

# BASICS OF ZONING

12/10/2024

Richland County Regional Planning Commission

Presented by: Jotika Shetty, RCRPC  
Erin Thompson, Prosecutors' Office

# Agenda

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- ❑ Introductions
- ❑ Zoning Overview
- ❑ Exemptions for Zoning
- ❑ Duties & Responsibilities - ZC/BZA/ZI/Trustees
- ❑ Updates from Building Department and RCSWCD
- ❑ Discussions

# What is Zoning



# What is Zoning

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13 out of 18  
Township in  
Richland  
County are  
zoned

zoning is a legislative method of regulating land use by the division of political subdivision into districts, and then enacting uniform regulations to control the uses and intensity within the districts.

Townships statutory delegated ORC 519  
Municipalities direct Ohio Constitution ORC 713

concerned with “land use not land ownership”

**Zoning Text:** Lays out the exact rules

**Zoning Map:** Location of Zoning Districts

**Comprehensive Plan:** Long-term plan that guides community

# Zoning Aims to:

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Be a tool to assist in the:

- Use of land for its most suitable purpose.
- Protect or maintain property values.
- Promote public health and safety.
- Protect the environment.
- Orderly development.
- Economic development



# R.C 519.02 Townships may...

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*In accordance to a comprehensive plan...*

- In the interest of health and safety.....
- In the interest of public convenience, comfort, prosperity or general welfare.....

Zoning should be

- Reasonable
- Not arbitrary
- Not be a taking

# Statutory Limitations

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ORC 519 limits the ability of a Township to regulate certain types of uses:

- Nonconforming Uses (519.19)
- Outdoor Advertising (519.20)
- Land for Agricultural Purposes (519.21)
- Agritourism & Farm Markets (519.21)
- Telecommunication Towers (519.211)
- Sale of Alcoholic Beverages (519.211)
- Manufactured Homes (519.212)
- Small Wind Farms/ Small Solar Facilities (519.213)

# Wind and Solar

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- ORC 519.213 gives BOT and BZA authority to regulate small wind farms or small solar facilities
- You do NOT have the authority to regulate:
  - Large wind farms;
  - Large solar facilities over 50 MW; or
  - Economically significant wind farms.
- The Power Siting Board oversees LWF, LSF, and ESWF.
- BOC has the authority to designate all or part of the unincorporated area of a county as a restricted area prohibiting the construction of LWF, LSF, and ESWF. ORC 303.58.



# Statutory Limitations - Agricultural Exemption for Zoning

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# Defining Agriculture

As used in sections 519.02 to 519.25 of the Revised Code, "agriculture" includes farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

# Agricultural Exemption for Zoning

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## □ **ORC 519.21-**

Generally, townships cannot prohibit the use of any land for agricultural purposes

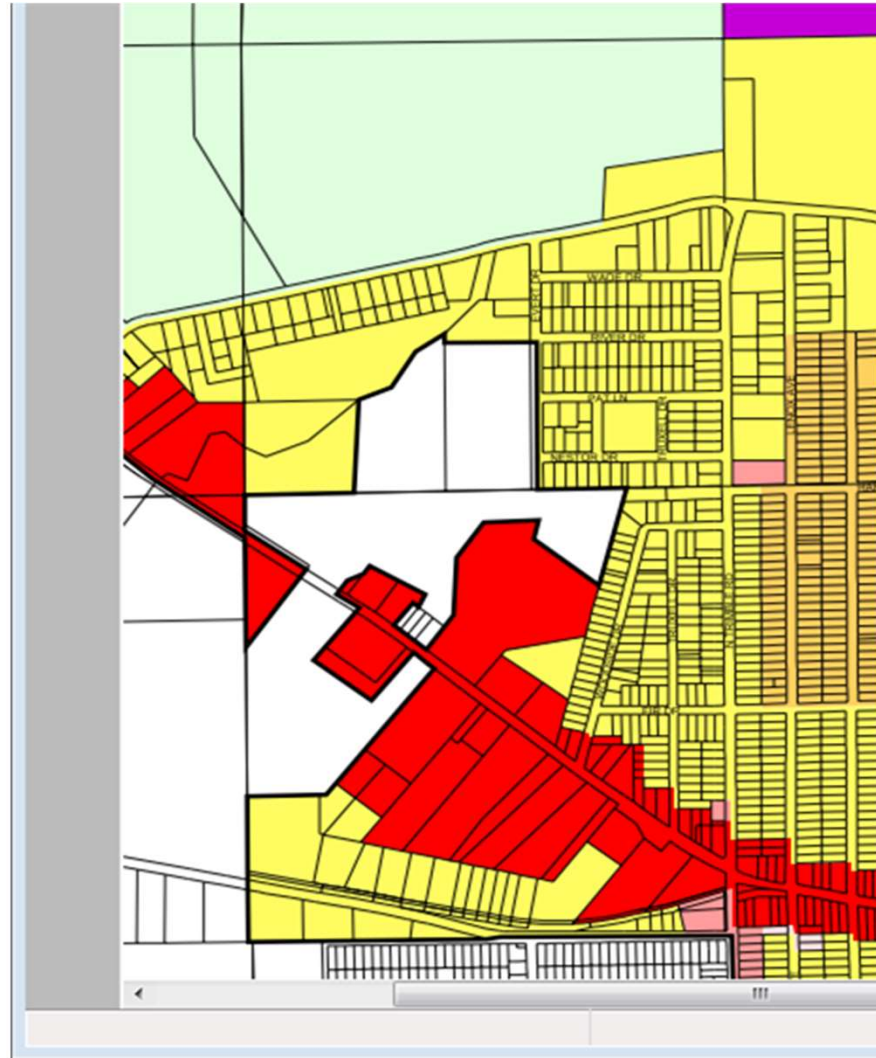
Or Prohibit the construction or use of buildings or structures incidental to agricultural land use on which structures are located,

