

# ARTICLE 1

## CHAPTER 2: ZONING ADMINISTRATION

**SEC 1.201 ZONING OFFICIALS, RESPONSIBILITIES, AND OPERATIONS:** Per Ohio Revised Code (ORC) Chapter 303, or as amended, the administration and enforcement of this Zoning Code is vested in the Board of County Commissioners to be carried out by the duly-authorized representatives whom it appoints to do so. Accordingly, the Warren County Zoning officials and their respective duties, responsibilities, operations, and actions are specified in the rest of this Chapter.

### SEC. 1.202 SUMMARY TABLE OF REVIEW BODIES

A. Table 1.02 (Summary Table of Review Bodies) summarizes the review and decision-making responsibilities of the entities that have roles in the procedures set forth in Article 1. Other duties and responsibilities of the entities are set forth in subsequent sections of this article.

TABLE 1.202: SUMMARY TABLE OF REVIEW BODIES						
HA = ADMINISTRATIVE HEARING HL = LEGISLATIVE HEARING R = REVIEW			REC = RECOMMENDATION D = DECISION (RESPONSIBLE FOR FINAL DECISION) P = PRE-SUBMITTAL CONSULTATION			
Procedure	Section	Warren County Board of Commissioners	Zoning Commission	Board of Zoning Appeals (BZA)	Regional Planning Commission (WCRPC)	Zoning Inspector
Zoning Resolution Text or Map Amendment	1.304	HL-D	HL-R		P-R-REC RPC Staff & Executive Committee	P-R
Planned Unit Development – Stage 1	1.305	HL-D	HL-R		P-R-REC RPC Staff & Executive Committee	P-R
Planned Unit Development – Stage 2	1.305	HA-D			P-R-REC RPC Staff & Executive Committee	P-R
Site Plan Review	1.303	HA-D			R-REC RPC Staff	P-R
Site Plan Review with Conditional Use	1.303			HA-D	R-REC RPC Staff	P-R
Conditional Use	1.306			HA-D	R-REC RPC Staff	P-R
Appeals	1.310			HA-D		
Variance	1.307			HA-D		P-R
Zoning Permit	1.302					R-D

- B. Even though not referenced in this article, other boards, commissions, government agencies, and nongovernment agencies may be asked by the zoning inspector, the Warren County Zoning Commission, the Warren County Board of Zoning Appeals, or the Warren County Board of Commissioners, to review some applications, including, but not limited to, map amendments (rezoning), text amendments, appeals, variances, conditional uses, and planned unit developments.

**SEC 1.203    BOARD OF COUNTY COMMISSIONERS (BOCC)**

**1.203.1    Duties and Responsibilities:** The duties and responsibilities of the BOCC involved in matters of zoning are as follows:

- (A) Initiate, review, and act to adopt, reject or modify, in whole or in part, any proposed amendment(s) to the Zoning Code, pursuant to and consistent with the provisions specified in Article I, Chapter 1 of this Code, in accordance with its authority specified in ORC Chapter 303, as amended.
- (B) Appoint: a Zoning Inspector, Zoning Clerk, and any assistant as determined necessary; respective members and alternates of the Rural Zoning Commission (RZC); and the Board of Zoning Appeals (BZA) as prescribed in this Code per ORC Chapter 303, or as amended, and maintain accordingly.
- (C) Act to approve, deny, or modify the recommendations respectively made to the BOCC by the Warren County Regional Planning Commission (RPC) and the Rural Zoning Commission (RZC) on an amendment initiated for the Zoning Code text or map.
- (D) Review and act to approve, deny, or modify site plan applications submitted per this Code that requires BOCC approval or input in order to be implemented.
- (E) Set submittal fees for zoning permits and other zoning applications as required by this Code.
- (F) Repeal Warren County Zoning per a resolution of its own initiative or if compelled to do so in accordance with ORC Section 303.25, or as amended.

**1.203.2    Operating Rules and Records:** All BOCC meetings regarding zoning matters shall be open to the public. The BOCC shall, via its Clerk, keep minutes of its meetings and record of its actions and decisions, which shall all be maintained as public record, available upon request.

**1.203.3    Action For Decision:** Formal action of the BOCC is by it passing a resolution, for which the concurring vote of the majority of the Commissioners in attendance of a given meeting at which the resolution is set forth is necessary for its official action of decision on a zoning matter which it is required to act per this Code in accordance with its authority of involvement in zoning specified in ORC Chapter 303, or as amended.

## SEC 1.204 RURAL ZONING COMMISSION (RZC)

**1.204.1 Duties and Responsibilities:** The RZC is responsible for the following duties per this Zoning Code in accordance with ORC Chapter 303, or as amended, and the RZC "Rules for Organization and Operation":

- (A) Submit a zoning plan, consisting of both text and maps prepared by the Warren County Regional Planning Commission (RPC) or other preparer authorized by the Warren County Board of County Commissioners (BOCC), in recommendation to the BOCC for adoption, proposing zoning districts and accompanying regulations regarding the use and development of real estate within the County Zoning jurisdiction, or any proposed additions thereto, as promoting the best interest of the public.
- (B) Initiate and/or review all proposed amendments to this Zoning Code text and map and make recommendation to the BOCC for its decision so regarding per ORC Chapter 303 requirements.
- (C) Review and act in recommendation to the BOCC for decision on each site plan submitted per this Code that requires BOCC approval or input in order to be permitted for implementation.

