

ARTICLE X

AMENDMENT

SECTIONS 1000-1014

## ARTICLE 10

### AMENDMENT

#### **1000 Procedure for Amendments or District Changes.**

This Resolution may be amended by utilizing the procedures specified in Section 1001-1014, inclusive, of this Resolution.

#### **1001 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.

#### **1002 Initiation of Zoning Amendments.**

Amendments of 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 Board of Township Trustees.
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.

#### **1003 Contents of Application for Zoning Map Amendment.**

Applications for amendments to the Official Zoning Map adopted as part of this Resolution by Article 4 shall contain at least the following information:

1. The names, address, and telephone number of applicant;
2. The proposed amending Resolution, approved as to form by the County Prosecutor;
3. A statement of the reason(s) for the proposed amendment;

4. Present use;
5. Present zoning district;
6. Proposed use;
7. Proposed zoning district;
8. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other lines as the Zoning Inspector may require;
9. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
10. A statement on the ways in which proposed amendment relates to the comprehensive plan;
11. A fee as established by Resolution of the Board of Township Trustees.

**1004 Contents of Application for Zoning Text Amendment.**

Application for amendments proposing to change, supplement, amend, or repeal any portion(s) of this Resolution, other than the Official Zoning Map, shall contain at least the following information:

- I. The name, address, and phone number of the applicant;
2. The proposed amending Resolution, approved as to form by the County Prosecutor;
3. A statement of the reason(s) for the proposed amendment;
4. A statement explaining the ways in which the proposed amendment relates to the comprehensive plan;
5. A fee as established by Resolution of the Board of Township Trustees.

**1005 Transmittal to Zoning Commission.**

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

**1006 Submission to County or Regional 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 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 or Regional Planning Commission. The County or 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.

**1007 Submission to 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 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 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 twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Board of Township Trustees that he shall proceed to acquire the land needed, then the Board of Township Trustees shall refuse to approve the rezoning. If the Director of Transportation 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 twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

**1008 Public Hearing by Zoning Commission.**

The Zoning commission shall schedule a public hearing after the adoption of their motion, the transmittal of a Resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said bearing 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 filing of such application.

**1009 Notice of Public Hearing in Newspaper.**

Before holding the public hearings as required in Section 1008, 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 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 bearing the matter will be referred to the Board of Township Trustees for further determination.

**1010 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, contiguous to, and directly across the thoroughfare 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 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 newspapers as specified in Section 1009.

**1011 Recommendation by Zoning Commission.**

Within thirty (30) days after the public hearing required by Section 1008, the Zoning Commission shall recommend to the Board of 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 be not granted. The written decision of the Zoning Commission shall indicate the specific reason(s) upon which the recommendation is based, to include the basis for their determination that the proposed amendment is or is not consistent with the comprehensive plan.

**1012 Public Hearing by Board or Township Trustees.**

Within thirty (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 public hearing in a newspaper of general circulation shall be given by the Board of Township Trustees as specified in Section 1009...

**1013 Action by Board of Township Trustees.**

Within twenty (20) days after the public hearing required by Section 1012, 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 Board of Township Trustees is required.

**1014 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 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 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