**And no zoning certificate** shall be required for any such building or structure.

□ (Agricultural zoning exemption form instead)

# NO AUTHORITY TO REGULATE AGRICULTURE ON LOTS GREATER THAN 5 ACRES for platted subdivisions/contiguous lots, **however**

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Townships may regulate “agriculture” in

- Any platted subdivision
- Or in any area consisting of 15 or more lots approved under ORC 711.131 that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the rest are contiguous and adjacent to the opposite side of same road.

(RCRPC has created an online map to help with this)



- Home
- About
- Community Development
- Land Use
- Transportation
- Resources
- Regional Transportation Plan

# Zoning Maps and Codes

[Interactive Richland County Zoning Map](#)

\*this map is for reference purposes only. Please Consult the governing jurisdiction for an official determination if required.



## Municipal Boundaries



## Township Boundaries



## Richland County Zoning

-  R
-  I
-  I
-  A
-  Other

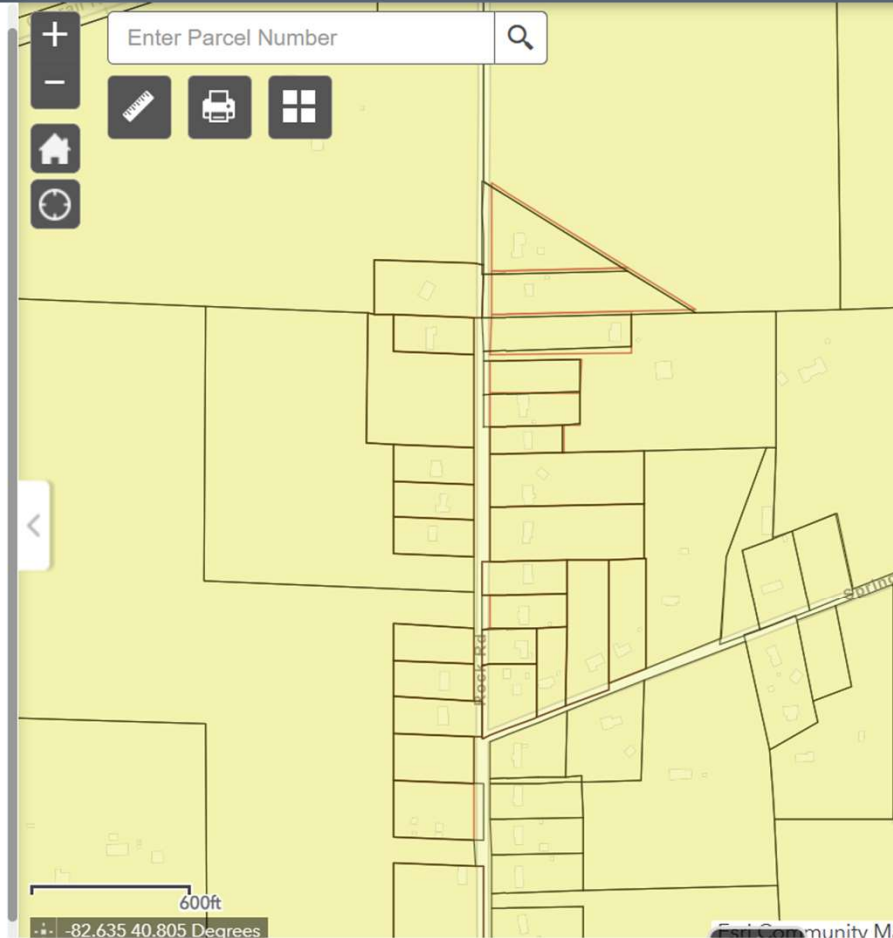
## Townships with No Zoning



## Parcels



## Parcels Eligible to be Regulated for Ag Uses



## Layer List

### Layers

- Municipal Boundaries
- Township Boundaries
- Richland County Zoning
- Townships with No Zoning
- Parcels
- Addresses
- Subdivisions Outside a Municipality
- Parcels Eligible to be Regulated for Ag Uses

