

ARTICLE XVII

DISTRICT CHANGES

AND RESOLUTION AMENDMENTS

Section 1. GENERAL

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**Section 2. PROCEDURE FOR
CHANGES TO A ZONING
DISTRICT**

Section 1. GENERAL

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Trustees may by Resolution, after receipt of recommendation thereon from the Zoning Commission and subject to the procedure provided by ORC 519.12, amend, supplement or change the regulations, district boundaries or classifications of property, now or hereafter established by this Resolution or amendment thereof. It shall be the duty of the Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to the Trustees.

Section 2. PROCEDURE FOR CHANGES TO A ZONING DISTRICT

1. Initiation of Amendments.

Applications for any change of district boundaries or classifications of property as shown on the Zoning Map may occur through any of three methods:

- A. By the motion of the Zoning Commission;
- B. By the passage of a resolution by the township Board of Trustees subsequently certified to the Zoning Commission; or
- C. By the filing, with the Commission, of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by a proposed amendment. An application for amendment shall be submitted to the Commission, at its public office, upon such forms and shall be accompanied by such data and information as may be prescribed for that purpose by the Commission so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with applications.

2. Public Hearing by Zoning Commission.

Upon the adoption of such motion, the certification of such resolution, or the filing of such application, the Zoning Commission shall set a date for a public hearing, which date shall not be less than twenty (20) or more than forty (40) days from the date of adoption of such motion, the certification of such resolution, or the receipt of the request or application for a zone change thereon.

3. Notice

Notice of the hearing shall be given by one or more of the following techniques:

- A. 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, then:
 - 1. 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.

2. In addition, notice of the public hearing shall be given by one (1) publication in a newspaper of general circulation in the Township.
3. The published and mailed notices shall set forth all of the following:
 - a) The time, date, and place of the public hearing;
 - b) The name of the Zoning Commission;
 - c) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;
 - d) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the county auditor's current tax list;
 - e) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
 - f) 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 days prior to the public hearing;
 - g) The name of the person responsible for giving notice of the public hearing;
 - h) A statement that, after the conclusion of such hearing, a recommendation on the matter may be submitted to the Board of Township Trustees for its action; and
 - i) Any other information requested by the Zoning Commission.
- B. 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, notice shall be given by one (1) publication in a newspaper of general circulation in the Township which sets forth all of the following:
 1. The time, date, and place of the public hearing;
 2. The name of the Zoning Commission;
 3. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
 4. 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;
 5. The name of the person responsible for giving notice of the public hearing by publication;
 6. A statement that, after the conclusion of such hearing, the matter will be submitted to the Board of Township Trustees for its action;
 7. Any other information requested by the Zoning Commission.
4. Recommendation of County Planning Commission.
 Within five (5) days after the adoption of such motion, the certification of such resolution, or filing of such application, the Township Zoning Commission shall transmit a copy thereof together with the text and map pertaining thereto to the County Planning Commission for consideration at their next regularly scheduled meeting. The County Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall forward such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment.
5. Public Hearing Procedure.
 Hearings shall follow legislative hearing procedures as outlined in the Ohio Revised Code requiring a recommendation of approval or disapproval based upon governmental, political and policy considerations.
 - A. Record.
 A record of the proceedings of a public hearing, approved by the Zoning Commission and signed by the Secretary of the Zoning Commission, shall be maintained. A typical legislative hearing record should include the same requirements listed for an adjudicatory hearing in

Article XV, Section 4.3 (Record). In addition, the record should also contain any memorandum or report forwarding a recommendation on a zoning change or PUD to the Board of Township Trustees, along with the basis or rationale for it, and any recommended changes or conditions to be imposed through legislation.

