

CHAPTER 106

AMENDMENTS

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CROSS REFERENCES

- Ch. 103 Administration and Enforcement
 - Ch. 104 Zoning Commission and Township Trustees
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106.01 GENERAL PROVISIONS

- A. Initiation by Resolution. Proposed changes or amendments may be initiated by the Board of Township Trustees by resolution or by motion of the Township Zoning Commission, per ORC 519.12.
- B. Initiation by Application. Proposed changes or amendments may be initiated by one or more owners or lessees of land within the area that is proposed to be changed by amendment of the Zoning District Map or by one or more owners or lessees of land to be affected by change or amendment of other provisions of this Zoning Resolution.
 - 1. Resubmission of Application. If a proposed amendment or supplement initiated by application is disapproved by the Board of Township Trustees, another application for amendment or supplement affecting the land included in the disapproved application shall not be submitted within one (1) year from the date of disapproval, except with an affidavit by the applicant specifically identifying substantially changed or changing conditions affecting the land sufficient to warrant reconsideration approved by the Zoning Commission to either be recommended for approval or denial to the Board of Township Trustees.

106.02 ZONING MAP AMENDMENT

Two (2) copies of a provided application form shall be filed with the Zoning Administrator not less than twenty (20) days prior to the public hearing of the Township Zoning Commission at which the proposal is to be considered.

106.03 APPLICATION

- A. Application Contents. The application for any proposed change or amendment shall contain:
 - 1. A description or statement of the present and proposed provisions of this Zoning Resolution or the proposed change of the District Boundaries of the Zoning District Map.
 - 2. A description by map or text of the property to be affected by the proposed change or amendment.
 - 3. A statement of the relation of the proposed change or amendment to the general health, safety and welfare of the public in terms of need or appropriateness within

- the area by reason of changed or changing conditions and the relation to appropriate plans for the area.
4. A list of owners of property contiguous to, directly across the street from, and within five hundred (500) feet of such area proposed to be rezoned. Such list to be in accordance with the Franklin County Auditor's current tax list.
 5. A statement of the relationship of the proposed change or amendment to the general welfare of the Township, to the Jackson Township Comprehensive Plan and any amendments thereto, and to any other planning affected by the proposed change.
 6. Such other reasonable information as requested by the Zoning Commission.
- B. Plot Plan. The application shall be accompanied by three (3) copies of a plot plan prepared by a licensed surveyor, drawn to an appropriate scale, clearly showing the following:
1. The boundaries and dimensions of the lot.
 2. The size and location of existing and proposed structures.
 3. The proposed use of all parts of the lot and structures, including accessways, traffic circulation, walks, off-street parking and loading spaces, existing and proposed utilities, stormwater drainage, lighting, landscaping, and other such improvements..
 4. The relationship of the proposed development to the property.
 5. The use of adjacent properties and location of adjacent structures.
- C. Fees. Applicable fees are established based upon the fee schedule and shall be paid at time of application submittal.

106.04 PLANNED DISTRICT SUBMITTAL REQUIREMENTS

In addition to the submittal requirements of Sec. 106.03, all applications under a Planned District or Planned Unit Development District shall submit the following additional information with the application for a Zoning Map Amendment.

- A. Development Plan. Three (3) copies of a Development Plan shall be submitted with the application to amend the Zoning District Map. A preliminary subdivision plan shall also be submitted under the Franklin County Subdivision Regulations in conjunction with this submittal. Such Development Plan shall include in text or map form:
1. The following proposed development features.
 - a. Planned Residential District. The proposed location and size of areas of residential use, indicating dwelling unit densities, dwelling unit types, the total number of dwelling units for each density area, and the total number of dwelling units proposed in the Development Plan.
 - b. Planned Commercial District. The proposed location and size of commercial areas, indicating building footprints, square footage, height, architectural character and exterior materials, lighting, and signage.
 - c. Planned Industrial District. The proposed location and size of industrial areas, indicating building footprints, square footage, height, architectural character and exterior materials, lighting, and signage.

