

## ZONING CHANGE APPLICATION INSTRUCTIONS

IN ORDER FOR A ZONING CHANGE APPLICATION TO BE PROCESSED, IT MUST INCLUDE:

1. A completed application form.
2. Maps as described on form #T. Z. 5A
3. A complete and accurate list of all adjacent and across the street property owners and their current tax mailing addresses.
4. A statement of intended use.
5. A property owner can only request zoning change. If a person other than the property owner is filing on the behalf of the property owner, a power of attorney executed by the property owner must be included with the application.
6. The full legal description of the property. Please obtain a copy of the original deed and make it part of the application process.
7. A check for **\$250.00** made payable to the **“Portage Township Trustees”**.

ALL PAPERWORK MUST BE SUBMITTED IN DUPLICATE

Included with these instructions are:

1. Article 11 of the Portage Township Zoning Resolution.
2. Request for Zoning Change
3. Request addendum (T.Z. 5A.)

## **Request for Zoning Amendment**

(addendum)

(T.Z.- 5A)

In addition to the information requested by the Zoning Inspector relative to the proper filing of a request for zoning amendment in this township, the zoning commission requests that the petitioner be responsible for:

- 1) Supplying two plats, maps, surveys, drawings or other accurately scaled representations of the parcel or parcels to be rezoned.
  - a) Said maps shall be to scale, and shall show by color, stippling, hachure, or other symbols the parcels to be rezoned.
  - b) Said map shall indicate by lettering the present zoning classification, and the proposed classification.
  - c) Said map shall have the adjacent and included properties labeled as to the present owners, with property lines shown.
  - d) Said map shall contain a north point, major notation of distance, bearings, and significant physical features that would be pertinent to zoning.
  - e) Supply a list of all adjacent and included parcels owners with their legal mailing addresses.
- 2) The petitioner is requested to submit a statement of probable intent in relation to the proposed use of the rezoned land. The statement can be a short paragraph stating briefly and clearly what is tentatively intended for the rezoned land.
- 3) The above information is requested to assist the petitioner, the general public, and the zoning commission of this township. Said material to be displayed at the public hearings to be held for you.

# REQUEST FOR ZONING CHANGE

Portage Township, Ottawa County, Ohio

Application # \_\_\_\_\_

To the Board of Trustees of Portage Township and the Portage Township Zoning Commission.

We the undersigned, owners of real estate in Portage Township, Ottawa County, Ohio, hereby request that you consider rezoning the property located at

From the zoning classification of \_\_\_\_\_ district to the \_\_\_\_\_ district.

This area is to be used as (describe use) \_\_\_\_\_.

Name	Address
_____	_____
_____	_____
_____	_____

Fee Paid \$250.00

Date Filed \_\_\_\_\_, 201\_\_.

Date of Advertising \_\_\_\_\_, 201\_\_.

Date of Notice to Parties \_\_\_\_\_, 201\_\_.

Date of Hearing \_\_\_\_\_, 201\_\_.

Zoning Commission Action: \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_, 201\_\_.  
\_\_\_\_\_ Chairman Zoning Commission

Date of hearing before Board of Trustees: \_\_\_\_\_, 201\_\_.

Action of Board: \_\_\_\_\_

Portage Township Board of Trustees

\_\_\_\_\_

\_\_\_\_\_

ARTICLE 11

ZONING COMMISSION

1100 Membership

1100.01 The Zoning Commission, hereafter called the Commission, shall be appointed by Board of Township Trustees and shall consist of five (5) members (none of whom shall be concurrently appointed as a member of the Board of Zoning Appeals) who are residents of the unincorporated area of the Township.

1100.02 Of the five (5) members of the Commission, one (1) shall serve until the first Monday of the second January following the appointment; one (1) until the first Monday of the third January thereafter; one (1) until the first Monday of the fourth January thereafter; one (1) until the first Monday of the sixth January thereafter. Their successors shall be appointed on the expiration of their respective terms to serve five (5) years. Each member shall serve until his successor is appointed and qualified. The Board of Township Trustees may remove any member for cause, after public hearing, in accordance with the provisions of Section 519.04, Ohio Revised Code. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.

1100.03 The Board of Township Trustees may appoint two (2) alternate members to the Township Zoning Commission for terms as determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. An alternate member of the Zoning Commission may not simultaneously serve as an alternate member to the Board of Zoning Appeals. (10/15/08)

1101 Rules Of The Commission

1101.01 The Commission shall by majority vote of its members elect a Chairperson, a Vice Chairperson and a Secretary, who shall occupy such offices until their successors are duly elected at the next annual meeting of the Commission, which shall be held during the month of January of each year.

1101.02 Meeting of the Commission shall be at the call of the Chairperson and at such other times as the Commission may determine. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, and of each member's absence or failure to vote, and shall keep records of every official action. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Commission shall be filed in the office of the Commission and shall be a public record.

