

ARTICLE 26: AMENDMENTS**Section 2601: Intent and Purpose**

- 2601.01 Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Township Trustees may, by resolution after receipt of recommendations from the Zoning Commission, and subject to the procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and District boundaries or classification of property.
- 2601.02 This article shall only apply to:
- A) Amendments to the text within this Resolution; and
 - B) Amendments to the Zoning Map that seek to re-zone property (Rezoning) to a Straight Zoning District.
- 2601.03 This article shall not apply to Legal Approvals, including Zoning Map Amendments, pertaining to Planned Zoning Districts. Said approvals shall be subject to the provisions of Article 27.

Section 2602: General Requirements

- 2602.01 All submissions shall be delivered to the Zoning Inspector or their designee for administrative review, public advertisement, and distribution.
- 2602.02 The Zoning Commission and/or Township Trustees may adopt a pre-determined and publicly available zoning application and meeting schedule to be administered by the Zoning Inspector or their designee in order to establish predictable dates for all parties and the public at large.
- 2602.03 The Chair of the Zoning Commission or the Chair of the Township Trustees may each reject a submission to their respective entity if the submission is found to be missing required components further detailed herein; otherwise known as being administratively incomplete. Should the Chair reject a submission due to administrative incompleteness; written notification, via certified letter or e-mail, shall be sent to the applicant of record within five (5) days of receipt of the original submission. The decision to reject a submission may be overruled by a majority vote of the remaining members of the applicable entity. Such deliberation shall only be held upon request of the applicant of the submission that was rejected and shall take place in a public meeting.
- 2602.04 The Chair of the Zoning Commission or the Chair of the Township Trustees each reserve the right to determine that an application to their respective entity will be heard during a special meeting as opposed to a regularly scheduled meeting so long as said meeting is scheduled and advertised in accordance with any applicable provisions of this Zoning Resolution and ORC 519.12.
- 2602.05 The Chair of the Zoning Commission or the Chair of the Township Trustees shall each determine the public hearing agendas for their respective entities in accordance with any established bylaws for their group. Each application shall be scheduled in the order in which they are received; however, each Chair reserves the right to, at their discretion, revise said order.
- 2602.06 If an excessive number of applications are received for any given meeting, as determined by the Chair of the entity hearing the application, said Chair reserves the right to postpone the hearing of an application for their respective entity so long as the postponed meeting is scheduled and advertised in accordance with any applicable provisions of this Zoning Resolution and ORC 519.12.
- 2602.07 Due process rights guaranteed to an applicant by this Zoning Resolution, ORC 519.12, and/or any other applicable law or provision may be waived by the applicant via written consent delivered to the Zoning Inspector, or their designee.
- A) Applicants may request a continuance of their application to a date, time, and place certain at any point during the Township's review process. Such a request shall be submitted in writing at any time or made verbally during the public hearing for said application. Applications continued to a date, time, and place certain do not have to be re-advertised in the newspaper as

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otherwise specified herein. Similarly, notices do not have to be re-mailed to neighboring property owners as otherwise specified herein.

- B) Applicants may request a tabling of their application to an uncertain date, time, and/or place at any time during the Township's review process. Such a request shall be submitted in writing at any time or made verbally during the public hearing for said application. Applications which are tabled to an uncertain date, time, and/or place shall be re-advertised in the newspaper in accordance with the applicable provisions herein. Similarly, new notices shall also be mailed to neighboring property owners in accordance with the applicable provisions herein.
 - 1) In order to un-table an application, a request to do so must be made by the applicant and delivered to the Zoning Inspector.
 - 2) A fee in accordance with an adopted fee schedule may be charged to un-table an application.
 - 3) The hearing for an un-tabled application may be scheduled in accordance with a pre-determined zoning application and meeting schedule as detailed in Section 2602.02.
- C) Applicants wishing to withdraw their application shall submit their request in writing to the Zoning Inspector. Upon receipt, the Zoning Inspector or their designee shall inform the Zoning Commission and/or Township Trustees that the application has been withdrawn. Refunding of fees shall only be permitted in accordance with a separate schedule of fees adopted by the Township Trustees.

Section 2603: Initiation of Amendments

Amendments specified in Section 2601.02 may be initiated in one of the following ways:

- 2603.01 By adoption of a motion by the Zoning Commission.
- 2603.02 By adoption of a resolution by the Township Trustees.
- 2603.03 By the filing of an application by at least one (1) owner of property or their designee within the area proposed to be changed or affected by said amendment.

