

**CHAPTER 660
Amendments**

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SECTION 660.01 AUTHORITY FOR AMENDMENTS.

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Township Trustees may amend, revise, rearrange, renumber or recodify this Zoning Resolution or amend, supplement, change or repeal the boundaries or classification of property according to the procedures set forth in Section 519.12 of the Ohio Revised Code and summarized herein.

SECTION 660.02 INITIATION OF ZONING AMENDMENTS.

Amendments to the Zoning Resolution may be initiated in one of the following ways:

- A. By motion of the Township Zoning Commission;
- B. By the passage of a resolution therefor by the Board of Township Trustees which shall be certified to the Zoning Commission for commencement of the Commission’s review; or
- C. By the filing of an application therefor with the Zoning Commission by one or more of the owners or lessees of property or developer with an option to purchase such property within the area proposed to be changed or affected by the proposed Amendment.

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SECTION 660.03 AMENDMENTS INITIATED BY PROPERTY OWNER(S).
(Revised April 12, 2002) (Revised August 22, 2002)

An application for a amendment initiated by at least one owner or lessee of property or developer with an option to purchase such property within the area proposed to be changed or affected by said amendment shall be submitted and reviewed according to the following:

- A. Discussion with Zoning Commission. Prior to submitting an application for an amendment to the Zoning Resolution, the applicant may appear before the Zoning Commission to informally discuss the proposed amendment. However, no action shall be taken at such a meeting and no discussions, opinion, suggestions, or recommendations of the Zoning Commission shall be relied upon by the applicant to indicate subsequent approval or disapproval by the Zoning Commission.

- B. Application Requirements for Map Amendments. Applications for amendments to the Zoning Map adopted as part of this Resolution shall be submitted to the Zoning Commission at a regularly scheduled meeting and shall contain at least the following information, unless otherwise instructed by the Zoning Commission during the preliminary discussion in Subsection 660.03A.
 - 1. The name, address and phone number of the applicant and the property owner if other than the applicant;
 - 2. An accurate legal description of the parcel(s) to be rezoned, drawn by a registered surveyor;
 - 3. A statement of the reason(s) for the proposed amendment;
 - 4. Present use and zoning district, and the proposed use and zoning district;
 - 5. A vicinity map 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;
 - 6. Existing topography at two foot contour intervals of the property to be rezoned and extending at least 500 feet outside the proposed site, and including property lines, easements, street rights-of-ways, existing structures, trees and landscaping features existing thereon;

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- 7. The last known names and addresses of the owners of: all properties lying within 500 feet of any part of the property on which the zoning map amendment is requested, as shown upon the County auditor's current tax list; and adjacent properties other than the applicant regardless of the distance when the applicant owns separate parcel(s) within the 500 feet radius.
 - 8. A statement on the ways in which the proposed amendment relates to the Comprehensive Plan;
 - 9. The payment of the application fee as established by Trustees.
- C. Referral to Zoning Commission. After the filing of an application by an owner, lessee of property or developer with an option to purchase such property at a regularly scheduled meeting the Zoning Commission will review the application for completeness before it takes it under consideration and makes recommendations.
- D. Review by Portage County Regional Planning Commission. Within 5 business days after the application is submitted to the Zoning Commission, the Zoning Commission shall transmit a copy of the application to the Portage County Regional Planning Commission. The Portage County Regional 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 on such proposed amendment.
- E. Review and Input by the Portage County Prosecutor's Office. Within 5 business days after the application is submitted to the Zoning Commission the Zoning Commission shall transmit a copy of the application to the Prosecutor's Office. The Prosecutor's Office 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 on such proposed amendment.
- F. Public Hearing and Notice by Zoning Commission. The Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than 20 nor

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more than 40 days from the date of the filing of the application. Notice of such hearing shall be given by the Zoning Commission by publication in one or more newspapers of general circulation in the Township at least 10 days prior to the date of the hearing. The published notice shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that opportunity to be heard will be afforded to any person interested.

- G. Notice to Property Owners. If the proposed amendment intends to rezone or redistrict ten or fewer 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 10 days before the day of the public hearing to all owners of property within 500 feet of such area proposed to be rezoned or redistricted to the names and addresses of owners as shown upon the records of Portage County, or the list of property owners furnished by the applicant. The notice shall contain the same information as required of notices published in newspapers as specified in Subsection (e), above. Failure of delivery of such notice shall not invalidate any such amendment. A "certificate of mailing" shall be obtained from the post office for each mailing.

- H. Recommendation by Zoning Commission. The Zoning Commission shall, within 30 days after such public hearing, recommend one of the following:
 - 1. That the amendment be approved as requested;
 - 2. That the amendment be approved as modified by the Zoning Commission as the Commission may deem reasonable or necessary; or
 - 3. That the amendment be denied.

The secretary of the Zoning Commission shall forthwith submit to the Trustees the recommendation of the Portage County Regional Planning Commission, the Prosecutor's Office, and the recommendation of the Zoning Commission.

