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ZONING - OHIO

Apple Group Ltd. v. Granger Twp. Bd. of Zoning Appeals

Court of Appeals of Ohio, Ninth District, Medina County - September 30, 2013 - Slip Copy - 2013 -Ohio- 4259

Landowner argued that Township's zoning resolution was invalid because it was not adopted in accordance with a comprehensive plan, as required under Revised Code Section 519.02. Landowner argued that, under Section 519.02, "a comprehensive plan" covers more than just zoning. Rather, it is a township's chief policy instrument which sets forth goals, policies, and objectives regarding zoning, streets, public facilities, public programs, and public lands. Apple argues that, because the Township does not have a comprehensive plan that is separate from its zoning resolution, the resolution is invalid.

Contrary to Landowner's argument, this Court had previously held that a township's failure to have a comprehensive plan "which is separate and distinct from a zoning ordinance does not render unconstitutional a zoning ordinance." *Reese v. Copley Twp. Bd. of Trustees*, 129 Ohio App.3d 9, 15 (9th Dist.1998); *BGC Props. v. Bath Twp.*, 9th Dist. Summit No. 14252, 1990 WL 31789 *4 (Mar. 21, 1990).

Landowner next argued that the Township's zoning ordinance did not meet the requirements of a comprehensive plan and, therefore, it was not made "in accordance with a comprehensive plan" under Section 519.02.

The Court stated that a zoning resolution itself can satisfy the comprehensive plan requirement. Under the majority view, "the term 'comprehensive' has three meanings: (1) comprehensive in terms of addressing an entire geographic area; (2) comprehensive in terms of having an "all-encompassing" scope; and (3) comprehensive as in a separate long-term planning document, as opposed to a temporary duration.

Upon review of the zoning resolution, the Court concluded that there was some competent credible evidence in the record from which the trial court could have found that it is "a comprehensive plan" under Section 519.02.