



COUNTY ADVISORY BULLETIN

CAB

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NEW FILING REQUIREMENTS FOR COUNTY AND TOWNSHIP RURAL ZONING RESOLUTIONS AND AMENDMENTS

INTRODUCTION

On September 10, 1991 SB 20 took effect. The bill, which was sponsored by Senator Betty Montgomery (R-Perrysburg), requires that county and township rural zoning resolutions and amendments be filed with the county recorder and the regional or county planning commission, if one exists. The purpose of this CAB is to publicize and explain the new statutory requirements for filing county and township zoning resolutions and amendments. SB 20 only affects counties that have adopted county rural zoning under ORC Chapter 303 or that have townships that have adopted township zoning under ORC Chapter 519.

COUNTY RESPONSIBILITY TO FILE ZONING RESOLUTIONS AND AMENDMENTS (ORC 303.11 AND 303.12)

The county rural zoning law has been amended to require a board of county commissioners within 5 working days after a county rural zoning resolution or amendment has taken effect to file the zoning resolution or amendment, including text and maps, in the county recorder's office. Within the same time period the board of commissioners must also file a duplicate of these documents with the regional or county planning commission, if one exists.

All existing county rural zoning resolutions and amendments adopted under ORC 303.11 and 303.12, including texts and maps, that are in effect on January 1, 1992 must be filed with the county recorder's office within 30 working days of that date or by February 13.

The law states that failure to file any zoning resolution or amendment with the recorder or planning commission does not invalidate the resolution or amendment and can not be used as a basis for an appeal of any decision of a board of zoning appeals.

Existing law permits a board of county commissioners to require any owner of property filing an application to amend a zoning resolution to charge a fee to defray the cost of advertising, mailing and other expenses. The law has been amended to permit the commissioners to include the cost of filing the zoning amendment with the county recorder's office as part of the application fee for a zoning amendment.

TOWNSHIP TRUSTEES RESPONSIBILITY TO FILE TOWNSHIP ZONING RESOLUTIONS AND AMENDMENTS (ORC 519.11 AND 519.12)

A board of township trustees is required to file zoning resolutions and amendments with the county recorder within five working days after the effective date of the resolution or amendment and must file all existing zoning resolutions and amendments within thirty working days after January 1, 1992. Duplicates of these resolutions and amendments must also be filed with the regional or county planning commission within five working days. The requirements imposed on boards of township trustees under ORC 519.11 and 519.12 are identical to the requirements imposed on county commissioners under ORC 303.11 and 303.12.

COUNTY RECORDERS RESPONSIBILITY TO KEEP COUNTY AND TOWNSHIP ZONING RESOLUTIONS AND AMENDMENTS (ORC 317.081)

The new law requires the county recorder to keep county and township zoning resolutions and amendments, including texts and maps, in his office and to make all these documents available for public inspection during normal business hours. The county recorder must notify each board of county commissioners and each board of township trustees by January 15 of each year of their responsibility to file county and township zoning resolutions and amendments with the recorder's office. The recorder must charge a statutorily set fee for each resolution and amendment filed with his office.

FILING FEES FOR ZONING RESOLUTIONS AND AMENDMENTS (ORC 317.32)

The county recorder must charge \$50.00 for each county or township zoning resolution filed with his office, regardless of the size or length of the resolutions. Each county or township zoning amendment filed with the county recorder's office requires the payment of a fee of \$10.00 for the first two pages and two dollars for each additional page.

SUMMARY

The purpose of SB 20 is to make county and township zoning resolutions and amendments more accessible to the general public by requiring such documents to be filed with the recorder and the county or regional planning commission. CCAO recommends that you share this information with the county recorder, boards of township trustees and, if applicable, your county or regional planning commission.

