

143 -AMENDMENTS OR SUPPLEMENTS

143.1 REQUIREMENTS FOR CHANGE: Whenever the public necessity, convenience, general welfare or good zoning practice justify such action, and after consideration by the Zoning Commission and the County Planning Commission, the Board of Trustees may, by resolution, change the regulations set forth in this Resolution and may change the zoning districts as established on the District Map.

143.2 INITIATION OR APPLICATION FOR AMENDMENT OR SUPPLEMENT: Amendments to the Zoning Resolution may be initiated by motion of the Township Zoning Commission, by the passage of a resolution by the Board of Township Trustees, 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 with the Township Zoning Commission. The Board of Township Trustees may require that the owner or lessee of property filing an application to amend the Zoning Resolution pay a fee to defray the cost of advertising, mailing, filing with the County Recorder, and other expenses. If the Board of Township Trustees requires such a fee, it shall be required generally, for each application. The Board of Township Trustees, upon the passage of such a resolution, shall certify it to the Township Zoning Commission.

143.3 HEARING BY ZONING COMMISSION: Upon the adoption of a motion by the Township Zoning Commission, the certification of a resolution by the Board of Township Trustees to the commission, or the filing of an application by property owners or lessees, the commission shall set a date for a public hearing, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such a resolution, the date of adoption of such a motion, or the date of the filing of such an application. Notice of the hearing shall be given by the commission 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 the 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, written notice of the 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 the area proposed to be rezoned or redistricted to the addresses of those owners appearing on the County Auditor's current tax list. The failure of delivery of that notice shall not invalidate any such amendment.

143.3.1 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 legal notice and mailed notices shall set forth the time, date, and place of the public hearing and include all of the following:

143.3.1.1 The name of the Township Zoning Commission that will be conducting the hearing;

143.3.1.2 A statement indicating that the motion, resolution, or application is an

amendment to the zoning resolution. The legal notice shall also include a brief description of the zoning information, including the zoning districts;

143.3.1.3 A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the County Auditor's current tax list;

143.3.1.4 The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;

143.3.1.5 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 hearing;

143.3.1.6 The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;

143.3.1.7 A statement that, after the conclusion of the hearing, the matter will be submitted to the Board of Township Trustees for its action;

143.3.1.8 Any other information requested by the commission.

143.3.2 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 legal notice shall set forth the time, date, and place of the public hearing and include all of the following:

143.3.2.1 The name of the Township Zoning Commission that will be conducting the hearing on the proposed amendment;

143.3.2.2 A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution. The legal notice shall also include a brief description of the proposed zoning text change(s) and the section number(s) of the zoning resolution to be amended;

143.3.2.3 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 hearing;

143.3.2.4 The name of the person responsible for giving notice of the hearing by publication;

143.3.2.5 A statement that, after the conclusion of the hearing, the matter will be submitted to the Board of Township Trustees for its action;

143.3.2.6 Any other information requested by the commission.

143.4 SUBMISSION OF PROPOSED CHANGE TO COUNTY PLANNING

COMMISSION: Within five (5) days after the adoption of the motion or the certification of

the resolution or the filing of the application, the Township Zoning Commission shall transmit a copy of it together with text and map pertaining to it 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 of it and shall submit its recommendation to the Township Zoning Commission. The recommendation shall be considered at the public hearing held by the Township Zoning Commission on the proposed amendment.

143.5 APPROVAL OR DENIAL BY ZONING COMMISSION: The Township Zoning Commission, within thirty (30) days after the hearing, shall recommend the approval or denial of the proposed amendment, or the approval of some modification of it, and submit that recommendation together with the motion, application, or resolution involved, the text and map pertaining to the proposed amendment, and the recommendation of the County Planning Commission on it to the Board of Township Trustees.

143.6 HEARING AND DECISION OF THE BOARD OF TRUSTEES: The Board of Township Trustees, upon receipt of that recommendation, shall set a time for a public hearing on the proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of that recommendation. Notice of the hearing shall be given by the board 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 the hearing.

