
CHAPTER
16

AMENDMENTS

16-1 PURPOSE.

The purpose of this Chapter is to provide standards and procedures for making amendments to the text of this Zoning Resolution and the Zoning Map. The amendment process is not intended to relieve particular hardships nor to confer special privileges or rights upon any person, but only to make adjustments of general significance or application that are necessary in light of changed conditions or changes in public policy.

16-2 AUTHORITY.

The text of this Zoning Resolution and the Zoning Map may be amended from time to time by the passage of a resolution duly adopted by the Board of Township Trustees in accordance with the procedures set forth in this Chapter.

16-3 PARTIES ENTITLED TO INITIATE AMENDMENTS.

An amendment to the text of the Zoning Resolution or to the Zoning Map may be initiated by motion of the Zoning Commission, by passage of a resolution by the Board of Trustees, or by the filing of an application with the Northeast Green Township Zoning Commission by one or more of the owners or lessees of property located within the area proposed to be changed or affected by the proposed amendment. Specific Plan Districts may be initiated only by the filing of an application with the Northeast Green Township Zoning Commission by the owner of the property proposed to be changed by the proposed amendment.

16-4 STANDARDS FOR AMENDMENTS.

The decision of the Board of Trustees to amend the text of the Zoning Resolution or to amend the Zoning Map is within the sound legislative discretion of the Board. As a part of the review by the Board, for any amendment to the text of the Zoning Resolution or to the Zoning Map, the following factors, where applicable, should be considered:

- a. The recommendations of the professional planning and zoning staff of Northeast Green Township, the Regional Planning Commission, and the Northeast Green Township Zoning Commission.
- b. The reports submitted by reviewing governmental agencies.
- c. The comments received at the public hearing concerning the proposed amendment.
- d. The relationship to the public health, safety, morals and general welfare.
- e. Compatibility with the goals and objectives, if any, of adopted plans for land use, transportation, utilities, community facilities and other plan elements and with adopted objectives and policies related to land use.
- f. The economic viability of the proposed district.
- g. The location of the subject property and the compatibility of the proposed use with the character of the area.
- h. The existing and proposed site features of the subject property.

16-5 REVIEW PROCEDURE FOR AMENDMENTS – PUBLIC MEETINGS AND HEARINGS REQUIRED.

16-5.1 Application.

An applicant for a zone amendment shall file an application on a form or forms provided by the Administrative Official.

16-5.2 Schedule of RPC Meeting

Within seven (7) days of submission of an application determined to be complete pursuant to Chapter 20, and the payment of the applicable fees, the applicant shall submit the requisite number of copies of the same material to the Hamilton County Regional Planning Commission. The Regional Planning Commission shall schedule a staff review, between the Regional Planning Staff, Applicant and the Township Administrative Official. Upon satisfactory review by the RPC staff and in conformance with the rules and schedules established by the RPC, the Regional Planning Commission shall schedule a public review hearing.

16-5.3 Regional Planning Commission Recommendation.

Upon receipt of the motion, certification of resolution, or the application, along with the copy of the proposed text and map changes, the Regional Planning Commission shall at its regular meeting recommend the approval or denial of the proposed amendment or the approval of some modification of the amendment pursuant to the standards in Section 16-4. This recommendation shall be submitted to the Zoning Commission.

16-5.4 Northeast Green Township Zoning Commission Recommendation.

Upon receipt of the recommendation of the Regional Planning Commission the Zoning Commission shall set a date for a public hearing not less than twenty (20) nor more than forty (40) days from the date of initial receipt of the RPC Resolution.

The public hearing will be scheduled to recommend the approval or denial of the proposed amendment, or the approval of some modification of the amendment pursuant to the standards in Section 16-4. The Northeast Green Township Zoning Commission shall then submit its recommendation together with the proposed text and map changes and the recommendation of the Regional Planning Commission to the Board of Trustees.

16-5.5 Staff Recommendation.