- d. Planned Unit Development District. Any applicable element as stated above in subsections a, b, and c.
2. The proposed size, location, and use of recreational, open space, and community facility portions of the tract, including useable open areas, parks, playgrounds, school sites, and other areas and spaces with the suggested ownership of such areas and spaces.
3. The proposed provision of water, sanitary sewer, and surface and subsurface stormwater drainage facilities, including engineering feasibility studies or other evidence of reasonableness.
4. The proposed traffic circulation patterns, including public and private streets, parking areas, walks and other accessways, indicating their relationship to topography, existing streets, or showing other evidence of reasonableness.
5. The proposed schedule of site development, construction of structures and associated facilities, including sketches and other materials indicating design principals and concepts to be followed in site development, construction, landscaping and other features. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets and easements.
6. The relationship of the proposed development to existing and future land use in the surrounding area, the street system, community facilities, stormwater drainage, public services, and other public improvements.
7. Evidence that the applicant has sufficient control over the land to effectuate the proposed Development Plan. Evidence of control includes property rights, and the engineering feasibility date which may be necessary.

106.05 PROCEDURE

- A. Acceptance of a Complete Application. The Zoning Administrator shall only accept a complete application and fee for amendment of the Zoning Resolution or Zoning Map.
- B. Establishment of Public Hearing by the Zoning Commission. The Clerk of the Zoning Commission is hereby authorized by the Commission to establish a public hearing upon receipt of a complete application and fee, upon the certification of a resolution by the Board of Township Trustees, or upon the adoption or such motion by the Township Zoning Commission to the filing of such application for a proposed change or amendment of the text of this Zoning Resolution or the Zoning District Map.
- C. Hearing Date. The date for a public hearing shall be for not less than twenty (20) days nor more than forty (40) days from the date of resolution, motion or application.
- D. Notice of Public Hearing. Notice setting forth the time and the place of such hearing and the nature of the proposed change or amendment shall be given by the Township Zoning Commission by one (1) publication in one (1) or more newspapers of general circulation in Jackson Township at least fifteen (15) days before the date of such public hearing.

If the proposed change or amendment intends to affect (rezone or redistrict) ten (10) or less parcels of land as listed on the tax duplicate, written notice of the public hearing shall be mailed by the Township 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 affected by the proposed change or amendment. Such notice is to be mailed to the address of such owners appearing on the County Auditor's current tax list or the County Treasurer's mailing list.

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- E. Notice to **County or Regional Planning Commission**. One (1) copy of the proposed change or amendment, together with text and map pertaining thereto, shall be forwarded **to a legally recognized Planning Commission within the county** (ie, Mid-Ohio Regional Planning Commission, herein after MORPC, **or the Franklin County Planning Commission, herein after FCPC**) within five (5) days from the acceptance date of the resolution, motion or application. The Planning Commission ~~MORPC~~ shall consider the proposed change or amendment and make recommendations concerning the approval, denial or some modification thereof to be considered by the Township Zoning Commission.
1. Staff Review. **Planning Commission** ~~MORPC~~ staff, with any received input from the Franklin County Engineer, Franklin County Board of Health, Franklin Soil and Water Conservation District, and other appropriate agencies or bodies, shall present ~~to MORPC~~ a written report including all apparent facts, implications and conclusions concerning the proposed change or amendment, where appropriate.
 2. Consideration. **The Planning Commission** ~~MORPC~~ shall consider approval or denial of the proposed change or amendment as such proposal in **the Planning Commission's** ~~MORPC's~~ judgment relates to the general health, safety and welfare of the public as set forth in plans for the area and to this end encourages appropriate use of the land within the existing and future development potential of the area.
 3. Recommendation. **The Planning Commission's** ~~MORPC's~~ recommendation shall be submitted to the Township Zoning Commission for consideration at a public hearing.
- F. Action by the Township Zoning Commission. After a public hearing the Township Zoning Commission, hereinafter Commission, shall act on the proposal.
1. Consideration. The Commission shall consider the approval, denial or some modification of the proposed change or amendment as such proposal in the Commission's judgment advances the general health, safety and morals (general welfare) of the public by encouraging appropriate use and development of the surrounding area and is in conformity with the Jackson Township Comprehensive Plan.
 2. Recommendation. Within thirty (30) days after the public hearing, the Commission shall submit to the Board of Township Trustees a recommendation of approval, denial or some modification of the proposed change or amendment together with such resolution or application, the text and map pertaining thereto, and **the Planning Commission's** ~~MORPC's~~ recommendation.
- G. Action by the Board of Township Trustees. Upon receipt of a recommendation from the Zoning Commission concerning the proposed change or amendment the Board of Township Trustees, hereinafter Board, shall set a time for a public hearing.
1. Hearing Date. The date for a public hearing shall be set for not more than thirty (30) days from the date of the receipt of recommendation from the Township Zoning Commission.

