

Article XII

Zoning Commission And Amendments

Sec. 1201¹ Authority, Composition, and Appointment

There is hereby created a Zoning Commission consisting of five (5) members appointed by the Township Board of Trustees. The Commission shall include five (5) citizens of the unincorporated area of Bath Township. Each member shall be appointed for a period of five (5) years and terms shall be so arranged that the term of one (1) member shall expire each year. Each member shall serve until his successor is appointed and qualified. The Board of Township Trustees may appoint up to two (2) alternate members to the Zoning Commission for terms to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member according to procedures prescribed by a resolution of the Board of Township Trustees. An alternate member shall meet the same appointment criteria as a regular member and shall serve until a successor is appointed and qualified. Members of the Commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the Board of Township Trustees and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally or by registered mail or by leaving same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. In the event a vacancy occurs on the Commission, such vacancy shall be filled by appointment of the Board of Township Trustees and shall be for the unexpired term.

Sec. 1201-1 Organization

The Zoning Commission shall elect a Chairman from its membership, shall appoint a recording secretary, who need not be a Commission member, and shall prescribe rules for the conduct of its affairs as stated in ORC Section 519.05.

Sec. 1201-2 Quorum

The Zoning Commission shall require a quorum of three (3) members at all its meetings, and a concurring vote of three (3) members shall be necessary to affect an order.

Sec. 1201-3 Meetings

The Zoning Commission shall meet at the call of its Chairman or two (2) other members, and at such other regular times as the Zoning Commission may, by resolution, determine. All meetings of the Commission shall be open to the public.

¹ Amended January 5, 2002

Sec. 1201-4 Proceedings of the Zoning Commission

The Zoning Commission shall keep records of its determinations or other official actions, all of which shall be filed in the office of the Township Trustees and shall be a public record.

Sec. 1201-5 Powers and Duties

- A. To submit a plan, including both text and maps, representing the recommendations of the Zoning Commission in implementing the power, purpose, and provisions of the zoning powers conferred by the state upon townships.
- B. To evaluate and make appropriate recommendations to the Township Trustees regarding changes and modifications to the Zoning Resolution, after conducting necessary hearings.
- C. To employ or contract with such planning consultants as the Zoning Commission deems necessary, within the limit of monies appropriated by the Board of Trustees for such purposes.
- D. To work with the Zoning Inspector toward the administration and enforcement of the Zoning Resolution.
- E. To accomplish such other action(s) as are required by this Resolution.

Sec. 1202¹ Amendments to Zoning Resolution**Sec. 1202-1 Initiation of Amendments**

Amendments to the Zoning Resolution may be initiated by:

- A. Motion of the Township Zoning Commission, or
- B. Passage of a Resolution by the Board of Township Trustees and certification to the Township Zoning Commission, or
- C. Filing of an application by one (1) or more owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Township Zoning Commission.
- ²D. A Land Use Plan containing the following applicable information shall accompany each application for rezoning or districting;

¹ Renumbered January 5, 2002

² August 21, 1996

1. Scale Drawing
2. Property Boundaries
3. Existing Features:
 - a. Principal and Accessory Buildings
 - b. All adjacent (contiguous) parcels
 - c. Driveways/Curb Cuts
 - d. Parking
 - e. Landscape Features
 - 1) Open Spaces
 - 2) Plantings
 - 3) Wetlands
 - f. Utilities (surface and underground)
 - g. Easements
 - h. Oil and Gas facilities
 - i. Fences/Screen Walls
 - j. Lighting
 - k. Topography [contours no greater than two feet (2')]
 - l. Existing zoning setbacks and yard limit lines
- E. The application shall contain a Land Use Plan in accordance with provisions of Section 301-5.
- F. Proposed Features:
 1. Structures: Principal and Accessory
 - a. Dimensioned location/placement relative to property lines
 - b. Plan(s)
 - c. Elevation
 - d. Heights
 - e. Visual/Auditory Screening
 - f. Signage
 2. Vehicular Circulation:
 - a. Parking
 - b. Drives
 - c. Curb Cuts
 - d. Pedestrian Pathways
 - e. Lighting
 - f. Service (i.e., storage and pickup facilities)

3. New locations or alteration of existing utilities
4. Variance(s) [if applicable]
5. Proposed zoning setbacks and yard limit lines
6. Landscape Features:
 - a. Topographic revisions
 - b. Open space, wetlands, plantings
 - c. Drainage
 - d. Signage location

Sec. 1202-2 Public Hearing by Township Zoning Commission

Upon the initiation of an amendment, the Township Zoning Commission shall set a date for a public hearing thereon, which shall not be less than twenty (20) days nor more than forty (40) days from the date of the initiation of the amendment. The Township Zoning Commission shall give notice of such hearing.

- A. By one (1) publication in one (1) or more newspapers of general circulation in the Township at least ¹ten (10) days before the date of such hearing, and
- B. If the proposed amendment or supplement intends to rezone or redistrict ten (10) 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 twenty (20) 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 or the Treasurer's mailing list and to such other list(s) that may be specified by the Board of County Commissioners. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailing notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement, and a statement that after the conclusion of such hearing the matter will be referred for further determination to the Township Trustees or Regional or County Planning Commission as the case may be.

¹ December 7, 1988

Sec. 1202-3 Referral of Petition to the County or Regional Planning Commission

Within five (5) days after the adoption of such motion or 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 Planning Commission.

The County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment.

Sec. 1202-4 Action of the Township Zoning Commission

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 thereon to the Board of Township Trustees.

Sec. 1202-5 Public Hearing By Township Board of Trustees

The Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. The Trustees shall give notice of such public hearing by one (1) publication in one (1) or more ¹newspapers of general circulation in the Township, at least ten (10) days before the date of such public hearing. The published notice shall set forth the time and place of the public hearing and summary of the proposed amendment.

Sec. 1202-6 Action of Township Board of Trustees

Within twenty (20) days after such public hearing, the Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Trustees deny or modify the recommendations of the Township Zoning Commission; the unanimous vote of the Board shall be required. Such amendment or supplement adopted by the Trustees shall become effective in thirty (30) days after the date of adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the 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 percent (8%) of the total vote cast for all

¹ December 7, 1988

candidates for governor in such area at the last preceding general election at which time a governor was elected, requesting the Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at 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 vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the voters have approved the amendment, it shall take immediate effect.

Sec. 1202-7 Application Fee

Any application for an amendment to the Zoning Resolution shall include a fee as provided for in **Section 901-4**. This fee shall not apply to any amendments initiated by the Board of Township Trustees or the Township Zoning Commission.