

MILTON TOWNSHIP ZONING RESOLUTION

ARTICLE VIII AMENDMENT

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800 General

"Whenever the Public necessity, convenience, general welfare or good zoning practices require, the Board of Township Trustees may by resolution after receipt of recommendation thereon from the Zoning Commission, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property.

801 Initiation of Zoning Amendments

Amendments to this Resolution may be initiated in one of the following ways:

1. By adoption of a motion by the Zoning Commission;
2. By adoption of a Resolution by the Township Trustees;
3. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

802 Application for Amendment

Applications to amend the Official Zoning Map of Milton Township or any part of this Resolution shall be submitted to the Zoning Inspector by the owner or lessee of the property for which a change is sought or by one or more individuals seeking a change in this Resolution. Said application shall be made on forms supplied by the Zoning Inspector and shall include any additional information deemed necessary. Applications for amendments sought by the zoning Commission or by the Board of Township Trustees shall be made by Resolution by one of these bodies.

803 Transmittal to the Zoning Commission

Immediately after the adoption of a Resolution by the Board of Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said Resolution or application shall be transmitted to the Commission.

804 Submission to the Regional Planning Commission

Within five (5) days after the adoption of a motion by the Commission, transmittal of a Resolution by the Board of Township Trustees, or the filing of an application by at least one (1) owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution or application together with the text map pertaining to the case in question to the Regional Planning Commission. The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or the approval with some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendations shall be considered at the Public Hearing held by the Zoning Commission.

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805 Submission to the Director of Transportation

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of Transportation. The Zoning Commission may proceed as required by law, however, the Board of Township Trustees shall not approve the amendment for one hundred and twenty (120) days from the date the notice is received by the Director of Transportation who notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred and twenty (120) day period or any extension thereof agreed to by the Director of Transportation and the property owner the Board of Township Trustees shall proceed as required by law.

806 Public Hearing by the Zoning Commission

The Zoning Commission shall schedule a public hearing after the adoption of their motion, transmittal of a resolution from the Board of Township Trustees or the filing of an application for a zoning amendment. Said hearing shall be not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

807 Notice of Public Hearing

Before holding the public hearing as required in Section 806, notice of such hearing shall be given by the Zoning Commission by as least one (1) publication in one (1) newspaper of general circulation of the Township at least ten (10) days before the date of the said hearing. This notice shall set the time and place of the public hearing, and the nature of the proposed amendment and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

808 Notice to Property Owners by the Zoning Commission

If the proposed amendment 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, contiguous to and directly across the thoroughfare from such areas proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other lists or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in the newspapers as specified in Section 807.

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809 Recommendation by the Zoning Commission

Within thirty (30) days after the public hearing required in Section 806, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or they may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

810 Public Hearing by the Board of Township Trustees

Within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing in a newspaper shall be given by the Board of Township Trustees as specified in Section 807.

811 Action by the Board of Township Trustees

Within twenty (20) days after the public hearing required by Section 810, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the unanimous vote of the Township Trustees is required.

812 Effective Date and Referendum

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the date of such adoption of the amendment 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 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 a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election. No amendment for which referendum vote has been requested shall be put into effect unless a majority of the votes 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.