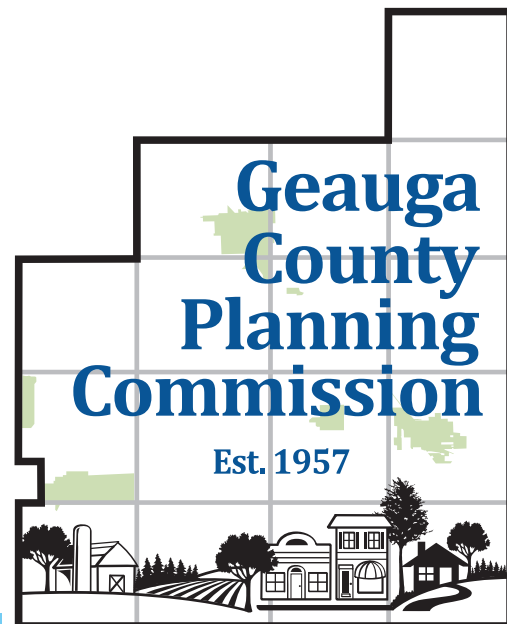


# How Do I File a Zoning Text or Map Amendment?

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Townships are able to adopt zoning regulations through Ohio Revised Code Section 519.02 and the regulations specify the types of uses permitted, both residential and non-residential, as well as requirements for minimum lot area, distance buildings/structures must be from property lines (referred to as "setbacks"), building size, and much more. A township must first establish these regulations in a "zoning resolution" and afterward, any portion thereof can be changed but only through a formal amendment, the process of which is described below. A change to the language is a "text amendment" and a change to the zoning map is a "map amendment" (commonly known as a "re-zoning"). Both text and map amendments can be proposed at the same time.

The ability to amend the zoning text or map is crucial as over time market changes or updates in state law may occur with respect to new uses or businesses and township officials may also see the need to update the zoning for many other reasons. When an amendment is proposed, it is important to consult the township's land use plan, as it is the basis for which the township is permitted to have zoning and is a guide to assist with land use decisions, whether it be a re-zoning from residential to commercial or adding/deleting uses in the text.

**Did You Know?** Between the boards and commissions described below, approximately twenty government officials are involved in the review and recommendation of the proposed amendment.

## Zoning Text/Map Amendment Procedure

### 1. Amendment Initiation

Amendments are initiated in one of the following ways:

- Motion of the Township Zoning Commission
- Passage of a resolution by the Board of Township Trustees
- Filing of a complete application by the property owner(s) or lessee(s)

Regardless of who initiates the amendment, a public hearing must be set by the Township Zoning Commission to hear public comment, which must be set not less than twenty (20) days, but no more than forty (40) days from the date of initiation. The date of initiation is the meeting date the motion or resolution is passed or the date a complete application from a property owner/lessee is accepted by the township zoning office.

### 2. Township Zoning Commission Publishes Notice of Public Hearing

Once an amendment is initiated, the Township Zoning Commission must publish a legal notice in at least one newspaper of general circulation no less than ten (10) days prior to the public hearing. If the proposed amendment intends to rezone ten or fewer parcels of land, as listed on the County Auditor's current tax list, written notice of the hearing shall be sent by first class mail at least ten (10) days before the date of the public hearing to property owners within, contiguous to and directly across the street from the area subject to be rezoned. If, however, the proposed amendment alters the text or intends to rezone *more* than ten parcels, only a legal notice must be published in a newspaper of general circulation.

### **3. Township Zoning Commission Submits to the Geauga County Planning Commission**

Within five (5) days of initiation the Township Zoning Commission shall provide a paper copy of the amendment to the Geauga County Planning Commission, which must be received no less than ten (10) calendar days, excluding holidays, prior to the next regularly scheduled Planning Commission meeting. (See Planning Commission website for actual submittal deadline dates.) The Planning Commission staff will request the Township provide a Microsoft Word version of any text amendments (not required if the proposal is submitted by a property owner).

### **4. Geauga County Planning Commission Holds Its Meeting; Makes Its Recommendation**

The Geauga County Planning Commission's role is recommendary and will either recommend approval, approval with modifications, or denial of the proposed amendment and will send a recommendation letter to the Township Zoning Commission prior to its public hearing.

### **5. Township Zoning Commission Holds Its Public Hearing**

The Township Zoning Commission holds its public hearing the date of which was set when the amendment was first initiated and considers the recommendation from the Geauga County Planning Commission, public comment, and its own analysis. The Township Zoning Commission can continue the public hearing, if necessary. Once all testimony is heard, the Township Zoning Commission will close the public hearing and as its role is also recommendary, it will either recommend approval, approval with modifications, or denial within thirty (30) days after the last public hearing.

### **6. Township Zoning Commission Makes Its Recommendation to Board of Township Trustees**

Within the aforementioned thirty (30) days, the Township Zoning Commission submits their recommendation, the resolution, motion, or application, proposed text or map, and the Geauga County Planning Commission recommendation to the Board of Township Trustees.

### **7. Board of Township Trustees Publishes Notice of Public Hearing**

The Board of Township Trustees must set a public hearing date within thirty (30) days of receipt of the Township Zoning Commission's recommendation and publish a legal notice in at least one newspaper of general circulation no less than ten (10) days before the public hearing following procedures of ORC 519.12(F) or (G).

### **8. Board of Township Trustees Holds Its Public Hearing**

The Board of Township Trustees holds its public hearing and considers recommendations from the Township Zoning Commission, Geauga County Planning Commission, public comment, and its own analysis. The Board of Trustees can continue the public hearing, if necessary. Once all testimony is heard, the Board of Township Trustees will close the public hearing.

### **9. Action by Board of Township Trustees to Adopt, Modify, or Deny the Amendment**

Within twenty (20) days after the last public hearing, the Board of Township Trustees shall vote to adopt, adopt with modifications, or deny the recommendation of the Township Zoning Commission. If the amendment is adopted, it shall become effective thirty (30) days after the date of adoption. If the Board denies or modifies, a majority vote is required. However, if a referendum petition validated by the Geauga County Board of Elections is presented to the Board of Township Trustees within said thirty days, the amendment shall instead be placed onto the next primary or general election in conformance with ORC 3501.38. A majority vote is required for approval and if approved and certified by the Geauga County Board of Elections, the amendment takes effect immediately.

### **10. Amendment is Filed with the Geauga County Recorder**

Within five (5) working days after an amendment's effective date, the Township Fiscal Officer shall provide a copy to the Board of Township Trustees, Geauga County Planning Commission, and the Geauga County Recorder's Office. The County Recorder will record the amendment accordingly.

Validity: See Ohio Revised Code Section 519.122 (Statute of limitation on procedural challenges)

