

The Ohio Zoning Commission's Duties & Powers

*A review of processes, procedures
and statutory timelines.*

Presenters

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Why are we here?

- The board of township trustees of any township proceeding under sections 519.01 to 519.99 of the Revised Code, shall create and establish a township zoning commission (ORC 519.04).

Who is the Zoning Commission?

- Set up as a creature of statute.
 - Only authorized in accordance with ORC 519.
 - Can further define role in Zoning Resolution.
 - Must be adopted by Board of Trustees.
 - Cannot reach beyond authorization.
 - Required to organize and adopt rules in accordance with Zoning Resolution.
 - Must keep records of actions and determinations.
 - Must conform to Sunshine Law (ORC 121.22)

Why have a Zoning Commission?

- ORC 519.04 – Governs creation and composition of the Zoning Commission.
 - ZC “usually” acts in a legislative capacity.
 - Hold public hearing and make recommendation to Board of Trustees regarding all proposed map and/or text amendments, including re-zonings.(ORC 519.08)
 - May initiate amendments by motion (or by Trustee resolution or application by an owner or lessee).
 - May be assigned administrative review authority for “minor” development plan amendments.
 - In lieu of an architectural review board, the trustees may delegate this enforcement authority to the zoning inspector or the ZC. (ORC 519.171)

Purpose of Zoning Commission

- The township rural zoning commission shall submit a plan, including both text and maps, representing the recommendations of the zoning commission for the carrying out by the board of township trustees of the powers, purposes, and provisions set forth in sections 519.01 to 519.99, inclusive, of the Revised Code, including additions to territory in which a township zoning plan is in effect (ORC 519.05).

Where does funding come from?

- The zoning commission may, within the limits of the moneys appropriated by the Board (of Trustees) for the purpose, employ or contract with such planning consultants and executive and other assistants as it deems necessary. The zoning commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations. Members of the zoning commission may be allowed their expenses, or such compensation, or both, as the board may approve and provide. No township trustee shall be employed by the zoning commission of his township (ORC 519.05).

Where does information come from?

- 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 (ORC 519.05).

What to do with limited resources?

- In any county where there is a county or regional planning commission, the zoning commission may request such planning commission to prepare or make available to the zoning commission a zoning plan, including text and maps, for the unincorporated area of the township or any portion of the same (ORC 519.05).

Members and Alternates

- The commission shall be composed of five members who reside in the unincorporated area of the township, to be appointed by the board (ORC 519.04).
- The board of township trustees may appoint two alternate members to the township zoning commission, for terms to be determined by the board of township trustees. An alternate member shall meet the same appointment criteria as a regular member (ORC 519.04).
- Where there is a county or regional planning commission the board may appoint qualified members of such commission to serve on the township zoning commission (ORC 519.04).

Who is an Alternate?

- An alternate member shall take the place of an absent regular member at any meeting of the township zoning commission, according to procedures prescribed by resolution by the board of township trustees (ORC 519.04).
- When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote (ORC 519.04).

Benefits of Having Alternates?

- Quorum.
- Conflicts of interest.
- Training for prospective members.

Zoning Commissioner Terms

- The terms of the regular members shall be of such length and so arranged that the term of one member will expire each year (ORC 519.04).
- What about alternates?

What if 5 years is too long?

- Each regular or alternate member shall serve until the member's successor is appointed and qualified.
- Members of the zoning commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the board, upon written charges being filed with the board, 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 days prior to the hearing, either personally, by registered mail, or by leaving such copy at the member's usual place of residence.
 - The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the board and shall be for the unexpired term (ORC 519.04).