 Zoning Enforcement Officer

- 3.01.01 Position of Zoning Enforcement Officer Established
The Zoning Enforcement Officer, who shall be designated by the Mayor, shall administer and enforce this Ordinance. He/she may be provided with such assistance and support as may be directed by the Mayor.
- 3.01.02 Relief From Personal Liability
The Zoning Enforcement Officer, and any officer or employee who acts in good faith and without malice in the discharge of his/her duties during enforcement of Ordinance is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts, or alleged failure to act. Further, he/she shall not be held liable for any costs in any action, suit or proceeding that may be instituted against him/her as a result of the enforcement of this Ordinance. In any of These actions, the Zoning Enforcement Officer or employee shall be defended or represented by the City until the final termination of the proceedings.
- 3.01.03 Duties of Zoning Enforcement Officer
For the purposes of this Ordinance, the Zoning Enforcement Officer shall have the following duties:
- A. Enforce the provisions of this Ordinance and take such steps as may be authorized to remedy violations(s). Such steps may include ordering, in writing, the discontinuance of illegal uses or work in progress and directing cases of noncompliance to appropriate City officials(s) for action.
 - B. Issue zoning permits when the provisions of this Ordinance have been met, or refused to issue same in the event of noncompliance.
 - C. Coordinate the submittal and processing of application materials so as to fulfill the requirements of this Ordinance.
 - D. Collect designated fees as established by separate Ordinance and assure that such fees have been paid prior to action.
 - E. Inspect any building or lands to determine whether violations of this Ordinance have been committed or exist.
 - F. Make and keep all records necessary and appropriate to the office including records of issuance and denial of permits and receipt of complaints of violation of this Ordinance and action taken on same.
 - G. Advise the Planning and Zoning Commission of other matters pertaining to the enforcement of this Ordinance.
 - H. Other responsibilities directly pertaining to the enforcement of this Ordinance that may be assigned by City Council.

Section 3.02 Planning and Zoning Commission

- 3.02.01 Establishment
Pursuant to Section 713.01 of the Ohio Revised Code, there is hereby established a Planning and Zoning Commission in and for the City of

Greenville, Pursuant to ORC713.11, the Planning and Zoning Commission shall serve as both City Planning Commission and Board of Zoning Appeals. Such Commission shall consist of seven (7) members as follows: the Mayor, Director of Safety and Public Service, President of the Park commissioners, and four (4) citizens of the City who shall serve without compensation and who shall be appointed by the Mayor, with the approval of City Council, for terms of six (6) years, except that the terms of two (2) of the citizen members first appointed shall be for terms of three (3) years.

3.02.02 Removal of Members

Members of the Commission shall be removable for non-performance of duty, misconduct in office, or other cause, by the City Council, after a public hearing has been held regarding such charges. The member shall be given the opportunity to be heard and answer such charges.

3.02.03 Organization and Rules

- A. Four (4) members of the Commission shall constitute a quorum.
- B. The meeting of the Commission shall be public: however, the Commission may go into executive session, as permitted by ORC Section 121.22 as amended, for discussion, but not for vote on any case before it. The Commission shall organize annually and elect a Chairman and Vice Chairman. For purposes of recording its proceeding, a Secretary, who need not be a member of the Commission, shall be appointed by a majority of members of the Commission. The Commission shall adopt, from time to time, such rules, procedures and regulations as it may deem necessary to carry into effect the provisions of this Zoning Ordinance.
- C. The Commission shall keep minutes of its proceeding, 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 action, all of which shall be immediately filed in the City offices and shall be a public record.
- D. The Commission shall have the power to subpoena witnesses, administer oaths and may require the production of documents, under such regulations as it may establish.

3.02.04 Powers and Duties

In addition to the powers and duties authorized in Sections 713.02 through 713.11 of the Ohio Revised Code, the Planning and Zoning Commission shall have the following powers and duties pursuant to this Ordinance:

- A. Review proposed amendments to this Zoning Ordinance or Official Zoning Map and make recommendations to the City Council.
- B. Make a recommendation for newly annexed areas to the City, in accordance with Section 11.04 of this Ordinance.
- C. Administer the requirements for Planned Unit Developments, in accordance with Article XXXVII of this Ordinance.

- D. Determine similarity of uses, pursuant to Section 10.02.05 of this Ordinance.
- E. Interpret the boundaries of the Official Zoning District Map, in accordance with the provisions of this Ordinance.
- F. Permit conditional uses as specified in the Official Schedule of district Regulations and under the conditions specified in Article VII of this Ordinance, and such additional safeguards as will uphold the intent of the Ordinance.
- G. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Enforcement Officer, and/or authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, all in accordance with Article VI of this Ordinance.
- H. Authorize the substitution or extension of nonconforming uses, as specified in Article VIII of this Ordinance.
- I. Declare zoning permits void, pursuant to Section 4.11.05 of this Ordinance.

Section 3.03 Powers of Zoning Enforcement Officer, Planning and Zoning Commission and City Council on Matters of Appeal

It is the intent of this Ordinance that all questions of interpretation and enforcement shall first be presented to the Zoning Enforcement Officer. Such questions shall be presented to the Planning and Zoning Commission only on appeal from the decision of the Zoning Enforcement Officer, and recourse from the decisions of the Commission in such matters shall be only to the courts as provided by law. It is further the intent of this Ordinance that the powers of the City Council in connection with this Ordinance shall not include hearings and deciding questions of interpretation and enforcement that may arise. City Council shall not have the authority to override the decisions of the Planning and Zoning Commission and/or the Zoning Enforcement Officer on matters of appeal or variance.