

**CLEARCREEK TOWNSHIP ZONING COMMISSION
RULES AND REGULATIONS**

ARTICLE I

COMPOSITION, OFFICERS AND DUTIES

The membership, powers and duties of the Clearcreek Township Zoning Commission are prescribed in chapter 519 of the Ohio Revised Code.

The Zoning Commission shall be composed of five (5) members who reside in the unincorporated area of the township, to be appointed by the Board of Trustees. The terms of the regular members shall be of such length and so arranged that the term of one member will expire on the 31st of March of each year.

The Zoning Commission shall organize by naming a Chairperson and Vice-Chairperson and such other officers, as it may deem necessary.

A chairperson and vice-chairperson shall be elected by a majority of the zoning commission members annually at the regular meeting in April and shall hold office for a period of one year, unless the chairperson or vice-chairperson, due to unusual or extenuating circumstances, must leave office prior to this time. If an officer of the Commission must resign, a special election will be held, after all full members appointments have been filled. This special election will be held during a regular meeting of the zoning commission. The Clearcreek Township Director of Planning and Zoning or his/her designee shall serve as the Secretary of the Clearcreek Township Zoning Commission.

The Chairperson, or in his/her absence, the Vice-Chairperson shall preside at all meetings of the Zoning Commission. The Chairperson, subject to these rules, shall decide all points of procedure unless otherwise directed by the majority of the Commission in session at that time and perform all other duties required by law, resolution, or these rules.

The Secretary of the Zoning Commission, subject to the direction of the Zoning Commission, shall conduct all correspondence of the Zoning Commission, keep all records, and send out all notices required by law, resolution or these rules.

ARTICLE II

ALTERNATES

An alternate appointed to the Clearcreek Township Zoning Commission shall serve for a two-year term.

Alternate members of the Clearcreek Township Zoning Commission shall be required to attend all regular and special meetings and all public hearings of the Zoning Commission. The expenses of alternate members for attending meetings shall be reimbursed in the same manner as regular members of the Zoning Commission.

When all five regular members of the Zoning Commission are present:

1. Alternate members shall be seated at a location separate from the regular members.
2. Alternate members may ask questions and otherwise participate in discussion during any public hearing.
3. Alternate members shall not participate in any deliberations or discussions of the Zoning Commission during any public meeting.

Alternate members shall not express any opinion about a vote pending before the Zoning Commission or publicly speculate about the vote on any issue after the Zoning Commission has decided it.

A regular member of the Zoning Commission shall be deemed to be absent when:

1. A regular member has advised township staff of their absence prior to a scheduled meeting.
2. A regular member is not present within ten (10) minutes of the scheduled meeting starting time.

When a regular member of the Zoning Commission is absent and an alternate member takes that member's place:

1. In the event a regular member enters a meeting after being declared absent and replaced by an alternate member, the regular member shall assume the role of an alternate member unless the Zoning Commission is convened with less than five (5) members.
2. Alternate members shall continue in place of absent regular members to the conclusion of the issue before the Zoning Commission, even if that issue is continued to a later date.

ARTICLE III
CONDUCT OF ZONING COMMISSIONERS

No member of the Zoning Commission shall represent an applicant on the matters upon which the Zoning Commission is to make decisions.

No member of the Zoning Commission shall participate in any case, in which he/she has financial or personal interest in the property or action concerned, or will be directly affected by the decision, or has or believes he/she has any other conflict of interest. Similarly, no member of the Zoning Commission shall attempt to influence a decision of the Zoning Commission in any case, in which he/she has such a conflict of interest.

If there is a question regarding the existence of a conflict of interest, the Zoning Commissioner shall bring the issue to the attention of the Chairperson. If there is a reasonable doubt regarding whether the conflict justifies disqualification, advice shall be sought from legal counsel.

A Zoning Commissioner may disqualify his/herself from voting whenever any applicant, or his/her agent, has sought to influence the vote of the Zoning Commissioner on the application, other than in the public hearing.

Zoning Commissioners may seek information from other Zoning Commissioners or staff, prior to the public hearing, but no Zoning Commissioner shall discuss the case with any other parties prior to the public hearing, or express any bias, prejudice, or individual opinion of the application prior to its hearing.

No Zoning Commissioner shall vote on any matter deciding an application unless s/he attends the public hearing(s) or reviews the official audio recording(s) of any such hearings, including any continuation thereof; provided, however, that the applicant is advised and does not object to a zoning commissioner's voting on the matter by virtue of reviewing the official audio recording(s) of such hearing.