# In that Case, specifically regarding platted subdivisions or contiguous lots

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Townships may regulate “agriculture” on

- **Lots of 1 acre or less**
  - ▣ Can prohibit, and regulate structures
- **Lots greater than one acre but not greater than five acres**
  - ▣ regulate set back building lines; height; and size.





# In that Case, specifically regarding platted subdivisions or contiguous lots

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Townships may regulate dairying and animal and poultry husbandry

- ❖ On lots between 1 and 5 acres and
- ❖ When at least 35% of the lots are developed with at least one building, structure, or improvement subject to taxation.
- ❖ After 35% of the lots are developed, dairying and animal/poultry husbandry shall be considered a nonconforming use of land pursuant to ORC 519.19.





# Statutory limitation - Farm Markets

## ORC 519.21(C)(1)

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- CANNOT prohibit the use of land for a farm market in any zoning district if:
  - 50% or more of the market's gross income is from produce raised on farms owned or managed by the farm market operator.
- CAN regulate size of farm market building, parking area, set back lines — MUST be necessary to:
  - protect public health and safety

# Applying Agricultural Exemption

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Can Township prohibit an agricultural land use because the land is not in an “ agricultural district”

- Answer: NO

Does it matter whether the agriculture use is a “ commercial activity ”

- Answer: NO

# Applying Agricultural Exemption

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## When is a structure really a barn?

A proposed “barn “ to be used for agriculture will also store a boat and RV

- Answer: A “barn” is exempt if the barn is “ directly dependent or related to the agricultural use of the land.

Cannot impose “ how much”

# Applying Agricultural Exemption

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What does “incident to agricultural use of land “ mean?

- Directly and immediately related to an agricultural use
- Structure must be on the **same land** on which the agricultural use is taking place.

*Ohio Court of Appeals in Keynes Bros. v. Pickaway Twp.*

**BREATHE!**

# □ Essential Parts of the Zoning Resolution

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Definitions

Types of districts

Regulations for each district

- permitted uses/conditional uses

Requirements for zoning certificate

Exceptions

- agriculture / nonconforming uses

Administration

- role of BZA / role of zoning inspector

Fees

Enforcement - Violations and penalties

- clear path for how to enforce your regs – notice



# Uses and Conditional Uses

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- Zoning regulations typically provide for two uses:

## Permitted Uses -

- Those allowed as of right, provided landowner meets all other requirements

## Conditional Uses

- A legitimate use that is granted subject to meeting specified conditions in the regulations
  - ORC 519.14 - BZA grants conditional use permits

# Non Conforming Uses - ORC 519.19

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- What is this?  
It is a prior use (prior to the zoning regulation or change in zoning regulations), even though the use does not comply with the zoning restrictions in which it is located.
  
- Does this use continue forever?  
It depends
  
- What can the township do?  
Local governments may prohibit the expansion, or substantial alteration of a nonconforming use, in an attempt to eradicate that use. (Koons)

# Variations

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- In general - a variance is a permanent and officially-approved deviation from the governmental unit's zoning regulations.
- Two Types:
  - Use Variance
    - Review standard - unnecessary hardship
  - Area/Size Variance
    - Review standard - practical difficulty
- BZA has the authority to grant or deny

