

January 11, 2010

The regular monthly meeting of the Richfield Township Zoning Commission was called to order at 7:02pm by Mr. Ronau. Those in attendance were Myra Condon, Don Reideler, Doug Ronau, Cliff Williams and Zoning Inspector, Ron Smith. Mr. Morrin was unable to attend. Also in attendance was Trustee Art Nevers.

The minutes of the December 2009 meeting were read and approved to be filed. Roll call: Mrs. Condon, yes; Mr. Reideler, yes; Mr. Ronau, yes; Mr. Williams, yes.

Old Business:

Mr. Smith reported that letters were mailed to all violators identified in the December minutes. He has had no response to these letter as of this date. He said that he will do a site visit to the Stoll property accompanied by Trustee Eisel. The letter mailed to Mr. Haupricht was returned by the post office. Mr. Smith said he received an anonymous letter listing violations on three properties. Property located at 5653 Richfield Center has an old Lincoln with Michigan plates. There is junk piled behind an out building located at 10136 Sylvania-Metamora and junk, including an old washer and dryer, piled along the drive at 10258 Sylvania-Metamora Road. Mr. Smith will follow up on these violations.

Mr. Nevers contacted John Borell, Lucas County Prosecutors' Office, regarding Section 7.12.2 (g)(2), "Signs pertaining to public elections may be erected for no more that 15 days prior to an election. Signs shall not exceed 12 square feet in total surface area or six (6) square feet for any one sign, on any lot." In an e-mailed forwarded to Linda Johnston dated December 25, 2009, Mr. Borell rendered an opinion sighting several cases in which an overwhelming majority of courts have reviewed sign ordinances imposing durational limits for temporary political signs tied to a specific election date to be unconstitutional. Therefore, in his opinion, the durational limitation found in Section 7.12.2(g)(2) of the Richfield Township zoning resolution is not enforceable and should be removed.

Mrs. Condon contacted Molly Maguire, Lucas County Plan Commission, and Ms. Maguire agreed that this should be stricken from the resolution.

After discussion, Mr. Reideler moved to strike the first sentence, "Signs pertaining to public elections may be erected for no more than 15 days prior to an election" from Section 7.12.(g)(2) of the Richfield Township Zoning Regulation. Mr. Reideler's motion was seconded by Mr. Williams. Roll call: Mrs. Condon, yes; Mr. Reideler, yes; Mr. Ronau, yes; Mr. Williams, yes. The motion will be forwarded to the Lucas County Plan Commission. A Public Hearing will be held at 7:00 pm on February 8, 2010 at the Maintenance Building, 3951 Washburn Road, Berkey, Ohio.

During Mrs. Condon's conversation with Ms. Maguire, Ms. Maguire stated that Section 14.2.9, Action by Board of Township Trustees, should be modified. Ms. Maguire stated that the resolutions of two other townships have already been modified. Section 14.2.9 reads as follows: "Within 20 days after the public hearing, 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 Township Trustees denies or modifies the recommendation of the commission, the unanimous vote of the township Trustees is required”.

After discussion, Mr. Williams moved to modify Section 14.2.9 and replace the word “unanimous” with the word “majority”. (Reference Ohio Revised Code, 519.12(h) attached.) His motion was seconded by Mr. Reideler. Roll call: Mrs. Condon, yes; Mr. Reideler, yes; Mr. Ronau, yes; Mr. Williams, yes. The referral of a petition for an amendment to the Richfield Township Zoning Regulation will be forwarded to the Lucas County Plan Commission. A Public Hearing has been scheduled February 8 at 7:00pm in the Township Maintenance Hall. The Commission respectfully requests that the Township Clerk post a Public Notice in the Toledo Blade Neighbors section and the Evergreen News.

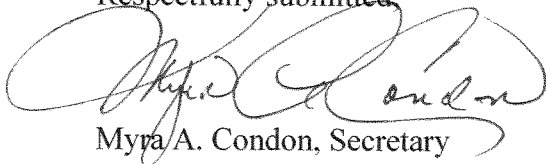
New Business:

The Commission welcomed Mr. Smith as the new Zoning Inspector who replaces Mr. Hassen who has assumed his new duties as Township Trustees.

There are two possible violations of concern. It appears that Miller’s Market located on Central Avenue at Raab Road is being occupied by one or two adult males. There is no septic system on the property. The second location of concern is on the Jerry Herr property on Central Avenue near SR 295. It appears that a camper trailer parked on the property has someone living in it. Mr. Smith will look into both.

There was no further business and at 7:50pm Mr. Reideler moved to adjourn the meeting. His motion was seconded by Mr. Williams.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Myra A. Condon", is written over a horizontal line. The signature is fluid and cursive.

Myra A. Condon, Secretary

519.12 Zoning amendments.*See pg. 3 of 6 - 4 of 6*

(A)(1) 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.

(2) 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 as described in division (A)(1) of this section with the commission, the commission shall set a date for a public hearing, which date shall not be less than twenty nor more than forty 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 publication in one or more newspapers of general circulation in the township at least ten days before the date of the hearing.

(B) If the proposed amendment intends to rezone or redistrict ten 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 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.

(C) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing and include all of the following:

- (1) The name of the township zoning commission that will be conducting the hearing;
- (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 those properties, as they appear on the county auditor's current tax list;
- (4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;
- (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 days prior to the hearing;

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

(7) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;

(8) Any other information requested by the commission.

(D) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten 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:

(1) The name of the township zoning commission that will be conducting the hearing on the proposed amendment;

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

(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 days prior to the hearing;

(4) The name of the person responsible for giving notice of the hearing by publication;

(5) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;

(6) Any other information requested by the commission.

(E) Within five days after the adoption of the motion described in division (A) of this section, the certification of the resolution described in division (A) of this section, or the filing of the application described in division (A) of this section, the township zoning commission shall transmit a copy of it together with text and map pertaining to it to the county or regional planning commission, if there is such a commission.

The county or regional 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.

The township zoning commission, within thirty 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 or regional planning commission on it to the board of township 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 days from the date of

the receipt of that recommendation. Notice of the hearing shall be given by the board by one publication in one or more newspapers of general circulation in the township, at least ten days before the date of the hearing.

(F) If the proposed amendment intends to rezone or redistrict ten 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:

- (1) The name of the board of township trustees that will be conducting the 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 of owners of those properties, as they appear on the county auditor's current tax list;
- (4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that 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 days prior to the hearing;
- (6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;
- (7) Any other information requested by the board.

(G) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten 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:

- (1) The name of the board of township trustees that will be conducting the hearing on the proposed amendment;
- (2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
- (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 days prior to the hearing;
- (4) The name of the person responsible for giving notice of the hearing by publication;
- (5) Any other information requested by the board.

(H) Within twenty 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.

The proposed amendment, if adopted by the board, shall become effective in thirty 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 unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than eight per cent 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 seventy-five 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 Revised Code.

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

"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 of the unincorporated area of Township, County, Ohio, adopted(date)..... (followed by brief summary of the proposal).

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

We, the undersigned, being electors residing in the unincorporated area of Township, included within the Township Zoning Plan, equal to not less than eight per cent 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 Township residing within the unincorporated area of the township included in the 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 Revised Code.

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

.....

.....

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 Revised Code.

.....

(Signature of circulator)

.....

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

.....

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

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 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 seventy-five 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 seventy-five 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.

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, if one exists.

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 or regional 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.

Effective Date: 08-28-2001; 12-20-2005; 06-01-2006; 2008 HB562 09-22-2008