

ARTICLE 28

ADMINISTRATION

28.0 Purpose

This Article sets forth the powers and duties of the Zoning Commission, the Board of Zoning Appeals, the Board of Township Trustees, and the Zoning Inspector with respect to the administration of the provisions of this Resolution.

28.1 General Provisions

The formulation, administration and enforcement of this Resolution are hereby vested in the following offices and bodies:

- 28.1.1 Zoning Inspector (See Section 28.2);
- 28.1.2 Zoning Commission (See Section 28.4);
- 28.1.3 Board of Zoning Appeals (See Section 28.6); and,
- 28.1.4 Township Trustees (See Section 28.7).

28.2 Zoning Inspector

A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this Resolution. Assistance may be provided by such other persons as the Board of Township Trustees may authorize and direct.

28.3 Responsibilities of Zoning Inspector

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

- 28.3.1 Enforce the provisions of this Resolution and interpret the meaning and application of its provisions;
- 28.3.2 Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning District Map;
- 28.3.3 Issue zoning permits and zoning certificates as provided by this Resolution and keep a record of same with a notation of any special conditions involved;
- 28.3.4 Act on all applications upon which the Inspector is authorized to act by the provisions of this Resolution within the specified time or notify the

applicant in writing of such refusal or disapproval of said 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 the request to the Board of Zoning Appeals;

- 28.3.5 Conduct inspections of buildings and uses of land to determine compliance with this Resolution 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;
- 28.3.6 Maintain in current status the Official Zoning District Map, which shall be kept on permanent display in the township office;
- 28.3.7 Maintain permanent and current records required by Resolution, including but not limited to zoning permits, occupancy permits, zoning certificates, inspection documents, and records of all variances, amendments and special uses;
- 28.3.8 Make such records available for the use of the Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the public;
- 28.3.9 Review and approve site plans pursuant to this Resolution;
- 28.3.10 Determine the existence of any violations of this Resolution 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; and,
- 28.3.11 Prepare and submit reports to the Township Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Resolution. Such reports shall include recommendations concerning the schedule of fees.

28.4 Township Zoning Commission

A Zoning Commission, designated by the Board of Township Trustees, shall assist in the amendment, interpretation, administration and enforcement of this Resolution. The Zoning Commission may, within the limits appropriated by the Board of Township Trustees, employ or contract with such planning consultants and other assistants as it deems necessary.

The Zoning Commission shall be composed of five (5) members who reside in the unincorporated area of the township. The terms of the members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until a successor is appointed and qualified. Vacancies shall be filled by the Board of Trustees and shall be for the unexpired term.

28.5 Responsibilities of the Zoning Commission

For the purpose of this Resolution the Zoning Commission shall have the following duties:

- 28.5.1 Recommend the proposed Zoning Resolution, including text and Official Zoning District Map representing the recommendations of the Zoning Commission to the Board of Township Trustees for formal adoption.
- 28.5.2 Initiate advisable Official Zoning District Map changes or changes in the text of this Resolution where same will promote the best interest in of the public in general.
- 28.5.3 Carry on a continuous review of the effectiveness and appropriateness of this Resolution and recommend such changes or amendments as it feels would be appropriate.

28.6 Board of Zoning Appeals

The Board of Township Trustees shall appoint a Township Board of Zoning Appeals of five members who shall be residents of the unincorporated territory within the township. The terms of all members shall be so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. The Board of Zoning Appeals may, within the limits of the moneys appropriated by the Board of Township Trustees for the purpose, employ such executives, professional, technical, and other assistance as it deems necessary.

28.7 Responsibilities of the Board of Zoning Appeals

For the purpose of this Resolution the Township Board of Zoning Appeals shall have the following duties:

- 28.7.1 Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official;
- 28.7.2 Authorize upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest;
- 28.7.3 Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the Zoning Resolution; and,
- 28.7.4 Revoke an authorized variance or conditional use certificate if any condition of the variance or certificate is violated.

28.8 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority, and Courts on Matters of Appeal

It is the intent of the Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement stated in this section and this Resolution. Under this Resolution the Board of Township Trustees shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of schedule of fees and charges as stated in Section 28.10 of this Resolution. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code or in such statute as it may hereafter be amended. Any such appeal shall be made within ten (10) days of the Board's written decision.

28.9 Board of Township Trustees

The powers and duties of the Township Trustees pertaining to the Zoning Resolution are as follows:

- 28.9.1 Approve the appointments of members to the Zoning Commission;
- 28.9.2 Approve the appointments of members to the Board of Zoning Appeals;
- 28.9.3 Initiate or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing; and,
- 28.9.4 Override a written recommendation of the Zoning Commission on a text or map amendment provided that such legislative action is passed by a unanimous vote of the Township Trustees.

28.10 Schedule of Fees

The Board of Township Trustees shall by Resolution 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 Resolution 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 Board of Township Trustees. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

(See section 519 of the **Ohio Revised Code** for further clarification if necessary)