

SECTION VIII. TOWNSHIP ZONING COMMISSION AND AMENDMENTS TO ZONING RESOLUTION

(Adopted November 22, 1988 by Resolution 88-129, effective December 22, 1988)

- 8.01 There is hereby created a Township Zoning Commission, consisting of five (5) members whose qualifications, term, compensation, expenses, powers, authority and duties shall be as set forth in Ohio Revised Code Chapter 519 and any successors thereto. (Adopted May 28, 1992 by Resolution 92-44, effective June 27, 1992.)
- 8.02 The Board of Township Trustees may require that the owner or lessee of property filing an application to amend this Resolution pay a fee therefore to defray the cost of advertising, mailing, and other expenses. Such fee shall be generally required for each application and shall be in accordance with a fee schedule adopted by the Board of Township Trustees at a regularly called meeting and attached to and made a part of this Resolution. No change or modification in the fee schedule as adopted by the Board of Township Trustees shall be made except by proper motion at a regular meeting of the Board of Township Trustees and approved by a majority vote.
- 8.03A. The Painesville Township Zoning Resolution may be amended by motion, resolution or application. Upon adoption of a motion, certification of a Resolution or filing of an application, the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, certification of such Resolution or filing of such application. Notice of such hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation in Painesville Township at least ten (10) days before the date of such hearing. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)

Written notice of the hearing shall be mailed by the secretary of 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, 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 failure of delivery of such notice shall not invalidate any such amendment. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)

The published and mailed notices shall set forth the time, date and place of the public hearing, a summary of the proposed amendment 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, 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 owners of these properties, as they appear on the county auditor's 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 including texts and maps, if any, 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.
- B. Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application, the Township Zoning Commission shall transmit a copy thereof together with texts and maps pertaining thereto to the Lake County Planning Commission. The Lake 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 prior to the date set for public hearing.

- C. 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 texts and maps pertaining thereto and the recommendation of the Lake County Planning Commission thereon to the Board of Township Trustees.
- 8.04 The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the Board by one publication in one or more newspapers of general circulation in Painesville Township, at least ten (10) days before the date of such hearing.

The published notice shall set forth the time, date and place of the public hearing, a summary of the proposed amendment 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 and owners of these properties, as they appear on the County Auditor's 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.

Within twenty (20) days after such public hearing, the Board of Township Trustees shall either adopt or deny the recommendations of the Township Zoning Commission or adopt some modifications thereof. In the event the Board of Trustees denies or modifies the recommendation of the Township Zoning Commission, the unanimous vote of the Board of Township Trustees shall be required.

- 8.05 Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the adoption of the amendment unless, within thirty (30) days after the adoption of the amendment, 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 thereof included in the zoning plan, equal to 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 to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)

Each petition or part thereof shall meet the requirements of Ohio Revised Code Section 519.12 or any successors thereto and shall be governed by the rules specified in Ohio Revised Code Section 3501.38 or any successors thereto.

The petition shall be filed, accompanied by an appropriate map of the area affected by the zoning proposal, with the Board of Township Trustees, which shall then transmit the petition within two (2) weeks of its receipt to the Board of Elections, which shall determine the sufficiency and validity of the petition. The petition shall be certified by the Board of Elections not less than seventy-five (75) days prior to the election at which the question is to be voted upon.

No amendment 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.

- 8.06 An application for an amendment to the Painesville Township Zoning Resolution or for the rezoning or reclassification of any property may not be filed more than once in any twelve (12) month period by any owner or lessee of property within the area proposed to be changed or affected by the amendment to the Zoning Resolution.