

LWV Kent & LWV Portage County 2019 Land Use Study

League of Women Voters' study – 5 scary words! As League members, we dive into an issue that we may not know much about to learn more about it, especially if we want to take action on that issue. That's the beauty and the frustration of League. Studies take a long time, but that allows for member participation, education, and agreement to make our positions stronger and our actions more powerful. LWV is a grassroots organization and the study topics and position statements come from the members themselves. So in turn, this update of the current Kent and Northern Portage County Land Use policies to develop a comprehensive, county-wide position makes both Leagues stakeholders in Land Use.

April Secura

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Land Use Control - Historical Perspective, Legal and Economic Structures

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Land Use Control is the fundamental function of government. Land Use Control is the decision by the community as to where an individual may make a home, may grow food, may extract resources, and may engage in economic activity.

In economic systems where land is a commodity that can be owned privately, the owner has the power to make whatever use of the land is desired. Land Use Control is the set of restrictions that the community places on the owner's power to use the land.

Ownership of land is one of the defining characteristics of an economic system. In a capitalist system, such as the United States or Russia, a portion of the land may be owned by private individuals or by legal entities which are owned or operated by private individuals, as distinct from that portion of the land owned directly by the State. In a feudal system, such as the Kingdom of Saudi Arabia, land is personally owned by the royal family. In a communist system, such as the Peoples Republic of Korea, land is owned by the State. In a tribal system, such as the Navajo Nation, land is owned by the community as distinct from individuals having personal ownership.

In the United States, private ownership was confirmed in the Fifth Amendment to the Constitution of the United States, ratified in 1791: "No person shall ... be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." In Ohio, private ownership is confirmed in Article I, section 1 of the Ohio Constitution of 1851: "§1 All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety. " Rights in ownership of land are further elaborated in Article I, section 16, on the right to sue the State for damages to land; in Article I, section 19, on landowners' rights to compensation for a taking of land by eminent domain; and Article I, section 19b, on landowners' rights to groundwater beneath the land, and to riparian rights to inland lakes and water courses on the land. The authority of Ohio municipalities with respect to taking private land and regulating use of privately-owned land is set out in Article XVIII of the Ohio Constitution of 1912. On a planetary scale, it is notable that the Universal Declaration of Human Rights, ratified by the United Nations in 1948, does not mention ownership of land or natural

resources. In 2015, almost all countries in the world entered into an agreement known as the Paris Climate Accord. The United States withdrew from that agreement in 2017. The official English version is online at https://unfccc.int/sites/default/files/english_paris_agreement.pdf. Since 1990, the International Council for Local Environmental Initiatives has coordinated land and energy management efforts of municipalities, in 2018 including over 1,500 governments. An introduction to ICLEI's work, including municipal land management, is online at https://iclei.org/en/what_we_do.html. The Global Covenant of Mayors for Climate and Energy announcement of September 10, 2018, Michael Bloomberg, co-chair, is online at https://www.globalcovenantofmayors.org/wp-content/uploads/2018/09/GCoM-Data-PressRelease_GCAS_.pdf

About Portage County

Jane Krimmer

Portage County, Ohio was established by the Ohio State Legislature in 1807 and organized in 1808. The current boundaries of Portage County were established in 1840. The name "Portage" came from a native American portage between the Cuyahoga and Tuscarawas Rivers. This historic pathway is actually within the current Summit County.

According to Ohio County Profiles (OCP), Office of Research the land area of Portage county is 492.4 square miles. Land use/land cover in the county is as follows: Developed low intensity-15.56%, Higher intensity-2.12%, Forest-37.97%, Shrubs/scrub and grasslands-5.06%, Pasture/hay-15.21%, Cultivated crops-17.38%, Wetlands-2.92%, Open water-3.63%. State Parks, Forests, Nature Preserves, Scenic waterways and wildlife areas include 20 facilities and use 16,379.45 acres. Agriculture/land in farms-847 or 83,321 acres with an average size of 98 acres

Population as of April 1, 2010 US census was 161,419 with population estimates for July 2017 as 161,421 or an increase of 0.5%. Projected census for 2020: 161,410, 2030: 158,930, 2040: 151,720. Of the population 51% is female. The median age of a population of 161,796 was 37.7. (Ohio County Profiles.) The World Population Review (WPR) estimates 2017 population as 162,277 with a growth of 0.07% in 2019. It lists Portage County is the 19th largest county in Ohio. This review (WPR) looks at median age at Total/37.8, Male/38.2, Female/38.2.

