

Fairfield County Regional Planning Commission

Objectives

- ☞ The Structure of the RPC
- ☞ Reasons for Planning
- ☞ Differences between Zoning and Subdivision Regulations
- ☞ Differences between Minor and Major Subdivision
- ☞ Township Zoning Process
- ☞ Overview of Floodplain Management
- ☞ Overview of CDBG and Fair Housing

Regional Planning Commission Structure

§ The Fairfield County Regional Planning Commission is:

- A political subdivision established under ORC 713.21
- Includes members from the county, townships, cities, and villages
- Citizen members appointed by the County Commissioners
 - Agriculture
 - Banking and Finance
 - Industry
 - Labor
 - Public Utilities
 - Education
 - Retail Merchandising
 - Minorities
- At-Large members appointed by the RPC Executive Committee
- Ex-Officio Members

Regional Planning Commission Structure

§ The RPC currently has three committees:

§ Executive Committee

- Executive Committee has all of the powers and duties of the commission, but decisions are always subject to review by the commission as a whole.

§ Subdivision Regulations Committee (Special Committee)

- Reviews Subdivisions and Variances
- Amendments to the Regulations

§ Active Transportation Committee (Special Committee)

- Implement the 2009 Active Transportation Plan
- Promote and enhance active transportation opportunities

Regional Planning Commission

☞ Planning Defined:

- The deliberate, organized, and continuous process of preparing information
 - Community and Regional Planning — Uses the process of planning to advise elected officials and policy makers on actions relevant to growth and change.

☞ Why Plan?

- Shapes the future
- Identifies local issues and local amenities
- Promotes public involvement
- Attracts development
- Increases certainty
- Promotes the efficient use of resources

Regional Planning Commission

☞ Long Range Planning Efforts:

- 2002 Development Strategy and Land Use Plan



- 2009 Active Transportation and Open Space Plan



- 2011 Fairfield Growing:
An Agricultural Economic Development Plan



Subdivisions

SUBDIVISIONS

Definition:

- The division of one parcel into two or more parcels any one of which is less than five (5) acres (with some exceptions)

OR

- The improvement of a parcel that involves the following:
 - The opening, widening or extension of any public or private streets.
 - Except private streets serving industrial locations
 - The allocation of land for common open space
 - The establishment of an easements(s) for public or private water, sewer, storm drainage or other similar facilities.

ZONING V. SUBDIVISION REGULATIONS

Zoning

- ⌘ Controls the use of land
- ⌘ Controls the placement of structures
- ⌘ Controls frontage and lot area

Subdivision Regulations

- ⌘ Controls the division of land
 - Regardless of use
- ⌘ Controls the improvement of land
 - Roads, water, sewer and drainage
- ⌘ Includes frontage and lot area requirements

TYPES OF SUBDIVISIONS

⌘ Minor Subdivision

(Approval of without a plat ORC 711.13)

- Involves five or fewer lots (less than 5.01 Acres) utilizing existing public road frontage.
- Minor subdivisions do not involve any of the following:
 - Any improvements (including the opening, widening or extension of any street)
 - Allocation of land for common area
 - The establishments of easements for water, sewer or drainage improvements.

Administratively Approved

EXEMPT SPLITS

☞ Exempt Lot Splits

- Any division of land in which all lots or parcels contain 5.01 acres or more and do not involve any new streets or easement of access.

☞ Exempt Tied Lot Splits

- The sale or exchange of parcels of land between adjoining property owners where the original parcel is not reduced below the subdivision regulation's requirements or any other regulations (ie. zoning requirements) and a new building site is not created.

