

# **Article 4**

## **Administration**

### **400 Purpose**

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

### **401 General provisions**

The formulation, administration and enforcement of this Zoning Resolution is hereby vested in the following offices and bodies within Jackson Township, Clermont County, government:

- A. Zoning Administrator
- B. Zoning Commission
- C. Board of Zoning Appeals
- D. Township Trustees
- E. Legal Counsel
- F. Township Clerk

### **410 Zoning Administrator**

A Zoning Administrator designated by the Board of Township Trustees shall administer and enforce this Resolution. He may be provided with the assistance of such other people as the Board of Township Trustees may direct.

### **411 Responsibilities of Zoning Administrator**

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

- A. Enforce the provisions of this Resolution and interpret the meaning and application of its provision.
- B. Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning District Map.
- C. Issue zoning permits as provided by this Resolution and keep a record of same with a notation of any special conditions involved.

- D. Act on all applications upon which he is authorized to act by the provisions of this Resolution within the specified time or notify the applicant in writing of his refusal 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 request to the Board of Zoning Appeals.
- E. 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.
- F. To maintain, or cause to be maintained, in current status the Official Zoning District Map which shall be kept on permanent display in the Township Offices.
- G. Maintain permanent and current records required by this Resolution, including but not limited to zoning certificates, inspection documents, and records of all variances, conditional uses, amendments and special uses.
- H. Make such records available for the use of the Township Trustees, the Zoning Commission, the Board of Zoning Appeals and the public.
- I. Review and approve site plans pursuant to this Resolution.
- J. Determine the existence of any violations of this Resolution, and cause such notifications, revocation notices or stop orders to be issued, or initiate such other administrative or legal action as needed, to address such violations.
- K. Prepare and submit a bi-weekly and annual report 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 report shall include recommendations concerning the Schedule of Fees.
- L. Delegate any of the aforementioned tasks to any and all assistants that might be provided to him by the Board of Trustees. He shall personally supervise any and all delegated tasks and shall remain personally responsible for the proper conduct of all tasks conducted under the terms of this resolution.
- M. Act as principal liaison with any and all planning or other consultants retained by the Board of Trustees for any purposes or task pertaining to this Resolution.

## **412 Zoning Administrator's bond**

The Township Zoning Administrator, before entering upon the duties of his/her office, shall give bond, signed by a bonding or surety company authorized to do business in this State, or at his option, signed by two (2) or more freeholders having real estate in the value of double the amount of the bond, over and above all encumbrances to the State, in the sum of not less than one thousand (1,000) or more than five thousand (5,000) dollars as fixed by the Board of Township Trustees. Such surety company or real estate bond shall be approved by the Board of Township Trustees and the bond shall be conditioned upon the faithful performance of such Zoning Administrator's official duties. Such bond shall be deposited with the Township Clerk.

## **420 Organization of the Township Zoning Commission**

A Township Zoning Commission composed of five (5) members shall be appointed by the Board of Trustees. All members shall be residents of the unincorporated area of the Township. The terms of said members shall be of such length, and so arranged, so that one (1) member's term shall expire each year. Each member shall serve until his successor is appointed and seated. Members shall be removed from office for non-performance of duty, misconduct in office, or other necessitating cause, by the Board of Trustees, after a public hearing has been held on the charges. A copy of the charges shall be delivered to the offending member at least ten (10) days prior to the scheduled public hearing either personally, via registered mail, or by leaving same at his address of record; and the member shall be afforded the privilege of responding to the charges at the hearing. Vacancies thus created shall be filled by an appointment from the Board of Trustees and shall be for the unexpired term.

## **421 Duties of Township Zoning Commission**

- A. Recommend to the Board of Trustees advisable changes or amendments to the text or map of this Resolution which will promote the best interest of the public in general.
- B. Review all proposed special uses, changes or amendments to the text or map of this Resolution and make appropriate recommendations to the Board of Trustees.
- C. Review all Planned Development (PD) preliminary plans, and make appropriate recommendations to the Board of Trustees.
- E. Conduct an annual review of the fee schedules contained in this Resolution, and make appropriate recommendations to the Board of Trustees.
- F. Carry on a continuous review of the effectiveness and appropriateness of this Resolution and recommend any and all appropriate amendments or changes to

improve the effectiveness and to maintain the currency and appropriateness of this Resolution to the Board of Trustees.

## **422 Proceedings of the Township Zoning Commission**

The Commission shall adopt rules necessary for the conduct of its affairs in keeping with the provisions of this Resolution. Commission meetings shall be held at a regularly scheduled time and place known to the general public. All meetings shall be open to the public. The 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 examinations and other official actions, all of which shall become a public record and be immediately filed in the office of the Commission. The presence of three (3) members shall constitute a quorum. The members may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide.

## **430 Township Board of Zoning Appeals, compensation and expenses**

The Board of Township Trustees shall appoint a Township Board of Zoning Appeals of five (5) members who shall be residents of the unincorporated territory in the Township. The terms of all 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 his successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided by Section 420 of this Resolution. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide.

The Board of Zoning Appeals may within the limits of the moneys appropriated by the Board of Township Trustees for the purpose, employ such executive, professional, technical, and other assistants as it deems necessary.

## **431 Powers of Township Board of Zoning Appeals**

The Township Board of Zoning Appeals may:

- A. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Resolution;
- B. Authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done;

- C. 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;
- D. Revoke an authorized variance or conditional zoning certificate if any condition of the variance or certificate is violated.

The Board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate by under item D of this section and of his right to a hearing before the Board, within thirty (30) days of the mailing notice, if he so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing, and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the Board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

In exercising the above-mentioned powers, the Board may, in conformity with the sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

#### **432 Rules, organization and meeting of the Board of Zoning Appeals**

The Township Board of Zoning Appeals shall organize and adopt rules in accordance with the Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, or at such other times as the Board determines. The chairman, or in his absence the acting chairman, may administer oaths, and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the Public. The Board of Zoning Appeals 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 record of its examinations and other official actions, all of which shall be immediately filed in the office of the board of Township Trustees and be a public record. The presence of three (3) members shall constitute a quorum.

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Township affected by any decision of the administrative officer. Such appeal shall be taken within twenty (20) days after the decision by filing, with the officer from whom the appeal is taken with the Board of Zoning Appeals, a notice of appeal specifying the grounds. The officer from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the actions were appealed.

The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by publication in (1) one or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and

decided the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney.

#### **440 Duties of Zoning Administrator, Board of Zoning Appeals, legislative authority and courts on matters of appeal**

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Administrator, 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 Township Trustees in connection with this Resolution 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 Resolution. Under this Resolution the Board of Township Trustees shall only have the duties of this Resolution as provided by law, and of establishing a schedule of fees and charges as stated in Section 451 of this Resolution. Nothing in this Resolution shall be interpreted to prevent any officials 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. Any such appeal shall be made within thirty (30) days of the Board's written decision.

#### **450 Board of Township Trustees**

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

- A. Approve the appointments of members to the Zoning Commission.
- B. Approve the appointments of members to the Board of Zoning Appeals.
- C. 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.
- D. 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.

#### **451 Schedule of fees**

The Board of Township Trustees shall by resolution establish a schedule of fees for zoning certificates, 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 Administrator with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Administrator, and may only

be altered or amended 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.

#### **460 Responsibilities of Township Clerk**

The Township Clerk shall have the responsibilities of maintaining the "official" text of this Zoning Resolution which shall be maintained on display in the Township Office and be made available to any citizen of the Township during normal business hours.