Section 2604: Submission Requirements for Text Amendments

- 2604.01 Application –A fully completed, signed, and dated application which shall include, at minimum, the following information:
 - A) The affected and/or proposed section(s) of the Zoning Resolution;
 - B) The name(s), address(es), and contact information of the applicant(s) of record;
 - C) The name(s), address(es), and contact information of any engineers, architect(s), attorneys, and/or consultants of record, if any.
 - D) If the proposed amendment comprises of a Zoning Map Amendment, the submission shall also include all applicable materials specified in Section 2605.01.
 - E) Any additional information which may be requested on the official application form.
- 2604.02 Documentation:
 - A) A single document containing all proposed text revisions.
 - 1) Said revisions shall be clearly identified and visually distinguishable;
 - 2) Said revisions shall be written and considered verbatim and shall not be approximated, abbreviated, paraphrased, and/or implied; and
 - 3) The document shall: provide a glossary identifying how each type of revision is visually represented, be dated, have its pages numbered, contain all correct and pertinent article/section numbers, and formatted consistently with the existing Zoning Resolution.

- B) Notes explaining and/or justifying the proposed revisions, but not intended to be adopted as part of the proposed amendment, may be incorporated within the document, or submitted via a separate memorandum of explanation. Any notes incorporated within the document shall be easily distinguishable from the proposed revisions.
 - C) If the proposed amendment comprises of a Zoning Map Amendment, the submission shall also include all applicable materials specified in Section 2605.02.
- 2604.03 Any additional materials which may be required by the Delaware County Regional Planning Commission for their statutorily required review.
- 2604.04 Any other applicable documentation, studies, plans, and/or exhibits necessary to demonstrate compliance, concepts, and/or address concerns related to the request.
- 2604.05 One (1) optical disc, Universal Serial Bus (USB) flash drive, or other similar type of readable storage device, containing the materials listed in Sections 2604.01 – 2604.04 in Portable Document Format (.PDF) and/or another similar type of widely-utilized, non-proprietary digital format approved by the Zoning Inspector or their designee. A new digital copy will be required with each submitted revision.
- 2604.06 A fee(s) as may be established by the Township Trustees in a fee schedule.
- 2604.07 A response to comments letter shall be provided with each submitted revision to identify and explain all the revisions made to the submission, and to identify how any comments or concerns raised by staff, the Zoning Commission, the Township Trustees, other agencies, and/or the general public have been addressed.
- 2604.08 Number of Copies:
- A) Ten (10) copies of the items listed herein, divided into sets, shall be provided when the proposal is being submitted to the Zoning Commission for review, unless otherwise noted.
 - B) Six (6) copies of the items listed herein, divided into sets, shall be provided when the proposal is being submitted to the Township Trustees for their consideration, unless otherwise noted.
 - C) The Zoning Inspector, or their designee, is authorized to revise the number of required copies as necessary for administrative purposes.

Section 2605: Submission Requirements for Map Amendments – Straight Zoning Districts

- 2605.01 Application –A fully completed, signed, and dated application which shall include, at minimum, the following information:
- A) The address(es) and parcel identification number(s) of the affected Lot(s);
 - B) The name(s), address(es), and contact information of the property owner(s) of record, as listed on the tax list of the Delaware County Auditor at the time of submission;
 - C) The name(s), address(es), and contact information of the applicant(s) of record, if different than that of the property owner;
 - D) The name(s), address(es), and contact information of any engineers, architect(s), attorneys, and/or consultants of record, if any.
 - E) Exact, total acreage of the Lot(s);
 - F) The present Use(s) of the subject Lot(s);
 - G) The present Zoning District(s) comprising the subject Lot(s);
 - H) Proposed Zoning District(s) for the subject Lot(s);
 - I) Any additional information which may be requested on the official application form.