TYPES OF SUBDIVISIONS

☞ Major Subdivisions

- Involves more than five lots or one or more of the following:
 - The opening, widening or extension of streets
 - The allocation of land for common area
 - The establishment of easements for water, sewer, or drainage improvements
 - Requires Regional Planning Commission approval of a preliminary plan and a final plat

MAJOR SUBDIVISION PROCEDURES

§ Sketch Plan Review (optional)

§ Preliminary Plan

○ Distributed to the following review agencies:

- County Engineer
- County Sanitary Engineer
- Health Department
- Local School District
- Township in which it is located
- Adjacent Municipality
- Ohio Department of Transportation
- Soil and Water Conservation District
- Utility Companies
- Conservancy District, Where applicable

§ Major Subdivisions are reviewed by the Subdivision Regulation Committee. The Committee may recommend approval or disapproval to the Regional Planning Commission.

§ The Regional Planning Commission will Review the Major Subdivision at the next available meeting. The Commission may approve, conditionally approve, or disapprove the subdivision.

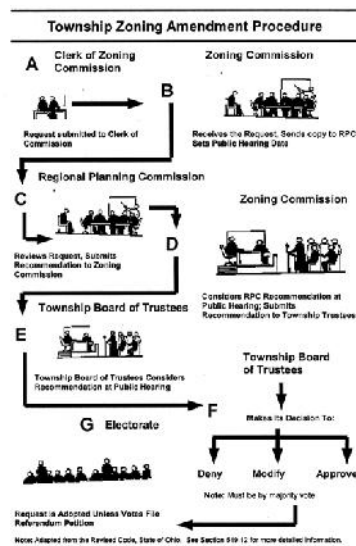
MAJOR SUBDIVISION PROCEDURES

§ Final Plat

- Distribute to review agencies
- Final plat may be for entire subdivision or may be for a sectional phase of the subdivision.
- Includes improvement plans (construction drawings)
- Reviewed by the Subdivision Regulation Committee. The Committee may recommend approval or disapproval to the Regional Planning Commission.
- The Regional Planning Commission will review the major subdivision at the next available meeting. It may be either approved, conditionally approved or disapproved.

Zoning

Zoning Process





Floodplain Management

NFIP: Basis of the Program

- ☞ National Flood Insurance Program (NFIP) –Federal program that makes flood insurance available to communities.
- ☞ Federal Emergency Management Agency (FEMA) – Division of Department of Homeland Security that is responsible for oversight of state and municipal floodplain management efforts.

National Flood Insurance Program

After the NFIP Was Established

- Flood insurance premiums began to take the burden of paying for flood losses off of the taxpayer and placed them onto the insured property owner
- The NFIP is based on a balance of 3 factors:
 - Risk identification –floodplain mapping.
 - Community compliance-local regulations.
 - Availability of flood insurance

NFIP: Basis of the Program

- FEMA agrees to make flood insurance available within a community when that community agrees to *adopt* and *enforce* floodplain management regulations.

Government Responsibility for Managing the NFIP

☞ Federal:

- Risk identification (floodplain mapping).
- Establish development/building standards.
- Provide affordable insurance coverage.

☞ State:

- Provide technical assistance to local communities/agencies.
- Evaluate and document floodplain management activities.

☞ Local: Adopt/enforce local floodplain management ordinances that comply with Federal/State laws.

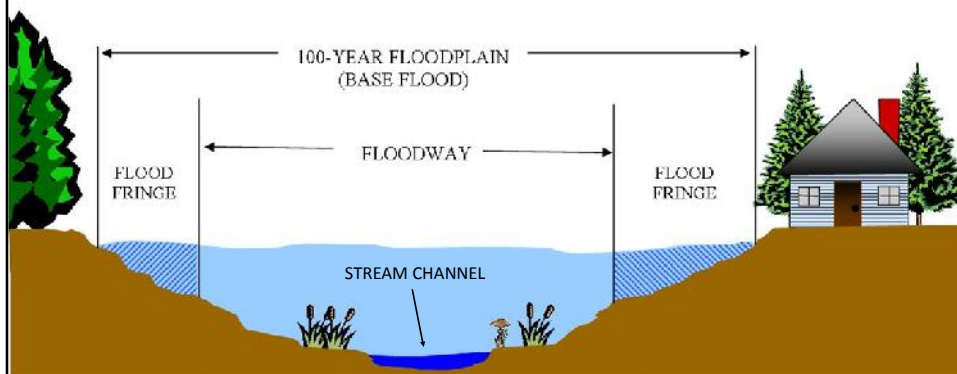
Floodplain Maps

- Are issued for a community by FEMA
- A tool for communities to provide information about flooding risks from local streams
- Used for development regulations and permitting
- Also used for flood insurance rating

