

Article 2: Administration

2.01 PURPOSE

The purpose of this article is to identify the roles and responsibilities of various elected and appointed boards, and the duties of township staff, in the administration of this zoning resolution. This article also includes the review procedures for zoning text and map amendments, zoning certificates, appeals, conditional uses, and variances.

2.02 ILLUSTRATION OF REVIEW AND DECISION MAKING-BODIES

- (A) [Table 2-1](#) summarizes the review and decision-making responsibilities of the entities that have roles in the procedures set forth in this article. Other duties and responsibilities of the entities are set forth in subsequent sections of this article.
- (B) Even though not referenced in this table, other boards, commissions, government agencies, and non-government agencies may be asked by the Zoning Inspector, the Ross Township Zoning Commission, the Ross Township Board of Zoning Appeals, or the Ross Township Board of Trustees, to review some applications, including, but not limited to, map amendments (rezonings), text amendments, planned developments, appeals, variances, and conditional uses. This includes the review authority granted to the Butler County Planning Commission pursuant to the ORC as noted in Section <>.

TABLE 2-1: SUMMARY TABLE OF DECISIONS

H = Hearing (Public Hearing Required) M = Meeting (Public Meeting Required)		R = Review and/or Recommendation D = Decision (Responsible for Final Decision)			
Procedure	Section	Board of Trustees	Zoning Commission	Board of Zoning Appeals (BZA)	Zoning Inspector
Zoning Certificate	3.04				R and D
Zoning Text or Map Amendment	3.05	H and D	H and R		R
Planned Unit Developments	See Article 7:Planned Unit Development (PUD) District.				
Conditional Use	3.06			H and D	R
Variance	3.06			H and D	R
Appeals	3.07			H and D	[1]

NOTES:

[1] The Zoning Inspector or other staff shall forward all records of their decision to the BZA including any staff report or summary that provides a history of actions and decisions made in relation to the appealed action.

2.03 BOARD OF TRUSTEES

For the purpose of this zoning resolution, the Ross Township Board of Trustees, hereafter referred to as the Board of Trustees, shall have the following duties:

- (A) Initiate proposed amendments to the text of this zoning resolution and/or the official zoning map;
- (B) Review and decide on all proposed amendments to the text of this zoning resolution and/or the official zoning map;
- (C) Review and decide on all proposed PUD preliminary development plans and zoning map amendment applications;⁶ and
- (D) Perform all other duties as specified in the ORC and as specified in this zoning resolution.

2.04 ZONING COMMISSION

The Board of Trustees, for the purpose and intent of this zoning resolution, has hereby created and established the Ross Township Zoning Commission, hereafter referred to as the Zoning Commission.

(A) Appointment and Organization

- (1) The Zoning Commission shall be composed of five members who reside in the unincorporated area of Ross Township, Butler County, Ohio, to be appointed by the Board of Trustees.
- (2) Members shall serve five-year terms with the term of one member expiring each year.
- (3) Each member shall serve until his or her successor is appointed and qualified.
- (4) Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause, by the Board of Trustees. Such removal may take place after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail or by leaving same at his or her usual place of residence. The member shall be given an opportunity to be heard and answer such charges.
- (5) All complaints alleging non-performance of duty, misconduct in office, or other cause that may justify removal of a Zoning Commissioner shall be presented, in writing, to the Board of Trustees. If upon receipt of said written complaint the Board of Trustees determines that the allegations so justify, the Board shall proceed with a public hearing as set forth herein.
- (6) Vacancies shall be filled by appointment by the Board of Trustees and shall be for the time remaining in the unexpired term.

(B) Alternates

- (1) The Board of Trustees may appoint up to three alternate members to the Zoning Commission for a term of two years each.
- (2) An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission.
- (3) An alternate member shall meet the same appointment criteria as a regular member.
- (4) When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized and eligible to vote for and provided the member attended all pertinent public meetings or hearings.

⁶ The roles of each board may be revised after we discuss the appropriate review procedures for PUDs. I have included provisions based on the most common form of PUD review.

- (5) When a vacancy occurs, alternate members do not automatically become full members of the Zoning Commission. Alternate members have to be appointed to replace a full member upon a vacancy.

