

CHAPTER 3 – ADMINISTRATIVE APPOINTMENTS, DUTIES, & ACTIONS

Section 3000 – Purpose:

Pursuant to Chapter 519 of the Ohio Revised Code, the Board of Township Trustees shall hire and/or appoint additional persons to administer, assist, and enforce this Resolution. *Under this authority, the Board of Township Trustees shall create, hire, appoint, and/or empanel various offices, commissions, boards, and/or committees to achieve these ends. These officers, commissions, boards, and/or committees shall have the general duties, obligations, and authority as outlined in this Resolution and more specifically through position descriptions, organizational resolutions, and other administrative actions. The Board of Township Trustees shall oversee these officers, commissions, boards, and/or committees to the extent allowed by law and shall ensure these positions are staffed to provide the necessary services and oversight to the Township.*

Section 3001 (was 4000) – Office of Zoning Administrator Created:

The Zoning Administrator, *appointed by the Board of Township Trustees*, is primarily responsible for administration of the Millcreek Zoning Resolution, as written, impartially, without authority to deviate from the Resolution. *(moved from 4700)*

The Zoning Administrator shall administer and enforce this Resolution and shall perform such other duties as are specified by the Board of Trustees or this Resolution.

The Zoning Administrator shall be compensated at rates set from time to time by the Board of Township Trustees. (moved from Section 3020 per LUC recommendation)

Section 3002 – Alternates for the Zoning Administrator – Removed per LUC recommendation 10/13/2022

Section 3010 – Removal or Resignation of the Zoning Administrator – Removed per LUC recommendation 10/13/2022

Section 3002 (was 3020 in draft) – Powers and Duties of the Zoning Administrator:

For the purposes of this Resolution the Zoning Administrator shall have the following duties:

1. Administer, interpret, and enforce this Resolution and take all necessary steps to remedy conditions found in violation by ordering in writing the discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or take any other action authorized by this Resolution to ensure compliance with or to prevent violation of its provisions.
2. Maintain permanent and ~~current~~ **up to date** records required by the Zoning Resolution, including but not limited to: the Official Zoning Map, zoning permits, inspections documents, and records of all variances, amendments, and conditional uses. Such records shall be kept at the Township Administrative Office **and in Trustee approved digital formats as technology advancements allow.**
3. Provide requested information and applications to residents or their designee(s) as needed.
4. Collect fees as designated by the Board of Township Trustees for Zoning Certificates, and applications for Zoning Appeals, Zoning Amendments, Variances, and Conditional Uses.
5. Receive, review, and evaluate all applications for Zoning Permits, and Zoning Appeals, Zoning Amendments, Variances, and Conditional Uses. Make reports to the Zoning Commission, Board of Zoning Appeals, and the Board of Township Trustees regarding such applications within prescribed timeframes.
6. Issue Zoning Use Certificates (approved Zoning Permits) when the provisions of this Resolution have been met, including notations of special conditions involved or refuse to issue the same in the event of non-compliance.
7. Inspect any buildings or lands for compliance with these regulations or to document violations as they may exist.
8. Advise the Board of Trustees, Zoning Commission, and/or Board of Zoning Appeals on all matters pertaining to the enforcement of and amendments to the Resolution. Assist in the researching of topics needed / requested as related to the enforcement of and amendments to the Resolution.
9. Process all required notices of this Resolution; Attend and record minutes of meetings of the Zoning Commission and Board of Zoning Appeals; Recommend enhancements, clarifications, corrections of this Zoning Resolution to the Zoning Commission.
10. Testify on behalf of the Township at hearings of the Board of Zoning Appeals or any courts of applicable jurisdiction as required.
11. To accomplish such other actions as are required by this Resolution or by applicable law.

~~The Zoning Administrator shall be compensated at rates set from time to time by the Board of Township Trustees.~~

Section 3100 – Township Zoning Commission ~~Created~~ Composition:

~~There is hereby established a~~ The Township Zoning Commission shall be composed of five (5) members appointed by the Board of Township Trustees.

Members shall be residents of the unincorporated area of Millcreek Township.

Members shall be appointed for a period of five (5) years and the terms of the members shall be of such length and so arranged that the term of one member will expire each year.

Per Aaron Smith, LUC, ZC was technically created prior to any zoning so could eliminate the establishment verbiage.

Section 3101 – Alternates to the Zoning Commission:

The Board of Township Trustees may appoint two alternate members to the Zoning Commission, for terms to be determined by the Board of Township Trustees.

An Alternate Member shall take the place of an absent Regular Member at any meeting of the Zoning Commission, according to procedures prescribed by Resolution by the Board of Township Trustees.

When attending a meeting on behalf of an absent Regular Member, the Alternate Member may vote on any matter which the absent Member is authorized to vote.

An Alternate Member shall meet the same appointment criteria as a Regular Member.

Section 3102 – Appointments to the Unexpired Term of the Zoning Commission:

Vacancies shall be filled by Resolution of the Board of Township Trustees, for the unexpired term of the Member.

Section 3110 – Organization of the Township Zoning Commission:

At the beginning of each calendar year, the Zoning Commission will hold an organizational business meeting. The purpose of such meeting will be for Members to elect a Chair and Vice Chair and set any scheduled meetings.

