

MUSKINGUM COUNTY

ZONING QUESTIONS AND ANSWERS

On January 9, 11, and 29th, 2024, three informational meetings were held in Muskingum County to discuss zoning. Each of these meetings included presentations and updates from county commissioners, the port authority, county staff, and the zoning consultant. The following summarizes the questions that were received during those three meetings. These questions are grouped under the following themes:

- / Process of creating the zoning code and map
- / Zoning regulation questions
- / Zoning use questions
- / Zoning implementation and enforcement
- / Potential impacts on property owners
- / Other questions

Process of Creating the Zoning Code and Map

1. Is the zoning code written before or after it is voted on?

The zoning code would be written, and the zoning map created before the residents would vote on it. There will be the opportunity for residents to review and comment on the draft zoning code and zoning map multiple times before it is put on the ballot. The county will hold at least one (1) public hearing on the draft zoning code in each township which would be subject to the new code (public notice of each meeting date, time and location will be published at least 30 days beforehand in a newspaper of general circulation in the township). The county will also hold multiple additional public hearings on the zoning code in a more centralized location in the county (the date, time and location of each of these meetings will be publicly noticed according to the county's usual procedures).

2. Who determines how a district is zoned (agricultural, residential, commercial, industrial, etc.)

The zoning map, which identifies what each property is zoned, will be created alongside the zoning code. The first draft of the zoning map will be created by the zoning consultant and county staff based on the county's comprehensive plan and existing development patterns. There will be multiple opportunities for residents to review and comment on the map before it is finalized.

3. Who votes for the adoption of the zoning code? Does each township vote separately for the adoption of the zoning code?

The registered voters within each township will have the opportunity to vote. The results of the vote will be reviewed individually township by township. Where a majority of voting electors in a township vote to approve the zoning code, the township will thereafter be subject to the new

county-administered zoning regulations. In any township where the majority of voting electors vote to reject the zoning code, county zoning regulations will not apply to that township's territory. It is a decision made by each township individually – it is not an “all or nothing” situation.

4. If a township does not adopt countywide zoning, can they create their own separate zoning commission that is completely controlled by the township locally instead of the county?

With this process, we are proposing to create a rural county zoning code which would apply to the townships that vote in zoning. If a township does not vote in the countywide rural zoning code, they can create and implement their own zoning regulations. In that case the township would implement and enforce that zoning code with their own zoning commission and board of zoning appeals.

5. How will this process affect existing zoning codes in townships? Will they remain or go away?

If a township currently has its own zoning regulations, then that township can choose whether they want to keep their existing zoning regulations or adopt the countywide zoning regulations. It will be the decision of that township.

Zoning Regulation and Use Questions

1. When a building is non-conforming, can it be rebuilt if destroyed?

The zoning code would include regulations regarding non-conforming uses and buildings (*buildings or uses that existed prior to the adoption of the zoning code and which do not meet the regulations of the code*). Generally, zoning codes include specific provisions that if a non-conforming building is destroyed by natural causes (*lightning, tornado, flood, etc.*) then the building could be re-built in the same footprint that it was prior to the damage. If the property owners wanted to expand the footprint of the building, then that expansion would have to meet the regulations of the zoning code.

2. How will the density of residential neighborhoods be determined? My neighbor shouldn't be 9 feet away from my house.

The density of residential neighborhoods would be regulated in the zoning code by establishing a minimum lot size and setback requirements. Lot size regulations would apply to any new lot that is created following the adoption of the zoning code. Setbacks within a zoning code stipulated how far back a building can be from all property lines. Side yard setback requirements would stipulate how far each building would have to be from the side property line, which would determine the minimum distance buildings have to be separated. For instance, if there is a 5' minimum side yard setback, then there would be a minimum of 10' between structures.

3. Does zoning regulate a person or business affecting a natural waterway?

A zoning code can regulate how development affects natural waterways and drainage. It is not required that a code address those items, but it is something that could be added in. Additionally, the county's subdivision regulations include a requirement that the county engineer reviews drainage plans.