Race in Portage County according to the US Census Bureau based on 2017 estimates: White alone/91.1%, Black/4.5%, American Indian/0.02%, Asian/2.1%, Native Hawaiian/⁰, Hispanic or Latin/1.8%, Two or more races/2.0%.4

Education levels according to the World Population Review of a population of 156,080 over 25 in 2018: Less than 9th grade/1.82%, 9th to 12th grade/6.29%, High school graduate/37.16%, some college/20.27%, Associate degree/6.99%, Bachelor's Degree/16.82%, Graduate Degree/10.64%. The median income level according to OCP in 2017 for 61,585 households was \$52,427. Less than \$10,000/8.1%, \$40,000-\$49,999/10%, \$75,000-\$99,999/14%, \$150,000-\$199,999/4.5%.

Employment according to Ohio County Profiles 2016 Private sector employment represents Goods producing such as Natural Resources, Construction and Manufacturing (3064 establishments/43,274 employees) and Service-producing such as Trade, transportation and utilities, information, Financial services, Professional and Business services, Education and Health services, Leisure and Hospitality, Other (2424 establishments/30,519 employees) The Federal Government employs 336. Stats on

State and Local Government are not available. Major employers include: East Mfg. Corp./ Mfg., Parker Hannifin/Mfg., NEO Medical University/Ed and Serv., UH Portage Med. Center/Serv., Kent State and Kent city schools/education and government.

Portage County **Cities:** Aurora, Kent, Ravenna (County Seat), Streetsboro, Tallmadge. Villages: Garrettsville, Hiram, Mantua, Mogadore, Sugarbush Knolls, Windham.

Townships: Atwater, Brimfield, Charlestown, Deerfield, Edinburg, Palmyra, Paris, Randolph, Ravenna, Rootstown, Shalersville, Suffield, Windham. **Unincorporated Communities:** Blackhorse, Bradylake, Cammbellspport, Diamond, Freedom Station, Hiram Rapids, Lloyd, Mahoning, Mishler, New Milford, St. Joseph, Wayland, Yale.

According to Wikipedia” Portage County is a 4x5 grid of 20 rectangles. It is also 18 unincorporated townships containing 9 cities and villages and 2 unincorporated townships which are fully occupied by one city each. Under Ohio law, there are two types of incorporated municipal jurisdictions: Cities and Villages, and any territory within a county that is not part of an incorporated (city or village) is part of a township. Camp Ravenna Military Training Center, commonly known as the Ravenna Arsenal, occupies much of the land in Charlestown, Paris, Windham Townships as well as a small part of Freedom Township.” **Incorporated** municipalities are cities and villages which have their own government, police, fire and legal services and an income tax.

Unincorporated and any territory within a county that is not part of an incorporated municipalities are townships. Townships have limited local government and services and no income tax.

Currently Portage County does not have a Master Plan Zoning code. The Ohio revised code (Section 519) has an extensive plan for Township zoning. The code (Section 713.23 active since 1984) also mandates that the Portage County Regional Planning Commission (<http://www.pcrpc.org>) must review and act on: zoning text amendments, zoning map amendments, new zoning resolutions for all townships in Portage County before zoning changes can be adopted.

Land use in Portage County is a complex topic. Understanding of the Ohio Code is Important. Many Municipalities do have a Master Plan for land use in their jurisdiction which helps with projects. The Portage County Regional Planning Commission is an excellent resource which requires constant updating of zoning changes to stay current. Their wish is for more collaboration between municipalities that could save costs, time and energy. An example of such collaboration would be purchase and use of park land. Perhaps three areas interested in adjoining parcels of land could agree to agree to create one park instead of three. The league of Women Voters hopes a position on land use will support a positive outcome for the users and the environment.