- I. Public Hearing and Notice by Trustees. Upon receipt of the recommendation from the Zoning Commission, the Trustees shall set a time for a public hearing on the proposed amendment, which date shall not be more than 30 days from the date of the receipt of such recommendation from the Zoning Commission. Notice of the public hearing shall be given by the Trustees by at least one publication in one or more newspapers of general circulation in the Township at least 10 days before the

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date of the required hearing. The published notice shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that opportunity to be heard will be afforded to any person interested. During such 10 days, the text of the proposed amendment, the maps or plans, if applicable, and the recommendations of the Zoning Commission shall be on file for public examination in the office of the Township Fiscal Officer or in such other office as is designated by Trustees. *(Amended 5/14/19)*

- J. Action by Trustees. Within twenty days after its public hearing, the Board of Township Trustees shall either adopt or deny the recommendations of the Township Zoning Commission or adopt some modification thereof. If the Board of Township Trustees denies or modifies the Commission’s recommendations, a majority vote of the board shall be required. *(Amended 5/14/19)*

Any such proposal may be amended prior to the voting thereon by Trustees without further notice or postponement, if such amendment to the proposal shall be germane to the subject matter thereof and is in accordance with the recommendation of the Commission. The Trustees’ approval, with modification of the recommendation of the Commission, shall not be considered as overruling such Commission recommendation.

- K. Amendments adopted by the Trustees shall become effective in 30 days after the date of 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 registered electors residing in the unincorporated area of the Township equal to not less than eight 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, requested the 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. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. 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.

SECTION 660.04 AMENDMENTS INITIATED BY THE ZONING COMMISSION.

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The Zoning Commission on its own initiative may, by the passage of a motion, initiate amendments to the Zoning Resolution and Zoning Map. The Zoning Commission and Township Trustees shall follow the procedures for review and hearing of the proposed amendment as set forth in Sections 660.03D through 660.03J, inclusive.

SECTION 660.05 AMENDMENTS INITIATED BY TOWNSHIP TRUSTEES.

Amendments to the Zoning Resolution or Zoning Map initiated by the passage of a resolution by the Board of Trustees shall comply with the following:

- A. Referral to Zoning Commission. After the adoption of a resolution by the Trustees, the resolution shall be certified to the Zoning Commission for its consideration and recommendation. The Zoning Commission shall follow the procedures for review and hearing of the proposed amendment as set forth in Section 660.03D through 660.03G, inclusive.
- B. Review and Action by the Trustees. The Trustees shall follow the procedures for review and hearing of the proposed amendment as set forth in Sections 660.03H through 660.03J, inclusive.

SECTION 660.06 GUIDELINES WHEN CONSIDERING AMENDMENTS TO THE ZONING MAP.

In evaluating proposed amendments to the zoning map, the Zoning Commission and Board of Trustees may consider any or all of the following (also see Section 660.03(B)):

- A. The desirability of such uses in the area and/or on the site proposed for such zoning district;
- B. The need for and availability of centralized water and sewer facilities;
- C. Any other substantive factor deemed appropriate by the Zoning Commission or Board of Trustees.

**SECTION 660.07 ZONING AMENDMENT TRACKING FORM. (*Revised 4-12-02*)
(*Amended 2/13/2018*)**

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Zoning amendments shall be tracked from initiation throughout the entire due process by utilizing an Amendment Tracking Form. The Zoning Commission secretary will be responsible for the maintenance of Section I of Form 660.07A and the township clerk will be responsible for the maintenance of Section II of Form 660.07A.

ZONING AMENDMENT TRACKING FORM

Section I – Zoning Commission

Amendment Number _____ Date Application Filed _____

Trustee _____ Zoning Commission _____ Property Owner _____

Other _____

Date of Legal Notice in Newspaper (§660.03F)

Date of Notice of Property Owner(s) (§660.03G)

Date Sent to Regional Planning Commission (§660.03D)

Date Regional Planning Commission Recommendation Received
(§660.03D)

RECOMMENDATION OF REGIONAL PLANNING COMMISSION:

Approved _____ Disapproved _____ Modified _____

Date Sent to Prosecutor’s Office (§660.03E)

Date Prosecutor’s Office Input Received (§660.03E)

Date of Public Hearing of Zoning Commission (§660.03F)

DATE OF PUBLIC HEARINGS, IF CONTINUED

Date Recommendation by Zoning Commission
(§660.03H)

RECOMMENDATION OF ZONING COMMISSION:

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Approved _____ Disapproved _____ Modified _____
Date Forwarded to Township Trustees (§660.03H) _____

_____, Secretary of Zoning Commission

Section II - Trustees

DATE RECEIVED FROM ZONING COMMISSION (660.03H)

Date of Legal Notice In Newspaper by Trustees (§660.03I) _____

Date of Public Hearing of Trustees (§660.03I) _____

DATE OF PUBLIC HEARINGS, IF CONTINUED

Date Action of Township Trustees
(§660.03J) _____

Approved _____ Disapproved _____ Modified _____

If approved or modified unanimously (§660.03K), Effective Date _____

If not unanimously over-ruled, (§660.03J), Effective Date _____

TRUSTEE RESOLUTION NUMBER

Date Petition for Referendum Filed (660.03K)

Election Result
(§660.03K) _____

Effective Date

Date Notice of results sent to Zoning Commission Secretary _____
Official Map Revised

Date Amendment with text and maps filed with County Recorder _____

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Date Amendment with text and maps filed with the Reg. Plan. Comm. _____

_____, Fiscal Officer of Rootstown Township