(C) Roles and Powers

- (1) The Zoning Commission shall have the authority to initiate proposed amendments to the text of this zoning resolution and/or the official zoning map.
- (2) The Zoning Commission shall have the authority to review all proposed amendments to the text of this zoning resolution and/or the official zoning map and make recommendations to the Board of Trustees.
- (3) The Zoning Commission shall review all PUD preliminary development plans and zoning map amendment applications and make recommendations to the Board of Trustees.
- (4) The Zoning Commission shall review and decide on all PUD final development plan applications.
- (5) The Zoning Commission shall act as the architectural review board for the township as authorized in Section 519.171 of the ORC.
- (6) The Zoning Commission shall perform all other duties as specified for township zoning commissions in the ORC and as specified in this zoning resolution.

(D) Organization and Bylaws

- (1) The Zoning Commission shall elect a chairperson from its membership and shall appoint a recording secretary, who need not be a member of the Zoning Commission.
- (2) The Zoning Commission may organize and adopt bylaws for its own governance provided they are consistent with state law and with any other resolution of the township.

(E) Meetings

- (1) Meetings shall be held at the call of the chair, or at the call of any two members, and at such other times as the Zoning Commission may determine.
- (2) All meetings shall be open to the public, except as exempted by law.
- (3) The Zoning Commission shall keep minutes of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record, unless exempted by law, and be immediately filed in the office of the Board of Trustees.

(F) Quorum and Recommendations or Decision

- (1) Any combination of three or more regular or alternate members of the Zoning Commission shall constitute a quorum.
- (2) The Zoning Commission shall act when three members, who are eligible to vote, concur on a recommendation or decision.

2.05 BOARD OF ZONING APPEALS (BZA)

The Board of Trustees, for the purpose and intent of this zoning resolution, has hereby created and established the Ross Township Board of Zoning Appeals, hereafter referred to as the BZA.

(A) Appointment and Organization

- (1) The BZA shall be composed of five members who reside in the unincorporated area of Ross Township, Butler County, Ohio, to be appointed by the Board of Trustees.
- (2) Members shall serve five-year terms with the term of one member expiring each year.
- (3) Each member shall serve until his or her successor is appointed and qualified.

- (4) Members of the BZA shall be removable for non-performance of duty, misconduct in office, or other cause, by the Board of Trustees. Such removal may take place after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail or by leaving same at his or her usual place of residence. The member shall be given an opportunity to be heard and answer such charges.
- (5) All complaints alleging non-performance of duty, misconduct in office, or other cause that may justify removal of a member of the BZA shall be presented, in writing, to the Board of Trustees. If upon receipt of said written complaint the Board of Trustees determines that the allegations so justify, the Board shall proceed with a public hearing as set forth herein.
- (6) Vacancies shall be filled by appointment by the Board of Trustees and shall be for the time remaining in the unexpired term.

(B) Alternates

- (1) The Board of Trustees may appoint three alternate members to the BZA for a term of two years each.
- (2) An alternate member shall take the place of an absent regular member at any meeting of the BZA.
- (3) An alternate member shall meet the same appointment criteria as a regular member.
- (4) When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized and eligible to vote for and provided the member attended all pertinent public meetings or hearings.
- (5) When a vacancy occurs, alternate members do not automatically become full members of the BZA. Alternate members have to be appointed to replace a full member upon a vacancy.

(C) Roles and Powers

- (1) The BZA shall have the authority to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant, or refusal made by the Zoning Inspector, other township official, or administrative body of the township in the interpretation or enforcement of the provisions of this zoning resolution.
- (2) The BZA shall have the authority to hear and decide, in accordance with the provisions of this zoning resolution, applications filed for conditional uses, for interpretation of the zoning map, or for decisions upon other special questions on which the BZA is authorized by this zoning resolution to pass.
- (3) In considering an application for a conditional use, the BZA shall have the power to impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this zoning resolution for the particular conditional use, as the BZA may deem necessary for the protection of adjacent properties and the public interest.
- (4) The BZA shall have the power to authorize upon appeal in specific cases, filed as herein provided, such variances from the provisions or requirements of this zoning resolution as will not be contrary to the public interest, but only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this zoning resolution would cause unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done. The BZA may attach thereto such conditions regarding the location, character and other features of the proposed structure or use, as it may deem necessary in the interest of the furtherance of the purposes of the zoning resolution and in the public interest.

