

# **Bond Case Briefs**

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## **ZONING & PLANNING - OHIO**

### **State ex rel. Federle v. Warren County Board of Elections**

**Supreme Court of Ohio - March 13, 2019 - N.E.3d - 2019 WL 1146676 - 2019 -Ohio- 849**

Housing developers sought writ of prohibition ordering county board of elections to remove a referendum on zoning resolution from upcoming ballot and writ of mandamus ordering the board to sustain developers' protest of the referendum.

The Supreme Court of Ohio held that:

- Developers failed to show board clearly disregarded the law, as required for writ of prohibition, and
- Developers were not entitled to writ of mandamus.

Housing developers failed to show county board of elections clearly disregarded the law by failing to find that creation of village-transition planned-unit-development (VT-PUD) overlay district effected a rezoning of entire district as planned-unit development (PUD), such as would have rendered a subsequent zoning resolution merely an approval of development, rather than a rezoning subject to referendum, and thus developers were not entitled to writ of prohibition ordering removal of referendum on the resolution from upcoming ballot; developers' evidence showed that township created the VT-PUD overlay, that property at issue was within the overlay, and that developers believed the property was rezoned as a PUD, but did not preclude possibility that the resolution was a rezoning.

Housing developers were not entitled to a writ of mandamus ordering county board of elections to sustain their protest of a referendum on a zoning resolution; such a claim was for declaratory and injunctive relief over which the Supreme Court lacked jurisdiction.