Ohio's Zoning Regulations

Barb Tittle

- State defines "Agriculture"
- Allows regulation of buildings and lands via a zoning commission
- Zoning plans must be submitted to electorate and can be amended
- A Board of Zoning Appeals considers appeals and revocations of variance requests and conditional zoning certificates
- Residents must have a zoning certificate to build new bldgs. or change them
- Township regulations are not applicable within a municipality
- Non-conforming uses of buildings and land when zoning regs are first adopted are grandfathered in
- Except as specifically provided by O. R. C., the State does not allow prohibition of any agricultural use
- Zoning is limited in respect to use by public utilities or railroads

Eminent Domain

Marty Sickinger

Eminent Domain is the power of the federal, state, and local governments to take private property for public use.

“Private Property shall ever be held inviolate, but subservient to the public welfare. When taken in time of war or other public exigency, imperatively requiring its immediate seizure, or for the purpose of making or repairing roads, which shall be open to the public, without charge, a compensation shall be made to the owner, in money, and in all other cases, where private property shall be taken for public use, a compensation therefore shall first be made in money, or first secured by a deposit of money and such compensation shall be assessed by a jury, without deduction for benefits to any property of the owner” (Ohio Constitution Article 1, Section 19: inviolability of private property, adopted effective September 1, 1851)

The Fifth Amendment to the U.S. Constitution reads in part: “...nor shall private property be taken for public use, without just compensation.”

The law gives the government broad powers to take property as long as the property being taken is for a necessary public use. The government must pay fair market value, what the owner would expect to receive if they put the property up for sale on the open market. The owner is not always a willing seller so appraisers will be called on to give an opinion on that compensation. If the remaining property has decreased in value due to changes in zoning, set back requirements, lot coverage ratios, parking requirements, restricted use, etc. extra compensation may be required. There is no burden of proof in these cases and appraisers can disagree over the value of the property. A jury can sit as an assessing body to determine just compensation.

The eminent domain process can be stopped if the proposed taking does not meet the requirements for public necessity. The Ohio Supreme Court ruled in July of 2006 that cities could not use economic issues as the only reason to seize private property. This case involved three property owners in the Cincinnati suburb of Norwood who challenged the city’s demand that dozens of property and business owners sell off their holdings for a retail and office complex that promised to bring in millions of dollars in tax revenue. There had been a 2005 Ohio Supreme Court decision that gave governments the right to seize private property and transfer it to another private owner in the interest of economic development.

It is very difficult for property owners to successfully argue against eminent domain but there are some cases where they were successful. Each property and situation is different. Each interested party has a different view of just compensation and public use.

Who are the Stakeholders?

April Secura

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What is a stakeholder? It is defined as the people and organizations who are involved in or affected by action or policy and can be directly or indirectly included in the decision making process. Sometimes, bringing together individuals with different perspectives, interests, and positions, has the potential to create conflict. On the other hand, by considering a range of perspectives, it can lead to a larger set of options and quality decisions that are better for all. It is important to include underrepresented groups because they may be most likely to be impacted by an action.

Stakeholders in Land Use fall into 4 categories: Environmental – agriculture, forestry, marine, public works and utilities; Business – financiers, commercial development groups, homeowner associations; Local government – elected council/mayor/county manager, planning commission/board, zoning board of appeals; Non-government organizations – school systems, citizen planning groups, land and home owners.

The stakeholders' primary objective is to allocate Land Use in an effort to manage growth while meeting the needs of people, maintaining the character of a community, and preserving future resources.

Comprehensive Planning

Stacy Yaniglos

The comprehensive plan is an adopted public document that serves as a guide for decisions about physical development in the community. It is an explicit statement of future community goals, values, and objectives and provides a formal vision for the community. It may be developed at the county, city, township, or village level and has a strong basis in Ohio regulations and case law. A comprehensive plan defines the current character and resources of a community and creates a vision of its future, allowing the government to make decisions regarding use of available resources to align the community with this vision. Comprehensive plans should be developed in the context of a dialog among the public and stakeholders in the community, allowing for discussion of issues and education of all those involved in the process.