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2605.02 Documentation:

- A) A legal description of the Lot(s);
- B) A complete list of all parcel identification numbers;
- C) A Vicinity Map, on a sheet of paper no larger than 11" x 17", illustrating the size and location of the proposed Rezoning, existing Lot Lines, acreage, parcel identification numbers, existing streets, existing Structures and Signs on or within five hundred (500) feet of the property's boundary, existing Zoning District classifications and boundaries, and other such items;
- D) If the applicant is not the current property owner of record, a letter from the property owner(s) authorizing the applicant to submit the subject application on their behalf and/or proof that the applicant has a legal interest in the property in the form of an executed sales agreement, option, transfer, or other similar type of legal instrument.
- E) A list of all property owners within five hundred (500) feet of, Contiguous to, and directly across the street from the Lot(s), and others that may have a legitimate, legal interest in the case, as they appear on the tax list of the Delaware County Auditor at the time of submission.
 - 1) The applicant shall provide one (1) set of pre-addressed, stamped business-size envelopes with postage sufficient to send a notice via first class mail for each property owner listed.
 - 2) A second set of envelopes shall be provided for the Township Trustees hearing once the Zoning Commission has voted on their recommendation.

2605.03 Any additional materials which may be required by the Delaware County Regional Planning Commission for their statutorily required review.

2605.04 Any other applicable documentation, studies, plans, and/or exhibits necessary to demonstrate compliance, concepts, and/or address concerns related to the request.

2605.05 One (1) optical disc, Universal Serial Bus (USB) flash drive, or other similar type of readable storage device, containing the materials listed in Sections 2605.01 – 2605.04 in Portable Document Format (.PDF) and/or another similar type of widely-utilized, non-proprietary digital format approved by the Zoning Inspector or their designee. A new digital copy will be required with each submitted revision.

2605.06 A fee(s) as may be established by the Township Trustees in a fee schedule.

2605.07 A response to comments letter shall be provided with each submitted revision to identify and explain all the revisions made to the submission, and to identify how any comments or concerns raised by staff, the Zoning Commission, the Township Trustees, other agencies, and/or the general public have been addressed.

2605.08 Number of Copies:

- A) Ten (10) copies of the items listed herein, divided into sets, shall be provided when the proposal is being submitted to the Zoning Commission for review, unless otherwise noted.
- B) Six (6) copies of the items listed herein, divided into sets, shall be provided when the proposal is being submitted to the Township Trustees for their consideration, unless otherwise noted.
- C) The Zoning Inspector, or their designee, is authorized to revise the number of required copies as necessary for administrative purposes.

Section 2606: Procedure for Amendments

2606.01 In addition to any other procedures set out in this Resolution, all applications for amendments specified within Section 2601.02 shall follow the procedures herein and ORC 519.12, as may be amended.

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- 2606.02 Within five (5) days after initiation pursuant to Section 2603, the Zoning Inspector or their designee shall transmit a copy of the amendment and all associated materials to the Delaware County Regional Planning Commission for a review as required by statute. The Delaware County Regional Planning Commission shall recommend the approval, denial, or modification of the amendment to the Zoning Commission. Such recommendation shall be presented during the public hearing held by the Zoning Commission.
- 2606.03 In the event that a proposed amendment significantly affects, and/or is located adjacent to, another political jurisdiction, an additional copy of the amendment shall be provided and forwarded to the Chair of the planning commission or the zoning commission of that jurisdiction. Any comments provided by the adjoining jurisdiction shall be presented during the public hearing of the Zoning Commission.
- 2606.04 Before any 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 the Ohio Department of Transportation, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector or their designee shall give notice, by registered mail to the Director of the Ohio Department of Transportation. The Zoning Commission may proceed as required by law; however, the Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of the Ohio Department of Transportation.
- A) If the Director of the Ohio Department of Transportation notifies the Township Trustees that they shall proceed to acquire any land needed, the Township Trustees may continue the application, in accordance with the provisions herein, until the acquisition has occurred, or may deny the application.
- B) If the Director of the Ohio Department of Transportation notifies the Township Trustees that acquisition at this time is not in the public interest or upon expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Ohio Department of Transportation and the property owner, the Township Trustees shall proceed as required by law.
- 2606.05 The Zoning Commission shall schedule a public hearing upon initiation of an amendment in accordance with Section 2603. Said hearing shall not be less than twenty (20) nor, unless permitted by the initiator/applicant, more than forty (40) days from the filing of such application.
- 2606.06 Before the required public hearing, notice shall be given by the Zoning Inspector or their designee by at least one (1) publication in a newspaper of general circulation within 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 amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Trustees for final consideration.
- 2606.07 If the proposed amendment intends to Rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Inspector or their designee by first class mail using pre-addressed, business-size envelopes provided by the initiator/applicant at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet of, Contiguous to, and directly across the Street from such area proposed to be Rezoned or redistricted, to the address of such owners appearing on the County Auditor's current tax list. The failure to deliver the notice, as provided in this Section, shall not invalidate any amendment. This notice shall set forth the time and place of the public hearing, the nature of the amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Trustees for final consideration.
- 2606.08 The Zoning Commission may continue a public hearing to a future meeting with consent of the initiator/applicant. If said hearing is continued to a date, time, and place certain, re-advertisement