2. Notice of Hearing. Notice setting forth the time and place of the public hearing and a summary of the proposed change or amendment shall be given by the Board by one (1) publication in one (1) or more newspapers of general circulation in Jackson Township at least ten (10) days before the date of the public hearing.
 3. Final Action. Within twenty (20) days after such public hearing the Board shall either adopt or deny the recommendation of the Township Zoning Commission or adopt some modification thereof. In the event the Board denies or modifies the recommendation of the Township Zoning Commission, the unanimous vote of the Board shall be required.
- H. Date of Effect. Such change or amendment as the Board of Township Trustees shall adopt shall become effective in thirty (30) days after the date of such adoption unless within such thirty (30) day period there is presented to the Board of Township Trustees a petition, as set forth in Section 519.12 of the Ohio Revised Code, requesting the Board of Township Trustees to submit the proposed change or amendment to referendum vote.

106.06 PLANNED DISTRICT PROCEDURAL REQUIREMENTS

In addition to the requirements of Sec. 106.05, the following additional procedural requirements shall apply to applications under any Planned District or the Planned Unit Development District.

- A. Basis of Approval. The basis of approving any application for a Planned District or the Planned Unit Development District shall be:
 1. That the proposed development is consistent in all respects with the purpose, intent, and application standards of this Zoning Resolution.
 2. That the proposed development is in conformity with the Jackson Township Comprehensive Plan or portion thereof as it may apply.
 3. That the proposed development advances the general welfare of the Township and the immediate vicinity.
 4. That the benefits, improved arrangement, and the design of the proposed development justify any deviation from development requirements included in this Zoning Resolution.
- B. Effect of Approval. The Development Plan as approved by the Board of Township Trustees shall constitute an amendment to the respective Planned District or Planned Unit Development District as they apply to the land included in the approved amendment.

The approval shall be for a period of three (3) years to allow the preparation of the required Subdivision Plat, submitted in accordance with the Subdivision Regulations for Franklin County, Ohio, as amended. Unless the required Subdivision Plat is submitted and recorded within the three (3) year time limit, the approval shall be voided and the land shall revert to its last previous Zoning District, except if an application for time extension is submitted in accordance with Subsec. (D) herein.

- C. Plat Required. No use shall be established or changed, no improvements made, and no structure shall be constructed or altered until the required Subdivision Plat has been recorded in accordance with the Subdivision Regulations for Franklin County, Ohio, as amended.
- D. Extension of Time or Modification. An extension of the limit or the modification of the approved Development Plan may be approved by the Board of Township Trustees. Such

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approval shall be given upon a finding of the purpose and necessity for such extension or modification and evidence of reasonable effort toward the accomplishment of the original Development Plan, and that such extension or modification is not in conflict with the general health, safety and welfare of the public and the Development Standards of the appropriate Planned District.