Development of a comprehensive plan typically begins with an assessment of the community to describe existing conditions. This should include anticipated demand for housing and non-residential development, existing policy, and the preferences of the public for changing or retaining current policy, existing documents and applicable regulations of surrounding communities and all levels of government, and plans of major stakeholders such as schools, industry, businesses, parks, etc.

The current community assessment is logically followed by creation of a vision for the future community and the development of goals for achieving that vision. Encouraging “efficient development in the right places at the right intensity” will strike a balance between development and conservation. Once the goals are established, the planning process will proceed to defining actions, including policy-making, to reach these goals.

Implementation of these actions will require evaluating the consideration of monetary and human resources available in and to the community, and will require priority setting and a realistic timeline. As the plan is implemented, progress should be monitored by consistent measure, and the plan should be revised and updated as indicated.

The planning process itself presents a number of challenges. Quality planning guidance is critical, but may also be expensive, as many aspects are quite technical. Options include working with existing (e.g. county) staff, sharing services with neighboring communities, obtaining grants, or utilizing community volunteers whenever feasible. The process should balance growth and conservation. Public engagement through a variety of forms is critical to a quality plan which will be supported and embraced by the community.

The comprehensive plan should be aligned with water protection and other applicable conservation policies. It should promote green infrastructure. It should be based on careful analysis of the benefits and costs of development of such entities as housing and industry. It should consider property values and landowner rights in any development plans; it should promote reuse and redevelopment of existing, even newly built areas.

Good practices in planning include projecting demand trends or ranges of such trends depending on overall population or changes in the demographics of the population. Also included in good practices is regional planning with adjacent areas around water and agriculture, for example. And finally, the abundance of data generated by the process should be carefully used in decision support by professional planners with highly engaged public and stakeholder participation.

While comprehensive plans are tailored to the needs of the community, some elements are included in most comprehensive plans. “A sustainable community plan will outline the right mix of development and conservation and how that balance will be achieved.” The plan should consider “future population, business and institutional needs.” Most plans also consider housing, transportation, water and wastewater infrastructure, community facilities and services, natural resources, and agriculture. Additional elements may include historic preservation, scenic character, economic development and sustainability.

“Of note, planning is not zoning, but it provides the rationale for zoning and other actions to achieve the community goals.”

“Author’s” note: the information in this document is summarized from Chapter 2 *Comprehensive Planning* of Ohio.gov | Balanced Growth. Chapter 2 can be found at: https://balancedgrowth.ohio.gov/Portals/0/BG%20Documents/BLLUP%20Final%20Public%20Review%2010_15_12/Chapter%202%20Comprehensive%20Planning.pdf

The information below is copied directly from Chapter 2 *Comprehensive Planning of Ohio:Balanced Growth*. SY

What is a Sustainable Community?

Truly sustainable communities incorporate a wide range of characteristics that foster long-term prosperity. Some of the characteristics of a sustainable community include:

- Providing for a range of transportation choices within the community for local and regional trips. In addition to auto travel, this includes walking, public transit, and bicycling.
- Providing for a range of housing types and price ranges so that members of all household types, economic and age levels in a community can live there.
- Integrating green infrastructure into the fabric of the community to provide opportunities for recreation, resource management, flooding and stormwater management, and a healthy living environment.
- Reducing travel time for residents by providing work and school options that are close to home.
- Providing opportunities for businesses to cluster to reduce the cost of transportation and communication, to expand collaboration opportunities, and to allow for materials recycling.
- Providing for efficient use of materials, waste handling, and public services to reduce waste and environmental impact including recycling, reuse of old buildings, shared services, incorporating green infrastructure into redevelopment and pollution reduction.
- Matching growth and development to future demand, with reuse and redevelopment to support a “fix it first” approach to infrastructure.