143.6.1 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 include all of the following:

143.6.1.1 The name of the board of township trustees that will be conducting the hearing;

143.6.1.2 A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;

143.6.1.3 A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the County Auditor's current tax list;

143.6.1.4 The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;

143.6.1.5 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 hearing;

143.6.1.6 The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;

143.6.1.7 Any other information requested by the board.

143.6.2 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 include

all of the following:

143.6.2.1 The name of the board of township trustees that will be conducting the hearing on the proposed amendment;

143.6.2.2 A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;

143.6.2.3 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 hearing;

143.6.2.4 The name of the person responsible for giving notice of the hearing by publication;

143.6.2.5 Any other information requested by the board.

143.6.3 Within twenty (20) days after its public hearing, the Board of Township Trustees shall either adopt or deny the recommendations of the Township Zoning Commission or adopt some modification of them. If the board denies or modifies the commission's recommendations, a majority vote of the board shall be required.

143.7 EFFECTIVE DATE OF AMENDMENT OR SUPPLEMENT: The proposed amendment, if adopted by the board, shall become effective in thirty (30) days after the date of its adoption, unless, within thirty (30) 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 unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than fifteen (15) percent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least ninety (90) days after the petition is filed. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in section 3501.38 of the Ohio Revised Code.

The form of a petition calling for a zoning referendum and the statement of the circulator shall be substantially as follows:

143.8 PETITION FOR ZONING REFERENDUM: (if the proposal is identified by a particular name or number, or both, these should be inserted here)

A proposal to amend the zoning map or amendment to the zoning resolution of the unincorporated area of Madison Township, Lake County, Ohio, adopted(date)..... (followed by brief summary of the proposal).

To the Board of Township Trustees of Madison Township, Lake County, Ohio:

We, the undersigned, being electors residing in the unincorporated area of Madison

Township, included within the Madison Township Zoning Plan, equal to not less than fifteen (15) percent of the total vote cast for all candidates for governor in the area at the preceding general election at which a governor was elected, request the Board of Township Trustees to submit this amendment of the zoning resolution to the electors of Madison Township residing within the unincorporated area of the township included in the Madison Township Zoning Resolution, for approval or rejection at a special election to be held on the day of the primary or general election to be held on(date)....., pursuant to section 519.12 of the Ohio Revised Code.

Street Address, Date of Signature or R.F.D., Township Precinct, County or RFD
Signature.....

143.8.1 STATEMENT OF CIRCULATOR:

I,(name of circulator)....., declare under penalty of election falsification that I am an elector of the state of Ohio and reside at the address appearing below my signature; that I am the circulator of the foregoing part petition containing(number)..... signatures; that I have witnessed the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Ohio Revised Code.

..... (Signature of circulator)

..... (Address of circulator's permanent residence in this state)

..... (City, village, or township, and zip code)

143.8.2 WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE:

The petition shall be filed with the board of township trustees and shall be accompanied by an appropriate map of the area affected by the zoning proposal. Within two (2) weeks after receiving a petition filed under this section, the Board of Township Trustees shall certify the petition to the Board of Elections. A petition filed under this section shall be certified to the Board of Elections not less than ninety (90) days prior to the election at which the question is to be voted upon.

The Board of Elections shall determine the sufficiency and validity of each petition certified to it by a Board of Township Trustees under this section. If the Board of Elections determines that a petition is sufficient and valid, the question shall be voted upon at a special election to be held on the day of the next primary or general election that occurs at least ninety (90) days after the date the petition is filed with the Board of Township Trustees, regardless of whether any election will be held to nominate or elect candidates on that day.

No amendment for which such a 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.

143.9 RECORDING OF AMENDMENTS: 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 Planning Commission.

The failure to file any amendment, or any text and maps, or duplicates of any of these documents, with the office of the County Recorder or the County Planning Commission as required by this section does not invalidate the amendment and is not grounds for an appeal of any decision of the Board of Zoning Appeals.

143.10 Nothing herein contained shall require any change in the plans, construction, size or designated use of the building, structure or part thereof, for which a building permit has been granted before the enactment of this Resolution by the Board of Trustees, and the construction of which from such plans shall have been started within ninety (90) days of the date of enactment of this Resolution. If any of the above requirements shall not have been fulfilled within the time stated above or if building operations are discontinued for a period of ninety (90) days, any further construction shall be in conformity with the provisions of this Resolution.