**1.204.2 Member Appointments, Terms, and Removal:** The RZC consists of five (5) members and two (2) alternates. All are appointed by the BOCC, with each being a resident in the unincorporated area of one of the Townships under Warren County Zoning jurisdiction. None can concurrently serve as a member of the Board of Zoning Appeals (BZA), but any may also be a member of the Warren County Regional Planning Commission (RPC). The terms of the members are established and maintained in length and arrangement so that the term of one member expires each year. Any RZC member may be removed for nonperformance of duty, misconduct in service, or other cause brought by the BOCC, upon written charges being filed with the BOCC and heard at a hearing held thereby regarding such charges, provided written notice of the hearing is given to the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving it at the member's usual place of residence. The member sought to be removed shall be given opportunity to be heard and answer the charge(s) for removal. Any member vacancy prior to the end of a prescribed term shall be filled by another member appointed until the end of the term.

**1.204.3 Organization and Operating Rules and Records:** The RZC shall organize and adopt the rules for it to operate in keeping with ORC Chapter 303, or as amended, and annually elect the Chair and Vice Chairpersons from its members. All RZC meetings are to be held at the call of the RZC Chair, with notification to the rest of the members, the public, and others as necessary made by the Zoning Clerk as instructed by the Zoning Inspector. The Chair, or, if absent, the Vice Chair or acting Chair as otherwise so determined by the RZC, may call an RZC meeting to order. All RZC meetings are open to the public. The RZC shall, via the Zoning Clerk, keep minutes of its proceedings, indicating the vote of each member or if absent or failing to vote, and keep records of its examinations, actions, and public input, which shall all be maintained and available as public record in the Zoning Department office.

**1.204.4 Action in Recommendation:** Official action of the RZC in recommendation to the BOCC for decision is by motion adopted by the majority of its members. One or more alternates in attendance of the RZC meeting(s) addressing a particular zoning matter of RZC concern per this Code can be called upon to sit in an official voting member(s) capacity in the event that such member can not attend any subsequent meeting(s) requiring RZC action on the zoning matter. All information on file regarding RZC processing and action in recommendation to approve, deny, or modify a proposed amendment of the Zoning Code text or map or site plan shall be forwarded by RZC via the Zoning Clerk to the BOCC in accordance with ORC Chapter 303, or as amended.

**SEC 1.205     BOARD OF ZONING APPEALS (BZA)**

**1.205.1     Duties & Responsibilities:** The BZA is responsible for the following duties per ORC Chapter 303, or as amended, and the BZA "Rules for Organization and Operation":

- (A) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of ORC Sections 303.01 to 303.25, or as amended, or any resolution adopted pursuant thereto.
- (B) Make a determination in the event the Zoning Inspector is unable to classify a use not listed in the Code per Sec. 1.205.1 (F)
- (C) Approve or deny requests for variance from any dimensional requirement of the Zoning Code.
- (D) Approve or deny issuance of a zoning permit for a conditional use specified in this Code, in accordance with ORC Sections 303.14 or 303.141, as applicable.
- (E) Revoke an authorized variance or conditional use granted for the extraction of minerals, if any approval condition thereof is violated.
- (F) Approve or deny zoning permit requests for completion, restoration, reconstruction, in whole or in part, extension, or substitution of a nonconforming use or structure.
- (G) Determine if the event arises, the certain location of a zoning district boundary that is in question or dispute for purposes of regulation in accordance with this Code.

**1.205.2     Member Appointments, Terms and Removal:** The BZA consists of five (5) members and two (2) alternates, appointed by the Warren County Board of Commissioners (BOCC), with each being a resident in the unincorporated area of one of the Townships under Warren County Zoning jurisdiction. None of the members can concurrently serve as a member of the Rural Zoning Commission (RZC). The terms of the members are established and maintained in length and arrangement so that the term of one member expires each year. Any BZA member may be removed for nonperformance of duty, misconduct in service, or other cause brought by the BOCC, upon written charges being filed with the BOCC and heard at a hearing held thereby regarding such charges, provided written notice of the hearing is given to the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving it at the member's usual place of residence. The member sought to be removed shall be given opportunity to be heard and answer the charge(s) for removal. Any member vacancy prior to the end of a prescribed term shall be filled by another member appointed until the end of the term.

**1.205.3     Organization and Operating Rules and Records:** The BZA shall adopt rules for it to operate pursuant to this Code per ORC Chapter 303, or as amended, and annually elect the Chair and Vice Chairpersons from its members. All BZA meetings are to be held at the call of the BZA Chair, with notification to the rest of the members, the public, and others made by the Zoning Clerk as instructed by the Zoning Inspector. The Chair, or, if absent, the Vice Chair or acting Chair as otherwise determined by the BZA, may call a meeting to order, administer oaths, and compel the attendance of witnesses. All BZA meetings are open to the public. The BZA shall, via the Zoning Clerk, keep minutes of its proceedings, indicating the vote of each member or if absent or failing to vote and keep record of its examinations, actions, and public input, which shall all be maintained and available as public record in the Zoning Department office.

