

**BYLAWS**

**For The**

**HAMILTON TOWNSHIP ZONING COMMISSION**

**Hamilton Township, Warren County, Ohio**

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## **I. NAME AND PURPOSE**

The Hamilton Township Rural Zoning Commission (hereafter Commission) has been established pursuant to Ohio Revised Code Section 519.01. Its purpose is to advise the Board of Hamilton Township Trustees (hereafter Board) on text and map amendments, benefiting planning and zoning for the citizens of Hamilton Township.

## **II. MEETINGS**

- A. The Commission shall have one regular meeting each month, which shall be held on the second Monday of the month at 7:00PM unless otherwise determined by the Commission and shall be held in the Meeting Hall of the Hamilton Township Administration Building, 7780 South State Route 48, Maineville, Ohio or as determined by the Commission. All meetings of the Commission shall be open to the public and notice thereof shall be given in accordance with the Ohio "Open Meeting Law." A schedule of regular meetings shall be posted in the Planning and Zoning Office and on the township website at: [www.hamilton-township.org](http://www.hamilton-township.org)
- B. The Commission may schedule a second meeting each month, which shall be held on the fourth Monday of the month at 7:00PM. The meeting shall be held in the Meeting Hall of the Hamilton Township Administration Building, 7780 South State Route 48, Maineville, Ohio or as determined by the Commission.
- C. A special meeting may be called at any time by the Planning and Zoning Administrator (hereafter Administrator), by the Chairperson or by two or more members of the Commission and shall be held at the place where

regular meetings are usually held, unless otherwise authorized by a majority of the Commission. Special meeting notices, including a summary of the purpose of said meeting, shall be posted in accordance with the Ohio "Open Meeting Law."

- D. At least forty-eight (48) hours before each meeting, a notice stating the time and place of the meeting and the matters to be considered at the meeting, shall be given by the Administrator to each member of the Commission by delivery thereof to the member's residence or by depositing the same in the United States Mail. Any news media requesting notification of special meetings shall be given 24-hour advance notice and immediate notice of any emergency meetings.
- E. No matter shall be considered at any meeting which is not on the calendar for such meeting, except by consent of a majority of the Commission present.
- F. A quorum of the Commission shall be a majority of the membership on the Commission. Such quorum may exercise the powers of the Commission and the action of the majority (i.e. at least three members excluding abstentions) of the full Commission is the action of the Commission.
- G. Public Hearings shall be recorded on tape and in minute form, all material being retained in accordance with Ohio State Law.

### **III. MEMBERSHIP**

- A. The Commission shall be composed of five members, appointed by the Board for five-year staggered terms. The Board may also appoint an alternate member to fill any vacancies due to the absence of an appointed member. Members shall be residents of the township for a period of three years. They shall represent no special interests.
- B. A vacancy on the Commission shall be filled by appointment by the Board. A vacancy shall ensue for any member who misses three consecutive meetings without prior excuse.
- C. In order that the Commission members may legally visit property for which a zone change is requested, the Administrator shall solicit permission of the owner or lessee of the property involved, by requesting written permission.
- D. Members shall physically view the property for which a zone change is requested before the zone-change hearing.

## **IV. OFFICERS**

- A. At the first regular meeting of each year, the Commission shall select from its membership a Chairperson, Vice-Chairperson and Secretary. All officers shall serve a term of one year, or until their successors are selected and assume office. All officers shall be eligible for re-election for consecutive terms of office.
- B. The Chairperson (or Vice-Chairperson when the Chairperson is absent) shall preside at all meetings of members of the Commission and shall exercise, subject to the control of the Commission, a general supervision of the affairs of the Commission and shall perform generally all the duties incident to the office and such other duties as may be assigned by the Commission.

The Chairperson presiding over a regular or special meeting of the Commission shall have the same privilege of originating and seconding motions, voting on all matters and participating in discussions and procedures, as allowed to all other members of the Commission, without relinquishing the chair.

- C. The Vice-Chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of Chairperson becomes vacant, the Vice-Chairperson shall succeed to this office for the unexpired term and the Commission shall select a successor to the Office of Vice-Chairperson for the unexpired term.
- D. The Secretary shall be responsible for maintaining an attendance record for each Commission member and report those records annually to the Commission for inclusion in the annual report to the Board. The Secretary shall also be responsible for recording minutes of all meetings. The minutes shall be recorded on both tape and written format. The Board, at their discretion, may appoint a person to record written minutes of the meetings for the Secretary.

