

CHAPTER 2. ADMINISTRATIVE ROLES AND AUTHORITY

2.1. PURPOSE

The purpose of this chapter 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 code.

2.2. SUMMARY TABLE OF REVIEW BODIES

2.2.1. [Table 2-1: Summary Table of Review Bodies](#) summarizes the review and decision-making responsibilities of the entities that have roles in the procedures set forth in [CHAPTER 3 Development Review Procedures](#). Other duties and responsibilities of the entities are set forth in subsequent sections of this chapter.

TABLE 2-1: SUMMARY TABLE OF REVIEW BODIES

H = HEARING (PUBLIC HEARING REQUIRED) M = MEETING (PUBLIC MEETING REQUIRED) R = REVIEW AND/OR RECOMMENDATION P = PREAPPLICATION MEETING			D = DECISION (RESPONSIBLE FOR FINAL DECISION) A = APPEAL (AUTHORITY TO HEAR/DECIDE APPEALS)			
PROCEDURE	SECTION	BOARD OF TOWNSHIP TRUSTEES	ZONING COMMISSION	COUNTY REGIONAL PLANNING COMMISSION	BOARD OF ZONING APPEALS (BZA)	ZONING INSPECTOR
Zoning Code Text or Map Amendment	Section 3.7	H-D	H-R	M-R		R-P
Planned Unit Development – Sketch Plan/Zone Map Amendment	Section 5.5	H-D	H-R	M-R		R-P
Planned Unit Development – Preliminary Site Plan	Section 5.5	M-D	M-R	M-R		R-P
Planned Unit Development – Final Site Plan	Section 5.5	M-D	M-R			R
Site Plan Review	Section 3.6	H-D [1]			A	R-P
Conditional Use	Section 3.8				H-D	R
Appeals	Section 3.8				H-D	[2]
Variance	Section 3.8				H-D	R
Zoning Certificate	Section 3.5				A	R-D
NOTES: [1] The board of township trustees shall act as the designated review board for site plan review in accordance with Section 3.6 Site Plan Review . [2] 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.						

2.2.2. Even though not referenced in this chapter, other boards, commissions, government agencies, and non-government agencies may be asked by the zoning inspector, the Hamilton Township Zoning Commission, the Hamilton Township Board of Zoning Appeals, or the Hamilton Township Board of Township Trustees, to review some applications, including, but not limited to, map amendments

(rezonings), text amendments, site plan review, appeals, variances, conditional uses, and planned unit developments.

2.3. BOARD OF TOWNSHIP TRUSTEES

For the purpose of this zoning code, the Hamilton Township Board of Township Trustees, hereafter referred to as the board of township trustees, shall have the following duties:

- 2.3.1.** Initiate proposed amendments to this zoning code text and/or the official zoning map;
- 2.3.2.** Review and decide on all proposed zoning text and map amendments to this zoning code;
- 2.3.3.** Review and decide on sketch plans, preliminary site plans, and final development plans for PUDs;
- 2.3.4.** Review and decide on site plan review applications as the designated review board; and
- 2.3.5.** Perform all other duties as specified in ORC Chapter 519 and as specified in this zoning code.

2.4. ZONING COMMISSION

The board of township trustees, for the purpose and intent of this zoning code, has hereby created and established the Hamilton Township Zoning Commission, hereafter referred to as the zoning commission.

2.4.1. Appointment and Organization

- A.** The board of township trustees shall appoint members of the zoning commission. The zoning commission shall be composed of five members who reside in the unincorporated area of Hamilton Township, Warren County, Ohio.
- B.** Members shall serve five-year terms with the term of one member expiring each year.
- C.** Each member shall serve until his or her successor is appointed and qualified.
- D.** Members of the zoning commission shall be removable for non-performance of duty, misconduct in office, or other cause, by the board of township trustees, upon written charges filed with the board of township trustees, 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 10 days prior to the hearing, either personally or by registered mail, or by leaving the same at the member's usual place of residence. The member shall be given the opportunity to be heard and answer such charges.
- E.** Vacancies shall be filled by appointment by the trustees and shall be for the time remaining in the unexpired term.

