

## **ARTICLE IX ADMINISTRATIVE BODIES AND THEIR DUTIES**

### **SECTION 901 TOWNSHIP ZONING INSPECTOR**

**901.01 Appointment.** The Township Trustees shall appoint a Township Zoning Inspector, together with such assistants as the Trustees deem necessary, and designate him/her as the enforcing officer of this zoning resolution. Any official or employee of the Township may assist the Zoning Inspector by reporting to him/her any new construction, reconstruction, land use change, or suspected violation.

**901.02 Duties.** The Township Zoning Inspector shall be responsible for the following duties:

- A. **Zoning Permits.** The Zoning Inspector shall review all applications within the Township for zoning permits as outlined in Article 10, Section 1001 to insure they conform to all applicable provisions of this zoning resolution, issue such permits when appropriate, and maintain a record of all such permits.
- B. **Inspections.** The Zoning Inspector may periodically conduct on-site inspections to insure the actual construction of buildings and structures and the use of land conforms to an approved zoning permit, an approved conditional use permit, any applicable requirements of this zoning resolution, and/or the conditions and restrictions set forth for an approved appeal, variance, or planned development.
- C. **Notice of Violation.** The Zoning Inspector, upon finding that any of the provisions of this zoning resolution are being violated, shall notify, in writing, the person responsible for such violation and order the action necessary to correct such violation.
- D. **Enforcement.** The Zoning Inspector may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove any unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use within the jurisdiction of this zoning resolution.
- E. **Plat Review.** The Zoning Inspector shall review all applicable subdivision plats and lot splits within Elizabeth Township which are submitted to the Miami County Planning Commission in order to determine whether such plats or lot splits conform to all applicable provisions of this zoning resolution.

### **SECTION 902 TOWNSHIP ZONING COMMISSION**

**902.01 Establishment.** The Township Trustees shall establish a Township Zoning Commission, consisting of five citizens of Elizabeth Township to be appointed by the Township Trustees. None of the members shall concurrently serve as a member of the Board of Zoning Appeals. The terms of the members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his/her successor is appointed and qualified. Members of the Zoning Commission may be removable for nonperformance of duty, misconduct in office, or other cause by the Township Trustees, upon written charges being filed with the 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 ten (10) days prior to the hearing, either personally, by registered mail or by leaving such copy at his/her usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Township Trustees and shall be for the unexpired term.

**902.02 Meetings.** 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 zoning resolution. Meetings shall be held at the call of the Chair and at such other times as the Zoning Commission may determine. The Chair, or in his/her absence, the acting Chair, may administer oaths. 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 of public record.

- 902.03 Actions.** The Zoning Commission shall act by resolution or motion. The concurring vote of three (3) members of the Zoning Commission shall be necessary to pass any motion to recommend the approval, disapproval, or modification of any proposed amendment to this zoning resolution. The results of such resolution or motion shall be forwarded to the Township Trustees for their action, except as may otherwise be provided herein.
- 902.04 Duties.** The Township Zoning Commission shall be responsible for initiating or reviewing all proposed amendments to this zoning resolution and make recommendations to the Township Trustees in accordance with Article 10, Section 1004.

## **SECTION 903 BOARD OF ZONING APPEALS**

- 903.01 Establishment.** The Township Trustees shall appoint five (5) residents of the Township to the Board of Zoning Appeals. The terms of all members shall be so arranged that the term of one (1) member shall expire each year. Each member shall serve until his/her successor is appointed and qualified. Members of the Board of Zoning Appeals may be removable for nonperformance of duty, misconduct in office, or other cause by the Township Trustees, upon written charges being filed with the 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 ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at his/her usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by resolution of the Township Trustees and shall be for the unexpired term.
- 903.02 Meetings.** The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this zoning resolution. Meetings shall be held at the call of the Chair and at such other times as the Board of Zoning Appeals may determine. The Chairman, 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. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon 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 immediately filed in the office of the Board of Zoning Appeals.
- 903.03 Actions.** In exercising its duties, the Board of Zoning Appeals may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or 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 shall have the power of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this zoning resolution.
- 903.04 Duties.** For the purpose of this zoning resolution, the Board of Zoning Appeals has the following specific responsibilities:
- A. Appeals. To hear and decide appeals in accordance with Article 10, Section 1003 where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector.
  - B. Variances. Where an applicant has provided sufficient evidence to warrant the granting of a variance, to authorize such variances from the terms of this zoning resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this zoning resolution will result in unnecessary hardship, and so that the spirit of this zoning resolution shall be observed and substantial justice done. The consideration of such variances shall be in accordance with Article 10, Section 1003.

- C. Conditional Use Permits. To grant conditional use permits as specified in Article 10, Section 1002, and such additional safeguards as will uphold the intent of the Zoning Resolution.

**SECTION 904 TOWNSHIP TRUSTEES**

**904.01 No Interpretation Powers.** It is the intent of this zoning resolution that all questions of interpretation shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent of this zoning resolution that the duties of the Township Trustees in connection with this zoning resolution shall not include hearing and deciding questions of interpretation that may arise. The procedure for deciding such questions shall be as stated in Article 10, Section 1003.

**904.02 Duties.** The Township Trustees shall be responsible for the following duties:

- A. Appointments. To appoint a Zoning Inspector, members of the Township Zoning Commission, and members of the Board of Zoning Appeals.
- B. Establish Fee Schedule. 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. Amendments. To consider and adopt, reject or modify all proposed amendments to this zoning resolution as provided in Article 10, Section 1004.