- (5) The BZA shall have the authority to review and provide an interpretation of the zoning map or zoning text whenever there is a question of how the zoned districts or regulations of this resolution are applied.
- (6) The BZA shall have the authority to permit the substitution of a nonconforming use existing at the time of enactment of this resolution in compliance with [Article 14: Nonconformities](#).
- (7) The BZA shall have all other powers conferred upon township boards of zoning appeals in the ORC, or as authorized by the Board of Trustees in compliance with state law.

(D) Organization and Bylaws

- (1) The BZA shall elect a chairperson from its membership and shall appoint a recording secretary, who need not be a member of the BZA.
- (2) The BZA may organize and adopt bylaws for its own governance provided they are consistent with state law or with any other resolution of the township.

(E) Meetings

- (1) Meetings shall be held at the call of the chair, or at the call of any two members, and at such other times as the BZA may determine.
- (2) The chair, or in their absence, the acting chair, may administer oaths and the BZA may compel the attendance of witnesses per the ORC.
- (3) All meetings of the BZA shall be open to the public, except as exempted by law.
- (4) The BZA shall keep minutes of its proceedings showing the vote, indicating such fact and shall keep records of its examinations and official actions, all of which shall be filed in the office of the Ross Township Fiscal Officer and shall be a public record, unless exempted by law.
- (5) The BZA may call upon any township department for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the BZA as may reasonably be required.

(F) Quorum and Decisions

- (1) Any combination of three regular or alternate members of the BZA shall constitute a quorum.
- (2) The BZA shall act by resolution when at least three members, who are eligible to vote, concur on a decision.

(G) Modification of Approval

No substantial modification of a variance approval or conditional use approval, as determined by the Zoning Inspector, shall be permitted without a new application and applicable fee pursuant to this article.

2.06 ZONING INSPECTOR (REVISED 25.1)⁷

The Board of Trustees shall appoint a Zoning Inspector who shall serve as the zoning inspector referenced in the ORC.

(A) Roles and Powers

The Zoning Inspector shall have the following roles and powers:

⁷ Butler County uses the term “zoning administrator” but the ORC provisions for townships specify a zoning inspector so we are using that term.

- (1) The Zoning Inspector shall have the authority to conduct inspections of structures and land to determine compliance with this resolution.
- (2) The Zoning Inspector shall have the authority to review and decide on applications for zoning certificates and to ensure compliance with this zoning resolution in accordance with the applicable procedures in this resolution.
- (3) The Zoning Inspector shall have the authority to collect all fees required for all applications.
- (4) The Zoning Inspector shall have the authority to provide input, staff reports, or other guidance to the Board of Trustees, Zoning Commission, and/or BZA, when requested.
- (5) After written request from a person having a legitimate present or future interest in the property, the Zoning Inspector shall have the authority to issue a zoning certificate for any building or premises existing at the time of enactment of this resolution, certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this resolution.
- (6) It shall be the duty of the Zoning Inspector to keep adequate records of all applications and decisions on said applications.
- (7) It shall be the duty of the Zoning Inspector to issue citations of zoning violations and keep adequate records of all violations.
- (8) The Board of Trustees may also appoint additional personnel to assist the Zoning Inspector in such roles and powers as outlined in this section.
- (9) The Zoning Inspector shall have the authority to seek the advice of professional consultants, when authorized by the Board of Trustees.
- (10) The Zoning Inspector shall have the authority to conduct additional duties as designated by the Board of Trustees or as specified in this zoning resolution.

(B) Decisions

- (1) Any decision of the Zoning Inspector may be appealed in writing to the BZA within 20 days of the Zoning Inspector's decision pursuant to Section [3.07: Appeals](#).
- (2) The Zoning Inspector shall have appropriate forms for appeal available at the time of denial.