

NORTHEAST OHIO PLANNING AND ZONING WORKSHOP
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PROCEDURES AND FORMS TO INITIATE AND PROCESS
MAP & TEXT AMENDMENTS TO THE
TOWNSHIP ZONING RESOLUTION

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The following is a procedural guide with model forms to process a request for amendment to the township zoning resolution pursuant to Section §519.12 ORC.

There are two (2) types of amendments that can be made to the Zoning Resolution. The two types are:

- 1) Map Amendment – A re-zoning (change) of the use classifications of a parcel or parcels of property in the township. (i.e., Residential to Commercial)
- 2) Text Amendment – A revision or addition to the text of the zoning resolution without a change of the use classification of a parcel(s) of property on the zoning map.

Both types of changes are initiated and processed for adoption or denial in the same manner.

I. How Zoning Amendments are initiated.

Zoning Amendments are initiated in one of three ways.

- 1) A written Petition filed by a property owner or lessees in real property within the township.
- 2) By Resolution of the Zoning Commission to consider an amendment to the Zoning Resolution.
- 3) By Resolution of the Board of Trustees certified to the Zoning Commission asking the Zoning Commission to consider a proposed amendment to the Zoning Resolution.

II. How Zoning Amendments are processed once initiated.

- 1) Upon receipt of either (i) a Petition from a Property Owner or interested party, (ii) a Resolution from the Board of Trustees, or (iii) upon adoption of a Resolution of the Zoning Commission;

Within Five (5) Days of receipt, the Zoning Commission Secretary **shall** send a letter to the County Planning Commission with a copy of the proposed map or text amendment to the zoning resolution for review and recommendation of the County Planning Commission.

*SEE APPENDIX A – FORM OF LETTER

- 2) The Zoning Commission must set a date for a public hearing no sooner than twenty (20) days and no later than forty (40) days.

3) Notice of the hearing must be given as follows:

A. Zone Change – Map Amendment

1. Publication in at least one Newspaper of general circulation in the township; to be published once at least ten (10) days prior to the hearing;

* SEE APPENDIX B – LEGAL AD – MAP AMENDMENT

2. Notice by Certified Letter, return receipt requested, at least ten (10) days prior to the hearing date, to all property owners within, contiguous to and directly across the street from the property to be re-zoned at the address(s) as appears on the County Auditor’s current tax list.

* SEE APPENDIX C – FORM OF LETTER

3. If more than ten (10) parcels are to be re-zoned, notice to contiguous property owners and owners of property across the street is not required.

B. Zone Change – Text Amendment

1. Publication in at least one Newspaper of general circulation in the township; to be published once at least ten (10) days prior to the hearing;

* SEE APPENDIX D – LEGAL AD – TEXT AMENDMENT

2. Notice to property owners by certified mail or regular mail is not required.

4) Conducting a Public Hearing

At the time, date and place of the hearing as set by the Board of Zoning Commissioners, the Board shall conduct a Public Hearing on the proposed Zoning Amendment.

- A. The Meeting is subject to the Ohio Sunshine Law (Ohio Open Meeting Act) and all comments of the public, discussion and deliberation of the Zoning Commission must be in open session. (Executive Sessions are not permitted).

- B. The County Planning Commission’s letter of recommendation for the approval or denial of the proposed amendment must be read and **shall** be considered by the Zoning Commission.

- C. Upon conclusion of the Public Hearing and within thirty (30) days thereof, the Zoning Commission shall by RESOLUTION recommend to the Township Trustees the approval or denial of the proposed amendment.

- D. The Secretary of the Zoning Commission is required to submit their recommendation to the Township Board of Trustees with all of the following documents.

1. Original Zone Change Application, Resolution of Trustees or Resolution of Zoning Commission initiating the Zoning Agreement.
2. Recommendation of The Zoning Commission for approval, denial or modification of the proposed zoning amendment in the form of a Resolution will roll call vote.
3. The Letter of Recommendation from the County Planning Commission.
4. The proposed text change or map change pertaining to the proposed amendment.

III. Processing of Zoning Amendment by Board of Trustees

- 1) Upon receipt of the Recommendation and documents from the Zoning Commission; the Board of Trustees shall set a time for a public hearing on the proposed text or map amendment, which date shall not be more than thirty (30) days from the date of receipt of the recommendation.
- 2) Publication of Notice
 - A. Publication of Legal Ad in one or more papers of general circulation in the township at least ten (10) days before the date of the hearing.
 - B. Notice by letter (certified or regular mail) to property owners or parties in interest is **NOT** required.
- 3) Conducting a Public Hearing
 - A. At the advertised time, date and place the Board of Trustees shall conduct a public hearing on the proposed zoning amendment. Comment from the public will be taken with discussion and comment from the Board of Trustees.
 - B. The Trustees public hearing is subject to the "Sunshine Law" (Ohio Open Meeting Act). All comments, discussion and deliberation must be in open session.
 - C. Upon conclusion of the public hearing and within twenty (20) days thereof, the Board of Trustees **shall** either adopt or deny the recommendation of the zoning commission or adopt **some** (limited) modification thereof.
 - D. If the Board **denies** or **modifies** the zoning commission's recommendation, the vote of the Board must be **"UNANIMOUS"**.

IV. Effective Date of Amendment

- 1) The proposed amendment if adopted by the Board shall become effective in thirty (30) days after the date of its adoption, unless;
- 2) A referendum petition is filed with the Board to submit the issue of the proposed amendment to the electors of the township, by placing it on the ballot for the next primary or general election.

V. Filing of Amendment with County Recorder and Planning Commission

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 County Recorder and the County Planning Commission.

* The failure to file any amendment or text or maps with the offices of County Recorder or County Planning Commission does not invalidate the amendment and is not grounds for an appeal of any decision of the Board of Zoning Appeal based upon said amendment.