

ARTICLE 15 AMENDMENTS

SECTION 15.01 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 15.02 PROCEDURES

15.02.01 Initiation of Zoning Amendments. Amendments to this Resolution may be initiated in one of the following ways:

- (a) By adoption of a motion by the Zoning Commission;
- (b) By adoption of a resolution by the Township Trustees.
- (c) By the filing of an application by the owner(s) or lessee of property proposed to be changed or affected by said amendment on forms prescribed by, and obtainable at the office of the Zoning Inspector.

- (1) The application shall be accompanied by information or data indicating the necessity for, or desirability of, the change requested.

- (2) A fee shall be paid upon the filing of the application in an amount set forth from time to time by a separate resolution passed by the Board of Trustees. 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.

15.02.02 Transmittal to Zoning Commission. Immediately after the adoption of a resolution by the Board of Township Trustees or the filing of an application by the owner(s) of the property, said matter shall be transmitted to the Zoning Commission and placed on their next meeting agenda.

15.02.03 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 twenty (20) nor more than forty (40) days from the date of adoption of said motion, certification of such resolution, or the official filing date of such application. Notice of such hearing shall be given as follows:

Article 15 – Amendments

- a) 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 in the Township at least ten (10) days before the date of said hearing. This notice shall set forth:
1. A statement the Troy Township Zoning Commission will be conducting a public hearing on a proposed amendment to the Zoning Resolution;
 2. The nature of the proposed amendment;
 3. The time, date, and place of the public hearing;
 4. 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;
 5. A statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination;
 6. The name of the person responsible for giving notice of the public hearing;
 7. Any other information requested by the Zoning Commission.
- b) 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 list or lists that may be specified by the Board of Township Trustees.
- 1) The failure to deliver the notice shall not invalidate any such amendment.
 - 2) The notice shall contain the same information as required on notices published in the newspaper(s). In addition, the notice shall include:
 - i. 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;
 - ii. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property.

Article 15 – Amendments

15.02.04 Submission to County Planning Commission. Within five (5) days after the adoption of a motion by the Commission, the certification of a resolution by the Board of Township Trustees, or the official filing date 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.

15.02.05 Recommendation by Zoning Commission

- a) After the scheduled public hearing, the Zoning Commission shall, by resolution, recommend to the Board of Township Trustees that:
 - 1) The amendment be granted as requested; or
 - 2) It may recommend a modification of the amendment requested; or
 - 3) It may recommend that the amendment not be granted.
- b) Within thirty (30) days after the the scheduled public hearing, the Zoning Commission shall submit its recommendation, together with such application or resolution, the text and map pertaining to it, and the recommendation of the Wood County Planning Commission, to the Board of Township Trustees.
- c) The Commission shall keep minutes of its proceedings showing actions taken on all resolutions and applications submitted to them for review (e.g., Submitted to County Planning Commission for review; Determination application incomplete; Requests for additional information from applicant, etc.)
- d) The Zoning Commission shall record, in the official minutes, 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.

15.02.06 Public Hearing and Notice by Township Trustees

- a) Within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing.
- b) 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 ten (10) days before the date of said hearing.
 - 1) This notice shall set forth:
 - i. A statement the Troy Township Board of Trustees will be conducting a public hearing on a proposed amendment to the Zoning Resolution;

Article 15 – Amendments

- ii. The nature of the proposed amendment;
 - iii. The time, date, and place of the public hearing;
 - iv. 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;
 - v. The name of the person responsible for giving notice of the public hearing;
 - vi. Any other information requested by the Board.
- 2) If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land as listed on the Wood County Auditor's tax list, the published notice shall also include the following:
- i. 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;
 - ii. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property.

15.02.07 Action by the Board of Township Trustees. Within twenty (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 denies or modifies the recommendation of the Commission, the unanimous vote of the Township Trustees is required.

SECTION 15.03 EFFECTIVE DATE AND REFERENDUM

15.03.01 Such amendment adopted by the 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 a referendum petition is filed

15.03.02 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.

15.03.03 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 Wood County Planning Commission. The failure to file any amendment, text, and maps does not invalidate the amendment.