CHAPTER 16
AMENDMENTS

16-1 PURPOSE

The purpose of this Chapter is to provide standards and procedures for making amendments to the text of this Zoning Resolution and the Zoning Map. The amendment process is not intended to relieve particular hardships nor to confer special privileges or rights upon any person, but only to make adjustments of general significance or application that are necessary in light of changed conditions or changes in public policy.

16-2 AUTHORITY

The text of this Zoning Resolution and the Zoning Map may be amended from time to time by the passage of a resolution duly adopted by the Board of Township Trustees in accordance with the procedures set forth in this Chapter.

16-3 PARTIES ENTITLED TO INITIATE AMENDMENTS

An amendment to the text of the Zoning Resolution or to the Zoning Map may be initiated by motion of the Sycamore Township Zoning Commission, by passage of a resolution by the Board of Township Trustees that is certified by the Board to the Sycamore Township Zoning Commission, or by the filing of an application with the Sycamore Township Zoning Commission by one or more of the owners or lessees of property located within the area proposed to be changed or affected by the proposed amendment. Specific Plan Districts may be initiated only by the filing of an application with the Sycamore Township Zoning Commission by the owner of the property proposed to be changed by the proposed amendment.

16-4 STANDARDS FOR AMENDMENTS

The decision of the Board of Township Trustees to amend the text of the Zoning Resolution or to amend the Zoning Map is within the sound legislative discretion of the Board. As a part of the review by the Board, for any amendment to the text of the Zoning Resolution or to the Zoning Map, the following factors, where applicable, should be considered:

(a) The recommendations of the professional planning and zoning staff of Sycamore Township, and the Zoning Commission.

(b) The reports submitted by reviewing governmental agencies.

(c) The comments received at the public hearing concerning the proposed amendment.

(d) The relationship to the public health, safety, morals and general welfare.

(e) Compatibility with the goals and objectives, if any, of adopted plans for land use, transportation, utilities, community facilities and other plan elements and with adopted objectives and policies related to land use.

(f) The economic viability of the proposed district.

(g) The location of the subject property and the compatibility of the proposed use with the character of the area.

(h) The existing and proposed site features of the subject property.

16-5 REVIEW PROCEDURE FOR AMENDMENTS – PUBLIC MEETINGS AND HEARINGS REQUIRED

16-5.1 Public Prehearing Conference

(a) Purpose and Scope. The prehearing conference and open house is required prior to the filing of an application. The conference is intended to help minimize development planning costs, avoid misinterpretation, facilitate effective and timely public information and input through study, discussion, communication, comments and findings from interested parties, assure awareness of local plans and issues and determine the potential for full compliance with all requirements for zoning amendments.

(b) Procedure. A prehearing conference and open house shall be scheduled and conducted by the Administrative Official within fourteen (14) working days following receipt of the request for a conference.

(c) Notice. Notice of prehearing conferences shall be transmitted by the Administrative Official to the applicant, township trustees, applicable departments and agencies adjoining property owners and other affected parties at least ten (10) days prior to the conference.

16-5.2 Application

An applicant for a zone amendment shall file an application on a form or forms provided by the Administrative Official. The application is not considered officially submitted until the Administrative Official has reviewed the submission for technical completeness.

16-5.3 Schedule of the Sycamore Township Zoning Commission Meeting and Zoning Commission Hearing

Within five (5) days after the adoption of a motion by the Sycamore Township Zoning Commission, certification of resolution by the Board of Township Trustees or the acceptance of an application determined to be complete pursuant to Chapter 20, the Sycamore Township Zoning Commission:

(a) may transmit a copy, together with the related text and map changes, to the Hamilton County Regional Planning Commission; and

(b) shall set a date for a public hearing not less than twenty (20) days from the date of initiation of the amendment by motion, certification or the filing of an application and provide notice of such hearing pursuant to Section 16-7.

16-5.4 Staff Recommendation

Within thirty (30) days of the acceptance of any application for development approval determined to be complete pursuant to Chapter 20, the Administrative Official shall forward a written advisory staff report to the Sycamore Township Zoning Commission recommending approval, approval with conditions, or disapproval. The advisory staff report shall include:

(a) A summary of comments and concerns of applicable departments, agencies and officials;

(b) The standards and criteria used in evaluating the application pursuant to Section 16-4;

(c) The reasons for the recommendation;

(d) The actions or modifications, if any, that may be necessary to obtain approval in accordance with regulations and adopted community plans.

