

ARTICLE XII

AMENDMENTS

SEC 1201 The Board of Trustees may, by resolution, after report thereto by the Zoning Commission and subject to the procedure provided in this article, amend, supplement or change the regulations, district boundaries, or classification of property, now or hereafter established by this Resolution.

SEC. 1201-1 INITIATION.

Amendments or supplements to the Zoning Resolution may be initiated by any one of the following:

1. By motion of the Zoning Commission.
2. By passage of a resolution therefore by the Board of Trustees and certification of same to the Zoning Commission.
3. By one (1) or more of the owners or leasers within the area proposed to be changed or affected by the proposed amendment or supplement.

SEC. 1201-2 APPLICATIONS.

Applications initiated by private owners or leasers shall be filed with the Zoning Commission accompanied by such data and information prescribed for that purpose by the Zoning Commission including the following:

1. Three (3) copies of a map and legal description of the area proposed to be changed.
2. Evidence that the existing Zoning Resolution is unreasonable with respect to the particular property owner or his lawful and reasonable use of the land. For the purposes of this Zoning Resolution, a limitation upon the financial gain from the land in question shall not constitute unreasonable zoning.
3. Evidence that the proposed amendment would

materialize in an equal or better Zoning resolution than existing.

4. If the proposed change contains ten (10) or less parcels of land, a list of the names and addresses of all owners within and contiguous to and directly across the street from such area proposed to be changed. The list shall be derived from the county auditor's current tax list or the Treasurer's mailing list.
5. Each application shall be accompanied by the payment of the required fee, which fee shall not be refundable.

SEC. 1201-3 TRANSMITTAL TO MEDINA COUNTY PLANNING COMMISSION.

Within five (5) days after the adoption of such motion or the certification of such resolution for the filing of such application, the Zoning Commission shall transmit a copy thereof together with text and map to the Medina County Planning Commission. The Medina County 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 Commission on such proposed amendment.

SEC. 1201-4 HEARING AND NOTICE BY ZONING COMMISSION.

Upon the adoption of such motion, or the certification of such resolution or the filing of such application, the Zoning Commission shall hold a public hearing thereon. The Zoning Commission shall set a date for the public hearing not 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 as follows:

1. A notice shall be published in one (1) or more newspapers of general circulation in the township at

least fifteen (15) days before the date of such hearing.

2. If the proposed amendment or supplement 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 twenty (20) 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 lists, and to such other list or the Treasurer's mailing list or lists that may be specified by the Board of County Commissioners. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement and a statement that after the conclusion of such hearing the matter will be referred for further determination to the Board of Trustees.

SEC. 1201-5 RECORDS.

The Zoning Commission shall keep minutes of its proceedings showing 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 Zoning Commission and shall be a public record.

SEC. 1201-6 DECISION BY ZONING COMMISSION AND SUBMITTAL TO BOARD OF TRUSTEES.

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 Medina County Planning Commission

to the Board of Trustees.

SEC. 1201-7 HEARING AND NOTICE BY BOARD OF TRUSTEES.

The Board of Trustees, upon receipt of such recommendation from the Zoning Commission, shall hold a public hearing thereon. The Board of Trustees shall set a time for the public hearing on the proposed amendment or supplement not 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 of Trustees by one (1) publication in one (1) or more newspapers of general circulation in the township, at least fifteen (15) days before the date of such hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment or supplement.

SEC. 1201-8 ACTION BY BOARD OF TRUSTEES.

Within twenty (20) days after such public hearing the Board of Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Board of Trustees denies or modified the recommendation of the Zoning Commission, the unanimous vote of the Board of Trustees shall be required to override the recommendation of the Zoning Commission.

SEC. 1201-9 EFFECT AND REFERENDUM.

Such amendment or supplement adopted by the Board of Trustees 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 Board of 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 Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at 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. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.