**ARTICLE 9 ADMINISTRATIVE BODIES & THEIR DUTIES**

**SECTION 901 BOARD OF TRUSTEES**

 901.1 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 of Zoning Appeals (BZA) only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board of Zoning Appeals (BZA) shall be to the courts as provided by law. It is further the intent if 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 Article 10.

 901.2 **Duties:** The Township Trustees shall be responsible for the following duties, relative to zoning in Miami Township:

 A. To appoint a Zoning Administrator, members of the Township Zoning Commission, and members of the Board of Zoning Appeals (BZA).

 B. To establish a schedule of fees for issuing Zoning Permits, appeals, variances, conditional use permits, processing amendments, and any other zoning actions requiring postage, legal advertising, inspections, or general process of applications.

 C. To consider and adopt, reject or modify all proposed amendments to this resolution as provided in Article 10.

**SECTION 902 ZONING COMMISSION**

 902.1 **Creation, Membership, Appointment**

 A. The Board of Trustees of Miami Township shall create and establish the Township Zoning Commission.

 B. The Zoning Commission shall be composed of 5 members and 2 alternates (optional) who reside in the unincorporated area of the

 Township.

 C. The 5-year terms of the members shall be of such length and so arranged that the term of one member will expire each year.

 D. The Trustees may remove Zoning Commission members in accordance with ORC 519.04 upon their discretion based on performance of duties. A replacement member who is assigned to the departed member’s position will serve out the departed member’s term.

 902.2 **Organization**

 A. The Zoning Commission shall elect its own officers annually and shall adopt the rules necessary for the conduct of its affairs in keeping with the provisions of this Resolution.

 B. None of the members of the Zoning Commission shall concurrently serve as a member of the Board of Zoning Appeals.

 C. Meetings shall be held at the call of the Chairperson and at such other times as the Zoning Commission may determine. All meetings shall be open to the public. The Zoning Commission shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be a public record. Meeting minutes can be recorded by a member, the zoning administrator or an outside individual could be contracted.

 D. A majority of the Zoning Commission (3 members) shall constitute a quorum for conducting business.

 E. The Vice Chair may assume the chair’s duties in the Chairperson’s absence. In the event both the chair and the vice chair are not present, the most tenured member may assume the chair’s duties.

 F. An alternate Zoning Commission member may be assigned, in order of seniority, at the Zoning Commission chair’s discretion, to substitute for any absent Zoning Commission member. Alternate members may only vote when substituting for an absent or abstaining member.

 902.3 **Official Action**

 A. The Zoning Commission shall act by resolution or motion on which a majority of the members present at the meeting must concur with any action before the Commission. The results of such a resolution or motion shall be forwarded to the Board of Trustees for its action, except as may otherwise be provided herein.

 B. If an issue cannot gain a simple majority vote at a meeting, the vote fails. A motion or resolution can only be voted upon by members who are present at the meeting.

 902.4 **Duties**

 A. The Zoning Commission should establish and periodically revise the Comprehensive Land Use Plan for the township.

 B. The Zoning Commission should review the county’s Comprehensive Land Use Plan to ensure compatibility between the county and township Comprehensive Land Use Plans.

 C. The Zoning Commission should periodically update sections of the Zoning Resolution based on the Comprehensive Land Use Plan, state law changes and updates necessary to meet the needs of its residents.

 D. The Zoning Commission shall initiate or review all proposed text and map amendments to this Resolution and make recommendations to the Township Trustees.

**SECTION 903 BOARD OF ZONING APPEALS**

 903.1 **Creation, Membership, Appointment**

A. The Board of Trustees of Miami Township shall create and establish the Township Board of Zoning Appeals.

 B. The Board of Zoning Appeals shall be composed of 5 members and 2 alternates (optional) who reside in the unincorporated area of the

 Township.

 C. The 5-year terms of the members shall be of such length and so arranged that the term of one member will expire each year.

 D. The Trustees may remove the Board of Zoning Appeals members in accordance with ORC 519.04 upon their discretion based on performance of duties. A replacement member who is assigned to the departed member’s position will serve out the departed member’s term.

 903.2 **Organization**

 A. The Board of Zoning Appeals shall elect its own officers annually and shall adopt the rules necessary for the conduct of its affairs in keeping with the provisions of this Resolution.

 B. None of the members of the Board of Zoning Appeals shall concurrently serve as a member of the Zoning Commission.

 C. Meetings shall be held at the call of the Chairperson and at such other times as the Board of Zoning Appeals may determine. All meetings shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be a public record. Meeting minutes can be recorded by the zoning administrator or a contracted designee.

