

Application for Text Amendment

1) Applicant name or party initiating Text Amendment: (Consistent with the provisions of ORC 303.12)

2) Townships to be effected:

3) Reason for this application:

4) Applicants signature:

Date:

The deadline for submitting zoning applications is the first Friday of each month, except November and December, which will be the last Friday of October and November

For office use only:

Fee: _____ Receipt # _____ Receipt Date _____

Date Legal notice published _____ Date of Hearing _____

Approved _____ Denied _____ Modified _____

Sent to Planning Commission: _____ Action of Planning Commission _____

Date sent to County Commissioner's: _____ Action of County Commissioner's _____

SEC 1.304 ZONING AMENDMENTS: Official Zoning Map or Zoning Code text amendments may be proposed at any time in accordance with the requirements and procedures specified in this Section of the Code and consistent with provisions of ORC Section 303.12.

1.304.1 Who May Initiate: Amendment of this Zoning Code and/or the Official Zoning Map may be initiated in one of the following ways:

- (A) By adoption of a motion by the Rural Zoning Commission (RZC);
- (B) By adoption of a resolution by the Warren County Board of Commissioners (BOCC); or,
- (C) By filing application with the RZC via the Zoning Inspector from one or more owner(s) or authorized representative(s) of property in the area proposed to be changed or affected by the amendment.

1.304.2 Application Requirements: The complete application form with the following information must be submitted to the Zoning Inspector for filing and processing.

- (A) Forms, Information, and Submittal Fee:
 - (1) Name, address, and phone number of the owner(s) and authorized representative(s);
 - (2) Date submitted to, and accepted complete, by the Zoning Inspector;
 - (3) Reason(s) for requesting the proposed text/map amendment;
 - (4) Signature of the applicant attesting to the truth and correctness of all information provided on the application form and documents submitted;
 - (5) The submittal fee;
 - (6) For Text Amendments: A written description of the proposed text amendment; and,
 - (7) For Map Amendments:
 - (a) The parcel identification number of the parcel(s) for which the rezoning is requested;
 - (b) Applicant shall provide a list of the owners of property within five hundred (500) feet from the parcel lines of each property that is the subject of the public hearing, and two sets of mailing labels.
 - (c) Legal description of the subject site;
 - (d) Total acreage;
 - (e) Indication of the current zoning district(s) and the requested zoning district(s);
 - (f) Description of current and proposed use(s); and,
 - (g) Statement of how the proposed amendment relates to the goals, objectives, and policies of the Warren County Comprehensive Plan.

1.304.3 Public Notification: Except for text and map amendments, effecting more than ten (10) parcels, the following notifications shall be required:

- (A) The Zoning Inspector shall post a sign on the subject property of the application, stating the public process, the public hearing time, location, and date.
- (B) Written notice of the hearing shall be mailed by the Approving Authority, by first class mail, at least ten days before the date of the public hearing to all owners of property within five hundred (500) feet from the parcel lines of each property that is the subject of the public hearing, to the addresses of the owners appearing on the County Auditor's current tax list. The failure of delivery of the written notice SHALL NOT delay or postpone any such public hearing, and shall not invalidate any action taken at such public hearing.

1.304.4 Submittal and Processing: The procedure by which proposed amendment of the Zoning Code text and/or map shall be submitted, filed, and reviewed is as follows:

- (A) **Pre-Submittal Consultation:** A pre-submittal consultation with the Zoning Inspector and staff planner is required prior to submitting a formal application. The intent is to allow the applicant the opportunity to provide an overview of the proposal. Staff will outline county plans, policies, and regulations affecting the proposal, identify potential issues, and discuss applicable zoning requirements and suggestions of the Comprehensive Plan. Staff will inform applicants of procedural requirements, checklist, timelines, and fees. Statements made are not binding upon the Regional Planning Commission (RPC), the Rural Zoning Commission (RZC) or the Board of County Commissioners (BOCC) in making their decision.
- (B) **Submittal to and Processing by Zoning Inspector:** Within five (5) days upon the adoption of a motion by the RZC, the certification of a resolution by the BOCC to the RZC, or the filing of an application by property owners or lessees, the Zoning Inspector shall do the following:
 - (1) Set the date for the public hearing by the RZC on the proposed amendment at not less than twenty (20) days nor more than forty (40) days from the initiation date of the amendment(s);
 - (2) Prepare and provide notice of the RZC public hearing in accordance with Section 1.304.4;
 - (3) Give a copy of the application to the RPC; and
 - (4) **Case File Record:** Application files maintained by the Zoning Inspector shall contain all written information submitted, reference the location of audio recording of the proceedings, and include written meeting minutes and findings of fact. The application file is numbered by the year in which the application was reviewed and consecutive to other applications within the same year. The resolution of the Approving Authority in decision on the plan is placed in the case file and provided to the applicant. The decision resolution on the plan by the BOCC is placed in the case file and provided to the applicant..
- (C) **Regional Planning Commission (RPC) Evaluation and Recommendation:** The RPC shall, either by action of its full membership or its Executive Committee deliver its report and recommendation to the RZC prior to the RZC concluding the public hearing on the proposed amendment.

