

**ARTICLE 23            ZONING COMMISSION**

**2300    APPOINTMENT, SERVICE**

There is hereby established a Zoning Commission Board, which shall consist of five (5) electors and one (1) alternate appointed by the Board of Trustees. The five (5) electors shall serve a five (5) year term, beginning January 1st, with one (1) term expiring annually, and serve until his/her qualified successor is appointed. Vacancies shall be filled for the respective un-expired term by the Board of Trustees. The Zoning Commission shall organize annually and elect a Chairman, Vice Chairman and Secretary. They shall adopt such rules and regulations as they deem necessary to effectively carry out the provisions of this Resolution. Members of the Zoning Commission may receive such compensation as the Board of Trustees provide.

**A.       Minutes, Records**

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question; or, if absent or failing to vote, indicating such fact; and shall keep records of examinations and other official actions, all of which shall be immediately filed within the Zoning Department and shall be of public record. Copies of said hearings may be issued upon request for a nominal fee per page.

**B.       Witnesses, Oaths**

The Board shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may request the production of documents under such regulations as it may establish.

**C.       Department Assistance**

The Board may call upon the various officials and employees of the Township for assistance in the performance of its duties, as it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

**D.       Fees**

The Board of Township Trustees may establish fees for Zone Change request to defray the costs of advertisements, mailings, or other required or necessary expenses.

**2301    AUTHORITY**

Whenever the public necessity, convenience, general welfare or good zoning practices are required the Board of Trustees may, after receipt of recommendations thereof from the Zoning Commission and subject to the procedures provided by law, amend, supplement, change the regulations, district boundaries or classification of property, now or hereafter established by this Resolution or amendments thereof.

**2302 PROCEDURE**

The hearings of the Zoning Commission shall be public, whereas the applicant shall appear in person or be represented by a duly authorized agent at said hearing. The Board of Township Trustees shall, upon the passage of such resolution, certify it to the Township Zoning Commission. Amendments or supplements to this Zoning Resolution may be initiated by resolution of the Board of Township Trustees, a motion by the Zoning Commission, or the filing of an application by at least one (1) owner or a duly authorized agent for the property owner within the area proposed to be changed.

Upon the date of the scheduled hearing, the Zoning Commission may continue the said hearing in order to obtain additional information, or to cause such further notice as it deems proper, to serve upon other property owners as it decides may have substantial interest in said application. In the case of a continued hearing, persons previously notified and persons already heard need not be re-notified of the time of resumption of said hearing unless the Board so decides, as is required in the case of not receiving the Lucas County Planning Commission's recommendation as required by law. In that event, notice of the new hearing date shall be sent by regular mail to the applicant at the address disclosed upon the application and will require the re-advertising of the hearing notice in a newspaper of general circulation. In addition, notice shall be sent to all addresses disclosed upon the application. The cost of any additional required mailings and advertising shall be borne by the applicant as additional costs.

(Rev. 10-04-11, Z20-C944.)

**2303 APPLICATION**

At the time that an application for change of zoning is filed with the Zoning Commission as provided herein, if not contrary to the ORC enabling statutes for Township Zoning, there shall be a fee collected and deposited with the Township Fiscal Officer. No action shall be taken on an application until it has been deemed complete and all fees are paid in full. A written receipt shall be issued to the person making such payment and records thereof kept in the manner as prescribed by law.

An application for a zone change shall include the following:

- Name, address, phone number of applicant(s) and/or property owner
- Legal description of the property
- Location map, zoning of abutting parcels
- Current use of the property
- Names and addresses of property owners within 200 feet of said request
- Filing fee

## 2303 APPLICATION (cont'd)

The applicant/agent must post a minimum of one on-site notice within five (5) feet of the property line on the subject property adjacent to the public road. Said sign shall be provided by the Township and installed in a secure fashion within fourteen (14) calendar days of the application being filed with the Zoning Department. Failure of the applicant/agent to fulfill this requirement will result in the application for rezoning to be null and void. After the decision of the Board of Township Trustees, the applicant/agent shall remove and return the posted notice within seven (7) calendar days of said decision. No one except the applicant, agent, or Township shall remove or interfere with any such notice during the time it is required to be posted and maintained.

- A. Lucas County Planning Commission Hearing** Within five (5) days after the acceptance of the application for change(s) in the Zoning Resolution or amendments to the Official Zoning Map, the Zoning Commission shall transmit a copy with text and map thereof, to the Lucas County Planning Commission. Concurrently, the Zoning Manager will set the hearing date to be no sooner than twenty (20) nor more than forty (40) days from the date of application acceptance. The Planning Commission shall hold a public hearing on the proposed amendment and recommend approval or denial of the said amendment, including text or maps, or approval with some modification of it and submit its recommendation to the Township Zoning Commission prior to the previously scheduled hearing. When received, such recommendation shall then be considered at a public hearing held by the Zoning Commission on said proposed amendment or supplement.

