

ARTICLE 23 – TOWNSHIP ZONING COMMISSION

Section 23.01 – TOWNSHIP ZONING COMMISSION

Pursuant to Section 519.04 of the ORC, the Board of Township Trustees hereby creates and establishes a Township Zoning Commission. The Commission shall be composed of five (5) members who reside in the unincorporated area of the Township, to be appointed by the Board, and the terms of the members shall be of such length and so arranged that the term of one (1) member will expire each year. The Board may appoint qualified members of the Regional Planning Commission to serve on the Township Zoning Commission. The time of service of each member shall be limited to two (2) consecutive full terms of five (5) years each. Each regular or alternate member shall serve until the member's successor is appointed and qualified.

Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Board, upon written charge being filed with the Board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. Prior to making any appointment to the Township Zoning Commission, the Board of Township Trustees shall publish public notice of the vacancy, hold a public hearing no sooner than twenty (20) days after publishing said notice, and interview each candidate or applicant for such position. The appointment shall be made by public vote at such hearing or at a later public meeting of the Board of Township Trustees.

The Board of Trustees may appoint two (2) alternate members to the Zoning Commission for such terms as determined by the Board of Trustees. An alternate member shall take the place of an absent regular member according to such procedures as may be prescribed, from time to time, by resolution adopted by the Board of Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. Alternate members shall be removable upon the same grounds and under the same procedures as regular members.

Section 23.02 – ORGANIZATION

The Township Zoning Commission shall organize, electing a Chairperson and Vice Chairperson, and adopt rules in accordance with the provisions of this Zoning Resolution. Meetings of the Zoning Commission shall be held at the call of the Chairman, and at other times as the Zoning Commission may determine. The Zoning 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 its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees and shall be a public record. The Board of Township Trustees, the Township Zoning Inspector, and the Township Fiscal Officer shall be notified in advance of all meetings conducted by the Board.

Attendance of three (3) members shall constitute a quorum. The concurring vote of three (3) members of the Zoning Commission shall be necessary to decide in favor of an applicant on any matter which the Board is required to hear under the Township Zoning Resolution. The failure of an applicant to secure at least three (3) concurring votes shall constitute a decision for disapproval of the application.

Section 23.03 – COMPENSATION AND EXPENSES

The members of the Township Zoning Commission may be allowed their expenses or such compensation, or both, as the Board of Township Trustees may approve and provide. The Zoning Commission may also, within the limits of moneys appropriated by the Board of Township Trustees for that purpose, employ such executive, professional, technical, and other assistants as it considers necessary.

Section 23.04 – FUNCTIONS OF THE TOWNSHIP ZONING COMMISSION

The Township Zoning Commission shall initiate or review all proposed amendments to this Zoning Resolution and make recommendations to the Township Trustees in accordance with both the provisions of the Zoning Resolution and applicable law and shall perform such other functions as provided in this Zoning Resolution.

The Township Zoning Commission shall organize, adopt Rules of Procedure for the transaction of its business, and keep a record of its actions and determinations.

No Township Trustee shall be employed by the Township Zoning Commission.

The Zoning Commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies, and such officials, departments, and agencies having information, maps, and data pertinent to Township Zoning shall make them available for the use of the Zoning Commission.

The Zoning Commission may request the Regional Planning Commission to prepare or make available to the Zoning Commission a Zoning Plan, including text and maps, for the unincorporated area of the Township or any portion of the same.

Section 23.05 – ZONING SECRETARY

To assist in the administration of this Zoning Resolution, the Township Trustees shall appoint a Zoning Secretary whose duty it shall be to maintain Township zoning records, confirm information in Applications, process all Notices required under this Zoning Resolution, record the minutes of the Zoning Commission and the Board of Zoning Appeals, assist the Zoning Inspector, and perform such other duties relating to this Zoning Resolution as the Township Trustees may from time to time direct. The Zoning Secretary shall be compensated at rates set from time to time by the Township Trustees. The Township Fiscal Officer may be named to this position and may receive compensation for such services in addition to other compensation allowed by law.

Section 23.06 – MEETINGS AND AGENDA OF TOWNSHIP ZONING COMMISSION

The Zoning Commission shall establish by rule a schedule for both regular and special meetings. The Commission shall consider all items on the agenda. In the event there are no items on the agenda, no meeting need be held. Special meetings can be called by the Chairperson of the Commission or Chairperson of the Township Trustees upon ten (10) days' written notice to all Commission members. All meetings of the Zoning Commission shall be open to the public.