1101.03 If any member of the Commission is absent for four (4) consecutive meetings he may be considered, at the option of the Chairperson, to have resigned and the Chairperson may request the Board of Township Trustees to appoint a replacement. (10/15/08)

1101.04 A quorum shall consist of three (3) members of the Board which shall be the minimum number permitted to conduct business. An affirmative vote of a majority of the members in attendance shall be required for action. Failure of an item to receive a majority vote shall constitute disapproval. When a quorum is lacking, the Board shall postpone or cancel items requiring a vote and may proceed with items presented for information only. (10/15/08)

1102 Power And Duties Of The Commission

1102.01 Prepare the Zoning Resolution recommended for the unincorporated area of the Township and hold the required public hearings as required by Section 519.06.

1102.02 Changes and Amendments:

- a. Authority: All provisions of current State Laws pertaining to Township Zoning shall be complied with. Whenever the public necessity, convenience, general welfare or good zoning practice require, the Board of Trustees may, by resolution, after report thereon by the Commission and subject to the procedure provided in this article, and/or current State Law, amend, supplement or change the regulations, district boundaries, or classification of property, now or hereafter established by the Resolution.
- b. Initiation: Amendments or supplements to the Zoning Resolution may be initiated as follows:
  1. By motion of the Township Zoning Commission.
  2. By passage of a resolution therefore by the Board of Township Trustees, and certification of same to the Commission.
  3. By the filing of an application by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission.
- c. Application: Applications initiated by private owners or lessees for any change of district boundaries or reclassification of districts as shown on the zoning map shall be filed with the Zoning Commission upon forms and accompanied by such data and information prescribed for that purpose by the Commission.
- d. Fee: A fee as determined by the Board of Township Trustees shall be paid upon the filing of each application. A written receipt shall be issued to the person making such payment, and records thereof, shall be kept in such manner

as prescribed by law. No fee shall be charged for actions initiated by the Board of Trustees or the Commission.

- e. Transmittal to Regional Planning Commission: Within five (5) days after the adoption of such motion, or the certification of such resolution, or the filing of such applications, the Commission shall transmit a copy thereof, together with text and map, to the Regional Planning Commission. The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof, and shall submit such recommendation to the Commission. Such recommendation shall be considered at the public hearing held by the Commission on such proposed amendment or supplement.
  
- f. Hearing and Notice by 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 hold a public hearing thereon. The Commission shall set a date for the public hearing not less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution, or the date of the filing of such application. Notice of such hearing shall be given as follows:
  - 1. A notice shall be published in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing.
  - 2. If the proposed amendment or supplement intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within, 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 applicant shall supply the necessary names and addresses to the Township Zoning Inspector. The failure of delivery of such notice shall not invalidate any such amendment or supplement.

If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land listed on the County Auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing, and shall include all the following:

- 1. The name of the zoning commission that will be conducting the public hearing.
- 2. A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution.
- 3. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of the owners of these properties, as they appear on the County Auditor's current tax list.

4. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property.
5. 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.
6. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail.
7. Any other information requested by the zoning commission.
8. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.

If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the County Auditor's current tax list, the published notice shall set forth the time, date and place of the public hearing, and shall include all of the following:

1. The name of the zoning commission that will be conducting the public hearing on the proposed amendment.
2. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.
3. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing.
4. The name of the person responsible for giving notice of the public hearing by publication.
5. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.
6. Any other information requested by the zoning commission.
- g. Records: the Commission shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of its examination and other official action, all of which shall be filed in the office of the Board of Township Trustees and shall be a public record.
- h. Decision by Commission and Submittal to Board of Township Trustees: The Commission shall study the proposed change in the terms of public necessity, convenience, general welfare and good zoning practice. The Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof, and submit recommendation together with such application or resolution, the text and map pertaining thereto, and the recommendation of the Regional Planning Commission thereon, to the Board of Township Trustees.
- i. Hearing and Notice by Board of Township Trustees: The Board of Township Trustees, upon receipt of such recommendation from the Township Zoning Commission, shall

hold a public hearing thereon. The Board of Trustees shall set a time for the public hearing on the proposed amendment or supplement not more than thirty (30) days from the date of the receipt of such recommendation from the Commission. Notice of such public hearing shall be given by the Board of Township Trustees by one (1) publication in one (1) 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, the published notice shall set forth the time, date, and place of the public hearing and shall include all of the following:

1. The name of the board that will be conducting the public hearing.
2. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.
3. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current tax list.
4. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property.
5. The time and place where the motion, application, or resolution 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.
6. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail.
7. Any other information requested by the Board.

If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than (10) parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, place of the public hearing, and shall include all of the following:

1. The name of the board that will be conducting the public hearing on the proposed amendment.
2. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.
3. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing.
4. The name of the person responsible for giving notice of the hearing by publication.
5. Any other information requested by the board.
- j. Action by Board of Township Trustees: Within twenty (20) days after such public hearing, the Board of Township Trustees shall either adopt or deny the recommendations of the Commission, or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, a majority vote of the



Board of Township Trustees shall be required to override the recommendation of the Commission. The action by the Board of Trustees shall be sent to the Ottawa Regional Planning Commission. (10/15/08)

- k. Effect and Referendum: Such amendment or supplement adopted by the Board of Township Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement 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 and 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 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 amendment has been approved by the voters, it shall take immediate effect.