

# MILTON TOWNSHIP ZONING RESOLUTION

## ARTICLE VIII AMENDMENT

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### 800 General

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 and boundaries or classification of property.

### 801 Initiation of Amendments to Zoning

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 Township Trustees: Subsequently a certified copy of the resolution shall be transmitted to the Zoning Commission;
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 with the Zoning Commission.

### 802 Application for Amendment

Applications to amend the Official Zoning Map of Milton Township or any part of this Resolution shall be submitted to the Zoning Inspector by the owner or lessee of the property for which a change is sought or by one or more individuals seeking a change in this Resolution. Said application shall be made on forms supplied by the Zoning Inspector. The application shall include the proper fee and any additional information deemed necessary. Applications for amendments sought by the Zoning Commission or by the Board of Township Trustees shall be made by Resolution by one of these bodies.

### 803 Submission to the Ashland County Planning Commission

Within Five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a certified 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 proposed amendment in question to the Ashland County Planning Commission. The Ashland County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval with some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendations shall be considered at the Public Hearing held by the Zoning Commission on such proposed amendment.

### 804 Submission to the Director 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 a 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 Zoning 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 Board of Township Trustees shall not approve the amendment for One Hundred and Twenty (120) days from the date the notice is received by the Director of Transportation who 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 and Twenty (120) day period or any extension thereof agreed to by the Director of Transportation and the property owner the Board of Township Trustees shall proceed as required by law.

805 Public Hearing by the Zoning Commission

The Zoning Commission shall schedule a public hearing after the adoption of their motion, transmittal of a certified resolution from the Board of Township Trustees or the filing of an application for a 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.

806 Notice of Public Hearing

Before holding the public hearing as required in Section 805, notice of such hearing shall be given by the Zoning Commission by at least One (1) publication in One (1) newspaper of general circulation of the Township at least Ten (10) days before the date of the said hearing. This notice shall set the time and place of the public hearing, and 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.

807 Notices to Property Owners by the 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 areas 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 lists or lists that may be specified by the Board of Township Trustees. 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 the newspapers as specified in Section 806.

808 Contents of Notice of Zoning Commission Public Hearing

1. 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 and mailed notices shall set for the time, date, and place of the public hearing and shall include all of the following:
  - A. The name of the Zoning Commission that will be conducting the public hearing;
  - B. A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;
  - A. A list of 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;
  - B. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
  - C. 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 (10) days prior to the public hearing;
  - D. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
  - E. Any other information requested by the Zoning Commission;
  - F. A statement that, after the conclusion of such hearing, the matter will be submitted to the Board of Township Trustees for its action.

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#### 808 Contents of Notice of Zoning Commission Public Hearing (continued)

2. 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:
  - A. The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment;
  - B. A statement indicating that the motion, application or resolution is an amendment to the zoning resolution;
  - C. 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;
  - D. The name of the person responsible for giving notice of the public hearing by publication;
  - E. A statement that, after the conclusion of such hearing, the matter will be submitted to the Board of Township Trustees for its action;
  - F. Any other information requested by the Zoning Commission.

#### 809 Recommendation by the Zoning Commission

The Zoning Commission shall, within Thirty (30) days after the public hearing required in Section 805, recommend the approval or denial of the proposed amendment, or the approval of some modification of it and submit such recommendation together with such application or resolution, the text and map pertaining to it and the recommendation of the County Planning Commission on it to the Board of Township Trustees.

#### 810 Public Hearing by the Board of Township Trustees

The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment, which shall not be more than Thirty (30) days from the date of the receipt of such recommendation from the Zoning Commission. Notice of such public hearing shall be given by the Board of Township Trustees by One (1) publication in One (1) or more newspapers of general circulation in the township, at least Ten (10) days before the date of such hearing.

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811 Contents of Notice of Township Trustees Public Hearing

1. If the proposed amendment intends to rezone or redistrict Ten (10) or fewer parcels of land as listed on the county's 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:
  - A. The name of the board that will be conducting the public hearing.
  - B. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
  - C. 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;
  - D. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
  - E. 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 (10) days prior to the public hearing;
  - F. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
  - G. Any other information requested by the board.
2. 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:
  - A. The name of the board that will be conducting the public hearing on the proposed amendment;
  - B. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
  - C. 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;
  - D. The name of the person responsible for giving notice of the public hearing by publication;
  - E. Any other information requested by the board.

812 Action by the Board of Township Trustees

Within Twenty (20) days after the public hearing required by Section 810, 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 Township Trustees is required.

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### 813 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 date of such adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of registered electors 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 Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection at a special election to be held on the day of the next primary or general election. No amendment for which 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 effect immediately. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in section 3501.38 of the Ohio Revised Code.

The form of the petition calling for a zoning referendum and the statement of the circulator can be found in the Ohio Revised Code Section 519.12.

### 814 Filing of Amendments

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 with the County Planning Commission.

The failure to file any amendment, or any text and maps, or duplicates of any of these documents, with the office of the County Recorder or the County Planning Commission as required by this section does not invalidate the amendment and is not grounds for an appeal of any decision of the Board of Zoning Appeals.