Floodplain Terminology

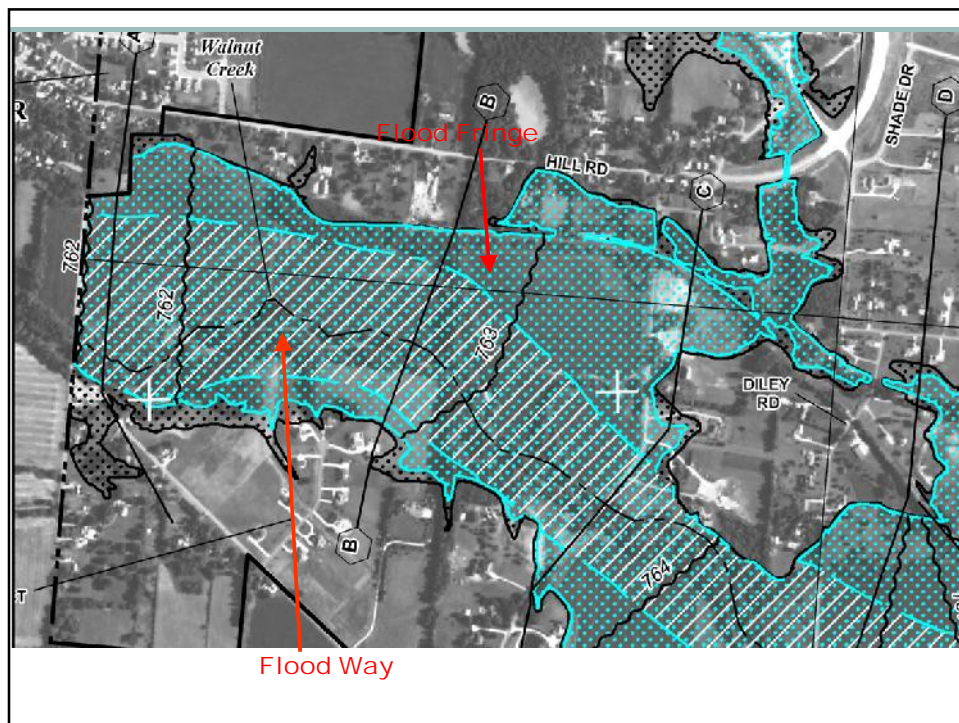
- ∞ **100-Year Flood:** Contrary to popular belief, it is not a flood occurring every 100 years. Rather, it is calculated to be the maximum level of flood water expected to occur on average once every one hundred years (1% chance of flooding in any given year).
- ∞ **Floodway:** The channel of a river or watercourse and the adjacent areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot.
- ∞ **Flood Fringe:** That portion of the floodplain outside the floodway that is inundated by flood waters in which encroachment is permissible.

Floodplain Terminology



Flood Insurance Rate Maps

- S Flood Insurance Rate Map (FIRM) –FEMA map that identifies areas adjacent to streams that are at risk of flooding, called floodplains (all areas at risk of flooding may not be identified on the FIRM). Typically, the 100-year floodplain is mapped by FEMA.
 - 2012: New DFIRMs become effective for Fairfield County.
- S Flood Insurance Study (FIS) –usually contains a flood profile used for determining flood elevations in conjunction with the FIRM.



- ☞ Floodplain Study Report
- ☞ Companion document to the flood maps (FIRM)



Regulations

- Development: *(as defined in the ordinance)* shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- In other words, just about any activity in the floodplain requires a permit.
- Exceptions include naturally occurring or agricultural activities.