Zoning Use Questions

1. Will agricultural uses be limited with the adoption of zoning?

The Ohio Revised Code protects agricultural uses within the state. Agricultural uses and buildings that are located on lots greater than five acres are generally exempt from local zoning regulations and requirements. This exemption would apply to all existing agricultural uses and buildings and any new agricultural uses or buildings that are established after the adoption of zoning.

2. How do you determine what uses will be allowed in certain zoning districts?

With the drafting of the zoning code, a list will be created that identifies what uses would be permitted in each zoning district. Residents will have the ability to review, comment, and add to the list throughout the drafting process.

3. Would this apply to investment in a residential area? Such as a cell phone tower in a residential area that is zoned for residential only.

Residential property will be subject to the new zoning code. The zoning code would apply to every property that is located within the area that approved zoning. Generally, utility-related improvements such as electric poles and towers and cell phone towers are exempt from local zoning regulations as the state of Ohio designates utilities as an essential service which do not have to conform to zoning.

4. Would I be able to still build an apartment on the side of my home in single family zoning for an aging relative or other purpose?

Establishing an apartment or additional dwelling unit (*typically referred to as an accessory dwelling unit*) on a property is something that a zoning code could allow or not allow depending on the interest of residents. This is something that can be further discussed throughout the zoning code drafting process.

5. If I live in a residential zone, can I have a small business in my home?

Zoning codes establish regulations for home occupations. These regulations would stipulate the type of home businesses that are allowed in residential areas and ones that are not allowed. This is something that can be further discussed throughout the zoning code drafting process.

6. Would this make tiny homes illegal?

Some zoning codes will establish a minimum square footage for residential homes. At this point in the process, we don't know if there is the support for establishing such a requirement or not. This is something that can be further discussed throughout the zoning code drafting process.

7. If I have a business in an agricultural zone, would I be able to expand that use or change that use?

If the property is zoned agricultural, then the list of approved uses within that zoning district would be identified in a list of permitted uses within the code. If the business is allowed in the zoning district, then yes expansion would be allowed subject to meeting any applicable requirements in the code. If the business is not allowed in the zoning district, then the business

would be considered non-conforming, and it would not be allowed to expand. A property could change uses as long as the new use is permitted in the zoning district that the property is located in.

Zoning Implementation and Enforcement

1. Can property be rezoned after the initial zoning code and map are adopted?

Yes, a property owner can request to rezone their property at any time. They would apply to the county and would follow a process for rezoning that is established by the Ohio Revised Code. This process includes the requirement for a public hearing which would notify adjacent property owners and the public of the rezoning request. Interested parties would have the ability to attend the county zoning meeting to voice their support or concern on the proposed rezoning.

2. Who regulates the zoning applications?

County zoning staff would accept, review, and present zoning applications to the applicable county zoning commissions/boards (e.g. planning commission, zoning commission and board of zoning appeals). It would be the responsibility of staff to review zoning applications to determine if they conform to the zoning code and to determine the appropriate process for the application. If the application requires the approval of the zoning commission or the board of zoning appeals, then that applicable commission/board would ultimately be the ones that approve or deny the application. If the application allows for staff approval, then the county zoning staff would be the ones that approve or deny the application.

3. How will the zoning code be enforced? How will it be paid for?

The county zoning staff and zoning commissions/boards would have the responsibility for ensuring zoning applications meet the zoning code. A zoning code enforcement officer is generally hired to ensure that the public is following the zoning code. Most communities work on a “resident complaint” basis, so someone would notify the county of a suspected code violation, the zoning enforcement officer would investigate the complaint and, if the violation is confirmed, the enforcement officer would initiate the code enforcement process against the particular property owner. The salary of a zoning enforcement officer can be somewhat or mostly covered by zoning application and permit fees.