Appendix I: Land Use Terms

Lis Regula

Below are a number of terms and definitions that can be useful in preparing for the Land Use position study and update. While this is an extensive list, it is by no means a comprehensive list. These terms and definitions are meant to supplement members' existing knowledge of terms, as well as to specifically state definitions that are relevant and pertinent to a discussion of land use. This should help to ensure that all of us are on the same page, so to speak, as we go through this study process. If you are really interested in this subject, seek professional help immediately, or check out the Institute for Local Government's full [glossary of land use terms](#).

Abatement - Reducing or eliminating the degree or intensity of a nuisance or other property-related problem, usually used in connection with zoning code or environmental program enforcement.

Agricultural Preserve- Land designated for agricultural use.

Annex/annexation- To incorporate a land area into an existing district or municipality, with a resulting change in the boundaries of the annexing jurisdiction.

Architectural Control; Architectural Review- Regulations and procedures requiring the exterior design of structures to be suitable, harmonious, and in keeping with the general appearance, historic character, and/or style of surrounding areas. A process used to exercise control over the design of buildings.

Assessed Valuation- The value at which property is appraised for tax purposes.

Board of Appeals- An appointed board that hears appeals on variances and exceptions.

Buffer Zone- An area of land separating two distinct land uses that softens or mitigates the effects of one land use on the other. The term may also be used to describe any zone that separates two unlike zones, such as a multifamily housing zone between single-family housing and commercial uses.

Building Code- Standards adopted by the state governing the construction, alteration, demolition, occupancy, or other use of buildings used for human habitation.

Building Coverage- The amount of a lot that is covered by buildings, usually expressed as a percentage.

Building Envelope- The space remaining on a site for structures after all building setback, height limit, and bulk requirements have been met.

Building Intensity- For residential uses, the actual number or the allowable range of dwelling units per net or gross acre. For non-residential uses, the actual or the maximum permitted floor area ratio (FAR).

Build-to Line- A zoning requirement that sets a line that a building facade must be built to. The opposite of a setback. Usually required in order to maintain a uniform street wall and create a street as an “outdoor room.”

Build-out- Development of land to its full potential or theoretical capacity as permitted under current or proposed planning or zoning designations.

Business Improvement Districts- Public-private partnerships among property owners and commercial tenants who collectively contribute to the maintenance, development and promotion of their commercial district.

Central Business District (CBD)- The major commercial downtown center of a community. General guidelines for delineating a downtown area are defined by the U.S. Census of Retail Trade, with specific boundaries being set by the local municipality.

Certificate of Occupancy- An official certification that a building or place conforms to the provisions of the zoning and building codes, and therefore may be used or occupied. A structure cannot be occupied without a certificate of occupancy.

Charrette- A short-term intensive planning session where residents, designers, and others collaborate on a vision for development. The charrette workshop is designed to stimulate ideas and involve the public in the community planning and design process.

Charter City- A city that is incorporated under its own charter rather than the general laws of the state. Charter cities have broader powers than do general law cities in matters that are “municipal affairs” (as opposed to matters of “statewide concern”).

City Council- A city’s legislative body. The popularly elected city council is responsible for enacting ordinances, imposing taxes, making appropriations, establishing city policy, and hiring some city officials. The council adopts the general plan, zoning, and subdivision ordinance.

Community Development Block Grant (CDBG)- A grant program administered by the U.S. Department of Housing and Urban Development on a formula basis for larger “entitlement” communities and by the Ohio Department of Housing and Community Development for smaller “non-entitlement” jurisdictions. This grant allots money to

cities and counties for housing rehabilitation and community development, including public facilities and economic development.

Community Plan- A portion of the local general plan that focuses on a particular area or community within the city or county. Community plans supplement the general plan.

Complete Streets- Streets designed to accommodate all modes of travel and enable safe access for all users. Pedestrians, bicyclists, motorists and bus riders of all ages and abilities are able to safely move along and across a complete street.