# Four Zoning Bodies

- **Township Trustees**

Legislative, elected, they appoint the ZBA, ZCommission and ZI

- **Zoning Commission**

Legislative & advisory, writes and rewrites ordinances

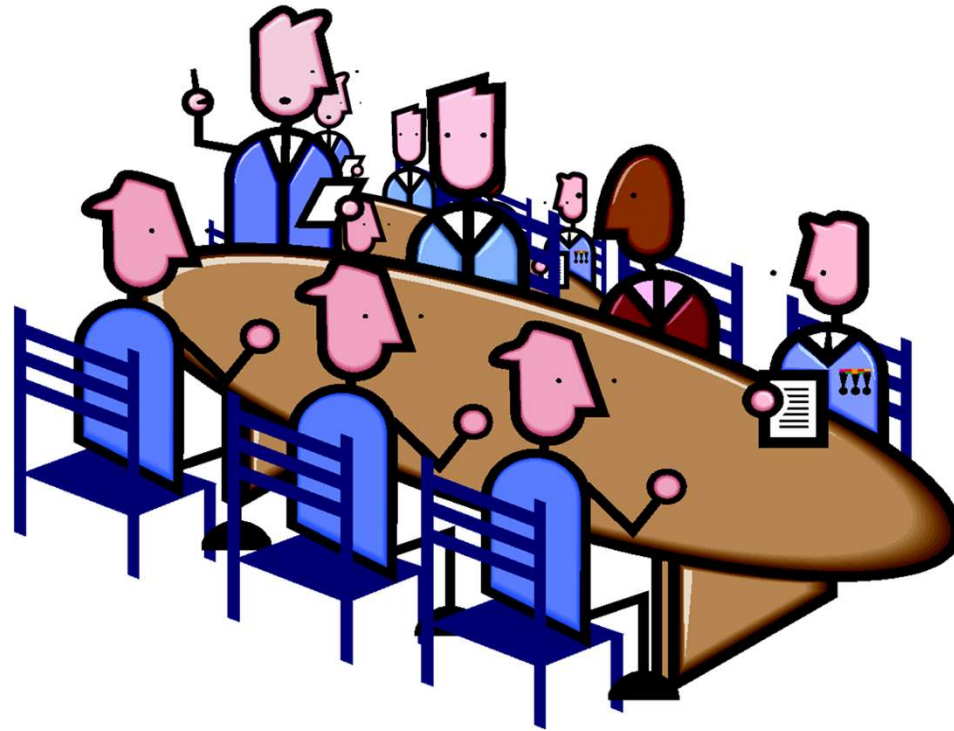
- **Zoning Inspector**

Administrative, hired by trustees, administers the zoning

- **Zoning Board of Appeals**

Quasi Judicial, hears appeals, issues variances and grant conditional permits

# Role of The Zoning Commission and Board of Trustees



# Board of Trustees

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- Adoption and Amendment of Zoning Resolution
- File zoning text and maps with RCRPC and Recorder
- Appointment of members to ZC, BZA, ZI
- Sets fees, permits and fines
- Regulation of Planned Units of Development (PUD)

# The ZC

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- 5 members +2 alternates
- Appointed by Trustees
- Reside in the unincorporated area of the Township
- Staggered term of 5 years, one expires each year
- Alternate member may attend on behalf of a member and vote

# Duties and Responsibilities

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- Develop and submit a recommended plan for zoning to the Trustees
  - Can consult with Regional Planning Commission
  - Contract with Consultants
- Advise the trustees on text and map amendments
- Organize, adopt rules and keep records of its action and determination



# Zoning Amendments

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## **Can be initiated by :**

- Property owner, lessee of the property  
Petition
- Zoning Commission  
Motion
- Township Board of Trustees  
Resolution certified to the ZC

# Type of Amendments – O.R.C 519.12

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- **Map Amendment** – A rezoning (change) of the use classification of parcels
- **Text Amendment** - revision or addition to the text of the zoning resolution without a change to use classification of any parcels

**Amendments are not appealable but can be subject to referendum**

# Role of RCRPC

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- Upon 5 days of receipt for change, send to County Planning Commission a copy together with the applicable map and text for Review and Recommendation.

Richland County Regional Planning Commission

Attn: Jotika Shetty

19 N Main Street

Mansfield, OH 44902

- The RCRPC is **required** to recommend the approval or denial of the proposed amendment or some modification.
- The ZC will consider the recommendation at its public hearing.

# Remember

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It is important to remember that when making zoning changes, to clearly put into the record the reasons for the change.