Section 3111 (was 3120 in draft) – Powers and Duties of the Zoning Commission:

For purposes of this Resolution the Zoning Commission shall have the powers and duties set forth as follows:

1. Submit a plan, including both text and maps, representing the recommendations of the Zoning Commission in implementing the power, purpose, and provisions of the zoning powers conferred by the State of Ohio upon townships.
2. Evaluate and make appropriate recommendations to the Board of Township Trustees regarding proposed amendments to the Resolution or Official Zoning Map, after conducting necessary hearings.
3. Initiate amendments to zoning, take action on proposed **or requested** zoning amendments, and review site development plans.
4. Within the limits of the monies appropriated by the Board of Trustees for the purpose, employ or contract with such planning consultants, agencies, and executive and other assistants, as it deems necessary.
5. ~~The Zoning Commission shall~~ Organize, adopt rules for the transaction of its business, and keep a record of its **Zoning Commission** actions and determinations.
6. ~~To work~~ **Cooperate and coordinate** with the Zoning Administrator toward the administration and enforcement of the Resolution.
7. Accomplish such other actions as are required by this Resolution or by applicable law.
8. Members of the Zoning Commission may be allowed their expenses, or such compensation, or both, as the Board of Trustees may approve and provide. No Township Trustee shall be employed by the Zoning Commission.
9. 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.

Section 3112 (was 3130 in draft) – Proceedings of Township Zoning Commission:

Meetings of the Zoning Commission shall be at the call of the Chair, and at such other times as the Board determines.

The Zoning Commission shall meet, as necessary, in a public building within the Township. All meetings of the Zoning Commission shall be open to the public.

The meeting agenda shall be set by the Zoning Commission Chair or Vice Chair, if so, asked by the Chair.

For the purpose of any formal recommendation or action of the Zoning Commission, the concurring vote of a ~~quorum~~ majority of the members in attendance at any meeting or public hearing shall be required.

3/1/23 – Per Aaron Smith – wording seemed confusing so slightly reworded.

The Zoning Commission shall keep records of its determinations or other official actions, all of which shall be filed in the Office of Township Trustees and shall be a public record.

Section 3132 (2nd 3130 in draft) – Procedure for Hearings of the Zoning Commission – Removed per LUC recommendation as it is redundant with Section 3120 #5 (new 3111)

Section 3113 – Minutes of the Zoning Commission:

The minutes of each meeting of the Zoning Commission shall be kept by the Zoning Administrator on file in the Township Hall with the other zoning records. Said minutes shall be open for public inspection by appointment. Upon request, copies of minutes may be provided to Township residents once they have been formally approved by the Zoning Commission.

Section 3200 – Board of Zoning Appeals Established:

A Board of Zoning Appeals is hereby established which shall consist of five members appointed by the Board of Township Trustees.

Members shall be residents of the unincorporated area of Millcreek Township.

Members shall be appointed for a period of five (5) year terms, so arranged that the term of one member will expire each year.

Section 3201 – Alternates to the Board of Zoning Appeals:

The Board of Township Trustees may appoint two alternate members to the Board of Zoning Appeals, for terms to be determined by the Board of Township Trustees.

An Alternate Member shall take the place of an absent Regular Member at any meeting of the Board of Zoning Appeals, according to procedures prescribed by Resolution by the Board of Township Trustees. When attending a meeting on behalf of an absent Regular Member, the Alternate Member may vote on any matter which the absent Member is authorized to vote.

An Alternate Member shall meet the same appointment criteria as a Regular Member.

Section 3202 – Appointment to Unexpired Term of the Board of Zoning Appeals:

Vacancies shall be filled by Resolution of the Board of Township Trustees, for the unexpired term of the Member.

Section 3210 – Organization of the Board of Zoning Appeals:

At the beginning of each calendar year, the Board of Zoning Appeals will hold an organizational business meeting. The purpose of such meeting will be for Members to elect a Chair and Vice Chair and set any scheduled meetings.

Section 3211 (was 3220 in draft) – Powers and Duties of the Board of Zoning Appeals:

The Board of Zoning Appeals shall have the following specific responsibilities and duties set forth in Section 519 of the Ohio Revised Code:

- 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 Revised Code, or of any resolution adopted pursuant thereto;
- 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 resolution will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done;
- C. Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the zoning resolution.
- D. Revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.
 - i. The board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under division (D) of this section and of his right to a hearing before the board, within thirty days of the mailing of the notice if he so requests.
 - ii. If the holder requests a hearing, the board shall set a time and place for the hearing and notify the holder.
 - iii. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him.
 - iv. If no hearing is requested, the board may revoke the variance or certificate without a hearing.
 - v. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

Section 3211.01 – BZA Powers: Reversal of Orders on Appeal

In exercising its responsibilities, the Board of Zoning Appeals may, so long as such action is in conformity with the terms of this Resolution; reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as appealed from, and to that end shall have the powers of the Zoning Administrator from whom the appeal is taken.

Section 3212 – Proceedings of the Board of Zoning Appeals:

Meetings shall be held at the call of the Chair and at such other times as the Board of Zoning Appeals may determine.

The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Resolution.

The Board of Zoning Appeals shall meet, as necessary, in a public building within the Township. All meetings of the Board of Zoning Appeals shall be open to the public.

The meeting agenda shall be set by the Board of Zoning Appeals Chair or Vice Chair, if so, asked by the Chair.

The concurring vote of three members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to effect any variation in the application of this Resolution.

The Chair, or in his/her absence, the acting Chair, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

Section 3213 – Minutes of the Board of Zoning Appeals:

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 a public record and be filed by the Zoning Administrator as appropriate.

Section 3240 in draft (original 4260) – Procedure for Public Hearings – Board of Zoning Appeals: Proposed change abandoned per recommendation of LUC 10/13/2022

Section 3300 in draft (original 4330) – Duties of the Zoning Administrator, Board of Zoning Appeals and Courts on Matters on Appeal: Proposed changes and move to Chapter 3 abandoned to improve flow with recommendations re: proposed **Section 3301 – Appeals for Administration and/or Interpretation**