

Municipal Zoning Amendment Procedure

This pamphlet has been prepared to assist the public in understanding the procedures to amend a previously adopted municipal zoning ordinance. There are two kinds of zoning amendments: changes in the zoning text and changes in the zoning map (or district changes); however, the same procedure applies. The following outline has been adapted from the *Ohio Revised Code*, Chapters 713 and 731. Note: Procedure requirements in a charter municipality may vary from the following; individual charters should be checked.

A. Initiation of Amendment

1. Who may apply

- a. municipal planning commission
- b. member of council
- c. property owner or lessee by application

2. Application form

- a. completed form and filing fee submitted to the clerk of council
- b. indicates change requested and legal description of property involved (if district change)
- c. copy forwarded to municipal planning commission

B. Processing of Amendment by Municipal Planning Commission

1. **Reviews** request at regularly scheduled meeting
2. **Within thirty (30) days** after receipt of amendment from council, the planning commission must forward its recommendation to approve, deny, or modify the proposed amendment.

C. Processing of Amendment by Council

1. **Public hearing date set** and thirty (30) days' notice of the time and place of the hearing placed in a newspaper of general circulation in the municipal corporation
2. **Written notice to property owners** within, contiguous to, and directly across the street from the land to be rezoned must be sent at least twenty (20) days before the date of the public hearing, *if ten (10) or fewer parcels of land are proposed to be rezoned.*

3. **During such thirty (30) days**, the text or copy of the text of such ordinance or regulation, together with the maps or plans or copies thereof forming part of or referred to in such ordinance or regulation and the maps, plans, and reports submitted by the planning commission, shall be on file for public examination in the office of the clerk of council or other office so designated.

D. Municipal Council Action

1. **An ordinance or regulation** which is in accordance with the plan or report submitted by the planning commission, board or officer, shall require a simple majority vote for approval.
2. **Not less than three-fourths (3/4)** of the membership of council shall be required to approve an ordinance or regulation which violates, differs from or departs from the plan or report submitted by the planning commission.
3. **An amendment becomes effective in thirty (30) days** from the date of adoption by the council, unless it is passed as an emergency ordinance.
4. **Council forwards ordinance to mayor** for signature. If vetoed by the mayor, a two-thirds (2/3) majority of council is required to override the veto in accordance with O.R.C. Sec. 731.27.
5. **Ordinance publication requirements** shall be in accordance with O.R.C. Sec. 731.20.

E. Referendum (Sec. 731.29 & 731.40 inclusive, O.R.C.)

1. **Unless passed as an emergency ordinance**, residents may submit a petition to council, signed by registered electors equal to ten (10%) of the total votes cast for governor in the last election within the municipality. Such petition shall be in proper form and submitted within thirty (30) days after the ordinance is presented to the mayor for signature or passed by the council.
2. **Council shall after ten (10) days** and not later than ninety (90) days before the election, certify the text of the ordinance to the Board of Elections.

(continued)

3. Unless approved by a majority of the voters in the municipality, no amendment for which a referendum vote has been requested is effective.
4. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall become effective on the 5th day.

NOTE: This pamphlet is an outline of amendment procedures. O.R.C. Chapters 713 and 731 should be reviewed for specific language and current law.

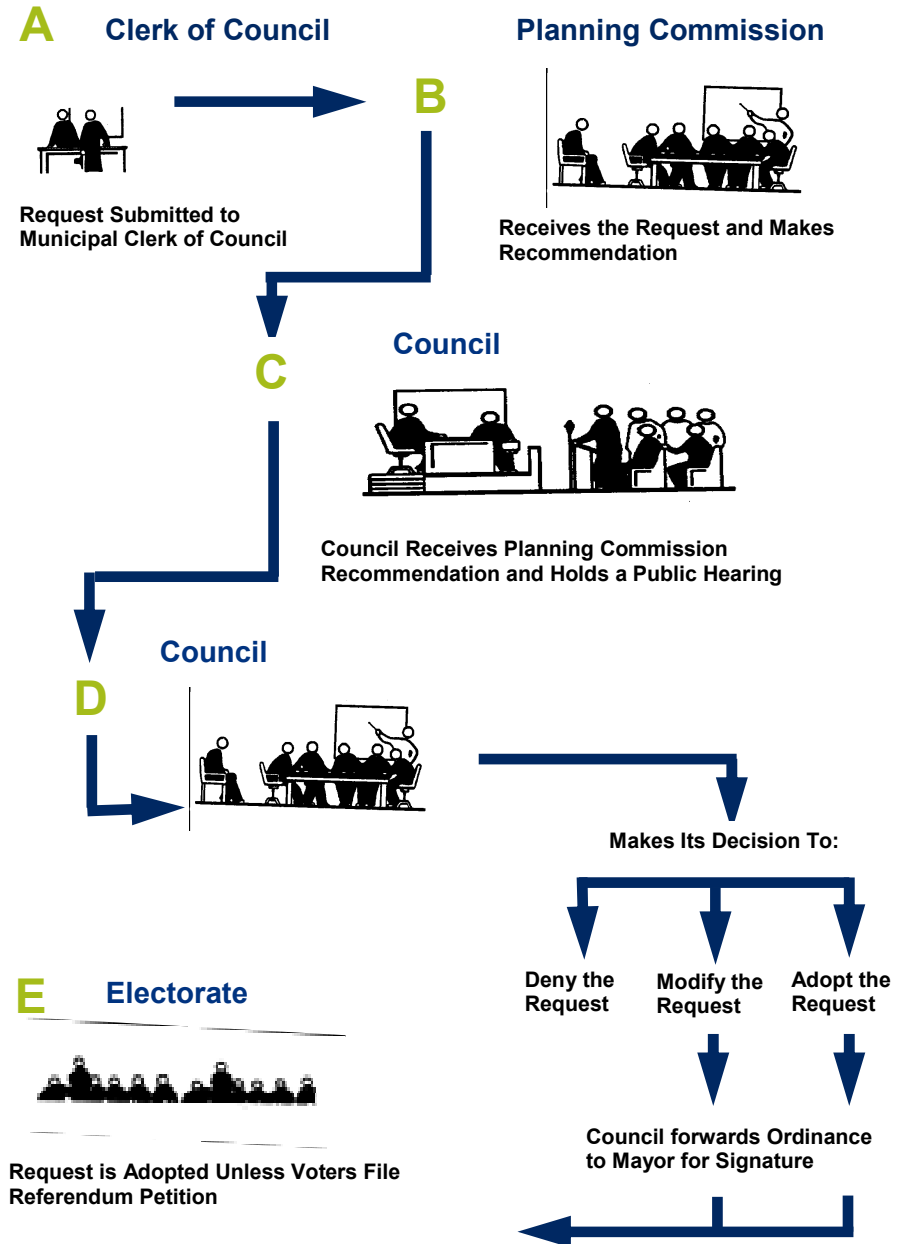


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Note: Adapted from the Revised Code, State of Ohio. See Section 713.12 for more detailed information.