

ARTICLE 26: AMENDMENTS

Section 2601: Intent and Purpose

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

Section 2602: Initiation of Amendments

Amendments to this Resolution, Zoning District Map, and Final Development Plans may be initiated in one of the following ways:

- 2602.01 By adoption of a motion by the Zoning Commission.
- 2602.02 By adoption of a resolution by the Township Trustees.
- 2602.03 By the filing of an application by at least one (1) owner of property or his designee within the area proposed to be changed or affected by said amendment.

Section 2603: Application for Amendments

- 2603.01 Ten (10) copies of the application for amendment shall be submitted to the Zoning Commission via the Township Zoning Secretary and contain at a minimum the following information:
 - A) Name, address, and telephone number of applicant;
 - B) Date;
 - C) Legal description of the property;
 - D) Present Use;
 - E) Present zoning District;
 - F) Proposed Use;
 - G) Proposed zoning District;
 - H) A Vicinity Map at a scale approved by the Zoning Commission showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Commission may require;
 - I) Proposed amendment to the text;
 - J) A list of all property owners with mailing addresses, as appearing on the county auditors current tax list within five hundred (500) feet of, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned, and others that may have a substantial interest in the case; and
 - K) A fee as established by the Township Trustees.
- 2603.02 For each of the property owners in 2603.01 (J) the applicant shall provide pre addressed legal size envelopes (4 1/8" x 9 1/2") with postage sufficient to send a notice via first class mail. One set of envelopes will be provided along with the application. An additional set of envelopes will be required for all applications being heard by the Genoa Township Board of Trustees.

Section 2604: Procedure for Amendments

- 2604.01 Within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Township Trustees, or the filing of an application by at least one (1) owner, or his designee, 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 Delaware County Regional Planning Commission. The Delaware County Regional Planning Commission shall recommend the

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approval, denial, or modification to the Zoning Commission. Such recommendation shall be read at the public hearing held by the Zoning Commission.

2604.02 In the event that a proposed rezoning is located adjacent to another political jurisdiction, an additional copy of the application shall be provided and forwarded to the chairman of the planning commission or the zoning commission of that jurisdiction. Any comments provided by the adjoining jurisdiction shall be read at the public hearing of the Zoning Commission.

2604.03 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 the Ohio Department of Transportation, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Commission shall give notice, by registered mail to the Director of the Ohio Department 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 the Ohio Department of Transportation.

If the Director of the Ohio Department of Transportation notifies the Township Trustees that he shall proceed to acquire any land needed, then the Township Trustees shall refuse to approve the zoning amendment. If the Director of the Ohio Department of Transportation notifies the Township Trustees that acquisition at this time is not in the public interest or upon expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Ohio Department of Transportation and the property owner, the Township Trustees shall proceed as required by law.

2604.04 The Zoning Commission shall schedule a public hearing after the adoption of their motion, a transmittal of a resolution from the Township Trustees, or the filing of an application for zoning amendment. Said hearing shall not be 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.

2604.05 Before the required public hearing, notice shall be given by the Zoning Commission by at least one (1) publication in a newspaper of general circulation within the 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 Township Trustees for further determination.

2604.06 If the proposed amendment intends to rezone or redistrict ten (10) or fewer 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 using pre-addressed, letter size envelopes provided by the applicant at least twenty (20) days before the date of the public hearing to all owners of property within five hundred (500) feet of, contiguous to, and directly across the street 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 lists that may be specified by the Township Trustees. The failure to deliver the notice, as provided in this Section, shall not invalidate any such amendment. 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 Township Trustees for further determination.

2604.07 Within thirty (30) days after the required public hearing, the Zoning Commission shall forward with reasons for such recommendation 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.

2604.08 Upon receipt of the recommendation from the Zoning Commission, the Township Trustees shall schedule a public hearing. The date of said hearing shall be not more than thirty (30) days from the receipt of the recommendation from the Zoning Commission.

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- 2604.09 Notice of the required public hearing shall be given by the Township Trustees by at least one (1) publication in a newspaper of general circulation within the Township. Said notice shall be published at least ten (10) days before the date of the required hearing. This notice shall set forth the time and place of the public hearing and the nature of the proposed amendment.
- 2604.10 If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Township Trustees, by first class mail using pre-addressed, letter size envelopes provided by the applicant at least twenty (20) days before the date of the public hearing to all owners of property within five hundred (500) feet of, contiguous to, and directly across the street 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 lists that may be specified by the Township Trustees. The failure to deliver the notice, as provided in this Section, shall not invalidate any such amendment. This notice shall set forth time and place of the public hearing, and the nature of the proposed amendment.
- 2604.11 Within twenty (20) days after the required public hearing, the Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Township Trustees denies or modifies the recommendation of the Zoning Commission the majority vote of the Township Trustees is required.
- 2604.12 Such amendment adopted by the 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 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 Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election.
- 2604.13 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.

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