ARTICLE IV
MEETINGS OF THE COMMISSION

Regular meetings of the Clearcreek Township Zoning Commission shall be held on the first Monday of each month at 7:00 P.M. or on such other day as shall be determined by the Zoning Commission. If the scheduled meeting date conflicts with a federally observed holiday, the meeting will be moved to the second Monday of the month. All meetings of the Zoning Commission shall be open to the public, and notice thereof shall be given and hearings held in accordance with Section 519.12 of the Ohio Revised Code and with the Open Meeting Act. A schedule of regular meetings shall be posted in the Township Government Center.

Meetings may be called by the Secretary or the Chairperson, or as the Zoning Commission may determine. Meeting notices, including a summary of the purpose of said meeting, shall be posted in the manner provided above.

In the event that there is no application for a zoning amendment or other important business to be considered at any regular meeting, other than the regular organization meeting, the Secretary may dispense with such meeting by notifying each member of the Zoning Commission.

A quorum of the Zoning Commission shall consist of no less than three (3) members. Such quorum may exercise the powers of the Zoning Commission. With the exception of decisions regarding amendments to these bylaws (see Article IX), the action of a majority of the voting Zoning Commission members is the action of the Zoning Commission. All actions or motions that do not receive a majority vote fail. A vote of abstention shall not be counted as a concurring vote. Recommendations to the Board of Trustees are to be an affirmative action (approve, deny or modify). Recommendations shall be so recorded and transmitted to the Township Trustees within thirty days after the close of the hearing.

The Secretary shall keep minutes of the Zoning Commission's proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact.

The Chairperson or Vice-Chairperson presiding over all meetings of the Zoning Commission shall have the same privilege of originating and seconding motions, voting on all matters, and participating in discussions and procedures, as allowed to all other members of the Zoning Commission, without relinquishing the chair.

ARTICLE V

ORDER OF BUSINESS

The order of business at regular meetings shall be as follows:

1. Roll call
2. Fill vacant voting seat with alternate members if applicable
3. Approval of minutes of previous meeting
4. Public hearing of case(s)
 - A. Close public meeting.
 - B. Open public hearing.
 - C. Identify request.
 - D. Ask Commission members to identify if they visited site or have knowledge of site.
 - E. Ask staff if required legal notifications for the application were completed.
 - F. Staff presentation.
 - G. Warren County Regional Planning Commission recommendation presented.
 - H. Applicant presentation.
 - I. Proponent statements.
 - J. Opponent statements.

- K. Applicant rebuttal.
 - L. Additional comments from public.
 - M. Recess public hearing in process.
 - N. Reopen public meeting.
 - O. Discussion of case by only voting members of commission.
 - P. If it is decided that there is enough information to make a decision, chair closes the public hearing and proceeds to letter “Q”. If there is not enough information to make a decision, chair asks for a motion to table the application to a date specific time. The motion must receive a second and be voted upon.
 - Q. Voting commissioner makes motion to approve, deny or modify submitted request OR, conditions (in the case of A planned unit development (PUD)), with rationale.
 - R. Voting commissioner seconds motion.
 - S. Roll call vote.
5. Public meeting of case(s)
- A. Identify request.
 - B. Ask Commission members to identify if they visited site or have knowledge of site.
 - C. Ask staff if required legal notifications for the application were completed.
 - D. Staff presentation.
 - E. Warren County Regional Planning Commission recommendation presented.
 - F. Applicant presentation.
 - G. Proponent statements.
 - H. Opponent statements.
 - I. Applicant rebuttal.
 - J. Additional comments from public.
 - K. Discussion of case by only voting members of commission.
 - L. If it is decided that there is enough information to make a decision proceed to letter “M”. If there is not enough information to make a decision, chair asks for a motion to table the application to a date specific time. The motion must receive a second and be voted upon.
 - M. Voting commissioner makes motion to approve, deny or modify submitted request OR, conditions (in the case of A planned unit development (PUD)), with rationale.
 - N. Voting commissioner seconds motion.
 - O. Roll call vote.
6. Unfinished business.
7. New business
- A. Trustee action updates.
 - B. Issues from the commission.
 - C. Issues from the public.
8. Adjournment.