- (D) **RZC Public Hearing, Evaluation, and Recommendation for BOCC Decision:** The Rural Zoning Commission (RZC) shall open a public hearing on the proposed amendment(s) at its meeting per the advertised date, place, and time specified in the mailed and published notice. The RZC, within thirty (30) days after the hearing, shall recommend approval, denial, or the approval with modifications. The RZC shall submit their recommendation in the form of a motion or, the application or resolution, the text and map, and the recommendation of the RPC to the BOCC.
- (E) **BOCC Public Hearing, Evaluation and Decision:** Within thirty (30) days of receipt of the RZC'S recommendation, the Warren County Board of Commissioners (BOCC) shall set and conduct a public hearing. Public notice shall be advertised in compliance with Section 1.304.4. Upon close of the public hearing and within twenty (20) days thereafter, by at least a majority vote of the BOCC, the BOCC shall either approve or deny the RZC's recommendation or approve it with modifications.

1.304.5 Decision-Making Determination Considerations: The approving authority shall review the proposed Zoning Amendment in the interest of public health and safety, as well as the public convenience, comfort, prosperity, or general welfare, as applicable, by considering the following factors:

- (A) Is the proposed amendment consistent with the purposes and intent of this Zoning Code?
- (B) Does the proposed amendment deviate from the suggestions of the Warren County Comprehensive Plan?
- (C) Is the proposed amendment justified because of changed or changing conditions of the surrounding area since the time the current zoning designation for the property was established, and has assumptions on, capital investments, road locations, population trends, land committed to development, density, use, or other elements changed to justify the amendment?
- (D) Is the proposed zoning compatible with the present zoning, nearby uses, and the character of the surrounding area?
- (E) Is the site suitable for the uses to which it has been restricted, or does the current zoning deprive the site of all economically viable uses?
- (F) How long has the property remained vacant as zoned and is it zoned different from an adjacent properties?
- (G) Are there available sites elsewhere in the County that are already zoned for the proposed use?
- (H) Are public sanitary sewer, stormwater facilities, roads and other public facilities available and do they have adequate capacity to serve allowable uses?
- (I) Will approval of this amendment result in existing land uses, parcels, or structures becoming non-conforming or somehow result in conflict with any provision, restriction, or requirement of this code?

1.304.6 Decision Record, Delivery, Effective Date, Referendum, Appeal or Reconsideration:

After the BOCC renders its decision on a proposed amendment, the record of the decision shall be provided as specified below.

- (A) **Decision Record, Delivery, Effective Date and Permanence:** The BOCC Clerk shall prepare and certify a copy of the decision on the amendment in the form of a resolution adopted by BOCC. The certification shall be provided to the Zoning Inspector, the RPC, and the applicant. Except as provided in paragraph B below, if approved, the amendment becomes effective thirty (30) days after the adoption. Within five (5) working days after an amendment's effective date, BOCC shall file the text and maps of the amendment in the office of the County Recorder and with the RPC. Failure by the BOCC to file the effective amendment(s), or any text or maps with the County Recorder or RPC shall not invalidate the amendment(s) and is not grounds for an appeal. Upon becoming effective, the amendment is permanent unless otherwise later revised or removed per this Code or by appropriate Court action.

- (B) **Referendum:** The proposed amendment, if adopted by BOCC, shall become effective in thirty (30) days after the date of its adoption, unless, with thirty (30) days after the date of its adoption, there is presented to BOCC a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part of that unincorporated area under the zoning jurisdictions of the Zoning Code equal to 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 the governor of Ohio was elected, requesting BOCC submit the amendment to the electors of such area for approval or rejection in accordance with ORC Section 303.12 and 3501.38, et seq. 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 immediate effect.