16-5.5 Sycamore Township Zoning Commission Recommendation

The Sycamore Township Zoning Commission shall, within thirty (30) days after their public hearing recommend the approval or denial of the proposed amendment, or the approval of some modification of the amendment pursuant to the standards in Section 16-4. The Sycamore Township Zoning Commission shall then submit its recommendation together with the proposed text and map changes to the Board of Township Trustees.

16-5.6 Board of Township Trustees Action

(a) Schedule of Hearing. Upon receipt of the recommendation from the Sycamore Township Zoning Commission, the Board of Township Trustees shall hold a public hearing within thirty (30) days in accordance with the procedures outlined in Section 16-7.

(b) Decision. Within twenty (20) days after the public hearing, the Board shall either adopt or deny the recommendation of the Sycamore Township Zoning Commission or adopt some modification of the recommendation by the Sycamore Township Zoning Commission. In making its decision, the Board shall consider the factors contained in Section 16-4. In the event the Board denies or modifies the recommendation of the Sycamore Township Zoning Commission, the unanimous vote of the Board shall be required.

(c) Effective Date. An amendment adopted by the Board of Township Trustees shall become effective in thirty (30) days after the date of adoption unless within that time period a petition for zoning referendum is presented in accordance with the requirements of the Ohio Revised Code and section 16-6.1

(d) See Appendix 4 for form requirements.

16-6 REFERENDUM

16-6.1 Petition Time Limit

Within thirty (30) days after the date of adoption of an amendment by the Board, a petition may be presented to the Board of Township Trustees requesting that the Board submit the amendment to the electors of that area, for approval or rejection, at a special election to be held on the day of the next primary or general election.

16-6.2 Petition Signatures

The petition must be signed by the number of qualified voters residing in the township or part thereof included in the zoning plan equal to not less than eight percent (8%) of the total vote cast for all candidates for governor in such area at the last preceding general election at which the governor was elected.

16-6.3 Petition Content

Each part of the petition for zoning referendum shall contain the number and full and correct title, if any, of the zoning amendment resolution, motion or application, as the case may be, furnishing the name by which the amendment proposal is known and a brief summary of its contents. Each petition and Statement of the Circulator shall, in addition, conform to the rules specified in Section 3501.38 of the Ohio Revised Code as shown in Appendix 4.

16.6-4 Effect of Referendum

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 effect immediately.

16-7 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS

An amendment to the text of the Zoning Resolution or to the Zoning Map, initiated by any one of the three methods described in Section 16-3, shall require notification of required public hearings in accordance with the following procedures.

16-7.1 Published Notice

Notice of the public hearing shall be given by the Sycamore Township Zoning Commission, in accordance with ORC 519.06 or Board of Township Trustees in accordance with ORC 519.08, as the case may be, at least ten (10) days before the date of the hearing.

16-7.2 Mailed Notice

The Sycamore Township Zoning Commission or the Township Trustees, as the case may be, shall provide notice for map and text amendments according to the following situations. When the proposed zone map amendment involves the rezoning or redistricting of 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 at least ten (10) days before the date of the public hearing. That notice shall be mailed to all owners of property within, contiguous to, directly across from, and within two hundred (200) feet of the area proposed to be rezoned or redistricted. When the proposed zone map amendment involves the rezoning or redistricting of more than 10 parcels of land as listed on the county auditor's current tax list, or when a text amendment is proposed, the Sycamore Township Zoning Commission shall determine on a case-by-case basis the extent and method to which additional notice is necessary beyond general notice as required in Section 16-7.1.

16-7.3 Content of Published and Mailed Notices

Published and mailed notices shall contain the time, date, and place of the public hearing. In addition, they shall include all of the following information:

(a) A statement indicating that the motion, resolution, or application is an amendment to the Zoning Resolution;

(b) The nature of the proposed amendment;

(c) The current and proposed zoning classification of the property named in the proposed amendment;

(d) The time and place where the motion, resolution, or application proposing to amend the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;

(e) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;

A statement that after the conclusion of the hearing the matter will be submitted to the Board of Township Trustees for its action.

16-8 APPEAL OF DECISION

Any party adversely affected by the decision of the Board of Township Trustees or by the Effect of Referendum may appeal to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful.