



H.B. 429

126th General Assembly
(As Introduced)

Reps. DeWine, Reidelbach, Raga, Setzer, Seitz, Hartnett, Latta, Reinhard, Kearns, Wolpert, J. McGregor, Allen, Calvert, Hughes, D. Evans, Combs, Widener, Uecker, Bulp

BILL SUMMARY

- Requires the zoning authority of a county, a township, or a municipal corporation that follows statutory procedures to give a specified written public hearing notice to the commander of a military base, camp, installation, or airfield that is at least 30 acres in size when considering proposed rezoning or redistricting of property that is within 3,000 feet of that base, camp, installation, or airfield.
- When that written notice must be given, requires a county rural zoning commission or township zoning commission to set the public hearing's date not less than 20 days or more than 50 days from the date of the adoption of the motion, the certification of the resolution, or the filing of the application that proposed the amendment to the county or township zoning resolution.

CONTENT AND OPERATION

County and township zoning laws

Existing law

Amendments to a *county zoning resolution* may arise in one of three ways: by adoption of a motion by the county rural zoning commission, by passage of a resolution by the board of county commissioners and its certification to the county rural zoning commission, or by the filing of an application with the county rural zoning commission by one or more owners or lessees of property within the area proposed to be changed or affected by the proposed amendment. Similarly, amendments to a *township zoning resolution* may arise by adoption of a motion by the township zoning commission, by passage of a resolution by the board of

township trustees and its certification to the township zoning commission, or by the filing of an application with the township zoning commission by one or more owners or lessees of property within the area proposed to be changed or affected by the proposed amendment. (R.C. 303.12(A) and 519.12(A).)

When an amendment is proposed in any of those ways, the county rural zoning commission or township zoning commission must set a date for a public hearing. That date must be not less than 20 or more than 40 days from the date of the motion's adoption, the resolution's certification, or the application's filing. The zoning commission must give a specified notice (see **COMMENT 1**) of the hearing, at least ten days before the hearing, by newspaper publication in each affected township (proposed county zoning resolution amendment) or the township (proposed township zoning resolution amendment). In addition, if the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, the zoning commission must give a written first class mail notice of the hearing, at least ten days before the hearing, to all owners of property "within and contiguous to and directly across the street from" the area proposed to be rezoned or redistricted.¹ But, a failure of delivery of that written notice does not invalidate an adopted rezoning or redistricting amendment. (R.C. 303.12(A) and (C) and 519.12(A) and (C).)

Changes proposed by the bill

The bill requires a county rural zoning commission or a township zoning commission, as applicable, to give a *written notice* of the public hearing, in addition to continuing law's newspaper publication notice of it, whenever a proposed amendment intends to rezone or redistrict property that is within 3,000 feet of a military base, camp, installation, or airfield that is at least 30 acres in size. The written notice must be mailed by first class mail to the commander of the military base, camp, installation, or airfield at least 30 days before the hearing. Its contents must comply with continuing law's requirements (see **COMMENT 1**) and also request the commander to submit to the zoning commission written comments or recommendations regarding the zoning proposal's *suitability* in view of its proximity to the military base, camp, installation, or airfield. Any failure to deliver the written notice to the commander does not invalidate, however, an adopted rezoning or redistricting amendment. (R.C. 303.12(A), (B), (D), and (E) and 519.12(A), (B), (D), and (E).)

The county rural zoning commission or township zoning commission must set the public hearing on a date that is not less than 20 days (similar to current law)

¹ *The bill does not substantively affect this written notice (R.C. 303.12(C) and 519.12(C)).*

or more than 50 days (in contrast to current law's 40 days) from the date of the motion's adoption, the resolution's certification, or the application's filing. And, although not bound by them, the zoning commission must consider the commander's written comments or recommendations at the hearing. (R.C. 303.12(A) and (B) and 519.12(A) and (B).)

Municipal corporation zoning law

Existing law

The zoning law pertaining to municipal corporations that follow statutory procedures currently requires the city's or village's legislative authority to hold a public hearing before any zoning ordinance, measure, or regulation (or amendment to any of them) is passed. The legislative authority's clerk must give at least 30 days' notice of the hearing's time and place by publication in a newspaper of general circulation in the municipal corporation, and, if the ordinance, measure, or regulation intends to rezone or redistrict ten or fewer parcels of land, the clerk must give a written first class mail notice of the hearing, at least 20 days before the hearing, to all owners of property "within and contiguous to and directly across the street from" the parcels proposed to be rezoned or redistricted.² But, a failure of delivery of that written notice does not invalidate a passed rezoning or redistricting ordinance, measure, or regulation. (R.C. 713.16.)

Changes proposed by the bill

The bill retains the municipal corporation zoning law provisions discussed above and adds the following provisions generally similar to those proposed for the county and township zoning laws (R.C. 713.16(B)):

--The legislative authority's clerk must give a *written notice* of the public hearing, in addition to continuing law's newspaper publication notice of it, whenever a proposed ordinance, measure, or regulation (or amendment to any of them) intends to rezone or redistrict property that is within 3,000 feet of a military base, camp, installation, or airfield that is at least 30 acres in size.

--The written notice must be mailed by first class mail to the commander of the military base, camp, installation, or airfield at least 30 days before the hearing and must request the commander to submit to the legislative authority written comments or recommendations regarding the zoning proposal's suitability in view of its proximity to the base, camp, installation, or airfield.

² *The bill does not substantively affect this written notice (R.C. 713.16(C)).*

--Any failure to deliver the written notice to the commander would not invalidate a passed rezoning or redistricting ordinance, measure, regulation, or amendment.

--The legislative authority must consider the commander's written comments or recommendations at the hearing, but is not bound by them.

COMMENT

1. In addition to the time, date, and place of the public hearing on a proposed amendment to a county zoning resolution or a township zoning resolution, the published notice and, if applicable, mailed notice pertaining to the hearing must include distinct information when the proposed amendment intends to rezone or redistrict ten or fewer parcels of land (R.C. 303.12(D) or 519.12(D)) and other specified information when the proposed amendment alters the zoning resolution or rezones or redistricts more than ten parcels of land (R.C. 303.12(E) or 519.12(E)).

2. The bill's amendments to R.C. 4504.18 are either technical in nature or for conforming purposes (see line 668).

HISTORY

ACTION	DATE
Introduced	11-17-05

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