

ARTICLE 24 AMENDMENT

This Resolution may be amended by utilizing the procedure outlined herein. Amendments include changes in zoning districts. See Article 17, Planned Unit Development Districts, for procedures for applications for Planned Unit Development Zoning Districts.

24.01 GENERAL

Whenever the public necessity, convenience, general welfare or good zoning practices require, the Board of Trustees may by Resolution and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property.

24.02 INITIATION OF ZONING AMENDMENTS

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

1. By adoption of a resolution by the Zoning Commission.
2. By the filing of an application by at least one (1) person who holds an ownership interest in the area proposed to be rezoned by said amendment.
3. By adoption of a resolution by the Board of Trustees.

24.03 CONTENTS OF APPLICATION

The application for amendment shall contain at a minimum the following information:

1. Name, address and telephone number of applicant;
2. Proposed amendment to the text or legal description of the property involved;
3. Present use;
4. Present zoning district;
5. Proposed use;
6. A vicinity map at a scale of one (1) inch to 1,000 feet showing property lines, streets, existing zoning and proposed zoning and such other items as the Zoning Commission may require;

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7. A survey of the plat of land being proposed for rezoning at a scale of one (1) inch to 100 feet, showing the dimensions and bearings of the property lines, area in acres or square feet, topography of the land and proposed streets, may be required by the Zoning Commission.
8. A list of all property owners within 500 feet of the boundaries of the property proposed to be rezoned and others that may have a substantial interest in the case.
9. A fee as established by the Board of Township Trustees.

24.04 TRANSMITTAL TO THE ZONING COMMISSION

Immediately after the adoption of a resolution by the Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said resolution or applicant shall be transmitted to the Zoning Commission

24.05 SUBMISSION TO THE COUNTY PLANNING COMMISSION

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 lessee, 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 County Planning Commission. The County Planning Commission shall recommend the approval or denial of the proposed amendment or approval with some modification thereto and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

24.06 SUBMISSION TO DIRECTOR OF DEPARTMENT 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 highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation, or affecting any land within a radius of five hundred (500) feet from the point of intersection of the said centerline with any public road or highway, the Township shall give notice, by certified mail, to the Director of Transportation. The council shall not approve the zoning amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Township that he has purchased or has begun proceedings to appropriate the land, the Township shall refuse to approve the rezoning of land which includes the land which the Director has purchased or has begun proceedings to appropriate. If the Director of Transportation notifies the Township that acquisition at this time is not in the public interest or upon

the expiration of the one hundred twenty (120) day period (or any extension thereof agreed upon by the Director of Transportation and the property owner) without notice being received from the Director, the Township shall proceed as required by law and this zoning resolution. If there is any conflict between this paragraph and O.R.C. 5511.01 as it may be amended, that state statute shall control.

24.07 PUBLIC HEARING 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 twenty (20) days nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

24.08 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding a public hearing as required in Section 24.06, 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 in the municipality at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Trustees for further determination.

24.09 NOTICE TO PROPERTY OWNERS BY 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 five hundred (500) feet 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 the Treasurer's mailing list and to such other list or lists that may be specified by the 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 newspapers as specified in Section 24.07.

24.10 RECOMMENDATION BY ZONING COMMISSION

Within thirty (30) days after the public hearing required by Section 24.06, the Zoning Commission shall recommend to the Trustees that the request be:

1. Granted as requested.
2. May recommend a modification of the amendment or request.
3. May recommend the amendment or request not be granted.
4. Table/delay pending receipt of further information, etc.

24.11 PUBLIC HEARING BEFORE BOARD OF TOWNSHIP TRUSTEES

Upon receipt of the recommendation from the Zoning Commission, the Board of 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.

24.12 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Notice of the Public Hearing required in 24.10 shall be given by the Board of Township Trustees by at least one (1) publication in one (1) or more newspapers of general circulation in the Township affected. Said notice shall be published at least ten (10) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and the nature of the proposed amendment.

24.13 NOTICE TO PROPERTY OWNERS BY BOARD OF TOWNSHIP TRUSTEES

If the proposed amendment intends to rezone or redistrict property within the Township, written notice of the hearing shall be mailed by the Clerk of the Township, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet 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 the "Treasurer's" mailing list and to such other list or lists that may be specified by the Trustees. The notice shall contain the same information required of notices published in newspapers as specified in Section 24.11.

24.14 ACTION BY BOARD OF TOWNSHIP TRUSTEES

Within twenty (20) days after the public hearing required in Article 24.10, 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 Zoning Commission, the unanimous vote of the Board of Township Trustees is required. The Resolution of the Township Trustees shall provide which precincts of the Township are most affected by the Resolution and shall provide which precincts of the Township shall be permitted to vote on the referendum in the event that appropriate petitions therefore are filed. A copy of the Resolution of the Township Trustees, showing their action, shall be sent to the Greene County Planning Commission for information purposes.

24.15 EFFECTIVE DATE AND REFERENDUM

Such amendment adopted by the Trustees shall become affective 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 Board of 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 but 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 Board of 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.

24.16 TECHNICAL REVIEW COSTS

When any applications to the Township for some permit, certificate or approval involves submission of technical information by the applicant, it is recognized that the Township may need to incur expenses for the services of engineers and other experts to evaluate such technical data. As a condition of the Township agreeing to consider any such application, the applicant must agree to reimburse the Township at once for any such expenses. That reimbursement must be received by the Township before any such permit, certificate or approval is issued.

24.17 PUBLIC NOTICE COSTS

A condition of the Township agreeing to consider any application for a permit, certificate or approval shall be that the applicant must pay the cost of publishing any newspaper notice of any public hearings on the application, and of any ordinance that grants the application in whole or in part. Similarly, the applicant must agree to reimburse the Township for any postage expense of mailing notices of the proceeding.

24.18 AMENDMENT LIMITATION

Application for zoning amendment, conditional use permits and variances concerning any parcel of property, portion thereof, or use thereon shall not be accepted for consideration more than once during any consecutive twelve (12) month period. Applications on the same parcel of property may, however, be made within the specified twelve (12) month period provided that a different zoning classification, conditional use permit, or variance is requested.