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- of the hearing is not required, otherwise, once a new meeting date, time, and place is determined, advertisement shall occur again in accordance with Sections 2606.06 and 2606.07.
- 2606.09 Revisions and/or supplemental materials shall be due on a date and time determined by the Zoning Commission and/or in accordance with a pre-determined schedule as authorized in Section 2602.02.
- 2606.10 Within thirty (30) days of the conclusion of the public hearing, the Zoning Commission shall:
- A) Vote, based upon findings of fact, to recommend approval or denial of the amendment; and subsequently submit said recommendation together with the application and all associated materials to the Township Trustees for their consideration.
 - B) Be allowed to take more than thirty (30) days to make their recommendations with the initiator's/applicant's consent.
- 2606.11 Following the recommendation(s) of the Zoning Commission, the Zoning Inspector, or their designee, shall forward the Commission's recommendation(s) and reasons for said recommendation(s) to the Township Trustees.
- 2606.12 The Township Trustees shall acknowledge receipt of the Zoning Commission's recommendation(s) via resolution, and shall schedule a public hearing date for the application, at the first regularly scheduled Township Trustee meeting to occur following the Zoning Commission's vote unless: said meeting is canceled, a special meeting is scheduled within the required thirty (30) day timeframe by the Township Trustees, or the initiator/applicant requests and is granted otherwise a continuance by the Township Trustees, in which case such action shall take place at the next subsequent regular or special meeting of the Township Trustees. Unless otherwise authorized on the record by the initiator/applicant, the date of said hearing shall be not more than thirty (30) days from the Township Trustees' receipt and acknowledgement of the recommendation from the Zoning Commission.
- 2606.13 Notice of the required public hearing shall be given by the Zoning Inspector or their designee by at least one (1) publication in a newspaper of general circulation within the Township. Said notice shall be published at least ten (10) days before the date of the required hearing. This notice shall set forth the time and place of the public hearing and the nature of the application.
- 2606.14 If the proposed amendment intends to Rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Inspector or their designee, by first class mail using pre-addressed, business-size envelopes provided by the initiator/applicant at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet of, Contiguous to, and directly across the Street 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 lists that may be specified by the Township Trustees. The failure to deliver the notice, as provided in this Section, shall not invalidate any amendment. This notice shall set forth time and place of the public hearing and the nature of the amendment.
- 2606.15 The Township Trustees may continue a public hearing to a future meeting with consent of the initiator/applicant. If said hearing is continued to a date, time, and place certain, re-advertisement of the hearing is not required, otherwise, once a new meeting date, time, and place is determined, advertisement shall occur again in accordance with Sections 2606.13 and 2606.14.
- 2606.16 Revisions and/or supplemental materials shall be due on a date and time determined by the Township Trustees and/or in accordance with a pre-determined schedule as authorized in Section 2602.02.
- 2606.17 Within twenty (20) days of the conclusion of the public hearing, the Township Trustees shall:
- A) Vote, based upon the findings of fact, to: approve, approve with modifications, or deny the amendment. Said vote is subject to referendum pursuant to Section 3519.01 of the Ohio Revised Code.

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- B) Be allowed to take more than twenty (20) days to render their decisions with the initiator's/applicant's consent.
- 2606.18 An 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 said amendment, there is presented to the Township Trustees a referendum petition, in accordance with ORC 3519.01, requesting the Township Trustees submit said amendment to the electors of such area, for approval or rejection, at the next primary or general election.
- 2606.19 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 said amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.
- 2606.20 An amendment, upon becoming effective, shall be permanent unless a subsequent amendment is initiated and approved in accordance with the terms of this Zoning Resolution and ORC 519.12. Under no circumstance shall an approved and effective amendment be required to seek renewal or re-approval.
- 2606.21 Once an amendment has become effective, the Zoning Inspector or their designee shall update the Genoa Township Zoning Resolution and/or Zoning Map accordingly.

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