 D. A majority of the Board of Zoning Appeals (3 members) shall constitute a quorum for conducting business.

 E. The Vice Chair may assume the chair’s duties in the Chairperson’s absence. In the event both the chair and vice chair are not present, the most tenured member may assume the chair’s duties.

 F. An alternate Board of Zoning Appeals member may be assigned in order of seniority, at the board chair’s discretion, to substitute for any absent Board of Zoning Appeals member. Alternate members may only vote when substituting for an absent member.

 903.3 **Official Action**

A. The Board of Zoning Appeals will conduct hearings which will be open to the public.

 B. The Zoning Administrator, along with the chair of the Board of Zoning Appeals, shall fix a reasonable time and place for the hearing of any application, petition, or appeal.

 C. The Zoning Administrator shall notify the Zoning Board of Appeals and give at least 10 days’ notice of the time and place of such hearing, to the applicant and to the owners of record of property within 300 feet of the premises in question, such notice to be delivered personally or by mail addressed to the respective owners at the address given on the last assessment roll and by either one publication in the newspapers of general circulation in the township or on the township’s official website and any social media outlets.

 D. Any party may appear at such hearing in person, by agent or by attorney.

 E. The Board shall hear testimony from any other parties of interest upon their being sworn in.

 F. The Board of Zoning Appeals shall have the power to subpoena witnesses, administer oaths, and may require the production of documents as required.

 G. The Board may enter into a private discussion during the hearing but not vote on any case before it.

 H. The Board may call upon departments of the county and local governments for assistance in the performance of their duties.

 I. If an issue cannot gain a simple majority vote at a hearing, the vote fails. A decision can only be voted on by members who are present at the hearing.

 J. The board shall decide on the application or appeal within a reasonable time and a written decision will be given to the applicant and keep on record.

 903.4 **Duties**

A.To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator.

 B. Where the applicant has provided sufficient evidence to warrant the granting of a variance, to authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done.

 C. To grant Conditional Use Permits and such additional safeguards as will uphold the intent of the Resolution.

 D. To determine if uses not specifically mentioned in this Resolution are similar to uses permitted within a district.

 E. To determine the exact location of any district boundary, if there is uncertainty as to the exact location involved.

**SECTION 904 ZONING ADMINISTRATOR**

 904.1 It shall be the duty of the Zoning Administrator, who shall be appointed by the Board of Trustees, to enforce this Resolution. It shall also be the duty of all officials and employees of the Township to assist the Zoning Administrator by reporting to him/her upon seeing new construction, reconstruction, or seeing violations of land use.

 904.2 **Duties:**

 A. Review of all applications for Zoning Certificates within the township to ensure they conform to all applicable provisions of this Resolution, then a Zoning Certificates shall be issued, and a record of all such Zoning Certificates maintained.

 B. Conduct on-site inspections to ensure the actual construction conforms to the Zoning Certificate.

 C. Upon finding that any of the provision of this Resolution are being violated, take the necessary action necessary to correct such violation.

 D. May order the discontinuance of illegal uses of land or structures.

 E. May order the removal of illegal structures, additions or structural alterations.

 F. Review all subdivision plats to determine if the plat conforms to all applicable provisions of this Resolution.

 G. Assist township residents and contractors working in the township to understand appliable regulations within this Resolution, including public information requests.

 H. Act as staff for the Miami Township Board of Zoning Appeals and Zoning Commission.

 I. Attend Miami Township Board of Zoning Appeals and Zoning Commission meetings.

 J. Attend monthly meetings of the Township Trustees.

 K. Provide a monthly report that includes new issued Zoning Certificates, complaints, and other issues pertaining to zoning to the Township Trustees.

 L. Perform other duties as designated by the Township Trustees, Board of Zoning Appeals and Zoning Commission.

 M. Report emergency situations to the proper authorities.

**202 DEFINITIONS**

**Board of Zoning Appeals:** The Miami Township board assigned by the Board of Trustees, which is a quasi-judicial body, established by law in Ohio, that hears and decides appeals related to zoning decisions, authorizes variances and conditional uses and interprets zoning regulations.

**Zoning Commission:** The Miami Township board assigned by the Board of Trustees, which is responsible for writing and updating the zoning resolution and reviewing/providing recommendations for all re-zoning and planned development requests within the Township

**Zoning Administrator:** The Miami Township official assigned by the Board of Trustees, who is responsible for implementing and enforcing the zoning ordinance, serving as an advisor to the governing body, and acting as the primary point of contact for the public on zoning-related matters.