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## **6 – AMENDMENT**

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### **6.0 PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES**

This resolution may be amended by utilizing the procedures specified herein.

#### **6.1 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, subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property.

#### **6.2 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 Board of Township Trustees
3. By the filing of an application by a least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

#### **6.3 CONTENTS OF APPLICATION**

Applications for amendments to the Official Zoning Map adopted as part of this resolution by Article 7 shall contain at least the following:

1. Name, address, phone number and email address of applicant(s)
2. Legal description of property, including owner's consent if applicant is not the legal owner
3. Proposed amendment resolution
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 proposed zoning, and such other items as the Zoning Inspector may require
9. A list of all property owners certified by the county tax auditor office and their mailing addresses who are within five hundred (500) feet, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case. Names and addresses need not be included where more than ten (10) parcels are to be rezoned.
10. A statement on how the proposed amendment relates to the comprehensive land use plan, if applicable

11. A fee as established by the Board of Township Trustees according to Article 5.11.
12. In order to notify adjacent property owners, landowners, and residents in the immediate vicinity and the general public of pending zoning changes. The Township will provide a notice sign with the recommended wording:

**“This property is under a zoning consideration. For additional information contact the Harrison Township Zoning Office at 740-927-8277 or visit website at [www.harrisontownship.net](http://www.harrisontownship.net)”**

The notice must be erected within 48 hours of application. It shall be erected on the site readily legible from the most traveled thoroughfare adjacent to the property. The sign must be maintained until a final decision by the appropriate board. At which time the sign must be returned in good condition to the township.

Applications proposing to amend, supplement, change or repeal portions of this resolution other than the Official Zoning Map shall include items (1), (2), (3), (10), and (11) listed above.

#### **6.4 TRANSMITTAL TO ZONING COMMISSION**

Within five (5) days after the adoption 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.

#### **6.5 SUBMISSION TO COUNTY OR 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 Licking County Planning Commission. The Licking County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval with some modification and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

#### **6.6 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, (Ohio Revised Code, Section 5511.01), 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 any 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 the Director of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

### **6.7 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) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

### **6.8 NOTICE OF PUBLIC HEARING IN NEWSPAPER**

Before holding the public hearing as required in Article 6.7, 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, the time and place where the text and maps of the proposed amendments will be available for examination, 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.

### **6.9 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 Article, shall not invalidate such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Article 6.8.

### **6.10 RECOMMENDATION BY ZONING COMMISSION**

Within thirty (30) days after the public hearing required by Article 6.6 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.

## **6.11 PUBLIC HEARING BY BOARD OF 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 shall be given by the Board of Township Trustees as specified in Article 6.7, 6.8 and 6.9.

## **6.12 ACTION BY BOARD OF TOWNSHIP TRUSTEES**

Within twenty (20) days after the public hearing required by Article 6.11, 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.

## **6.13 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.

## **6.14 COURT OF COMMON PLEAS**

Any person adversely affected by an order of the Board of Township Trustees adopting, amending or rescinding a regulation, may appeal to the Court of Common Pleas of Licking County on the ground that said Board failed to comply with the law in adopting, amending, rescinding, publishing or distributing such regulation, or that the regulation as adopted or amended by the said Board is unreasonable or unlawful, or that the revision of the regulation was unreasonable or unlawful.

Revisions: Adopted 11/4/2019 Effective 12/4/2019 Revisions to 6.3 #1 and 6.3 #9

Revisions: 09-17-2014 Revised 6.3 #12

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