2.4.2. Roles and Powers

The zoning commission shall have the following roles and powers:

- A.** Initiate proposed amendments to this zoning code and/or the official zoning map;
- B.** Review all proposed zoning text and map amendments to this zoning code and make recommendations to the board of township trustees;
- C.** Review and make recommendations to the board of township trustees regarding sketch plans, preliminary site plans, and final site plans as they relate to a proposed PUD;

- D.** Perform all other powers conferred upon township zoning commissions in ORC Chapter 519, or as authorized by the board of township trustees in compliance with this zoning code and state law; and
- E.** Serve on committees or subcommittees as appointed by the board of township trustees.

2.4.3. Alternates

- A.** The board of township trustees may appoint up to two alternate members to the zoning commission for a term of five years each.
- B.** An alternate member shall take the place of an absent regular member at any meeting of the zoning commission.
- C.** An alternate member shall only take the place of a regular member during a public hearing (where a vote is required) if the alternate was present for all portions of the public hearing, including all presentations and testimony.
- D.** If an alternate takes the place of a regular member during a public hearing, the regular member that was absent for the hearing shall not participate in future portions of the same public hearing.
- E.** An alternate member shall meet the same appointment criteria as a regular member.

2.4.4. Bylaws

The zoning commission may organize and adopt bylaws for its own governance provided they are consistent with law or with any other resolution of the township.

2.4.5. Meetings

- A.** Meetings shall be held at the call of the chair, or the acting chair, and at such other times as the zoning commission may determine.
- B.** All meetings shall be open to the public, except as exempted by law.
- C.** 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 filed in the office of the Hamilton Township Planning and Zoning Department.

2.4.6. Quorum and Decisions

- A.** Any combination of three or more regular or alternate members of the zoning commission shall constitute a quorum.
- B.** The zoning commission shall act when at least three members concur. Action by the zoning commission requires a majority vote by a quorum.
- C.** A tie vote shall result in a failure of the motion.
- D.** Non-decision items, such as continuance or approval of minutes, shall require a majority of the quorum to concur.

2.5. BOARD OF ZONING APPEALS

The board of township trustees, for the purpose and intent of this zoning code, has hereby created and established the Hamilton Township Board of Zoning Appeals, hereafter referred to as the BZA.

2.5.1. Appointment and Organization

- A.** The board of township trustees shall appoint members of the BZA. The BZA shall be composed of five members who reside in the unincorporated area of Hamilton Township, Warren County, Ohio.
- B.** Members shall serve five-year terms with the term of one member expiring each year.
- C.** Each member shall serve until their successor is appointed and qualified.
- D.** Members of the BZA shall be removable for non-performance of duty, misconduct in office, or other cause, by the board of township trustees, upon written charges filed with the board of township trustees, 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 10 days prior to the hearing, either personally or by registered mail, or by leaving the same at the member's usual place of residence. The member shall be given the opportunity to be heard and answer such charges.
- E.** Vacancies shall be filled by appointment by the trustees and shall be for the time remaining in the unexpired term.

2.5.2. Roles and Powers

The BZA shall have the following roles and powers:

- A.** To hear and decide appeals where it is alleged by the appellant that there is error in an 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 code.
- B.** To hear and decide, in accordance with the provisions of this zoning code, applications filed for conditional uses. In granting a conditional use, the BZA may impose such conditions, safeguards or restrictions upon the premises benefited by the conditional use as may be necessary to comply with the standards set out in [Section 3.8 Appeals, Variances, and Conditional Uses](#) in order to reduce or minimize potentially injurious effects of such conditional use upon other property in the neighborhood and to carry out the general purpose and intent of this code.
- C.** To authorize upon appeal in specific cases, filed as herein provided, such variances from the provisions or requirements of this zoning code as will not be contrary to the public interest, where owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this zoning code will result in practical difficulty, and so that the spirit of the zoning code shall be observed and substantial justice done. Under no circumstances shall the BZA grant a use not permitted by the zoning code in the district involved.
- D.** To authorize the completion, restoration, reconstruction, in whole or in part, extension, or substitution of nonconforming uses, taking into consideration the nature of such uses in relationship to the character of the adjacent uses, lot size, setback lines, traffic conditions, terrain, and all other factors which, in the opinion of the BZA are pertinent to such completion,

restoration, reconstruction, extension, or substitution in compliance with [CHAPTER 10 Nonconformities](#).