Within thirty (30) days of the submittal of any application for development approval determined to be complete pursuant to Chapter 20, the Administrative Official shall forward a written advisory staff report to the Regional Planning Commission recommending approval, approval with conditions, or disapproval. The advisory staff report shall include:

- a. A summary of comments and concerns of applicable departments, agencies and officials;
- b. The standards and criteria used in evaluating the application pursuant to Section 16-4;
- c. The reasons for the recommendation;
- d. The actions or modifications, if any, that may be necessary to obtain approval in accordance with regulations and adopted community plans.

16-5.6 Green Township Board Trustees Action.

- a. Schedule of Hearing. Upon receipt of the recommendation from the Northeast Green Township Zoning Commission, the Board of Trustees shall hold a public hearing within forty-five (45) days in accordance with the procedures outlined in Section 16-7.
- b. Decision. Within twenty (20) days after the public hearing, the Board shall either adopt or deny the recommendation of the Northeast Green Township Zoning Commission or adopt some modification of the recommendation by the Northeast Green Township Zoning Commission. In making its decision, the Board shall consider the factors contained in Section 16-4. In the event the Board denies or modifies the recommendation of the Northeast Green Township Zoning Commission, the unanimous vote of the Board shall be required.
- c. Effective Date. An amendment adopted by the Board of Trustees shall become effective in thirty (30) days after the date of adoption unless within that time period a petition for zoning referendum is presented in accordance with the requirements of the Ohio Revised Code. (see Appendix 4)

16-6 REFERENDUM.

16-6.1 Petition Time Limit.

Within thirty (30) days after the date of adoption of an amendment by the Board, a petition may be presented to the Board of Trustees requesting that the Board submit the amendment to the electors of that area, for approval or rejection, at a special election to be held on the day of the next primary or general election.

16-6.2 Petition Signatures.

The petition must be signed by the 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 percent (8%) of the total vote cast for all candidates for governor in such area at the last preceding general election at which the governor was elected.

16-6.3 Petition Content.

Each part of the petition for zoning referendum shall contain the number and full and correct title, if any, of the zoning amendment resolution, motion or application, as the case may be, furnishing the name by which the amendment proposal is known and a brief summary of its contents. Each petition and Statement of the Circulator shall, in addition, conform to the rules specified in Section 3501.38 of the Ohio Revised Code as shown in Appendix 4.

16-6-4 Effect of Referendum.

No amendment for which a 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. Upon certification by the board of elections that the amendment has been approved by the voters, it shall take effect immediately.

16-7 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS.

An amendment to the text of the Zoning Resolution or to the Zoning Map, initiated by any one of the three methods described in Section 16-3, shall require notification of required public hearings in accordance with the following procedures.

16-7.1 Published Notice.

Notice of the public hearing shall be given by the Northeast Green Township Zoning Commission or Board of Trustees, as the case may be, by one publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of the hearing.

16-7.2 Mailed Notice.

The Zoning Commission or the Board of Trustees, as the case may be, shall provide notice for map and text amendments according to the following situations. When the proposed zone map amendment involves the rezoning or redistricting of 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 at least ten (10) days before the date of the public hearing. That notice shall be mailed to all owners of property within, contiguous to, directly across from, and within two hundred (200) feet of the area proposed to be rezoned or redistricted. When the proposed zone map amendment involves the rezoning or redistricting of more than 10 parcels of land as listed on the county auditor's current tax list, or when a text amendment is proposed, the Zoning Commission shall determine on a case-by-case basis the extent and method to which additional notice is necessary beyond general notice as required in Section 16-7.1.

16-7.3 Content of Published and Mailed Notices.

Published and mailed notices shall contain the time, date, and place of the public hearing. In addition, they shall include all of the following information:

- a. A statement indicating that the motion, resolution, or application is an amendment to the Zoning Resolution;
- b. The name of the zoning commission that will be conducting the hearing;
- c. The nature of the proposed amendment;
- d. The current and proposed zoning classification of the property named in the proposed amendment;
- e. The time and place where the motion, resolution, or application proposing to amend the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
- f. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
- g. A statement that after the conclusion of the hearing the matter will be submitted to the Board of Trustees for its action.

16-8 APPEAL OF DECISION.

Any party adversely affected by the decision of the Board of Trustees or by the Effect of Referendum may appeal to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful.

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