

## **ARTICLE XIII. AMENDMENT TO TOWNSHIP ZONING RESOLUTION**

### **SECTION A. PROCEDURES FOR AMENDMENTS OR DISTRICT CHANGES**

This Resolution may be amended by utilizing the procedure specified in this Resolution.

### **SECTION B. GENERAL**

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may by resolution, after receipt of recommendation thereon from the Zoning Commission and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

### **SECTION C. INITIATION OF ZONING AMENDMENTS**

Amendments to this Resolution may be initiated in one of the following ways:

1. By adoption of a motion by the Zoning Commission;
2. By adoption of a resolution by the Board of Township Trustees;
3. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

### **SECTION D. CONTENTS OF APPLICATION FOR ZONING MAP AMENDMENT**

Applications for amendments to the Official Zoning Map adopted as part of this resolution by Article I shall contain at least the following information:

1. The name, address, and phone number of applicant.
2. A statement of the reason(s) for the proposed amendment.
3. The present use of the land.
4. The present zoning district in which property is located.
5. The proposed use of the land.
6. A proposed zoning district for property.
7. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require.
8. A list of all property owners and their mailing address who are within, contiguous to, or directly across the street from the parcel(s), proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned.
9. A statement on the ways in which the proposed amendment relates to the comprehensive plan.
10. A fee as established by resolution of the Lake Township Trustees.

**SECTION E. CONTENTS OF APPLICATION FOR ZONING TEXT AMENDMENT**

Application for amendments proposing to change, supplement, amend, or repeal any portion(s) of this Resolution, other than the Official Zoning Map, shall contain at least the following information:

1. The name, address, and phone number of the applicant.
2. A statement of reason(s) for the proposed amendment.
3. A statement explaining the ways in which the proposed amendment relates to the comprehensive plan.
4. A fee as established by resolution of the Township Trustees.

**SECTION F. TRANSMITTAL TO ZONING COMMISSION**

Immediately after the adoption of a resolution by the Board of Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Commission.

**SECTION G. SUBMISSION TO WOOD COUNTY PLANNING COMMISSION**

Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the Township Trustees or the filing of an application by at least one (1) owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application, together with the text and map pertaining to the case in question, to the Wood County Planning Commission. The Wood County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

**SECTION H. SUBMISSION TO DIRECTOR OF TRANSPORTATION (Reference: O.R.C. 5511.01)**

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline or a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail, to the Director of Transportation. The Zoning Commission may proceed as required by law; however, the Board of Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Township Trustees that he shall proceed to acquire the land needed, then the Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Township Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Township Trustees shall proceed as required by Law.

**SECTION I. PUBLIC HEARING BY ZONING COMMISSION**

The Zoning Commission shall schedule a public hearing after the adoption of their motion, the transmittal of a resolution from the Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be no less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.

**SECTION J. NOTICE OF PUBLIC HEARING IN NEWSPAPER AND TO PROPERTY OWNERS**

Before holding the public hearing as required, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspaper of general circulation in the Township at least ten (10) days before the date of said hearing. If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed by the zoning commission, by first class mail, at least ten days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the county auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment.

If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing, and shall include all of the following:

1. The name of the zoning commission that will be conducting the public hearing;
2. A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;
3. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and the names of owners of these properties, as they appear on the county auditor's current tax list;
4. The present zoning classification of property named in the property amendment and the proposed zoning classification of such property;
5. The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
6. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
7. Any other information requested by the Zoning Commission;
8. A statement that after the conclusion of such hearing the matter will be submitted to the Board for its action.

If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:

1. The name of the zoning commission that will be conducting the public hearing on the proposed amendment;
2. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;

**SECTION J. NOTICE OF PUBLIC HEARING IN NEWSPAPER AND TO PROPERTY OWNERS (CONT'D):**

3. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing;
4. The name of the person responsible for giving notice of the public hearing by publication;
5. A statement that after the conclusion of such hearing the matter will be submitted to the board of township trustees for its action;
6. Any other information requested by the zoning commission.

**SECTION K. RECOMMENDATION BY ZONING COMMISSION**

Within thirty (30) days after the public hearing required by Section I, the Zoning Commission shall recommend to the Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment not be granted. The written decision of the zoning commission shall indicate the specific reason(s) upon which the recommendation is based, to include the basis for their determination that the proposed amendment is or is not consistent with the comprehensive plan.

**SECTION L. PUBLIC HEARING BY BOARD OF TOWNSHIP TRUSTEES**

Within thirty (30) days from receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing in a newspaper of general circulation shall be given by the Board of Township Trustees, at least ten (10) days before the date of such hearing.

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date and place of the public hearing and shall include all of the following:

1. The name of the board that will be conducting the public hearings;
2. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
3. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of the owners of these properties, as they appear on the county auditor's current tax list;
4. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
5. The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
6. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
7. Any other information requested by the board.

**SECTION L. PUBLIC HEARING BY BOARD OF TOWNSHIP TRUSTEES (CONT'D):**

If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:

1. The name of the board that will be conducting the public hearing on the proposed amendment;
2. A statement indicating that the motion, application or resolution is an amendment to the zoning resolution;
3. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing;
4. The name of the person responsible for giving notice of the public hearing by publication;
5. Any other information requested by the board.

**SECTION M. ACTION BY BOARD OF TOWNSHIP TRUSTEES**

Within twenty (20) days after the public hearing required in Section I, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof.

**SECTION N. EFFECTIVE DATE AND REFERENDUM**

Such amendment adopted by Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof, included in the zoning plan equal to not less than eight percent (8%) of the total vote cast for all candidates for Governor, in such area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue are in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

**SECTION O. TRANSMITTAL OF AMENDMENT**

Within five (5) working days after an amendment's effective date, the Board of Township Trustees shall file the text and maps of the amendment in the Office of the Wood County Recorder and with the Wood County Planning Commission.

**SECTION P. APPLICATION FEES**

At the time that an application for a change of zoning districts is filed with the Commission, as provided therein, there shall be deposited a fee as set by resolution of the Board of Trustees of Lake Township from time to time. Said fee is for the purpose of defraying the costs of investigation, legal notices, and other expenses incidental to the determination of such matter. Such sums so deposited shall be credited by the Township Clerk to the General Fund of the Township.