Regulations

Key Requirements for Building Projects

- New commercial and residential buildings must be elevated or flood proofed to one foot above the base flood elevation.
- Older buildings that were in place before the flood maps that are too low do not have to comply with elevation requirements unless significant changes are made to the building.

Community Development Block Grant Program

CDBG Basic Information

Title 1 of the Housing and Community Development Act of 1974, as amended, created the CDBG program

- The primary objective of the Act is the development of viable communities through the improvement of living conditions and the expansion of economic opportunities in cities and counties, principally for persons of low- and moderate-income.

CDBG National Objectives

- ☞ Provide a benefit to low- and moderate-income persons
- ☞ Prevent or eliminate slum and blight
- ☞ Meet an urgent community need that threatens the health or welfare of the residents

CDBG Basic Information

- ☞ Fairfield County Participates in Ohio's Allocation CDBG program. The county receives an allocated amount of funding that is non-competitive.
- ☞ The Allocation program is for units of general-purpose local government (cities and counties) that do not participate in HUD's CDBG Entitlement or Urban County program.
- ☞ Ohio has three competitive CDBG programs the county can participate in.

CDBG Basic Information



**Department of
Housing and Urban Development**



**Development
Services Agency**

Ohio Development Services Agency



**Regional Planning Commission
on behalf of the
Fairfield County Commissioners**

Eligible Organizations

- ☞ Governmental agencies (including Fairfield County, cities, villages and townships)
- ☞ Private non-profits that are corporations, associations agencies, or faith-based organizations with non-profit status under the Internal Revenue Code (Section 501(c)(3))

Eligible Activities

All programs must benefit primarily low-and moderate-income individuals or families. LMI POPULATION MUST BE MORE THAN 51%

- ☞ Water/sewer improvements
- ☞ Street improvements
- ☞ Elimination of architectural barriers
- ☞ Senior services
- ☞ Youth services (including child care)
- ☞ Recreation programs
- ☞ Job training/education programs
- ☞ Crime prevention programs
- ☞ Public safety services

Eligible Activities

- ☞ Limited Clientele designation is used for an activity that benefits specific individuals in the community (e.g., handicapped, homebound elderly, homeless)
- ☞ Area designation is given to an activity that benefits everyone in a certain area (e.g., library, neighborhood center) and the service area would need to be at least 51% low and moderate-income

Ineligible Activities

- ☞ Generally, only ineligible if they are specifically not allowed such as buildings for the conduct of general purpose government; and
- ☞ If they do not meet one of HUD's national objectives such as benefit to low- and moderate-income persons.

2013 Fairfield County CDBG

- ☞ Feb. 1: Notices Sent to Communities
- ☞ Mid-March: First Public Hearing
- ☞ Mid-April: Deadline to Submit Projects to RPC
- ☞ May/June: Second Public Hearing
- ☞ Late June: Application Sent to ODOD
- ☞ Sep/Oct: Grant Agreement from ODOD
- ☞ Spring 2014: Release of Funds



Fairfield County Fair Housing Program	
☞	As a part of Fairfield County's Community Development Block Grant (CDBG) program, the county is required to implement a fair housing program
☞	Two main components to the fair housing program: <ul style="list-style-type: none">○ Discrimination in renting/housing issues○ Landlord-tenant issues

Fairfield County Fair Housing Program

- Regional Planning Commission staff will take calls from residents.
- Will refer citizens to legal aid or Ohio Civil Rights Commission.
- Provide materials to general public about fair housing laws.

Fairfield County Fair Housing Program

FAIR HOUSING

Fairfield County Fair Housing Program

- § Both the federal and state fair housing laws give all persons in the protected classes the right to live wherever they can afford to buy a home or rent an apartment and helps to ensure that fair housing is a way of life in Ohio

Fairfield County Fair Housing Program

Protected Groups

- Families with children
- Disabled People
- Ethnic minorities because of race, color, ancestry or national origin
- Gender differences and protection against sexual harassment
- Religion differences
- Military Status (Ohio)

Fairfield County Fair Housing Program

In the Sale and Rental of Housing no one may take any of the following actions based on race, color, national origin, religion, sex, familial status or handicap:

- § 80 Refuse to negotiate, rent or sell housing
- § 80 Make housing unavailable
- § 80 Set different terms, conditions or privileges for sale or rental of a dwelling
- § 80 Provide different housing services or facilities
- § 80 Falsely deny that housing is available for inspection, sale, or rental
- § 80 For profit, persuade owners to sell or rent (blockbusting) or
- § 80 Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.

