

Subject: Zoning Amendment Procedure

From: Chuck Walder <cwalder@russelltownship.us>

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To: 'Justin Madden' <justin.madden64@gmail.com>, Gary Gabram <gggabram@yahoo.com>, Jim Mueller <jmuellerpolysci@aol.com>, Melissa Palmer <mpalmer@russelltownship.us>

CC: Brittany Milite <BMilite@RussellTownship.us>, Jen Dorka <JDorka@RussellTownship.us>, Jennell Dahlhausen <JDahlhausen@RussellTownship.us>

Trustees,

Attached is a simple Zoning Amendment Procedure that Jennell provided me.

I received the ZC recommendations to the Trustees on Monday, June 27, 2016 (Step 8). We are currently at Step 9 and Melissa is preparing legal notice for the newspaper. The public hearing will be scheduled for the July 20, 2016 TT Meeting. Assuming no issues, objections, modifications, or referendum petitions, we could complete the process 30 days after approval on July 20, 2016 (Step 13). Just thought knowing the process and steps would be helpful as I have never gone through one of these before.

Thank you Jennell.

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Charles E. Walder

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— Attachments: —

ZoningAmendmentProcedure.pdf

102 KB

TOWNSHIP ZONING AMENDMENT PROCEDURE
O.R.C. SECTION 519.12

- (1) INITIATE AMENDMENT:
APPLICATION BY PROPERTY OWNER OR LESSEE
MOTION BY TOWNSHIP ZONING COMMISSION
RESOLUTION BY BOARD OF TOWNSHIP TRUSTEES
- (2) TOWNSHIP ZONING COMMISSION SETS DATE OF
PUBLIC HEARING NOT LESS THAN 20 NOR MORE
THAN 40 DAYS FROM DATE OF INITIATION.
- (3) TOWNSHIP ZONING COMMISSION TRANSMITS
A COPY OF THE TEXT AND MAP OF THE
AMENDMENT TO THE COUNTY PLANNING
COMMISSION WITHIN 5 DAYS OF INITIATION.
- (4) TOWNSHIP ZONING COMMISSION
PLACES A LEGAL NOTICE ON
THE AMENDMENT IN A NEWSPAPER
OF GENERAL CIRCULATION NOT
LESS THAN 10 DAYS PRIOR TO THE
PUBLIC HEARING. IF THE AMENDMENT
INTENDS TO REZONE 10 OR FEWER
LOTS, THEN A NOTICE MUST BE
MAILED TO ADJACENT PROPERTY
OWNERS AS WELL.
- (5) COUNTY PLANNING COMMISSION
REVIEWS AMENDMENT AND OFFERS
ITS FORMAL RECOMMENDATION TO
THE TOWNSHIP ZONING COMMISSION.
- (6) TOWNSHIP ZONING COMMISSION
HOLDS PUBLIC HEARING
AND CONSIDERS RECOMMENDATION
OF COUNTY PLANNING COMMISSION
- (7) TOWNSHIP ZONING COMMISSION
CLOSES PUBLIC HEARING AND
MUST VOTE TO RECOMMEND
APPROVAL, DENIAL, OR APPROVAL
OF SOME MODIFICATION OF THE
AMENDMENT WITHIN 30 DAYS AFTER
THE PUBLIC HEARING.
- (8) TOWNSHIP ZONING COMMISSION
SUBMITS ITS RECOMMENDATION
ON AMENDMENT, APPLICATION
OR RESOLUTION, TEXT AND MAP,
AND RECOMMENDATION OF COUNTY
PLANNING COMMISSION TO
BOARD OF TOWNSHIP TRUSTEES.
- (9) UPON RECEIPT, THE BOARD OF
TOWNSHIP TRUSTEES MUST SET
A PUBLIC HEARING DATE NOT MORE
THAN 30 DAYS FROM THE DATE OF
RECEIPT OF THE ZONING COMMISSION'S
RECOMMENDATION ON AMENDMENT.
- (10) BOARD OF TOWNSHIP TRUSTEES
PLACES A LEGAL NOTICE IN A
NEWSPAPER OF GENERAL CIRCULATION
NOT LESS THAN 10 DAYS PRIOR
TO THE PUBLIC HEARING.
- (11) BOARD OF TOWNSHIP TRUSTEES
HOLDS PUBLIC HEARING. BOARD
REVIEWS RECOMMENDATIONS
OF COUNTY PLANNING COMMISSION
AND TOWNSHIP ZONING COMMISSION.
- (12) BOARD OF TOWNSHIP TRUSTEES CLOSES
PUBLIC HEARING AND WITHIN 20 DAYS MUST
VOTE TO ADOPT OR DENY THE RECOMMENDATION
OF THE TOWNSHIP ZONING COMMISSION, OR ADOPT
SOME MODIFICATION THEREOF. IF RECOMMENDATION
OF THE TOWNSHIP ZONING COMMISSION IS DENIED OR
MODIFIED. A MAJORITY VOTE OF THE BOARD IS
REQUIRED.
- (13) THE AMENDMENT, IF ADOPTED, SHALL BECOME
EFFECTIVE IN 30 DAYS AFTER THE DATE OF ADOPTION
UNLESS A REFERENDUM PETITION IS PRESENTED TO
THE BOARD OF TOWNSHIP TRUSTEES WITHIN THE 30
DAY TIME PERIOD.
- (14) IF THE PETITION IS VALIDATED BY THE COUNTY BOARD
OF ELECTIONS, THE AMENDMENT SHALL NOT TAKE
EFFECT UNTIL THE RESULTS OF THE ELECTION HAVE
BEEN CERTIFIED BY THE COUNTY BOARD OF ELECTIONS
AND A MAJORITY OF VOTES ARE CAST IN FAVOR OF
THE AMENDMENT.
- (15) WITHIN 5 WORKING DAYS AFTER AN AMENDMENT'S
EFFECTIVE DATE, COPIES THEREOF SHALL BE FILED BY
THE BOARD OF TOWNSHIP TRUSTEES WITH THE
COUNTY RECORDER AND THE COUNTY PLANNING
COMMISSION OFFICE.
- (16) O.R.C. SECTION 519.122 PROVIDES THAT NO ACTION
CHALLENGING THE VALIDITY OF A ZONING RESOLUTION OR
OF ANY AMENDMENT THERETO BECAUSE OF A PROCEDURAL
ERROR IN THE ADOPTION OF THE RESOLUTION OR
AMENDMENT SHALL BE BROUGHT MORE THAN 2 YEARS
AFTER THE ADOPTION OF THE RESOLUTION OR
AMENDMENT.

PREPARED BY: GCPC 10/08. NOTE: THIS SUMMARY IS NOT MEANT TO REPLACE O.R.C. SECTION 519.12.