## **V. STAFF ASSISTANCE**

The Administrator or his/her authorized assistants, shall have the following duties and responsibilities relating to hearings before the Commission:

- A. The Administrator shall receive all applications and examine the documents and other materials submitted therewith to assure that it is complete and that the required maps, plans or reports are in good order and in sufficient quantity.

- B. The Administrator shall be responsible for docketing, placing matters on the calendar and preparation and publication of public notice of the hearing in one or more newspapers of general circulation as selected by the Commission.
- C. The Administrator shall handle any correspondence reasonably necessary and/or appropriate to carry out these functions and copies of correspondence received and sent shall be provided to the Chairperson.
- D. Thereafter, the Administrator shall prepare a written report to the Commission for each case outlining the facts in the matter, a procedural history and a detailed analysis. Unless specifically requested by the Commission during a hearing, the report shall include a recommendation.

The Hamilton Township Law Director shall provide legal advice to the Commission as to matters under its jurisdiction. Advice of counsel shall be received and entered in the minutes before disposition of any question of law or matter requiring legal interpretation or advice.

## **VI. PUBLIC HEARINGS**

It shall be the policy of the Commission to hold no public hearings except as required by law or except on such matters as it shall determine to be of great public concern because of the effect of its decision upon the entire community or a substantial part thereof.

- A. Notice of public hearings shall be given as provided by law or, if there be no such provision, as required by these regulations. Notice of public hearings shall be published in a local newspaper at least thirty (30) days before the hearing date for changes to the text to the zoning code or to the zoning map. Notice of public hearings shall be mailed at least ten (10) days before the hearing date to all contiguous or adjoining property owners for changes to the zoning map. The notice shall clearly state the place, time, date and nature of the hearing.
- B. If any meeting or hearing of the Commission shall be adjourned to a later date, public announcement shall be made by the Chairperson of the meeting at said meeting or hearing as to the date, time and place to which said meeting shall be adjourned.
- C. Public hearings shall be recorded on tape and in minute form, all material being retained in accordance with the Ohio Revised Code.

## **VII. PROCEDURE FOR HEARINGS**

At public hearings, individuals in attendance shall register their names and addresses. There may be a swearing-in of all individuals wishing to be heard at the hearing. In the interest of efficient procedure, time limits may be set by the chairperson for individuals wishing to be heard at public hearings. The procedure for hearings shall be as follows:

1. The Chairperson shall outline the procedure for the hearing.
2. The Secretary shall read the legal notice as published.
3. The Administrator's report shall be presented.
4. The recommendation of the Warren County Regional Planning Commission shall be read.
5. The applicant or applicant's representative shall make a statement(s).
6. Comments/Questions from the audience members may be presented.
7. Comments/Questions from members of the Commission may be presented.
8. The Applicant shall be permitted the opportunity to make a final statement(s).
9. Request for motion and second is made by the Chairperson or the Commission may vote to table the hearing in progress and schedule a later date for the receipt of additional evidence. If the hearing is continued to a subsequent date, such date shall be announced at the current hearing and no further publication will be required.
10. If the Commission does not adjourn and a member moves for a vote and the motion is seconded, further discussion by the Commission may be heard prior to voting.
11. A vote is taken and the results recorded by the Secretary.
12. The results of the vote are announced by the Chairperson.
13. Announcement that the results of the vote will be forwarded to the Board, with a copy of the minutes.
14. Hearing shall be adjourned by majority vote.

At the conclusion of the hearing on each case, the Commission shall examine the evidence before it in relation to findings required to make their decision.

## **VIII. FINDINGS AND DECISIONS**

The chairperson may elect, subject to being overruled by a majority vote of the Commission in attendance on motion duly made, seconded and passed:

- a. To proceed immediately to determination and decision;
- b. To defer determination and decision until later in the same meeting; or
- c. To defer determination and decision until a subsequent meeting.

Decisions, including and conditions relating thereto, shall be made by a motion, which shall be seconded. All motions shall be sufficiently detailed for the record. The Chairperson will then preside over discussion amongst Commission members relating to the case. Members of the Commission shall be permitted to freely state their opinions and ask any questions. Thereafter, the Chairperson shall instruct the Secretary to call the roll for a vote.

The concurring vote of a majority of the members of the Commission present at the meeting shall be necessary to have a motion passed. A vote of abstention shall not be counted as a concurring vote. A tie vote shall result in a failure of the motion.

## **IX. AMENDMENTS**

These bylaws may be amended by a two-thirds vote provided that notice of the proposed change is made at the previous meeting.

These bylaws were adopted at the meeting of the Hamilton Township Zoning Commission on January 13, 2003.