Conditional Use Permit (CUP)- A discretionary permit issued by a hearing body to allow a conditional use that may or may not be allowable under the zoning code. If approval is granted, the developer must meet certain conditions to harmonize the project with its surroundings. Each application is considered on its individual merits. CUPs require a public hearing and, if approval is granted, are usually subject to the fulfillment of certain conditions by the developer. Approval of a CUP is not a change in zoning.

Conditional Use- A use that may locate within a zone only upon taking measures to address issues that may make the use detrimental to the public health, safety and welfare and will not impair the integrity and character of the zoned district.

Connectivity- The ease of travel between two points. The degree to which streets or areas are interconnected and easily accessible to one another by direct routes. An example of high connectivity would be a dense grid pattern in a downtown area.

Conservation Easement- A partial interest in land that severs the right to develop the land from its basic use, like low-density uses, open space or agriculture. The right to develop the land is usually held by a land trust or other entity that monitors the land and enforces the terms of the easement. The underlying owner of the land can continue to use the land according to the terms of the easement.

County- A political subdivision of the state. A major function of counties is to assist the state in administering state programs. Counties provide a variety of important countywide health, welfare and social services that serve all residents within a county. For those areas that are not within a city (often referred to as the “unincorporated areas” of a county), counties exercise land use authority and may also provide such services as law enforcement, fire protection, parks, recreation, public works (including roads), water, waste water, solid waste, and libraries—services that are similar to those cities provide within their boundaries (known as the incorporated areas).

Covenant- A private legal restriction that places a burden on a parcel of land in favor of another parcel. The restriction is recorded in the deed. Covenants are most commonly

used in the establishment of a subdivision to restrict the use of all individual lots in the development to a certain type of use (like single-family units), but may also be used to guarantee views and solar access.

Cross-acceptance- The review by two or more jurisdictions of each other's plans. Each jurisdiction determines whether the plans submitted are consistent or can be made compatible with its own. The process provides for communication and negotiation between the affected jurisdictions.

Defensible Space- (1) In firefighting and prevention, a 30-foot area of non-combustible surfaces separating urban and wild land areas. (2) In urban areas, open spaces, entry points, and pathways configured to provide maximum opportunities to rightful users and/or residents to defend themselves against intruders and criminal activity.

Density- The amount of development per acre permitted on a parcel under the applicable zoning. Common measures of density include population per acre or square mile and dwelling units per acre. Gross density includes the area necessary for streets, schools and parks. Net density does not include land area for public facilities.

Density Transfer- A way of retaining open space by concentrating densities—usually in compact areas adjacent to existing urbanization and utilities—while leaving unchanged historic, sensitive, or hazardous areas. In some jurisdictions, for example, developers can buy development rights of properties targeted for public open space and transfer the additional density to the base number of units permitted in the zone in which they propose to develop.

Design Review Board- A group appointed by the city council or county board of supervisors to consider the design and aesthetics of development within all or a portion of the community.

Development Rights, Transfer of (TDR)- A program that can relocate potential development from areas where proposed land use or environmental impacts are considered undesirable (the "donor" site) to another ("receiver") site chosen on the basis of its ability to accommodate additional units of development beyond that for which it was zoned, with minimal environmental, social, and aesthetic impacts. Also known as transfer of development credits.

Economic Development Commission (EDC)- An agency charged with seeking economic development projects and economic expansion to provide local employment opportunities.

Effluent- A discharge of pollutants, with or without treatment, into the environment.

Eminent Domain- The right of a public entity to acquire private property for public use upon the payment of just compensation.

Flood, 100-Year- The magnitude of a flood expected to occur on the average every 100 years, based on historical data. The 100-year flood has a one percent chance of occurring in any given year.

Form-based Codes- A method of regulating development to achieve a specific urban form by controlling physical form primarily, with a lesser focus on land use. Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks.

Growth Management- The use by a community of a wide range of techniques in combination to determine the amount, type, and rate of development desired by the community and to channel that growth into designated areas. Growth management policies can be implemented through public infrastructure ordinances (“concurrency”), urban limit lines, and standards for levels of service, phasing, building caps and other programs.

