

## SECTION 13 AMENDMENTS

### SECTION 13.1 Authority

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, now or hereafter established by this Resolution.

### SECTION 13.2 Procedures

#### 13.2.1 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 Township Trustees;
3. By the filing of an application by at least one (1) owner of said property proposed to be changed or affected by said amendment.

#### 13.2.2 Application

- a) The application for amendment or district changes shall be made on forms prescribed by, and obtainable at the office of the Zoning Administrator. This application shall be accompanied by information or data indicating the necessity for, or desirability of, the change requested. (Revised 2/15/93 - Z17-C138)
- b) Applications for a zoning amendment, or revisions to a previously submitted application, must be submitted to the Monclova Township Zoning Administrator ten (10) business days prior to the Monclova Township Zoning Commission's regularly scheduled meeting. The application must be full and complete, per the regulations and standards as set forth in the Monclova Township Zoning Resolution, at the time of submission. (Revised 9/1/05 - Z17-C280)

#### 13.2.3 Fees

A fee shall be paid upon the filing of the application in accordance with the fee schedule established by the Board of Township Trustees and available in the Office of the Zoning Administrator. All additional expenses incurred by the township in excess of the minimum required fee shall be paid by the applicant. No action shall be taken on an application until all fees have been paid in full. (Revised 5/19/03 - Z17-C259)

#### 13.2.4 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 of the property, said resolution or application shall be transmitted to the Zoning Commission.

#### **13.2.4 Transmittal to Zoning Commission (cont'd)**

The date that the Zoning Commission accepts the said resolution or application shall constitute the official filing date. All time limits shall commence from said filing date. The Zoning Commission shall record, in the official minutes, actions taken on all resolutions and applications submitted to them for review (i.e. Submitted to County Planning Commission for review. Application incomplete, have requested further information from applicant.)

#### **13.2.5 Public Hearing and Notice 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 20 nor more than 40 days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application. Notice of such hearings shall be given as follows:

1. A 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 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 Board of Township Trustees for further determination.
2. If the proposed amendment intends to rezone or redistrict 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 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 list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice shall not invalidate any such amendment. The notice shall contain the same information as required on notices published in the newspaper(s).

#### **13.2.6 Submission to County Planning Commission**

Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the Board of Township Trustees or the filing of an application by at least one (1) owner, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map(s) 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.

#### **13.2.7 Recommendation by Zoning Commission**

Within 30 days after the scheduled public hearing, the Zoning Commission shall recommend to the Board of Township Trustees that 1) the amendment be granted as requested; 2) it may recommend a modification of the amendment requested; or 3) it may recommend that the amendment not be granted.

### **13.2.7 Recommendation by Zoning Commission (cont'd)**

The Commission shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Commission, and shall be a public record.

### **13.2.8 Public Hearing and Notice by Township Trustees**

Within 30 days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such hearing shall be given by the Township Trustees by at least one (1) publication in one (1) or more newspapers of general circulation of the Township at least 10 days before the date of said hearing. This notice shall set forth the time and place of the public hearing and the nature of the proposed amendment.

### **13.2.9 Action by Board of Township Trustees**

Within 20 days after the public hearing, 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 Township Trustees deny or modify the recommendation of the Commission, a majority vote of the Board of Trustees shall be required.

## **SECTION 13.3      Effective Date and Referendum**

Such amendment adopted by the Township Trustees shall become effective 30 days after the date of such adoption unless within 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 (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 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.

This page left intentionally blank.

(( ( ))

(( ( ))

(( ( ))