- 4. What are the zoning boards that will be created?** If zoning is approved, then two boards would be created. The first is the zoning commission. The zoning commission is responsible for reviewing subdivisions, rezoning requests, changes to the zoning code text, planned unit development applications, and other similar items. The second is the board of zoning appeals. The board of zoning appeals is responsible for reviewing variance applications, conditional uses, and appeals.
- 5. Who will serve on the zoning boards and how are they chosen?**
The Ohio Revised Code establishes the rules for who can serve on the zoning commissions/boards that would be created. It stipulates that the zoning commission and board of zoning appeals are to be staffed by five people each. Commission and board members are appointed by the county commissioners. Each member must reside in unincorporated township territory subject to the county zoning code. With respect to the board of zoning appeals, each member must reside in a different township. The County will request applications for commission/board members, conduct interviews, and then vote on who would serve on each commission/board.
- 6. What happens if someone doesn't follow the zoning regulations? Is there a penalty?**
If there is a complaint to the zoning enforcement officer and it is confirmed that there is a violation, then typically the property owner is notified in writing about the violation. If the violation is then corrected, no further action will be taken. If the violation is not corrected, then the zoning enforcement officer can pursue fines based on the process established in the zoning code.
- 7. If zoned, do I have to submit any and all home improvement or property improvements to the county for approval?**
The zoning code will identify which improvements are required to be reviewed and approved by the county. Zoning review would not be required for any interior building improvements, and a lot of small improvements to a property can be exempt from zoning review. This usually includes items like small sheds, patios, and residential playground equipment. Zoning review would be required for all new structures and expansions of existing structures.
- 8. If a project or development is under construction when zoning is adopted, is it exempt from the zoning regulations?**
Yes. Zoning regulations would only apply to new applications that are made following the adoption of the zoning code.
- 9. What happens if a city annexes county land?**
If an area of the county is annexed by a city, then that area would be subject to the zoning regulations of the city.
- 10. If the residents regret voting zoning in, how difficult would it be to reverse? What is the timeline to do that?**

The county commissioners may pass legislation to repeal the zoning code in any township subject to county zoning regulations. The electors of a township subject to the zoning code may also compel repeal of the zoning code with respect to their township. To that end, a certain number of qualified voters residing in the township must petition the county commissioners to cause another election in the township on the question of whether the township should be subject to the zoning code. Presuming the citizen petition receives the necessary number of signatures, the county commissioners are required to schedule with the board of elections a special election on the matter in the township on the day of the next primary or general election. If a majority of township electors vote to repeal the zoning code following the election, the zoning code shall no longer be of any force and effect in the township. Only one (1) special election on the question of whether to repeal the zoning code may be held in a particular township in any two (2) calendar years.

Potential Impacts on Property Owners

1. What are the costs associated with zoning?

If zoning is approved, then there would be fees associated with the various zoning applications. These fees would be established by the county commissioners.

2. Are taxes going to be affected by the adoption of zoning?

Zoning itself will not affect your taxes. With the new Intel development and the increase in property demand, property values could increase. Property values routinely fluctuate regardless of, and unrelated to, the zoning process.

3. What stops someone from buying land and developing now?

Nothing. In areas without zoning, anyone can buy property and develop it in any way they want.

Other Questions

1. What was the zoning process in Licking County? Did the voters have input?

The Ohio Revised Code establishes the processes for standing up zoning in a county or a township. Licking County chose to have each township create their own zoning regulations. This required each township to draft and approve their own zoning code and establish the required zoning commission and board of zoning appeals. That is a different process than the county-wide zoning process proposed here.

2. How does this affect the school district?

Adopting zoning regulations would not directly affect the school district. Currently, the school district is notified anytime a new residential subdivision is submitted to the county. This allows the district to plan for future demands.

3. What is the county's plan to upgrade outdated equipment and to supply utilities?

Currently the County is looking at options to extend utilities throughout the northwest portion of the County. This is on the forefront and will be addressed soon.

- 4. Do any of the commissioners' own property in the affected townships and which townships?**
Commissioner Cameron lives in Washington Township and does not have any real estate holdings within the areas proposed to be zoned. Commissioner Bell resides in Falls Township (already zoned) her family farms several hundred acres in the northwest region. Commissioner Crooks resides in a Muskingum Township subdivision, within the area proposed to be zoned.