

OTA TALKING POINTS

ZONING RIGHTS

IMPORTANCE OF TOWNSHIP ZONING



Issues Being Raised Regarding Township Zoning:

The Ohio Senate has been exploring the housing crisis in Ohio and created a task force to examine the issue and make legislative recommendations to solve the problem. As a result, zoning rights of townships have recently been under intense scrutiny by various outside interest groups. What are these groups saying?

*"The **lack of affordable housing** in Ohio is because of township zoning."*

*"Current township **zoning and approval process is too cumbersome.**"*

*"There are **too many different codes** - township, municipality, and county - that developers have to know."*

*"Townships are **not sophisticated enough** to handle local zoning matters."*

*"Permitting a **referendum vote on zoning decisions creates an unpredictable business model** for the creation of residential development."*

Current Ohio Law:

Ohio Revised Code (R.C.) Chapter 519 provides townships with the authority to enact zoning, a right first granted to townships by the General Assembly in 1947 because there were no planning or regulatory controls in place and urban development was spilling over, uncontrolled, into townships. **Township zoning is created by and voted upon by township residents.** Today, over 600 townships have enacted township zoning, and about 100 more have approved county zoning regulations.

Ohio Revised Code §519.12 spells out the process and time frames townships must adhere to when a property owner seeks to rezone or redistrict or when an amendment to the zoning code is sought.

- The zoning commission shall set a hearing no less than 20 and no more than 40 days from the date of application filing
- Within 30 days of the hearing, the commission must issue a final recommendation to the board of trustees
- Not more than 30 days after receipt of the commission's recommendation, the board of trustees shall hold a hearing
- Within 25 days of the hearing, trustees shall make a final decision to approve or deny the recommendations of the zoning commission
- If approved, the proposed change shall be effective 30 days after adoption by the board of trustees unless a valid referendum petition is presented to the board

The **current process allows time for the community to decide if their needs and visions have changed** since the zoning code and comprehensive plan were last altered and a **decision could be finalized in as few as 135-155 days or 4-5 months.** While not all decisions are finalized quickly, the process laid out in R.C. §519.12 ensures a balanced approach to development, weighing community needs, sustainability, and economic growth.

What Outside Groups are Suggesting:

- Elimination of township zoning in all townships except those that have adopted limited home rule pursuant to R.C. Ch. 504 *Only 34 townships have adopted limited home rule*
- Creation of statewide zoning and building standards
- Elimination of the referendum procedure in township zoning *In 2023, the General Assembly increased the signatures needed for a township referendum from 8% to 15%.*
- Mandate that townships allow for:
 - high density single and multi-family housing
 - the use of modular and manufactured housing
- Require township zoning to allow for the reuse and re-purposing of commercial buildings as residential buildings

Importance of Township Zoning:

- **Zoning offers protection of property values for residents**
- Township residents deserve the same property protection as those Ohioans who live in municipalities
- Development does not happen in a vacuum - *all aspects of the township are impacted, from roads to schools to safety services*
- Zoning decisions made by townships allow for solutions tailored to the unique characteristics and demands of the community
- The essence of local zoning and planning authority is to ensure development - whether residential, commercial, or industrial - reflects the needs, values, and aspirations of the community

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Attacks on Township Zoning Means:

Attack on Local Control

Statewide zoning undermines the unique character and identity of townships, negatively impacting the spirit of the community. Ohio is a diverse state. The legislature has provided the authority to constituents to exercise powers of governance, like zoning. Centralizing zoning decisions at the state level is an infringement of the democratic process and an assault on local control. Furthermore, the right of referendum is included in Ohio's constitution, and the Ohio General Assembly granted residents of townships the inherent right to change the course of township zoning decisions. Cities and villages have the same zoning processes and rights to referendum. Any suggestion to eliminate the process in townships simply reaffirms why it is needed.

Efficiency of Township Zoning

Townships exhibit greater efficiency in zoning due to local knowledge and understanding of community needs.

State-mandated zoning would not only disrupt this efficiency, but it would hinder prompt local decision-making and negatively impact the economic development in the region. Township governance facilitates quicker responses to evolving community needs, including any unforeseen changes, as they do not have layers of bureaucracy.

Overreach of Authority

Proposed changes represent an overreach from special interests. Special interests should not supersede the rights and well-being of townships or their residents.

Won't Solve Housing Crisis in Ohio

Stripping townships of their zoning powers does not guarantee increased development or housing units in Ohio.

Instead, it shifts decision-making to a less efficient system without ensuring responsible development. As this issue is complex, mandating specific zoning codes or eliminating township zoning altogether does not address the root causes of the housing shortage. Developers have cited numerous reasons why they cannot keep up with the housing demand in Ohio, including the rise in interest rates, land prices, materials, and labor. Both townships and developers agree that water and sewer access is one of the largest hurdles to increased housing and development.



Today water and sewer are controlled by municipalities, who often use these services to hold developers and residents hostage. Utilizing county and regional water and sewer districts (R.C. §§ 6117 and 6119) instead of municipal systems would ensure that water and sewer are provided to all Ohio residents. The entity that controls water and sewer, controls development.

Plan of Action

- Contact your legislators to **express your opposition to any proposal that would eliminate township zoning authority**
- Encourage your legislators to support statewide or county-wide water/sewer services as opposed to municipal-controlled services
- Discuss positive examples of residential, commercial, and industrial development in your township and the role your township played in its success

Examples of Township Development

- Turtlecreek Township (Warren Co.) approved a single-family and patio homes community with an overall density of 2.4 units per acre and 73 total homes
- Hinckley Township (Medina Co.) approved two subdivisions that total 24 subplots ranging between 2.2 and 5-acre lots
- Orange Township (Delaware Co.) approved a 1,250 acres mixed-use development containing 2,182 single-family lots, 900 multi-family units, a variety of shops and restaurants, and more than 350 acres of park space