

# CHAPTER 2: ADMINISTRATION

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## 2.01 Purpose

This article sets forth the powers and duties of the Planning Commission, the Board of Zoning Appeals, the Village Council and the Zoning Inspector with respect to the administration of the provisions of this Ordinance.

## 2.02 General Provisions

The formulation, administration and enforcement of this Ordinance are hereby vested in the following offices and bodies within the Village of Maineville government:

- (1) Zoning Inspector
- (2) Planning Commission
- (3) Board of Zoning Appeals
- (4) Village Council
- (5) Village Solicitor

## 2.03 Zoning Inspector

A Zoning Inspector nominated by the Mayor and confirmed by council, shall administer and enforce this Ordinance. He or she shall be provided with the assistance of such other persons as the Mayor may direct. Unless otherwise specified by Resolution, the Village Administrator shall also serve as the Zoning Inspector.

## 2.04 ~~Responsibilities~~ Duties of the Zoning Inspector

For the purpose of this Ordinance the Zoning Inspector shall have the following duties:

- (1) Enforce the provisions of this Ordinance and interpret the meaning and application of its provisions.
- (2) Respond to questions concerning applications for amendments to the Zoning Ordinance text and the Official Zoning District Map.
- (3) Issue zoning permits and certificates of occupancy as provided by this Ordinance, and keep a record of same with a notation of any special conditions involved.
- (4) Act on all applications upon which he or she is authorized to act by the provisions of this Ordinance within the specified time or notify the applicant in writing of his or her refusal

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or disapproval of such application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his [or her](#) request to the Board of Zoning Appeals.

- (5) Conduct inspections of building and uses of land to determine compliance with this Ordinance and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
- (6) Maintain in current status the Official Zoning District Map, which shall be kept on permanent display in the Village offices.
- (7) Make such records available for the use of the Village Council, the Planning Commission, the Board of Zoning Appeals, and the public.
- (8) Act on site plans pursuant to this Ordinance.
- (9) Determine the existence of any violations of this Ordinance, 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.

### 2.05 Planning Commission

The Planning Commission shall be established in accordance with Ohio Revised Code Section 713.01.

### 2.06 Duties of [the](#) Planning Commission

For the purpose of this Ordinance the Commission shall have the following duties:

- (1) Recommend the proposed Zoning Ordinance, including text and map to the Village Council for formal adoption.
- (2) Initiate and recommend to Council advisable map or text changes where same will promote the best interest of the public in general through recommendation to the Village Council.
- (3) Review all proposed amendments to the text or map and make recommendations to the Village Council.
- (4) Review all Planned Unit Development and Conservation District Applications and make recommendations to the Village Council as provided in this Ordinance.
- (5) Review and act on site plans as required by this Ordinance.

### 2.07 Board of Zoning Appeals [\(BZA\)](#)

A Board of Zoning Appeals is hereby established in accordance with Ohio Revised Code Section 713.11.

### 2.08 Duties of the Board of Zoning Appeals

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For the purpose of this Ordinance the ~~BZA Board~~ has the following specific responsibilities:

- (1) Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Inspector;
- (2) Hear and act on applications for a Conditional Use Permit as ~~specified in~~ Chapter 26.
- (3) Hear and act on variances as specified in Chapter 26.

### 2.09 Duties of the Zoning Inspector, Village Council, and Courts Relative to the Board of Zoning Appeals

It is the intent of this Ordinance that all questions~~;~~ of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the ~~BZA Board~~ only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the ~~BZA Board~~ shall be to the courts as provided by law. It is further the intent of this Ordinance that the duties of the Village Council~~;~~ shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance. Under this Ordinance, the Village Council shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law, and of establishing a schedule of fees and charges as stated in Section 2.11 of this Ordinance. Nothing in this Ordinance shall be interpreted to prevent any official of the Village from appealing a decision of the ~~BZA Board~~ to the courts as provided in the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the ~~BZA Board's~~ written decision.

### 2.10 Village Council

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

- (1) Act on the nominations~~-appointments~~ of members to the Planning Commission, as per Section 713 of the Ohio Revised Code.
- (2) Act on the nominations of members to the Zoning Board of Appeals, as per Section 713 of the Ohio Revised Code.
- (3) Act upon suggested amendments to the Zoning Ordinance text or map, as per Section 713 of the Ohio Revised Code, and per Chapter 4 of this Ordinance.
- (4) Override a written recommendation of the Planning Commission on a text or map amendment provided that such legislative action is passed by a vote of not less than three-quarters of the Village Council.

### 2.11 Schedule of Fees

The Village Council shall establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Ordinance, after considering the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Village Council. Until all such appropriate fees, charges, and

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expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure. Any changes to the Schedule of Fees shall be done without being considered a revision of the Village of Maineville Zoning Ordinance.

**2.12 Warren County Building Department**

The Village of Maineville follows the Warren County Residential Code for one, two and three family dwellings.

**TABLE 2.1: TABLE OF REVIEW AUTHORITY**

Decisions may be based partially or in whole by recommendations from outside consultants.

PH – Public Hearing Required    M – Public Meeting Required    A – Authority to Hear/Decide Appeals  
D – Responsible for Final Decision    R – Responsible for Review and Recommendation

PROCEDURE	Chapter	Village Council	Planning Commission	Board of Zoning Appeals	Zoning Department
Zoning Ordinance Text or Map Amendment	4-04	PH / D	M / R		R
Site Plan Review	30		M / D		R
Conditional Use	26.052 D			PH / D	R
Appeals	26.032 A			PH / A	
Variance	26.042 B			PH / D	R
Non-Conforming Use	256-02 E			PH / D	R
Zoning Permit	3				D
Certificate of Compliance	3-08				D