

## **CHAPTER 19**

### **DECISION MAKING/ADMINISTRATIVE BODIES AND OFFICIALS**

#### **19-1 BOARD OF TOWNSHIP TRUSTEES**

The Board of Township Trustees has the following powers and duties in connection with the implementation of this Resolution:

- (a) To initiate by resolution amendments or supplements to the text of this Resolution and to the Zoning Map;
- (b) To consider and adopt, reject or modify amendments or supplements to the text of this Resolution and to the Zoning Map;
- (c) To consider and approve, approve with conditions, or disapprove PUD Plans for PUD-2s (planned unit developments requiring Board of Township Trustees final approval);
- (d) To modify specific requirements in this resolution for lot areas, height, yards (buffers), perimeter setbacks, parking, landscaping, signs, lighting, and noise in PUD-2s after making specific findings of compliance with general standards
- (e) To hear and decide appeals concerning planned unit developments pursuant to Chapter 18, Sections 18-10.1 and 18-10.2;
- (f) To take such other actions not delegated to other bodies that may be desirable and necessary to implement the provisions of this Resolution.

#### **19-2 SYCAMORE TOWNSHIP ZONING COMMISSION**

##### **19-2.1 Membership**

The Sycamore Township Zoning Commission consists of (5) members, appointed by the Township Trustees, who must be residents of the unincorporated territory of Sycamore Township included in the area zoned.

##### **19-2.2 Jurisdiction and Authority**

The Sycamore Township Zoning Commission has the following powers and duties in connection with the implementation of this Resolution:

- (a) To submit a plan, including both text and maps, representing its recommendations for the carrying out, by the Board of Township Trustees, of the powers, purposes and provisions set forth in the Ohio Revised Code;
- (b) To initiate amendments to this Resolution, to certify amendment requests to the Zoning Commission, to cause required notice and public hearings to be held, and to determine the extent and method of additional notice beyond that required;
- (c) To make recommendations to the Board of Township Trustees on proposed amendments to this Resolution and on PUD Plans for PUD-2s (planned unit developments requiring Board of Township Trustees final approval for increases in development intensity);
- (d) To approve PUD Plans for PUD-1s (planned unit developments requiring Rural Zoning Commission final approval for increases in development intensity or clustering of single family density);
- (e) To hear and decide appeals of the decision of the Administrative Official concerning the certification of a Zoning Compliance Plan for a PUD-1;
- (f) To maintain a file on the Official Zoning District Map(s);
- (g) To modify supplemental regulations in SPI Special Public Interest Districts after public hearing in accordance with conditions and limits;
- (h) To determine required setbacks for parking along entry drives based on traffic generation and parking lot size;
- (i) To modify landscaping requirements for vehicular use areas;
- (j) To prepare Development Plan Guidelines for outdoor lighting;
- (k) To approve localized alternative sign regulations in Planned Unit Developments;

- (l) To review woodland preservation plans and reduce the required number of parking spaces up to ten percent (10%) and vary the intensity up to ten percent (10%) of the district limits for PUD's;
- (m) To review riparian buffer plans and reduce or eliminate requirements for landscaping and buffer yards;
- (n) To modify or waive buffer yard and landscaping requirements consistent with general standards and the spirit and intent of the resolution;
- (o) To modify the minimum area requirement for Planned Unit Developments;
- (p) To approve major adjustments to Zoning Compliance Plans, not requiring a modification of written conditions of approval or recorded easements, after public hearing;
- (q) To modify specific requirements in this resolution for lot areas, height, yards (buffers), perimeter setbacks, parking, landscaping, signs, lighting, and noise in PUD-1s after making specific findings of compliance with general standards.
- (r) To prepare and update, for consideration of adoption by the Board of Township Trustees, the following specific plans:
  - (1) Sycamore Township Zoning Resolution
  - (2) Special Public Interest - Natural Resource Strategies
  - (3) Special Public Interest - Neighborhood Quality Strategies
  - (4) Special Public Interest - Suburban Center Strategies
  - (5) Special Public Interest - Suburban Corridor Strategies
  - (6) Special Public Interest - Suburban Village Strategies
  - (7) Township Corridor studies
  - (8) Township Land Use Plans
  - (9) Township Coordinated Land Use Plan

### **19-2.3 Officers**

The officers of the Commission are a Chairman and a Vice-Chairman and such other officers as it may provide for in the adopted Organization, Procedure and Rules and Regulations of the Commission.

### **19-2.4 Meetings; Records**

The Commission holds meetings and makes and keeps a record of all meetings in the manner prescribed in the adopted Organization, Procedure and Rules and Regulations of the Commission.

### **19-2.5 Quorum and Vote**

The quorum of the Commission and matters requiring a vote are defined in the adopted Organization, Procedure and Rules and Regulations of the Commission.

### **19-2.6 CONFLICTS**

No member of the Zoning Commission may participate in the hearing or disposition of any matter in which that member has any conflict of interest prohibited by state law, including but not limited to a pecuniary or familial interest relating to any matter before the Commission. Members are removable for nonperformance of duty, misconduct in office or other cause by the Board of Township Trustees upon written charges having been filed with the Township Trustees and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten

(10) days prior to the hearing, either personally, or by registered mail, or by leaving the same at his usual place of residence. The member must be given an opportunity to be heard and answer such charges. Vacancies are filled by the Board of Township Trustees and are for the unexpired term.

## **19-3 BOARD OF ZONING APPEALS**

### **19-3.1 Membership**

The Board of Zoning Appeals consists of five (5) members, appointed by the Township Trustees, who must be residents of Sycamore Township. The terms of all members must be of such length and so arranged that the term of one member will expire each year. Each member serves until a successor is appointed and qualified. Vacancies are filled by the Township Trustees and are for the unexpired term.

