

# **Liberty Township Zoning Commission**

## **Rules and Regulations**

### **By Laws**

**Adopted October 06, 2009**

**Revised November 7, 2017**

These procedures are adopted to ensure compliance with the Ohio Revised Code 519 and the Liberty Township Zoning Resolution.

### **Purpose**

The Zoning Commission is the Legislative body of the township. The Zoning Commission adopts written rules and regulations for the conduct of its affairs as stated in ORC 519.05. The Zoning Commission shall file such rules (known as the Liberty Township Zoning Resolution) with its Secretary and the Zoning Inspector and shall make the rules available to the public. Our meetings are to be conducted under the guidelines of “The Ohio Sunshine Law”.

### **Members**

1. The Liberty Township Zoning Commission (LTZC) consists of five members and one or more alternate members appointed by the Liberty Township Trustees.
2. A regular LTZC member shall be deemed absent if the regular member has advised the township staff of their absence prior to a scheduled meeting or the regular member is not present within ten minutes of the meeting’s Call to Order.
3. The LTZC shall elect a Chairperson and a Vice Chairperson to serve for a period of one year at its annual organizational meeting that typically occurs in January.

### **Conduct of Members**

4. No member of the LTZC shall represent an applicant regarding matters upon which the LTZC is to make decisions.
5. No member of the LTZC shall participate in discussion of, or vote on, any issue in which the Commission member has financial or personal interest or will be directly affected by the decision (i.e. conflict of interest).
6. No member of the LTZC shall attempt to influence a decision of the LTZC on any matter in which the Commission member has a conflict of interest.
7. If there is a question regarding the existence of a conflict of interest, the LTZC member shall bring the issue to the attention of the Chairperson. If there is reasonable doubt that the conflict justifies disqualification, advice shall be sought from legal counsel.

8. A LTZC member may abstain from voting whenever any applicant/sponsor, or their agent, has sought to influence the vote of the LTZC member on the issue outside of the public hearing.
9. In the event a Zoning Amendment or Rezoning Application before the LTZC would cause a conflict of interest for a Commission member, that member shall withdraw him/her self from the discussion as a Commission member and abstain from voting on that Amendment or Rezoning. If his/her abstention would reduce the voting members below four (see #17), consideration of the application would be postponed until a roll call vote could be taken.
10. LTZC members may seek information from other members or staff, prior to a public hearing, but no LTZC member shall discuss amendment or rezoning issues with any other parties prior to the public hearing, or express any bias, prejudice, or individual opinion of the amendment/rezoning prior to its hearing.
11. In order to vote on amendment or rezoning applications, a LTZC member must attend the pertinent public hearing and continuances of the hearing.

#### **Alternates**

12. The Liberty Township Trustees shall appoint one or more Alternates. The Alternate is required to attend all regular LTZC meetings, special meetings and public hearings. The Alternate member shall only serve on the Commission in the absence of a regular member or during the abstention of a regular member for reasons of conflict of interest. The Alternate member shall only have the right to vote upon those specific issues in which they have been called upon to serve in the absence of a regular Commission member, or as a result of a conflict of interest.
13. When all five (5) regular members of the LTZC are present, the Alternate member shall be seated at a location separate from the regular LTZC members. Alternates may ask questions and otherwise participate in discussion during any public hearing. Alternate members may participate in any deliberations or discussions of the LTZC during regular or special meetings.
14. In the event a regular member of the LTZC enters a meeting after being declared absent and is replaced by an Alternate member, the regular Commission member shall assume the role of the Alternate member unless the LTZC is convened with less than five (5) members.

#### **Records**

15. The Liberty Township Trustees shall appoint the Secretary of the LTZC. The Secretary shall conduct all correspondence of the LTZC, compile and keep minutes of all regular and special meetings and public hearings, keep all records, and sent out notices required by law or the Liberty Township Zoning Resolution.