WHY

What is to be changed

What is it based on

What proof/evidence is there to support the change

# Board of Zoning Appeals

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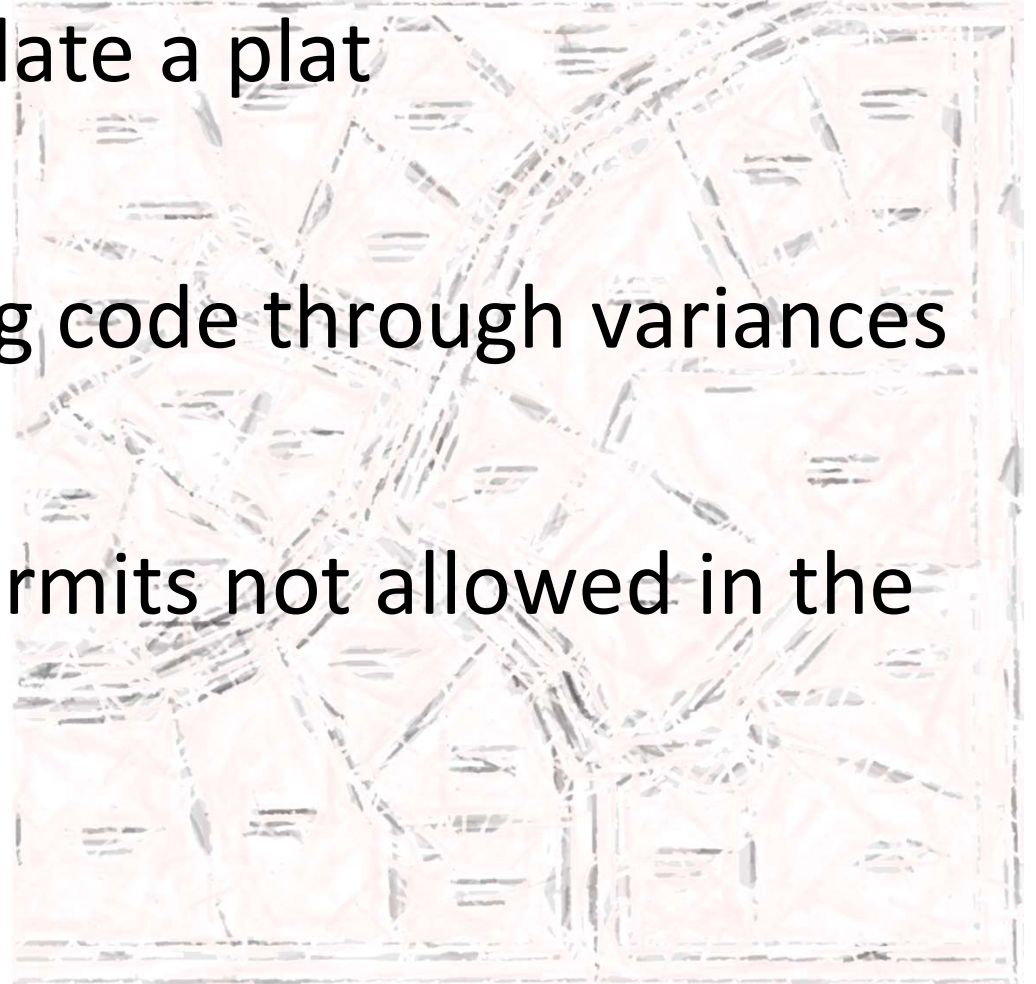
- The BZA acts in a quasi judicial capacity.
- Its Function is to :
  - Issue conditional permits/special permits
  - Grant variances
  - Hear appeals against zoning decisions of the ZI

**BZA decisions are not subject to referendum but are appealable to a court of common pleas (ORC 2506.01).**

# No Authority

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- To validate or invalidate a plat
- To rewrite the zoning code through variances
- Grant conditional permits not allowed in the zoning code



# Who can Appeal?

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- Any person aggrieved by the decision of ZI
- Any officer of the Township affected by the decision
- File within 20 days of decision with the ZI
- Must state grounds of appeal
- ZI will transmit appeal and all records to the BZA

# Holding a Hearing

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- Open to the public
- Develop a thorough and accurate record of proceedings:
  - Witnesses testify about relevant facts, not unsubstantiated opinions
  - Witnesses subject to cross examination
  - Swear in your witnesses
  - Sworn affidavits
  - Record the hearing/court reporter in attendance



# Zoning Inspector Duties: 519.16, 519.24

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- Review applications for zoning permits
- Issue zoning certificates
- Conduct on-site inspections
- Investigate violations,
- Maintain list of nonconforming uses
- Maintain up-to-date text and map

**Zoning inspector must have a thorough knowledge of the zoning text and map and use these as a basis for granting permits and citing violations.**



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# Best Practices

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- ❑ Invest in Training –
  - ❑ Ohio Township Association Conference
  - ❑ Township Association webinars
  - ❑ Ohio Township Zoning Sourcebook - \$25.00
- ❑ Prepare an Annual Report
  - ❑ Brief activity report from each board
- ❑ Annual Joint Board Meeting
  - ❑ Trustees, Z Commission, ZBA, ZI, RCRPC,
- ❑ Evaluate & Update your Zoning Regulations
- ❑ Request Technical Help
  - ❑ RCRPC, Prosecutors Office, Lawyers, Consultants
- ❑ Advocate for Good Planning



# Contact

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# Discussion

## Future Workshop Topics