Home Owners’ Association (HOA)- A nonprofit organization operating under recorded legal agreements running with the land. Generally, each lot owner in a condominium or similar planned development becomes a member upon purchase. Each lot is subject to a charge for a proportionate share of the expenses for the organization’s activities, like maintaining common areas, landscaping, recreation facilities and parking areas. May also be referred to as a Homeowners Association or Homeowners’ Association.

Incorporation- Creation of a new city.

Industrial- A land use classification often divided into “heavy industrial” uses, like construction yards, quarrying, and factories; and “light industrial” uses, like research and development and less intensive warehousing and manufacturing.

Joint-use Agreements- Agreements between two or more entities, such as a city, county, school district, nonprofit or private organization, to share capital, operating costs and responsibilities for a facility. Examples include recreational space, meeting facilities, libraries and community centers.

Land Banking- The purchase of land by a local government for use or resale at a later date. Banked lands have been used for development of low- and moderate-income housing, expansion of parks, and development of industrial and commercial centers.

The federal rail-banking law allows railroads to bank unused rail corridors for future rail use while allowing interim use as trails.

Land Use Classification- A system for classifying and designating the appropriate use of properties.

Lot- A tract or piece of land having fixed boundaries and designated on a plot or survey map. A lot must meet the requirements of the zoning district in which it is located and must front on a public street or an approved private street.

Ministerial (Administrative) Decision- An action taken by a public agency that follows established procedures and rules and does not call for the exercise of judgment in deciding whether to approve a project. Actions taken by planning department staff members that do not require planning commission action are ministerial decisions.

Mixed-Use- Properties on which various uses like office, commercial, institutional, and residential are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A "single site" may include contiguous properties.

Moratorium- A zoning designation that temporarily reduces or freezes allowable development in an area until a permanent classification can be fixed; generally assigned during general plan preparation to provide a basis for permanent zoning.

Multi-family Units- Freestanding buildings composed of two or more separate living units, with each unit having its own bedroom, kitchen and bathroom facilities.

Multiple Families Residential- A type of housing that has several residential units on a parcel or parcels of land, such as condominiums and apartments.

Municipal Services- Services traditionally provided by local agencies, including water and sewer, roads, parks, schools, and police and fire protection.

Non-conforming Use- A use that was valid when brought into existence, but by subsequent regulation becomes no longer conforming. It is a generic term and includes (1) non-conforming structures (by virtue of size, type of construction, location on land, or proximity to other structures), (2) non-conforming use of a conforming building, (3) non-conforming use of a non-conforming building, and (4) non-conforming use of land. Thus, any use lawfully existing on any piece of property that is inconsistent with a new or amended general plan, and that in turn is a violation of a zoning ordinance amendment subsequently adopted in conformance with the general plan, will be a non-

conforming use. Typically, non-conforming uses are permitted to continue for a designated period of time, subject to certain restrictions.

Overlay Zoning- Additional or stricter standards to existing zoning that can be used to protect particular natural or cultural features or to avoid or mitigate potential hazards.

Parcel- A lot in single ownership or under single control usually considered a unit for purposes of development.

Permit- A specific authorization from a planning body to engage in a particular type of development or activity.

Permitted Use- An authorized use within a zoning district.

Planning Commission- A body, usually having five or seven members, created by a city or county. Ohio law requires the assignment of the planning functions to a planning department, planning commission, hearing officers, and/or the legislative body itself, as deemed appropriate by the legislative body.

Referendum- A voter challenge to legislative action taken by a city council or county board of supervisors. When enough signatures are filed, the governing body must either rescind its decision or place the issue on the ballot for a vote.

Regulatory Taking- A regulatory taking occurs when a regulation becomes so onerous that it has the practical effect of a physical appropriation of land. An extreme example would be zoning private land as a public park. Such a regulation does two things: 1) it prevents the owner from putting the land to any economic use, and 2) it prevents the owner from exercising one of the most fundamental characteristics of property ownership: the right to exclude others. Thus, the regulation would have a similar effect as if the public agency had condemned the land and built a park.

