

## ARTICLE 31

### **AMENDMENTS TO THE ZONING RESOLUTION AND/OR THE ZONING MAP**

#### **31.0 GENERAL**

This Resolution and the Zoning Map may be amended by utilizing the procedures specified in Sections 31.1 through 31.13 inclusive of this Resolution.

#### **31.1 PURPOSE**

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, boundaries, or classification of property.

#### **31.2 INITIATION OF ZONING AMENDMENTS**

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

- 31.2.1 Adoption of a motion by the Zoning Commission;
- 31.2.2 Adoption of a resolution by the Board of Township Trustees; or,
- 31.2.3 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.

#### **31.3 CONTENTS OF APPLICATION FOR ZONING MAP AMENDMENT**

Applications for amendments to the official Zoning Map adopted as part of this Resolution by **Article 6 and Articles 10 through 19** shall contain at least the following information:

- 31.3.1 The name, address, and telephone number of applicant;
- 31.3.2 A statement of the reason(s) for the proposed amendment;
- 31.3.3 Present use;
- 31.3.4 Present zoning district;
- 31.3.5 Proposed use;
- 31.3.6 Proposed zoning district;

- 31.3.7 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;
- 31.3.8 A list of all property owners, their telephone numbers, and their mailing addresses 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 telephone numbers and addresses need not be included where more than ten (10) parcels are to be rezoned;
- 31.3.9 A statement on the ways in which the proposed amendment relates to the comprehensive plan; and,
- 31.3.10 A fee as established by resolution of the Board of Township Trustees.

**31.4 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:

- 31.4.1 The name, address, and telephone number of the applicant;
- 31.4.2 The proposed amending resolution;
- 31.4.3 A statement of the reason(s) for the proposed amendment;
- 31.4.4 A statement explaining the ways in which the proposed amendment relates to the comprehensive plan; and,
- 31.4.5 A fee as established by resolution of the Board of Township Trustees.

**31.5 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 Zoning Commission.

**31.6 SUBMISSION TO LIMA-ALLEN COUNTY REGIONAL PLANNING COMMISSION**

Pursuant to 519.12 of the Ohio Revised Code or as in such statute as may hereafter be amended, within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Board of 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 Lima-Allen County Regional Planning Commission. The Lima-Allen County Regional 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.

### **31.7 PUBLIC HEARING BY ZONING COMMISSION**

Pursuant to 519.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, the Zoning Commission shall schedule a public hearing after the adoption of their motion, the transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be not 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.

### **31.8 NOTICE OF PUBLIC HEARING IN NEWSPAPER**

Before holding the public hearing as required in Section 31.7, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in Bath Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

### **31.9 NOTICES TO PROPERTY OWNERS BY ZONING COMMISSION**

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing, to all owners of property within, contiguous to, and directly across the thoroughfare from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The notice shall contain the same information as required of notices published in newspapers as specified in Section 31.8. The failure to deliver the notice to property owners, as provided herein, shall not invalidate any such amendment.

### **31.10 RECOMMENDATION BY ZONING COMMISSION**

Within thirty (30) days after the public hearing required by Section 31.7, the Zoning Commission shall recommend to the Board of 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 be not 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.

**31.11 PUBLIC HEARING BY BOARD OF TOWNSHIP TRUSTEES**

Within thirty (30) days from the 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 as specified in Section 31.8.

**31.12 ACTION BY BOARD OF TOWNSHIP TRUSTEES**

Within twenty (20) days after the public hearing required by Section 31.11, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, a majority vote of the Board of Township Trustees is required.

**31.13 EFFECTIVE DATE AND REFERENDUM**

Such amendment adopted by the 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 unincorporated area of Bath Township 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 electorate of such area, for approval or rejection, at the next primary or general election.