**1.205.4 Action for Decision:** The BZA must conduct an administrative hearing on the record prior to rendering its decision on an application for the following:

- (1) appeals;
- (2) variances;
- (3) revoking an authorized variance or conditional use certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated; and,
- (4) conditional use certificates.

Upon closing the hearing, the BZA may deliberate its decision off the record in private (a quasi-judicial hearing is not a meeting and is not subject to the Open Meetings Act). Upon completing deliberations, the BZA on the record must pass a motion by a majority vote of a quorum of BZA members present at the hearing whether to approve, deny or approve with conditions an application, however, the 30 day period in which a person with standing may file an administrative appeal of a BZA decision only begins to run upon the date the BZA written decision is mailed to an applicant.

**SEC 1.206**     **ZONING INSPECTOR:** One or more Zoning Inspectors, as designated by the BOCC, along with any assistant(s) as deemed necessary, shall administer and enforce the Zoning Code.

**1.206.1**     **Duties & Responsibilities:** The Zoning Inspector is responsible for the following duties:

- (A) Maintain the Zoning Code text and map, and the record of all amendments thereto.
- (B) Provide information regarding the Zoning Code and all related matters so involving.
- (C) Assist applicants for a zoning permit, site plan review, conditional use, variance, rezoning, or other zoning matter by explaining how to complete required applicable forms and procedures.
- (D) Review proposed subdivision plats and parcel splits submitted for approval to the Warren County RPC, or as otherwise submitted for recording not needing RPC approval, to determine compliance with the requirements of this Code.
- (E) Review zoning permit applications, ensuring compliance with the requirements of this Code, as well as any additional applicable case-specific Resolution conditions, and accordingly, either approve or deny said permit and maintain record thereof.
- (F) Determine, if the event arises, whether a proposed use not listed in this Code shall be a permitted or conditional use, based on being determined similar to one or more other uses in the Zoning Code or shall otherwise be prohibited. Such uses shall be compatible with the purpose of Zoning Code and suggestions of the Comprehensive Plan. In the event the Zoning Inspector is unable to make such a determination, the determination shall be made by the Board of Zoning Appeals in accordance with Sec. 1.204.1 (B).
- (G) May perform periodic inspections of zoning permit sites to confirm that requirements are being met.
- (H) Investigate, confirm, process, and maintain record of all zoning violations as specified in this Code. Issue written order via certified mail to the person(s) responsible for zoning violation(s), to discontinue use of any land, building or structure, and/or to stop work and/or remove any building or structure, in whole or in part, that has been found in violation of any requirement(s) of this Zoning Code, informing them of their right to appeal the order should they might otherwise object or refuse to comply with said order.
- (I) Maintain records of legal nonconforming uses, structures, and lots that existed before the effective date of this Zoning Code and update the record as necessary when applicable conditions or amendments of the zoning regulations eliminate the nonconforming status.
- (J) Forward complete applications submitted in accordance with this Code for zoning cases requiring review and recommendation and/or action in determination of approval, denial or modification to the Warren County RPC, RZC, BZA, and/or the BOCC, as required by this Zoning Code.

- (K) Schedule, provide information for, attend, and oversee RZC and BZA meetings and attend and provide information at meetings of the BOCC involving zoning matters.
- (L) Maintain public records regarding all zoning matters, inclusive of all information submitted and formal decisions made regarding each case, with assistance and instruction of the Zoning Clerk.
- (M) Make grammatical, numerical and section reference corrections to the Warren County Rural Zoning Code without such changes being subject to the review process of Section 1.304 and provided that such changes do not alter the meaning of the code.
- (N) Perform other related duties as required to administer and enforce this Zoning Code.

**SEC 1.207** **ZONING CLERK:** One or more Zoning Clerk and any assistant(s) as designated necessary by the BOCC shall assist in the Zoning Inspector, the Rural Zoning Commission (RZC), and Board of Zoning Appeals (BZA) in performing the below listed duties and responsibilities.

**1.207.1** **Duties & Responsibilities:** The Zoning Clerk is responsible for the following duties:

- (A) Submit all notices of public meetings and public hearings of any kind, as prepared and/or instructed by the Zoning Inspector, for zoning matters required by this Code in accordance with ORC Chapter 303, or as amended, to be acted upon respectively by the RZC, BZA and/or BOCC, for newspaper publication and/or for mailing to all required parties/entities and establishing and maintaining the public record in the respective case file regarding each.
- (B) Record or cause to be recorded, prepare and file the minutes of every RZC and BZA meeting in a manner determined lawfully sufficient for legal purposes required to satisfy ORC Chapter 303, or as amended.
- (C) Perform other zoning administration related duties as so directed by the zoning officials.