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Krane Stahler  
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Dear Krane,

Below I have laid out the procedure outlined in ORC 519.12 for amending your township zoning text.

1. The application for an amendment can occur through any of the three (3) methods: 1. By the motion of your township zoning commission. 2. By the passage of a resolution by the board of township trustees 3. Or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment.
2. Within five (5) days after the motion, resolution, or application, the zoning commission is required to transmit a copy along with the text and map to the county regional planning commission. The planning commission must act on the request either to recommend: 1) approval 2) some modification of the proposed amendment, to be considered by the zoning commission at the public hearing 3) denial.
3. As stated above, the motion, resolution, or application must be turned in to Regional Planning to be reviewed at their meeting. It is important the township coordinates around Regional Planning's meeting times. The Hardin Co. Regional Planning Commission meets seven times in 2020 on the following dates:
  - January 2, 2020
  - March 5, 2020
  - May 7, 2020
  - June 4, 2020
  - August 6, 2020,
  - October 1, 2020
  - November 5, 2020
4. Next the zoning commission must set their **first** hearing, to be not less than twenty (20) nor more than forty (40) days from the date of certification of the resolution, or adoption of the motion or the date of the filing of the application. The zoning commission must have the recommendation of Regional Planning to heard at the hearing. The hearing notice is to appear

by one publication in one or more newspapers of general circulation in the county or township at least ten (10) days before the hearing. Within the notice to be published in the newspaper the following must be listed:

- The name of the township zoning commission that will be conducting the hearing on the proposed amendment;
  - A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
  - 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 days prior to the hearing (**you are free to use the Hardin Co. Prosecutor's Office as the designated spot for the public to examine the text and maps as your township hall has limited hours**)
  - The name of the person responsible for giving notice of the hearing by publication;
  - A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;
  - Any other information requested by the commission.
5. The zoning commission must then close the public hearing and must vote to recommend approval, denial, or approval of some modification of the amendment within 30 days after the public hearing.
6. The requirement that the zoning commission refer the text and map to the County Regional Planning for a recommendation is a **mandatory step**. BUT, the County Regional Planning Commission's recommendation is **NON-BINDING**. A Mahoning Co. appeals court concluded that, where a county regional planning commission recommended disapproval of a proposed zoning change, the township board of trustees and zoning commission were under **NO DUTY** to follow the planning commission's recommendations.
7. Within thirty (30) days after the hearing, the zoning commission is to forward the application, resolution, or motion, the text & map, its recommendation, and the recommendation of the county regional planning commission to the township board of trustees.
8. Once the board of township trustees receives the information needed in step #6, a **2<sup>ND</sup>** public hearing on the proposed amendment is held but not more than thirty (30) days from the receipt of the recommendation from the zoning commission.
9. If the proposed amendment alters the text of the zoning resolution, another newspaper publication is necessary. The notice of hearing must be published at least ten (10) days prior to the public hearing. The published notice shall set forth the time, date, and place of the public hearing and include all of the following:
- The name of the board of township trustees that will be conducting the hearing on the proposed amendment;
  - A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
  - 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 days prior to the hearing;

- The name of the person responsible for giving notice of the hearing by publication;
  - Any other information requested by the board.
10. The board of township trustees holds the public hearing. The board reviews the recommendations from Regional Planning and the zoning commission.
  11. Within twenty (20) days after the 2<sup>nd</sup> public hearing, the township board of trustees may 1) adopt or deny the recommendations of the zoning commission, or 2) adopt some modification of them. A majority vote is required to deny or modify the commission's recommendation.
  12. If the proposed amendment is adopted by the board of township trustees, it shall become effective thirty (30) days after the date of its adoption, unless within thirty days after the adoption there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the township that would require the township trustees to submit the amendment to the electors of that area for approval or rejection at a special election which is held the day of the next primary or general election and the occurs ninety (90) days after the petition is filed.
  13. Within five working days after an amendment's effective date, the board of township trustees shall file the text and maps of the amendment in the office of the county recorder and with the county or regional planning commission.

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Bradford W. Bailey, Prosecutor

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Katey L. Henson, Paralegal