## **Meetings and Hearings**

16. All meetings and hearings of the LTZC shall be open to the public, and no action shall be taken in executive sessions.
17. Three (3) Members of the LTZC shall constitute a quorum of the Commission for the conduct of business. When a quorum is not present, no official action of the Commission, except for adjourning or closing the meeting and rescheduling, may take place. The LTZC shall not engage in the discussion of any matter during any time in which a quorum of the Commission is not present for the conduct of business. Four (4) LTZC members are to be present for a roll call vote to be taken on a Zoning Amendment or Rezoning application, and a majority is required for approval. An applicant/amendment sponsor has the right to request a postponement of vote on their application or amendment until a total of five members or alternates are present.
18. All public hearings without a quorum shall be rescheduled and no additional public notice shall be required, provided that the time, date and place for the rescheduled hearing is announced at that meeting.
19. The Township Zoning Inspector is expected to attend all regular and special meetings of the LTZC.
20. Public hearings on zoning amendments and rezoning applications will be scheduled as per the Liberty Township Zoning Resolution. Rezoning applicants shall be notified of incomplete applications and the application shall be placed on hold until the missing data are received.
21. Failure to strictly adhere to Roberts Rules of Order shall not negate, invalidate, or otherwise affect any action or vote taken at any such meeting/hearing.

## **Regular Meetings**

22. Suggested Order of Business
  1. Call to Order
  2. Pledge of Allegiance to the Flag
  3. Roll Call
  4. Seating of Alternate, if required
  5. Issues from the Public or Public Comments
  6. Reading and approval of the minutes of the previous meeting
  7. Zoning Inspector Report
  8. Liberty Township Trustee action updates
  9. Old Business
  10. New Business
  11. Issues from the LTZC
  12. Motion for Adjournment
  13. Meeting Adjournment

## **Public Hearings**

### 23. Public Hearings

Rezoning applicants/amendment sponsors or appointed representatives must be present at the scheduled public hearing. If the applicants/amendment sponsors are not present, the LTZC can vote to deny the application or amendment.

To ensure that the public hearing is conducted in accordance with the Liberty Township Zoning Resolution and the Ohio Revised Code, the following procedures shall be used:

1. All individuals wishing to speak during public hearings shall be sworn in.
2. All speakers shall direct their comments to the LTZC.
3. Each speaker must identify him/her self and indicate the address of their residence prior to making comments.
4. For large hearings, the LTZC chairperson may establish a time limit of 3 to 5 minutes per speaker during public comments.
5. No person shall be allowed to speak more than once on the same issue unless all persons who would like to speak have already spoken.

### 24. Public Hearings Order of Business

1. Call to Order by LTZC Chairman
2. Roll Call
3. Seating of Alternate, if required
4. Procedure of the public hearing presented by LTZC Chairman
5. Notification of public hearing stating amendment or rezoning application subject and number as required and any other pertinent information
6. Confirmation that the legal notification for the public hearing was completed
7. Swearing in of all speakers individually
8. Zoning Inspector presents Fairfield County Regional Planning Commission recommendation
9. Applicant/sponsor presents rezoning request/amendment
10. Public comments from proponents of rezoning/amendment
11. Public comments from opponents of rezoning/amendment
12. Other public comments concerning the rezoning/amendment
13. Rebuttal by applicant/sponsor
14. Closure of testimony
15. Discussion-deliberation of rezoning/amendment by the LTZC
  1. Commission members may request additional information via Chairperson.

16. The LTZC may take one of the following actions. Motion to do so must be made and second received.
  1. Recommend approval of the rezoning application/amendments as presented, to the Liberty Township Trustees.
  2. Recommend approval of the rezoning application/amendment with conditions/modifications, to the Liberty Township Trustees.
  3. Recommend denial of the rezoning application/amendment, to the Liberty Township Trustees.
  4. Table the rezoning/amendment for a future meeting provided the date, time, and place are established.
17. Roll call vote
18. Adjournment of public hearing

### **Special Meetings**

25. Special meetings of the LTZC shall be held whenever called by the Chairperson or by two LTZC members. Every LTZC member and alternate shall furnish the Secretary of the LTZC with appropriate methods on contact to which notice of meetings and all other LTZC notices may be served or mailed to the member/alternate. Proper notification to the public shall also be published. The notice shall state the date, time, location and purpose(s) of the meeting.

### **Site Visits: Date-Time & Place**

26. Site Visits or walkabouts shall be scheduled during a regular meeting. Prior to the scheduled site visit, the applicant or requesting party shall provide the LTZC written authorization from the property owner permitting access to the property and any other additional information requested by the LTZC. The chairperson may designate a member of the LTZC to take general notes, including a sign-in sheet of all attendees. Proper notification of said walkabout shall be made to the public.

### **Amendments to Rules and Regulations**

27. These rules and regulations may be amended or modified by a majority vote of the LTZC members, provided that such change is presented in writing at a regular meeting and roll call vote taken at a subsequent regular meeting.