Fairfield County Fair Housing Program

§ 80 LANDLORD TENANT COMPLAINTS

Ohio Landlord Tenant Act

- ☞ Ohio Tenant-Landlord Bill, effective November 4, 1974, applies to most landlord-tenant relations and governs most rental agreements whether written or oral.
- ☞ Found in the Ohio Revised Code Section 5321.01-.19

LANDLORD OBLIGATIONS

- ☞ Ohio Revised Code 5321.04
- ☞ Keep common areas safe and sanitary
- ☞ Comply with housing codes
- ☞ Make repairs to keep fit and habitable
- ☞ Supply hot and running water
- ☞ Supply garbage cans and pick-up (4 or more units)
- ☞ Maintain appliances provided by landlord
- ☞ Access - notice of entry 24 hours unless emergency

LANDLORD RIGHTS

- ☞ Evict a tenant who does not pay rent when due.
- ☞ Evict a tenant who refuses to move after the end of the rental agreement.
- ☞ Evict a tenant who does not perform the duties in the rental agreement or those required by state law.
- ☞ Receive notice from a tenant when the tenant wants to end the rental agreement.

LANDLORD'S CANNOT:

- ☞ Shut off utilities or other services, change the locks, remove doors or windows or threaten to do any of these unlawful acts in an attempt to evict tenants
- ☞ Enter tenant's apartment or house whenever he wants to or repeatedly demand to enter even though proper notice has been given.
- ☞ Refuse to rent to tenants because of their race, color, religion, national origin, citizenship, sex or handicap.
- ☞ Prevent tenant from exercising rights as a tenant by increasing rent, decreasing services, bringing or threatening to bring an eviction because tenant has complained to him/her about a code violation or because tenant has participated in a tenants' union.

TENANT OBLIGATIONS

- ☞ Ohio Revised Code 5321.05
- ☞ Pay their rent in full when due.
- ☞ Keep the property safe, sanitary and clean.
- ☞ Keep all plumbing fixtures clean and free flowing.
- ☞ Not damage the property and not allow guests to do so.
- ☞ Keep appliances in good working order as outlined by the lease.
- ☞ Allow the landlord to inspect or show the property, make repairs at reasonable times with a least 24 hours notice or immediately in case of emergency.
- ☞ Comply with all local housing, health and safety codes.

TENANT REMEDIES

- ☞ Join a tenant's union to bargain with the landlord.
- ☞ Complain to a government agency about a landlord's possible violation of housing laws and regulations affecting health and safety.
- ☞ Know the name and address of the owner of the property and his agent, if there is one. The information must be in the rental agreement or be given to the tenant when he/she moves in.
- ☞ Receive at least three day's written notice before the landlord files an eviction in court.
- ☞ Receive notice from the landlord when the landlord wishes to end the rental agreement or to raise the rent
- ☞ Rent escrow.

RENT ESCROW

- § 20 If the landlord does not comply with his/her obligations, tenants have a right to escrow rent with the court. The tenant does not have the right to stop paying rent and to do so would void protection under the law. In order to escrow rent, a tenant must:
 - Pay rent up to date.
 - Request in writing the repairs needed.

- § 20 If the landlord fails to make the repairs within 30 days or within a reasonable time in case of an emergency, the tenant can:
 - Escrow rent by depositing it with the clerk of the appropriate municipal or county court.
 - Ask the court to direct that the repairs be made, to reduce the rent, and to release some of the money for making repairs.
 - Terminate the lease and move out. In this case, the security deposit should be returned in full.