

ARTICLE XXVI - ZONING COMMISSION

Section 26.01 - TOWNSHIP ZONING COMMISSION: The Board of Township Trustees hereby creates and establishes a Township Zoning Commission. The Commission shall be composed of five (5) members who reside in the unincorporated area of the township, to be appointed by the Board of Trustees, and the terms of the members shall be five (5) years and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the Board upon written charges being filed with the Board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing either personally, by registered mail or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board of Trustees and shall be for the unexpired term.

Section 26.02 - COMPENSATION AND EXPENSES: The members of the Zoning Commission may be allowed their expenses or such compensation, or both, as the Board of Township Trustees may approve and provide. The Zoning Commission may, within the limits of moneys appropriated by the Township Trustees for the purpose, employ such executives, professionals, technical assistants as it deems necessary.

Section 26.03 - FUNCTIONS OF THE TOWNSHIP ZONING COMMISSION: The Township Zoning Commission may, within the limits of the monies appropriated by the Board of Trustees for such purpose, employ or contract with such planning consultants, executives and/or other assistants as it deems necessary.

The Township Zoning Commission shall organize, adopt rules for the transaction of its business and keep a record of its actions and determinations. No Township Trustee shall be employed by the Township Zoning Commission.

The Zoning Commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies. And such officials, departments, and agencies having information, maps, and data pertinent to township zoning shall make them available for the use of the Zoning Commission.

In any county where there is a county or regional Planning Commission, the Zoning Commission may request such Planning Commission to prepare or make available to the Zoning Commission a zoning plan, including text and maps, for the unincorporated area of the township or any portion of the same.

Section 26.04 - ZONING SECRETARY: To assist in the administration of this Zoning Resolution, the Township Trustees may appoint a Zoning Secretary whose duty it shall be to maintain township zoning records, confirm information in applications, process all meeting notices required under this Zoning Resolution, record the minutes of the Zoning Commission and the Board of Zoning Appeals, assist the Zoning Inspector, and perform such other duties relating to this Zoning Resolution as the Township Trustees may from time to time direct. The Zoning Secretary shall be compensated at rates set from time to time by the Township Trustees. The Township Clerk may be named to this position and may receive compensation for such services in addition to other compensation allowed by law.

Section 26.05 - MEETINGS AND AGENDA OF TOWNSHIP ZONING COMMISSION: The Zoning Commission shall meet as necessary in a public building within the township.

Section 26.06 - MINUTES: The minutes of each meeting of the Zoning Commission shall be kept on file in the township hall with the other zoning records.

ARTICLE XXVII - AMENDMENTS (ZONING CHANGES)

Section 27.01 - AMENDMENTS: This article is intended to be a restatement of Section 519.12 of the Ohio Revised Code and is adopted herein for the convenience of the citizens of Concord Township. Any amendments to Section 519.12 adopted by the Ohio Legislature shall be considered adopted herein. Figure 1 charts the procedure for an amendment of this Resolution and is included for reference purposes only. Amendments to the Zoning Resolution may be initiated by motion of the Township Zoning Commission, by the passage of a resolution therefor by the Board of Township Trustees or by 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 with the Township Zoning Commission. The Board of Township Trustees may require that the owner or lessee of the property filing an application to amend the Zoning Resolution pay a fee therefor to defray the cost of advertising, mailing, and other expenses. If the Township Trustees require such a fee, it shall be required generally for each application. The Board of Township Trustees shall, upon the passage of such resolution, certify it to the Township Zoning Commission.

Upon the adoption of such motion, or the certification of such resolution or the filing of such application, the Township 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 Township Zoning Commission by one publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing.

If the proposed amendment 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. The published and mailed notices shall set forth the time, date and place of the public hearing, and such other information as may be required by applicable law.

Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application the Township 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 the approval of some modification thereof and shall submit such recommendations to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment.

The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment 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 thereof to the Board of Township Trustees.

The Board of Township Trustees shall, upon receipt of such recommendation, set a date for a public hearing on such proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public

hearing shall be given by the Board of Township Trustees by one publication in one or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing.

The published notice shall set forth the time and place of the public hearing and such other information as may be required by applicable law.

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

Such amendment adopted by the Board of Township Trustees shall become effective in thirty days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township 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 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 or supplement 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 the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take effect immediately.

All procedures thereafter shall be in strict compliance with the requirements of Chapter 519 of the Ohio Revised Code.