ARTICLE VI

APPLICATIONS

The applicant for any amendment to the Zoning Resolution shall file an application with the Clearcreek Township Planning and Zoning Department. Such applications shall be accompanied by payment as outlined in the Clearcreek Township Trustee Fee Schedule Resolution to cover the cost of holding the public hearing thereon, including personnel costs, and including advertising and legal notices as required by law or otherwise in connection with said amendment. No application shall be processed until such fee is paid, and no part of the fee shall be refunded after three (3) days of filing the application. Such application shall be in writing and signed by the applicant or his/her attorney or agent. Such application shall be made and submitted on forms furnished by the Clearcreek Township Planning and Zoning Department and be concise, containing all pertinent facts in detail. An applicant may appear in his/her own behalf or be represented by an agent or attorney at the hearing.

Applications for zoning actions authorized to be made by the Zoning Commission shall be on file with the Planning and Zoning Department.

An application for a change of classification which has been disapproved by the Board of Trustees, or if approved by said Trustees and subsequently defeated through referendum by the political subdivision concerned, shall not again be filed for the purposes of changing the zoning classification of all or any part of the same property within a period of twelve (12) months from the date of the Trustees action or the date of such referendum election, unless such action for change shall be for a more restrictive classification than last applied for.

Applicants, or their authorized agents may amend applications on written request delivered to the Zoning Commission not less than ten (10) days prior to the scheduled public hearing. If an amendment is timely presented, the Chairperson shall determine whether there is a substantial difference between the application as it has been described in the public notice and the application as amended. If substantial difference is found, a new public notice shall be issued, with fees paid by the applicant or authorized agent, before the hearing of the case may proceed. On written request of the applicant, or authorized agent, an application may be withdrawn at any time before the Zoning Commission makes its decision on the application.

ARTICLE VII

HEARINGS

Hearings of the Clearcreek Township Zoning Commission shall be held and notices thereof given in accordance with Section 519.12 of the Ohio Revised Code. The public notice shall clearly state the nature of the request involved.

The Secretary shall establish the time and place of each hearing with the approval of the Zoning Commission, and in accordance with Section 519.12 of the Ohio Revised Code.

In any application where the Zoning Commission may deem it necessary or desirable to continue a hearing, such hearing may be recessed, continued, or postponed. In such instances, public announcement of the date and time of the continuance or postponement shall be given before the meeting is adjourned. This action will negate the need for any additional legal notices advertising the hearing.

If an additional public hearing is required due to the exclusive action of the applicant in which a new public notice is warranted, then an additional fee shall be required as outlined in the Clearcreek Township Trustee Fee Schedule Resolution

Should any case filed with the Zoning Commission be held with no activity on the case for a period of six (6) months, such case may be dismissed or heard by the Zoning Commission. Before such case is dismissed or heard, notice of the hearing on such action shall be given to the applicant. If the applicant can show just cause as to why such case should not be dismissed or heard, the case shall remain open for disposition by the Zoning Commission.

ARTICLE VIII

RECORDS

The Secretary shall keep minutes of the meetings, which shall include the names of the Zoning Commission members in attendance, the name of the applicant and of other persons appearing before the Zoning Commission, a description of the premises involved, a description of the application, names of Zoning Commission members making and supporting all motions, and the vote of all members thereon.

The Secretary shall keep a file for each case that shall include all forms submitted or mailed, correspondence and diagrams pertaining to the application, copy of the notice and a copy of the resolution.

Such records shall be kept in the office of the Planning and Zoning Department and shall be accessible to the public during normal business hours.

ARTICLE IX
AMENDMENTS TO RULES AND REGULATIONS

These rules and regulations may be amended or modified by an absolute majority vote of the members of the Zoning Commission, provided that such amendment is presented in writing at a regular meeting and action taken thereon at a subsequent regular meeting. Assuming a quorum is attained, an absolute majority of the five (5) member Zoning Commission shall require that a minimum of three (3) voting members concur to approve said amendment, regardless of the number of voting members present. Not less than seven days prior to the meeting at which the amendment is to be voted upon, members shall be sent a copy of such proposed change.

Upon approval by the Zoning Commission of an amendment to these rules and regulations, it shall be forwarded by the chairperson, to the Clearcreek Township Board of Trustees for consideration. The Trustees shall consider the approved proposed amendment at their next scheduled meeting for formal incorporation. The resolution of the Trustees will be forwarded back to the Zoning Commission. At its next meeting, the Zoning Commission must approve the resolution of the Trustees by a simple majority vote to validate the amendment.