B. Format for the Hearing.

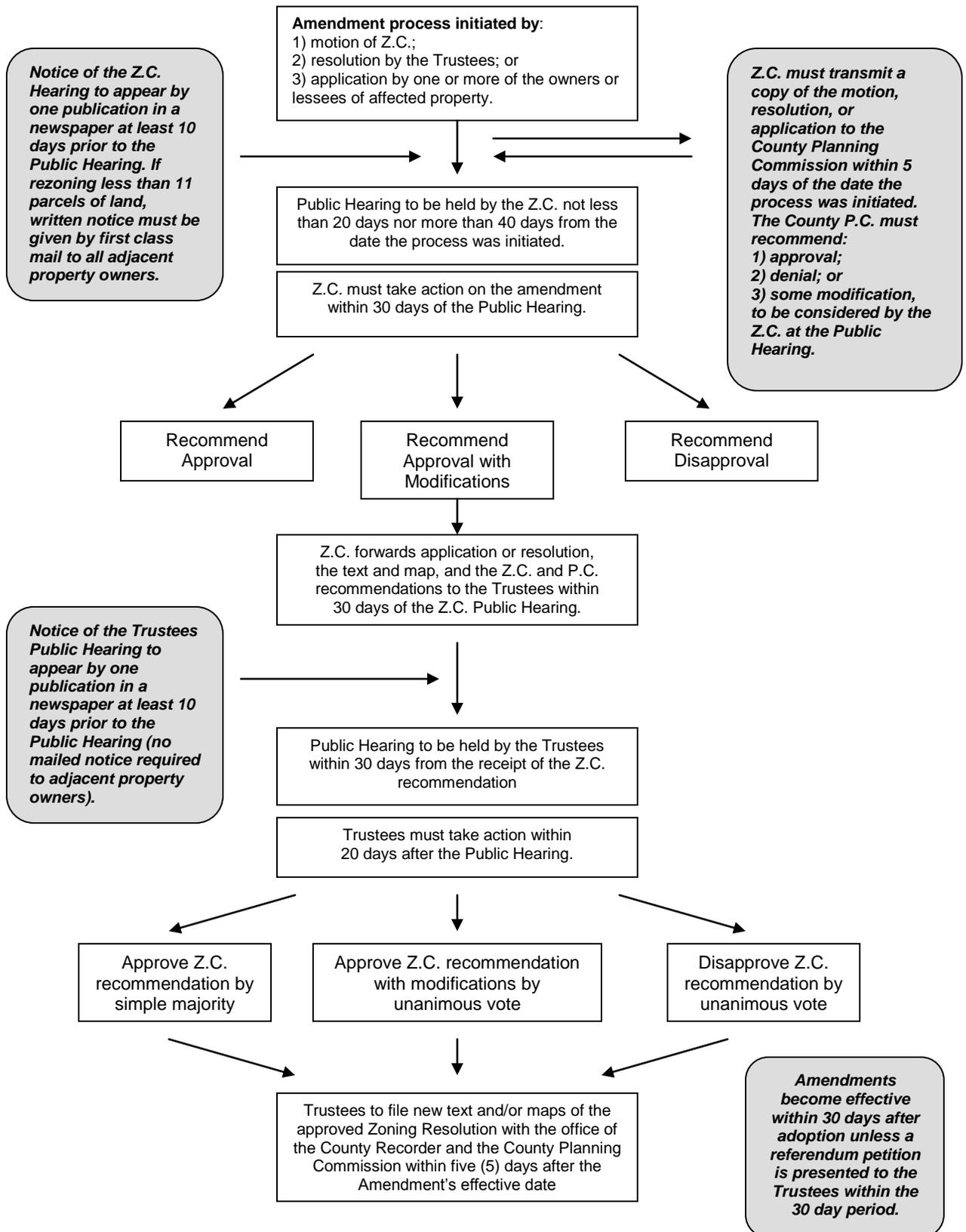
In order to insure a fair and objective public hearing, the following procedure should be followed by the Zoning Commission:

