

ARTICLE XXVII - AMENDMENTS

Note: It is the specific intent of Orange Township that this Article of the Zoning Resolution, including those portions providing for referendum, shall apply to all amendments or supplements, including those relating to the initial decision to designate property pursuant to Article X, Article XI, Article, XIV, and Article XVII.

SECTION 27.01 - AMENDMENTS OR SUPPLEMENTS:

- a) Amendments or supplements to the Zoning Resolution may be initiated by motion of the Zoning Commission, by the passage of a resolution therefor by the Orange Township Board of Trustees, or by the filing of an application therefor by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Zoning Commission. The township trustees may require that the owner or lessee of property filing an application to amend or supplement the Zoning Resolution pay a fee therefor to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the township trustees require such a fee, it shall be required generally, for each application. The township trustees shall upon the passage of such resolution certify it to the Zoning Commission.

Upon the adoption of such motion, or the certification of such resolution or the filing of such application, the Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the Zoning Commission by one (1) publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing.

- b) If the proposed amendment or supplement intends to rezone or redistrict ten (10) 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 ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the county auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment.
- c) If the proposed amendment or supplement intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing, and shall include all of the following:

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- 1) The name of the Zoning Commission that will be conducting the public hearing;
 - 2) A statement indicating that the motion, resolution, or application is an amendment or supplement to the Zoning Resolution;
 - 3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment or supplement and of the names of owners of these properties, as they appear on the county auditor's current tax list;
 - 4) The present zoning classification of property named in the proposed amendment or supplement and the proposed zoning classification of such property;
 - 5) The time and place where the motion, resolution or application proposing to amend or supplement the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
 - 6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
 - 7) A statement that after the conclusion of such hearing the matter will be submitted to the Orange Township Board of Trustees for its action.
 - 8) Any other information requested by the Zoning Commission.
- d)** If the proposed amendment or supplement alters the text of the Zoning Resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the county auditor's current tax list, the published notice shall set forth the time, date and place of the public hearing and shall include all of the following:
- 1) The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment or supplement;
 - 2) A statement indicating that the motion, resolution, or application is an amendment or supplement to the Zoning Resolution;
 - 3) The time and place where the text and maps of the proposed amendment or supplement will be available for examination for a period of at least ten (10) days prior to the public hearing;
 - 4) The name of the person responsible for giving notice of the public hearing by publication;

- 5) A statement that after the conclusion of such hearing the matter will be submitted to the Orange Township Board of Trustees for its action;
 - 6) Any other information requested by the Zoning Commission.
- e) Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application the Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the county or regional planning commission, if there is such a commission.

The county or regional planning commission shall recommend the approval or denial of the proposed amendment or supplement 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 or supplement.

The Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the county or regional planning commission thereon to the Orange Township Board of Trustees.

The Orange Township Board of Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Zoning Commission. Notice of such public hearing shall be given by the board by one (1) publication in one or more newspapers of general circulation in the township, at least ten (10) days before the date of such hearing.

- f) If the proposed amendment or supplement intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and shall include all of the following:
- 1) The name of the board that will be conducting the public hearing;
 - 2) A statement indicating that the motion, resolution, or application is an amendment or supplement to the Zoning Resolution;
 - 3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment or supplement and of the names of owners of these properties, as they appear on the county auditor's current tax list;

- 4) The present zoning classification of property named in the proposed amendment or supplement and the proposed zoning classification of such property;
 - 5) The time and place where the motion, resolution or application proposing to amend or supplement the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
 - 6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
 - 7) Any other information requested by the board.
- g)** If the proposed amendment or supplement alters the text of the Zoning Resolution, or rezones or redistricts more than ten (10) parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date and place of the public hearing, and shall include all of the following:
- 1) The name of the board that will be conducting the public hearing on the proposed amendment or supplement;
 - 2) A statement indicating that the motion, resolution, or application is an amendment or supplement to the Zoning Resolution;
 - 3) The time and place where the text and maps of the proposed amendment or supplement will be available for examination for a period of at least ten (10) days prior to the public hearing;
 - 4) The name of the person responsible for giving notice of the public hearing by publication;
 - 5) Any other information requested by the board.
- h)** Within twenty (20) days after such public hearing the board shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the board denies or modifies the recommendation of the Zoning Commission, a majority vote of the board shall be required.

Such amendment or supplement adopted by the board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Orange Township Board of Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight percent (8%) 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 Orange Township Board of Trustees to submit the amendment or supplement 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.

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment or supplement. Upon certification by the board of Elections that the amendment or supplement has been approved by the voters it shall take immediate effect.

All procedures in regard to a referendum shall be in strict compliance with the requirements of Chapter 519 of the Revised Code of Ohio.

Within five (5) working days after an amendment's or supplement's effective date, the Orange Township Board of Trustees shall file the text and maps of the amendment or supplement in the office of the county recorder and with the regional or county planning commission, if one exists.

The failure to file any amendment or supplement, or any text and maps, or duplicates of any of these documents, with the office of the county recorder or the county or regional planning commission as required by this section does not invalidate the amendment or supplement and is not grounds for an appeal of any decision of the Board of Zoning Appeals.

SECTION 27.02 - FORM OF APPLICATION: All applications to amend this Resolution and/or the zoning map shall be submitted on such forms as designated and approved by the Orange Township Board of Trustees. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application.

SECTION 27.03 - RECORD: On any application for an amendment or supplement to the Zoning Resolution at which the applicant desires a record to be made, the applicant shall give notice to the zoning secretary or the township fiscal officer, as the case may be, requesting that a court reporter be retained to make such record. The applicant shall make such request not less than ten (10) days prior to the scheduled hearing and shall deposit with his request cash in the amount established by the trustees to be used to defray the expenses incurred in making the record. All expenses of transcribing the record shall be borne by the person requesting the preparation of the transcript. In all hearings wherein no timely request has been made for a record, or where a party does not request and pay for an official stenographic transcript, the notes of the zoning secretary or of the township fiscal officer, as the case may be, shall serve as the sole transcript of such hearing.

SECTION 27.04 - FEES: The owner or lessee of property filing an application to amend or supplement this Zoning Resolution shall deposit with such application a fee, as prescribed by the Orange Township Board of Trustees, to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. This fee shall be required generally for each application and the amount of such fee shall be established annually by the trustees.