

ARTICLE 6 AMENDMENT

REV: 5/12/25 - Yellow highlighted is from Jake Brand, Ashtabula County Planning Commission

SECTION 600: PROCEDURE FOR AMENDMENTS FOR DISTRICT CHANGES

This resolution may be amended by utilizing the procedures specified in Section 601-613, inclusive, of this resolution.

SECTION 601: GENERAL

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the 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 602: 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 603: CONTENTS OF APPLICATION

Applications for amendments to the Official Zoning Map adopted as part of this resolution by Section 700 shall contain at least the following information:

1. Name, address, and phone number of applicant; **email address if applicable;**
2. Proposed amending resolution, approved as to form by the County Prosecutor;
3. Present use;
4. Present zoning district;
5. Proposed use;
6. Proposed zoning district;
7. A vicinity map **at scale, on graph paper per Section 301, line 6 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 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 addresses need not be included where more than ten (10) parcels are to be rezoned;
9. A statement on how the proposed amendment relates to the comprehensive plan;
10. A fee as established by the Board of Township Trustees according to Section 350.

Applications for amendments proposing to amend, supplement, change, or repeal portions of this resolution other than the Official Zoning Map shall include items 1, 2, 9, and 10 listed above.

SECTION 604: 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 605: SUBMISSION TO 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 County Planning Commission. The 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 606: SUBMISSION TO DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of 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 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 Board of Township Trustees that ~~he~~they shall proceed to acquire any land needed, then the Board of Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Board of 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 Board of Township Trustees shall proceed as required by law.

SECTION 607: PUBLIC HEARING BY ZONING COMMISSION

The Zoning Commission shall schedule a public hearing after the adoption of their motion, 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 the filing of such application.

SECTION 608: NOTICE OF PUBLIC HEARING IN NEWSPAPER

Under ORC section 519.12, within five (5) working days after an amendment's effective date, the board of township trustees must file the text and maps of the amendment with the county recorder and the county planning commission. The board of township trustees may require a fee from property owners or lessees filing an application to amend the zoning resolution. No action challenging the validity of a zoning resolution or amendment due to procedural error can be brought more than two (2) years after adoption.

Before holding the public hearing as required in Section 607, 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 of the Township at least ten (10) days before the date of the said hearing.

- 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, 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;
 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 of 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 proposed 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 fifteen (15) 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 of Township Trustees for its action.
 9. **Citizen-initiated amendments are handled by filing of a complete application (as determined by the township) by at least one owner of the property within the area proposed to be changed or affected.**
- 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 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;
 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 fifteen (15) 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 609: NOTICE 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 County Auditor's current tax list, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ~~twenty (20)~~ 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 addresses of such owners appearing on the County Auditor's current tax list. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 608-A.

SECTION 610: RECOMMENDATION BY ZONING COMMISSION

Within thirty (30) days after the public hearing required by Section 607, 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.

SECTION 611: PUBLIC HEARING BY BOARD OF TOWNSHIP TRUSTEES

Within thirty (30) days from the receipt of the recommendation by the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing in a newspaper shall be given by the Board of Township Trustees as specified in Section 608.

SECTION 612: ACTION BY BOARD OF TOWNSHIP TRUSTEES

Within twenty (20) days after the public hearing required in section 611, 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, the unanimous vote of the Board of Township Trustees is required.

SECTION 613: 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 zoning plan equal to not less than eight (8) percent 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 is 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.