If the Zoning Commission fails to receive the recommendation of the Lucas County Planning Commission prior to the previously scheduled hearing; that hearing shall be continued and re-advertised, with new hearing notices mailed to all affected parties. The cost of any additional required mailings and advertising shall be borne by the applicant(s) as additional costs.

(Rev. 10-4-11. Z20-C944.)

- B. Zoning Commission Hearing** The Zoning Commission upon receipt and acceptance of an application, shall set a date for a public hearing, which date shall not be less than twenty (20) days nor more than forty (40) days from the date of certification of such resolution, or the date of the adoption of such motion, or the date of acceptance of the application.

1. If the proposed amendment or supplement intends to rezone or redistrict ten 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) calendar days prior to the date of the public hearing to property owners that are contiguous to and directly across the street and within two hundred (200) feet of proposed amendment. Notice shall be mailed to the address of owners

2. appearing on the County Auditor's current tax list or the Treasurer's mailing list or other list specified by the Board of County Commissioners.

**2303 APPLICATION (cont'd)**

Failure to notify, as provided in this section, shall not invalidate any such recommendation.

2. Notice shall be published in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the hearing. It shall state the time and place the proposed amendment to the Resolution, including text and maps may be examined. A statement shall also be made in the notice that, at the conclusion of such hearing, the matter will be referred to the Board of Township Trustees for final determination.
3. The Zoning Commission shall then hold a public hearing to study the proposed change in terms of public necessity, convenience, general welfare, and good zoning practice. Within thirty (30) calendar days after such hearing they shall recommend approval or denial of the proposed application, or the approval with some modification of it, and submit that recommendation together with the motion, application, or resolution involved, the text and map pertaining to the proposed amendment, and also the recommendation of the Lucas County Planning Commission to the Board of Township Trustees.

(Rev. 10-4-11, Z20-C944.)

- C. **Trustee Hearing** Within thirty (30) calendar days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing.
  1. Written notice of the hearing shall be mailed by first class mail at least ten (10) calendar days prior to the date of the public hearing to property owners that are contiguous to and directly across the street that are within two hundred (200) feet of proposed amendment. Said notices shall be mailed to the address of such owners appearing on the County Auditor's current tax list or other list that may be specified by the Board of County Commissioners. Failure to notify as provided in this section shall not invalidate any decisions rendered.
  3. Notice shall be published in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the hearing day. It shall state the place and times the proposed amendment to the Resolution, including text and maps, may be examined.

**2303 APPLICATION (cont'd)**

3. The Board of Township Trustees shall consider such recommendations from the Lucas County Planning Commission and Township Zoning Commission and vote on the passage of the proposed amendment to the Resolution, text or Zoning District Map. The Trustees may, by majority vote, approve, deny or modify the recommended zoning amendments of the Township Zoning Commission. The decision of the Board of Township Trustees shall be rendered in writing and in the form of a written resolution within 20 days of the hearing.

(Rev. 10-4-11. Z20-C944.)

**2304 BASIS OF APPROVAL**

In determining whether or not to approve an application filed pursuant to this Article, the Sylvania Township Zoning Commission and Board of Township Trustees shall consider all relevant factors and circumstances regarding the application before them and shall determine the following:

- Whether the proposal is consistent in all aspects with the purpose, policies, intent, established criteria and standards of this Zoning Resolution;
- Whether the proposal is in conformity with the applicable Land Use Plan or such portion thereof as may apply; and
- Whether the proposal promotes the public health, safety, and general welfare of the Township.

In addition to the above considerations, deliberations regarding zoning map amendments shall also consider:

- Whether the proposed zoning change will be compatible in use and appearance with the surrounding or planned land uses;
- Whether the proposed zoning is or can be made accessible through existing or future Township roadways without creating unreasonable traffic congestion in the immediate vicinity or elsewhere in the Township;
- Whether the existing and proposed utility and governmental services are adequate to accommodate the population densities and nonresidential uses proposed; and
- Whether the proposal will create an unreasonable adverse impact on existing residential or agricultural areas.

(Rev. 10-4-11. Z20-C944.)

**2305 EFFECTIVE DATE, 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 of the adoption of the amendment there is a petition, presented to the Board of Township Trustees and signed by a number of registered electors. Electors shall reside in the unincorporated area of the Township or part thereof included in the zoning plan equal to, but not less than eight (8%) percent of the total vote cast for all candidates for governor in such area at the most recent 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 a special election to be held on the day of 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 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.

**2306 RE-SUBMISSION**

If a proposed amendment or supplement initiated by application is disapproved by the Board of Township Trustees, another application for the same proposed amendment or supplement of the disapproved application shall not be submitted within six (6) months from the date of disapproval except with a statement by the Township Zoning Commission or a Resolution by the Board of Trustees indicating that the changed or changing conditions affecting the land are sufficient to warrant reconsideration.