Section 23.07 – MINUTES

The minutes of each meeting of the Zoning Commission shall be kept by the Zoning Secretary on file in the Township offices with the other zoning records. Said minutes shall be open for public inspection during normal business hours.

ARTICLE 25 – BOARD OF ZONING APPEALS

Section 25.01 – BOARD OF ZONING APPEALS

Pursuant to Section 519.13 of the ORC, a Township Board of Zoning Appeals is hereby created. Said Board of Zoning Appeals shall be composed of five (5) members who shall be appointed by the Board of Township Trustees and who shall be residents of the unincorporated territory of Liberty Township included in the area zoned by this Zoning Resolution. The terms of all members shall be five (5) years in length and so arranged that the term of one (1) member will expire each year. The time of service of each member of the Board of Zoning Appeals shall be limited to two (2) consecutive full terms. Each regular or alternate member shall serve until the member's successor is appointed and qualified.

Members of the Board of Appeals shall be removable for the reason specified and in compliance with the procedure established in ORC Chapter 519. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. Prior to making any appointment to the Board of Zoning Appeals, the Board of Township Trustees shall publish public notice of the vacancy, hold a public hearing no sooner than twenty (20) days after publishing said notice and interview each candidate or applicant for such position. The appointment shall be made by public vote at such hearing or at a later public meeting of the Board of Township Trustees.

The Board of Trustees may appoint two (2) alternate members to the Board of Zoning Appeals for such terms as determined by the Board of Trustees. An alternate member shall take the place of an absent regular member according to such procedures as may be prescribed, from time to time, by resolution adopted by the Board of Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, an alternate member may vote on any matter on which the absent member is authorized to vote. Alternate members shall be removable for the same causes and in the same manner as regular members, as provided by Section 519.04 of the ORC.

Section 25.02 – ORGANIZATION

The Board of Zoning Appeals shall organize, electing a Chairperson and Vice Chairperson, and adopt rules in accordance with the provisions of this Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at other times as the Board of Zoning Appeals may determine. The Chairperson, or designee, may administer oaths and the Board of Zoning Appeals may compel attendance of witnesses. 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 records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees and shall be a public record. The Board of Township Trustees, the Township Zoning Inspector and the Township Fiscal Officer shall be notified in advance of all meetings conducted by the Board.

Attendance of three (3) members of the Board of Zoning Appeals shall constitute a quorum.

Section 25.03 – COMPENSATION AND EXPENSES

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

Section 25.04 – FUNCTIONS OF THE BOARD OF ZONING APPEALS

Pursuant to Section 519.14 of the ORC, the Township Board of Zoning Appeals may exercise the following powers and perform the following functions:

- 25.04.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 Sections 519.02 to 519.25 of the ORC, or of any resolution adopted pursuant thereto, including this Zoning Resolution.
- 25.04.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 Zoning Resolution will result in unnecessary hardship, and so that the spirit of the Zoning Resolution shall be observed and substantial justice done.
- 25.04.C** Authorize, in specific cases, Variances that relate solely to Area requirements as defined in 25.06.C herein and Use requirements as defined in Section 25.06.B herein.
- 25.04.D** Grant conditional Zoning Permits for the use of land, buildings or other structures if such uses are provided for in the Zoning Resolution. If the Board considers conditional Zoning Permits for activities that are permitted and regulated under Chapter 1514 of the ORC or activities that are related to making finished aggregate products, the Board shall proceed in accordance with Section 519.141 of the ORC.
- 25.04.E** Revoke an authorized variance or conditional Zoning Permit granted for the extraction of minerals, if any condition of the variance or Permit is violated. The Board shall notify the holder of the variance or Permit by certified mail of its intent to revoke the variance or Permit under Division E of this Section, and of his/her right to a hearing before the Board, within thirty (30) days of the mailing of the notice, if he/she 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/her attorney, or by other representative, or he/she may present his/her position in writing. He/she may present evidence and examine witnesses appearing for or against him/her. If no hearing is requested, the Board may revoke the variance or Permit without a hearing. The authority to revoke a variance or Permit is in addition to any other means of zoning enforcement provided by law.

In exercising the above-mentioned powers, such Board may, in conformity with such 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.

Section 25.05 – PROCEDURE ON HEARING APPEALS

Pursuant to Section 519.15 of the ORC, 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 Zoning Inspector. Such Appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector from whom the Appeal is taken and with the Board of Zoning Appeals, a Notice of Appeal specifying the grounds thereof. The Zoning Inspector, from whom the appeal is taken, shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give at least ten (10) days' written notice by ordinary mail to the parties in interest, give notice of such public hearing by one (1) publication in a newspaper of general circulation within the