



Ohio Revised Code

Section 349.03 Initiation of proceedings for organization of new community authority.

Effective: October 3, 2023

Legislation: House Bill 33

(A) Proceedings for the organization of a new community authority shall be initiated by a petition filed by the developer in the office of the clerk of an organizational board of commissioners determined based on where the territory of the proposed new community district is located. Such petition shall be signed by the developer and may be signed by each proximate community. The legislative authorities of each such proximate community shall act in behalf of such community. Such petition shall contain:

- (1) The name of the proposed new community authority;
- (2) The address where the principal office of the authority will be located or the manner in which the location will be selected;
- (3) A map and a full and accurate description of the boundaries of the new community district together with a description of the properties within such boundaries, if any, which will not be included in the new community district.
- (4) A statement setting forth the zoning regulations proposed for zoning the area within the boundaries of the new community district for comprehensive development as a new community, and if the area has been zoned for such development, a certified copy of the applicable zoning regulations therefor;
- (5) A current plan indicating the proposed development program for the new community district, the land acquisition and land development activities, community facilities, services proposed to be undertaken by the new community authority under such program, the proposed method of financing such activities and services, including a description of the bases, timing, and manner of collecting any proposed community development charges, and the projected total residential population of, and employment within, the new community;



(6) A suggested number of members, consistent with section 349.04 of the Revised Code, for the board of trustees;

(7) A preliminary economic feasibility analysis, including the area development pattern and demand, location and proposed new community district size, present and future socio-economic conditions, public services provision, financial plan, and the developer's management capability;

(8) A statement that the development will comply with all applicable environmental laws and regulations.

Upon the filing of such petition, the organizational board of commissioners shall determine whether such petition complies with the requirements of this section as to form and substance. The board in subsequent proceedings may at any time permit the petition to be amended in form and substance to conform to the facts by correcting any errors in the description of the proposed new community district or in any other particular.

Upon the determination of the organizational board of commissioners that a sufficient petition has been filed in accordance with this section, the board shall fix the time and place of a hearing on the petition for the establishment of the proposed new community authority. Such hearing shall be held not less than ninety-five nor more than one hundred fifteen days after the petition filing date, except that if the petition has been signed by all proximate communities or if the organizational board of commissioners is the legislative authority of the only proximate community for the proposed new community district, such hearing shall be held not less than thirty nor more than forty-five days after the petition filing date. The clerk of the organizational board of commissioners shall give notice thereof by publication once each week for three consecutive weeks, or as provided in section 7.16 of the Revised Code, in a newspaper of general circulation in any county of which a portion is within the proposed new community district. Except where the organizational board of commissioners is the legislative authority of the only proximate community for the proposed new community district, such clerk shall also give written notice of the date, time, and place of the hearing and furnish a certified copy of the petition to the clerk of the legislative authority of each proximate community which has not signed such petition. Except where the organizational board of commissioners is the legislative authority of the only proximate community for the proposed new community district, in the event



that the legislative authority of a proximate community which did not sign the petition does not approve by ordinance, resolution, or motion the establishment of the proposed new community authority and does not deliver such ordinance, resolution, or motion to the clerk of the organizational board of commissioners within ninety days following the date of the first publication of the notice of the public hearing, the organizational board of commissioners shall cancel such public hearing and terminate the proceedings for the establishment of the new community authority.

Upon the hearing, if the organizational board of commissioners determines by resolution that the proposed new community district will be conducive to the public health, safety, convenience, and welfare, and is intended to result in the development of a new community, the board shall by its resolution, declare the new community authority to be organized and a body politic and corporate with the corporate name designated in the resolution, and define the boundary of the new community district. In addition, the resolution shall provide the method of selecting the board of trustees of the new community authority and fix the surety for their bonds in accordance with section 349.04 of the Revised Code.

If the organizational board of commissioners finds that the establishment of the district will not be conducive to the public health, safety, convenience, or welfare, or is not intended to result in the development of a new community, it shall reject the petition thereby terminating the proceedings for the establishment of the new community authority.

(B)(1) At any time after the creation of a new community authority, the developer may file an application with the clerk of the organizational board of commissioners with which the original petition was filed, setting forth a general description of territory it desires to add or to delete from such district, that such change will be conducive to the public health, safety, convenience, and welfare, and will be consistent with the development of a new community and will not jeopardize the plan of the new community.

(2) If the territory to be added or deleted from a new community district meets the criteria described in either division (F)(3) or (4) of section 349.01 of the Revised Code, and the original petition was not filed with the municipal or township organizational board of commissioners described in those divisions, the developer shall also file the application to the clerk of that municipal or township organizational board of commissioners. A municipal or township organizational board of



commissioners that receives an application under division (B)(2) of this section is the acting organizational board of commissioners for the purposes of division (B)(4) of this section. Otherwise, the organizational board of commissioners with which the original petition was filed is the acting organizational board of commissioners for the purposes of that division.

(3) If the developer is not a municipal corporation, port authority, or county, all of such an addition to such a district shall be owned by, or under the control through leases of at least seventy-five years' duration, options, or contracts to purchase, of the developer.

(4) Upon the filing of the application, the acting organizational board of commissioners shall follow the same procedure as required by this section in relation to the original petition for the establishment of the proposed new community. The acting organizational board of commissioners also may determine by resolution to add territory to such district, provided that the owner or other person who controls such territory through leases of at least forty years' duration, options, or contracts to purchase files a written consent to the addition of such territory with the clerk of the acting organizational board of commissioners, and neither the developer nor, if applicable, the organizational board of commissioners with which the original petition was filed objects to the addition of such territory by filing a written objection with the clerk of the acting organizational board of commissioners before the adoption of the resolution adding such territory to the district. The acting organizational board of commissioners shall follow the same procedure as required by this section in relation to the original petition for the establishment of the proposed new community when adopting such a resolution.

(C) If all or any part of the new community district is annexed to one or more existing municipal corporations, their legislative authorities may appoint persons to replace any appointed citizen member of the board of trustees. The number of such trustees to be replaced by the municipal corporation shall be the number, rounded to the lowest integer, bearing the proportionate relationship to the number of existing appointed citizen members as the acreage of the new community district within such municipal corporation bears to the total acreage of the new community district. If any such municipal corporation chooses to replace an appointed citizen member, it shall do so by ordinance, the term of the trustee being replaced shall terminate thirty days from the date of passage of such ordinance, and the trustee to be replaced shall be determined by lot. Each newly appointed member shall assume the term of the member's predecessor.