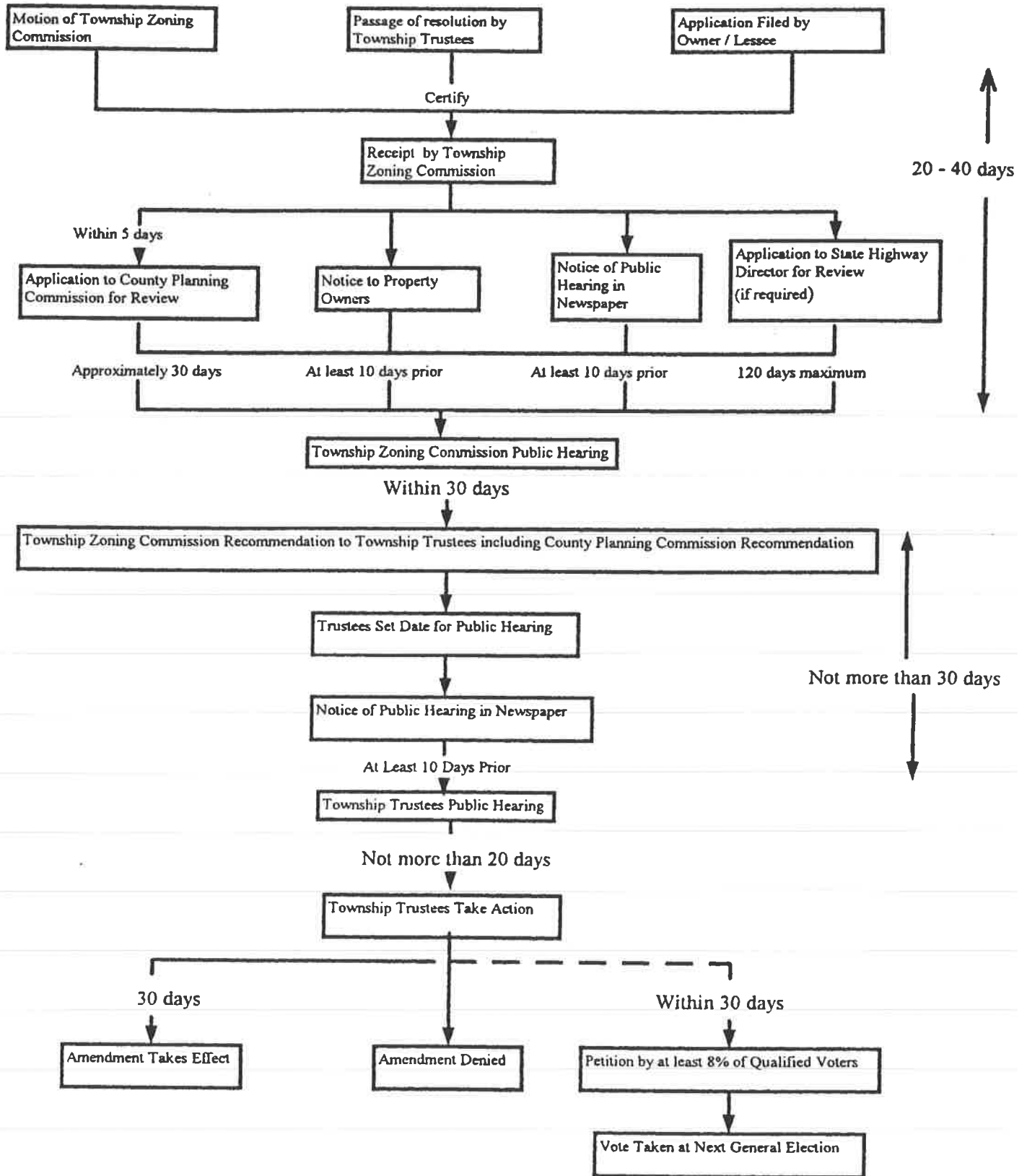


Figure 1: Procedure for Zoning District or Text Amendment of Township Zoning Resolution

Section 27.02 - FORM OF APPLICATION: All applications to amend this Resolution shall be submitted on such forms as designated and approved by the Township 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 of which the applicant desires a record to be made, the applicant shall give notice to the Secretary of the Zoning Commission or the Clerk of the Board of Township Trustees, 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/her 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 of the Township Zoning Commission or of the Clerk of the Board of Township Trustees, 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 in order to defray the cost of advertising, mailing and other expenses. This fee shall be required generally for each application, and the amount of such fee shall be established by the Board of Township Trustees.

Section 27.05 - STANDARDS GOVERNING AMENDMENTS: In determining whether any amendment should be made to this Zoning Resolution, the Township Trustees and the Township Zoning Commission shall consider the standards set forth as follows:

- a) The proposed use is in harmony with the purpose and intent of this Zoning Resolution and with the comprehensive plan of Concord Township.
- b) The proposed use is consistent with the orderly and efficient development of Concord Township, and when considered in conjunction with existing development and future development permitted under this Zoning Resolution of properties in the general area in which the proposed use is to be located, the proposed use can be adequately served with public services and facilities including public schools, police and fire protection, public and private water resources and other utilities, and other public improvements.
- c) The proposed use will not adversely affect, be injurious to, or be detrimental to the use or properties in the general area in which the proposed use is to be located.
- d) The proposed use will not adversely affect and is in character with the general area in which the proposed use is to be located.
- e) The proposed use will not cause objectionable noise, vibrations, fumes, odors, dust, or glare or cause or have an adverse environmental impact on the general area in which the proposed use is to be located.
- f) The proposed use will comply with all appropriate zoning, building, and health regulations for the district in which the proposed use is to be located and with any and all additional regulations imposed by the Township Trustees and the Township Zoning Commission that they deem necessary for the protection of the residents of or property in the general area in which the proposed use is to be located.