Residential- Land designated in the city or county general plan and zoning ordinance for buildings consisting only of dwelling units. May be improved, vacant, or unimproved land.

Rezoning- An amendment to the map and/or text of a zoning ordinance to effect a change in the nature, density, or intensity of uses allowed in a zoning district and/or on a designated parcel or land area.

Setback Regulations- The requirements that a building be set back a certain distance from the front, side or rear lot line. The frontage or front of a lot is usually defined as the side nearest the street. On a corner lot, the narrowest side is usually determined to be the front lot line. In triangular or other odd-shaped lots, rear lot lines may need to be

defined more precisely in the code or judged by the planning commission or other hearing body with appropriate jurisdiction on a case-by-case basis.

Site Plan Review- The process whereby local officials, usually the planning commission and staff, review the site plans of a developer to assure that they meet the purposes and standards of the zone, provide for necessary public facilities like streets, parks, and schools, and protect adjacent properties through appropriate siting of structures and landscaping.

Sustainable Development- (1) A pattern of physical development and resource use that aims to meet human needs while preserving the environment, often stated as development meeting the needs of the present without compromising the ability of future generations to meet their own needs. (2) Physical development that simultaneously provides for economic prosperity, environmental quality, and social equity.

Uniform Building Code (UBC)- A national building code that sets minimum standards for construction.

Uniform Housing Code (UHC)- State housing regulations governing the condition of habitable structures with regard to health and safety standards and providing for the conservation and rehabilitation of housing in accordance with the Uniform Building Code (UBC).

Zoning District- A designated section of a city or county for which prescribed land use requirements and building and development standards are uniform.

Zoning Map- A legislative body may divide a county, a city, or portions thereof into zones of the number, shape, and area it deems best suited to carry out the purposes of the zoning ordinance.

APPENDIX II: Availability of Master/Comprehensive Plans for Cities, Villages and Townships in Portage County

Stacy Yaniglos

CITIES & VILLAGES	COMPREHENSIVE PLAN?	LINK	LAST UPDATED
Aurora	Yes	http://www.auroraoh.com/DocumentCenter/View/12333/w11/Master-Plan-2017?bidId=	2-22-18
Garrettsville	No	http://garrettsville.org/living.html	N/A
Hiram	Yes	https://www.hiramvillage.org/	2020
Kent	Yes	http://www.kentohio.org/reports/BICENTENNIAL.pdf	2004
Mantua	Yes	http://mantuavillage.com/planning.php	2008
Mogadore	No	https://mogadorevillage.org/zoning/	N/A
Ravenna	No	http://www.ravennaoh.gov/	N/A
Streetsboro	Yes	http://www.cityofstreetsboro.com/FINAL_Streetsboro_Comp_Master_Plan_for_5_19_14_CC_Mtg.pdf	2013
Tallmadge	Yes	https://tallmadge-ohio.org/DocumentCenter/View/1336/Tallmadge-Comprehensive-Plan-2017-Update	2017
Windham	No	https://www.windhamvillage.com/	N/A
TOWNSHIPS			
Atwater	No	www.atwatertwp.net	N/A
Brimfield	No	www.brimfieldohio.gov	N/A
Charlestown	No	www.ctowntwp.org	N/A
Deerfield	No	N/A	N/A
Edinburg	No	www.edinburgtownship.com	N/A
Franklin	No	www.franklintownshipohio.org	N/A
Freedom	No	N/A	N/A
Hiram	Yes (with Hiram Village)	www.hiramtownship.org	?2020
Mantua	No	www.mantuatownshipohio.gov	N/A
Nelson	No	N/A	N/A

Palmyra	No	www.palmyratownship.com	N/A
Paris	No	www.paris-township.com	N/A
Randolph	No	www.randolphtownshipohio.com	N/A
Ravenna	No	www.ravennatownship.com	N/A
Rootstown	Yes	www.rootstowntwp.com	2016
Shalersville	Yes	www.shalersvilletwp.com	2011
Suffield	No	www.shalersvilletwp.com	N/A
Windham	No	www.windhamtownship.org	N/A