1. Open the Hearing.
The chairperson should open the legislative hearing, advise the participants that *Robert's Rules of Order* shall cover parliamentary issues, summarize the hearing procedure, announce the subject, and summarize the application.
2. Staff Report and Summary.
The chairperson may ask staff to present a report of the recommendations received by the County Planning Commission and recommendations sought by the Township from other officials, agencies, or experts. Visual aids, such as flip charts, maps, or projected images may be employed to make or clarify critical points.
3. Proponents Recognized.
The chairperson may seek testimony from the applicant and those favoring the proposal. Presentation time shall be generally limited to three (3) to five (5) minutes for each individual.
4. Opponents Recognized.
The chairperson may seek testimony from those opposed to the proposal. Individuals who were entitled to receive notice of the hearing or groups represented by spokespersons shall be recognized first. The same amount of time allowed each proponent should be afforded each opponent.
5. Continue or Close the Hearing.
If pertinent data needs to be obtained, the chairperson may announce a continuation of the hearing to another specified date, time, and place. When all pertinent data and public testimony is of record, the chairperson should close the hearing.
6. Deliberation and Decision.
At the conclusion of the hearing, the Zoning Commission shall deliberate upon the application and reach a decision. If time does not permit adequate deliberation, the matter should be continued for a decision at a future meeting open to the public at a specified date, time, and place announced at the meeting.
6. Action of the Zoning Commission.
The Zoning Commission shall, within thirty (30) days after such hearings, recommend that the application for zoning amendment be granted as requested, or it may recommend modifications to, or conditions upon, the zoning amendment requested in the application, or it may recommend that the application be not granted. This recommendation, together with such application or resolution, the text and map pertaining to it, and the County Planning Commission recommendations shall then be submitted to the Board of Township Trustees.
7. Public Hearing by Board of Township Trustees.
After receiving from the Commission such recommendations, the Township Trustees shall set a date for a public hearing not more than thirty (30) days after receipt of the proposed amendment. At least ten (10) days notice shall be given by publication in a newspaper of general circulation in the Township.

- A. For amendments proposing to rezone ten (10) or fewer parcels, the published notice shall include all of the following:
 - 1. The time, date, and place of the hearing;
 - 2. The name of the board;
 - 3. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
 - 4. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the county auditor's current tax list;
 - 5. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
 - 6. 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 days prior to the public hearing;
 - 7. The name of the person responsible for giving notice; and
 - 8. Any other information requested by the board.
 - B. 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 include all of the following:
 - 1. The time, date, and place of the hearing;
 - 2. The name of the board;
 - 3. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
 - 4. 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 days prior to the public hearing;
 - 5. The name of the person responsible for giving notice;
 - 6. Any other information requested by the board.
8. Action of Board of Township Trustees.
 After receiving from the Commission the certification of said recommendations on the proposed amendment and after holding the above public hearing, the Board of Township Trustees shall consider such recommendations and vote on adoption, denial or some modification of the recommendation of the Zoning Commission within twenty (20) days.
- A. The Board of Township Trustees may adopt the recommendation of the Zoning Commission by a simple majority vote.
 - B. The Board of Township Trustees may deny or modify the Zoning Commission recommendation only by unanimous vote of the Board of Township Trustees.
 - C. Such amendment or supplement adopted by the Board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of Township Trustees a petition signed by a number of qualified voters residing in the unincorporated areas of the Township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total votes cast in the last general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.
 - 1. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents.
 - 2. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in Section 3501.38 of the Revised Code.

Process for Initiation of Amendment to Zoning Resolution

[Pursuant to ORC 519.12]



Section 3. APPLICATION FEES

At the time an application for an amendment to the Resolution or a change in the District Map is made; as provided herein, there shall be deposited a fee as established from time to time by Resolution of the Board of Trustees, Middleton Township. Said fee is for the purpose of defraying costs of investigation, legal notices and other such expenses incidental to the determination of such matter. Such sums so deposited shall be credited by the Township Fiscal Officer to the General Fund of Middleton Township.