### **19-3.2 Jurisdiction and Authority**

The Board of Zoning Appeals has the following powers and duties in connection with the implementation of this Resolution:

- (a) To 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 this Resolution pursuant to the procedures and standards set forth in Chapter 22;
- (b) To authorize variances from the terms of this Resolution pursuant to the procedures and standards for variances set forth in Chapter 21;
- (c) To decide conditional use requests pursuant to the procedures and standards set forth in Chapter 17.

### **19-3.3 Officers**

The officers of the Board of Zoning Appeals are a Chairman and a Vice-Chairman and such other officers as it may provide for in the adopted Organization, Procedure and Rules and Regulations of the Board.

### **19-3.4 Minutes; Records**

The Board of Zoning Appeals holds meetings and keeps a record of all meetings in the manner prescribed in the adopted Organization, Procedure and Rules and Regulations of the Board.

### **19-3.5 Quorum and Vote**

The quorum of the BZA and matters requiring a vote are defined in the adopted Organization, Procedure and Rules and Regulations of the Board.

### **19-3.6 Conflicts**

No member of the Sycamore Township Board of Zoning Appeals may participate in the hearing or disposition of any matter in which that member has any conflict of interest prohibited by state law, including but not limited to a pecuniary or familial interest relating to any matter before the BZA. Members are removable for nonperformance of duty, misconduct in office or other cause by the Board of Township Trustees upon written charges having been filed with the Township Trustees and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally, or by registered mail, or by leaving the same at his usual place of residence. The member must be given an opportunity to be heard and answer such charges. Vacancies are filled by the Board of Township Trustees and are for the unexpired term.

## **19-4 ZONING INSPECTOR**

The Zoning Inspector has the following powers and duties in connection with the implementation of this Resolution:

- (a) To administer and enforce this Resolution;
- (b) To issue various Zoning Certificates for buildings, structures or uses certifying compliance with the provisions of this Resolution and to deny or revoke such Certificates due to lack of compliance;
- (c) To certify that completed buildings, structures or uses comply with the provisions of this Resolution and supplemental conditions of approval;
- (d) To investigate and resolve all complaints which allege violation of this Resolution;
- (e) Periodically inspect all planned development district projects installed prior to the enactment of this Resolution, and all projects encumbered by covenants, and other such conditions imposed by this Resolution;
- (f) To inspect all projects controlled by this Resolution to ensure that provisions required herein which require perpetual maintenance, adjustment or revision, as so maintained, adjusted, or revised;
- (g) To estimate the extent of damage or destruction of a structure housing a nonconforming use pursuant to Chapter 9, Sections 9-2.8 and 9-3.4;
- (h) To inventory, provide notice and maintain a public record of existing and new legal nonconformities and to review and approve applications for nonconforming use zoning certificates;

## **19-5 ADMINISTRATIVE OFFICIAL**

The Administrative Official has primary responsibility for administering the duties of the Sycamore Township Zoning Commission as required by this Resolution. These duties may be assigned to one or more individuals by the administrative head of the Sycamore Township Zoning Commission. The staff person or persons to whom such administrative functions are assigned shall be referred to in this Resolution as the "Administrative Official". The Administrative Official has the following powers and duties in connection with the implementation of this Resolution:

- (a) To determine completeness of rezoning applications and to make recommendations on proposed amendments to the text of this Resolution and the Zoning Map to the Sycamore Township Zoning Commission and to the Board of Township Trustees;
- (b) To schedule, provide notice of, and conduct public prehearing conferences required by this Resolution or by Sycamore Township Zoning Commission Bylaws;
- (c) To make recommendations on proposed conditional uses to the Board of Zoning Appeals;
- (d) To make recommendations on proposed PUD's to the Sycamore Township Zoning Commission and the Board of Township Trustees;
- (e) To make recommendations on proposed localized alternative sign regulations to the Sycamore Township Zoning Commission;
- (f) To make recommendations on proposed modifications and waivers of standards for buffer yards to the Sycamore Township Zoning Commission;
- (g) To maintain an official record of buffer agreements between different owners of adjacent parcels;
- (h) To administer revocation of zoning certificates and assessment of penalties for violation of sign regulations;
- (i) To review and certify compliance of Zoning Compliance Plans with PUD Plans;
- (j) To review and certify compliance of off-street parking plans for five or more vehicles submitted with applications for zoning certificates;
- (k) To review and certify compliance of buffer plans submitted with applications for zoning certificates;
- (l) To determine compliance with general criteria for:
  - (1) minimum landscape requirements for screening ground-mounted antennas;
  - (2) maximum hours and days of operation, maximum traffic, adequacy of off-street parking, adequacy of the parcel size, traffic access and absence of undue adverse impact on other properties for temporary uses;
  - (3) bulk and yard requirements for temporary tents;
  - (4) required parking spaces for uses not expressly listed herein;

- (5) joint use of required parking spaces;
- (6) access to and from loading spaces;
- (7) reduction of landscape requirements in lieu of woodland preservation;
- (m) To authorize minor adjustments in Zoning Compliance Plans for PUD's in accordance with criteria for approval of final location of structures, circulation elements, open space, and landscape buffers;
- (n) To authorize minor adjustments in type of landscape elements for PUD Zoning Compliance Plans;
- (o) To make recommendations to the Board of Township Trustees regarding establishment and revision of fees for Zoning Certificates and applications;
- (p) To hold pre-application conferences with PUD applicants to review and advise on proposed development concepts;
- (q) To determine completeness of applications;
- (r) To make administrative interpretations of zoning regulations and permitted and conditional uses in accordance with standards for such interpretation.