

**VILLAGE OF CHAUNCEY
STATE OF OHIO
ORDINANCE NO. 2020-7**

WHEREAS, Council of the Village of Chauncey observes and notices the changes occurring within the Village brought about by the Baileys Mountain Bike Trail(Baileys) being constructed in the Wayne National Forest; and,

WHEREAS, Council must address the tourism and development that the Baileys will attract to the area and to the Village because the Village Dover Park is a trailhead of the Baileys; and,

WHEREAS, Council desires to promote the orderly development of the Village through the use of a Planning Commission; and,

WHEREAS, Council, which is the elected legislative authority for the Village, cannot nor wishes to delegate its authority to determine policy and its fiduciary responsibility for the proper use of public funds and its duty to protect and provide for the health, safety, welfare and economic well- being of the residents of the Village to an unelected administrative body;

**THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE
VILLAGE OF CHAUNCEY AS FOLLOWS:**

SECTION ONE; CREATION OF PLANNING COMMISSION

A Planning Commission for the Village is hereby created and established pursuant to the authority granted under O.R.C. 713.01, and under and by virtue of the grant of power of home rule to municipalities in the Ohio Constitution, Article XVIII . It may be referred to as the Planning Commission or Chauncey Planning Commission..

SECTION TWO: COMPOSITION; APPOINTMENT AND TERM.

The Chauncey Planning Commission shall consist of five members to serve without compensation, as follows: the Mayor, one member of Council, to be elected to the Commission by the Council for and during the member's term as a member of Council and continuing to serve on Council, and three members of the public. Of the three

public members, two shall be electors of the Village of Chauncey and one may be a resident of the County of Athens. The three public members shall be appointed by the Mayor and confirmed by Council for terms of six years each, except that the term of one of the public members of the first commission, shall be for four years and one for two years so that the terms of the public members henceforth shall be staggered in all future Planning Commissions.

SECTION THREE: POWERS AND DUTIES OF THE PLANNING COMMISSION and LIMITATIONS THEREON

- (a) No formal or final action of the Planning Commission in the execution of their powers and duties as set forth in the Ohio Revised Code such as for example, writing of plans, drawing of maps and approval or disapproval of plats, land uses and restrictions, regulations of administration, size and type of buildings and etc., shall take effect until Village Council reviews and consents to or approves each such action by a duly adopted ordinance, resolution or motion entered in the records of the Village. Council's approval shall be noted on the document or drawing or item or subject matter before any recordation (if necessary) in the public records of the county affected.
- (b) The Planning Commission shall have the power to make its own internal rules and regulations and shall keep a journal of its proceedings. Any official action of the Commission shall require four (4) affirmative votes to take effect. A quorum of four (4) members shall be present to conduct meetings.
 - 1. The Commission shall elect from its five members, a Chair, a Secretary and such other officers as it shall deem necessary to its functions.
 - 2. The Commission shall at its first meeting in January of each year, elect its officers, adopt a schedule of its regular meeting at least in each quarter of the year but shall also meet as often as business dictates. All meetings shall be subject to the Sunshine laws of Ohio.
- (c) With the prior approval of Council, the Commission shall have the power to employ by contract architects, engineers and other knowledgeable professionals, and to appoint or employ such clerks, draftsmen and other subordinates as it deems necessary for the performance of its functions. The expenditures for such contract services and employments shall be at all times within the amounts appropriated for the Commission by Council, and Council may provide for the expenses, services and accommodations as it deems necessary in its unfettered discretion for work of the Commission.
- (d) The Commission may prepare and submit requests for grants, funding, services, etc. from any government, or private source, however, only Council shall accept, receive and expend such funds, grants and services from any government sources, federal or state, or private sources on behalf of the Planning Commission.
- (e) The Commission shall have the power to frame and adopt plans and draw maps for dividing the Village or any portion thereof, into zones or districts,

representing the recommendations of the Commission, in the interest of the public health, safety, convenience, comfort, property or general welfare, for the limitations and regulations of the height, the bulk and location, including percentage of lot occupancy, setback 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, however, such plan(s) and/or maps shall go into effect only after approval by Council of such plan(s) and/or maps by enactment of an ordinance or resolution adopting such plan(s) and/or maps for the Village.

(f) The Commission shall also:

1. Advise and inform as often as may be prudent and necessary, the Village Council of the preparation of plans and maps for the zoning of and physical development and harmonious improvement of the Village,
2. Evaluate all aspects of the exiting plan of the Village and layout of its streets, roads and highways, buildings public and private, recreation areas, parks and public lands and properties, the areas of flood hazard and residential and commercial areas for purposes of improvement to the quality of life of residents of the Village;
3. Receive and recommend to Council for approval or disapproval all plats for the subdivision of lands within the Village;
4. Report to Council on the status of its work at Council's regular monthly meeting upon request by Council.

SECTION FOUR: PURPOSE AND INTENT OF THIS ORDINANCE

It is the intent of this Ordinance that the Commission shall have the powers set forth in Ohio Revised Code, Chapter 713 as may be applicable AND necessary to its purpose but subject to such conditions and limitations as Council may determine or define by further legislative enactment. It is the intent of Council to exercise the fullest extent of its powers under the Ohio Constitution Article XVIII and under the statutes of the state of Ohio subject only to limitation in the event of conflict with the general laws of Ohio.

SECTION FIVE: EMERGENCY LEGISLATION

This Ordinance is determined to be an emergency measure due to the speed with which the Bailey Mountain Bike Trail is being developed and used by mountain bikers and hikers and tourists from the Village Dover Park trailhead and the impact on the sale and purchase of properties and residences and businesses within the Village by interested investors and developers which may have a detrimental impact on the orderly development and maintenance of the community and character of the

Village, this Ordinance shall take effect immediately upon passage as an emergency measure necessary to protect and preserve the health, economic welfare and safety of the residents of the Village.

PASSED this 17 day of November, 2020,

ATTEST:



Joe Canter: Council President

ATTEST:



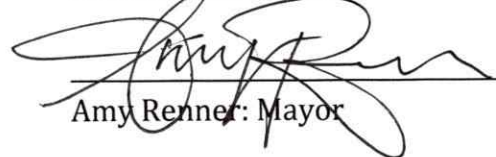
Chelsie McKee: Fiscal Officer

APPROVED AS TO FORM:



Robert J. Shostak: Solicitor

ACKNOWLEDGED:



Amy Renner: Mayor

First Reading: September 15, 2020
Second Reading: October 20, 2020
Third Reading: November 17, 2020

CROSS REFERENCES

Plat approval required - see Ohio R.C. 711.09
Planning Commission established - see Ohio R.C. 713.01
Planning Commission powers and duties - see Ohio R.C. 713.02- 713.06
Planning Commission shall be Platting Commission - see Ohio R.C. 713.03
Division into districts - see Ohio R.C. 713.06, 713.10

CERTIFICATION OF FISCAL OFFICER
AS TO POSTING OF ORDINANCE

The foregoing is a true copy of the original Ordinance No. 2020-7.

Publication of this Ordinance was made by posting a copy of the same in the following five locations within the Village, beginning on November 30, 2020, and concluding on December 14, 2020 (at least 15 days later):

LOCATION	DATE POSTED
<u>Town Hall</u>	<u>11/30/2020</u>
<u>Post Office</u>	<u>11/30/2020</u>
<u>Library</u>	<u>11/30/2020</u>
<u>Cee Dee Mart</u>	<u>11/30/2020</u>
<u>Chauncey Food Mart</u>	<u>11/30/2020</u>

ATTEST:

Date: 11/30/2020

Chelsie McKee
Chelsie McKee
Fiscal Officer