- E.** To hear and provide an interpretation of the zoning map whenever there is a question of how the zoning districts are applied to the zoning map.
- F.** To perform all other powers conferred upon township boards of zoning appeals in ORC Chapter 519, or as authorized by the board of township trustees in compliance with this zoning code and state law.

2.5.3. Alternates

- A.** The board of township trustees may appoint up to two alternate members to the BZA for a term of five years each.
- B.** An alternate member shall take the place of an absent regular member at any meeting of the BZA.
- C.** An alternate member shall only take the place of a regular member during a public hearing (where a vote is required) if the alternate was present for all portions of the public hearing, including all presentations and testimony.
- D.** If an alternate takes the place of a regular member during a public hearing, the regular member that was absent for the hearing shall not participate in future portions of the same public hearing.
- E.** An alternate member shall meet the same appointment criteria as a regular member.

2.5.4. Bylaws

The BZA may organize and adopt bylaws for its own governance provided they are consistent with law or with any other resolution of the township.

2.5.5. Meetings

- A.** Meetings of the BZA shall be held at the call of the chair, or the acting chair, and at such other times as the BZA may determine.
- B.** The chair, or in their absence, the acting chair, may administer oaths and the BZA may compel the attendance of witnesses per ORC Section 519.15.
- C.** All meetings of the BZA shall be open to the public, except as exempted by law.
- D.** 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 Hamilton Township Planning and Zoning Department and shall be a public record, unless exempted by law.
- E.** 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.

2.5.6. Quorum and Decisions

- A.** Any combination of three regular or alternate members of the BZA shall constitute a quorum.

- B.** The BZA shall act by resolution when at least three members concur. Every decision shall be accompanied by written findings of fact, based on testimony and evidence and specifying the reason for granting or denying the application.
- C.** Non-decision items, such as continuance or approval of minutes, shall require a majority of the quorum to concur.

2.6. ZONING INSPECTOR

2.6.1. Roles and Powers

- A.** The board of township trustees shall appoint a zoning inspector who shall have the following roles and powers:
 - (1)** To serve as the zoning inspector within the Hamilton Township Planning and Zoning Department.
 - (2)** To enforce this zoning code. All officials and employees of the township shall assist the zoning inspector by reporting to him/her upon new construction, reconstruction, land uses, or upon seeing violations.
 - (3)** To review applications for zoning certificates and to ensure compliance with this zoning code in accordance with [Section 3.5 Zoning Certificate](#) and [Section 3.6 Site Plan Review](#).
 - (4)** To issue a zoning certificate, after written request from the owner or tenant, for any building or premises existing at the time of enactment of this zoning code, 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 zoning code.
 - (5)** To keep adequate records of all applications and decisions on said applications.
 - (6)** To keep an accurate record of the zoning map.
 - (7)** To issue citations for any zoning violations and keep adequate records of all violations.
 - (8)** To review and make decisions on architectural standards as provided for in ORC Section 519.171.
 - (9)** To conduct inspections of buildings and uses of land to determine compliance or non-compliance with this zoning code.
 - (10)** To revoke a zoning certificate or approval issued contrary to this zoning code or based on a false statement or misrepresentation on the application.
- B.** The board of township trustees may also appoint additional zoning inspector personnel to assist the zoning inspector in such roles and powers.

2.6.2. Decisions

- A.** A decision of the zoning inspector may be appealed to the BZA.
- B.** The zoning inspector shall have appropriate forms for appeal available at the time of denial.