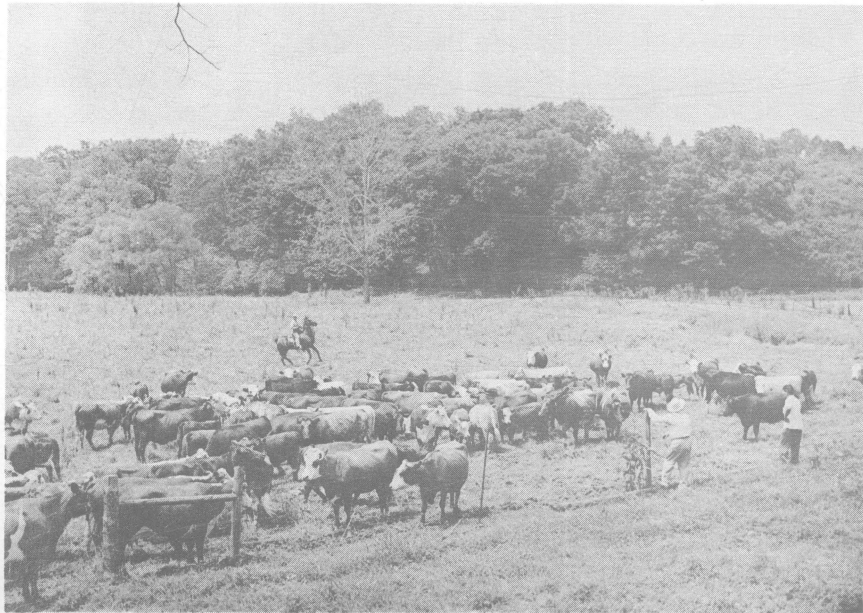


# ***Giving Direction to Community Developments***



H. R. MOORE

FRANCIS B. McCORMICK

W. A. WAYT



**Ohio Agricultural Experiment Station**  
**Wooster, Ohio**

GIVING DIRECTION TO COMMUNITY DEVELOPMENTS

CONTENTS

	Page
Introduction . . . . .	1
Zoning . . . . .	1
What Is Zoning? . . . . .	1
How New Is the Idea and Use of Zoning? . . . . .	2
Zoning--Its Economic and Social Purpose . . . . .	3
What Can Be Done under the Ohio Rural Zoning Enabling Act? . . . . .	3
Ohio's enabling law is "Comprehensive" . . . . .	4
Land Use Districts . . . . .	4
Classes of land use districts . . . . .	5
How a Rural Zoning Resolution Is Adopted and Administered . . . . .	5
A rural zoning commission is appointed . . . . .	6
The zoning commission develops a plan--public hearings. . . . .	6
Vote of electors . . . . .	7
Administration of rural zoning resolution . . . . .	7
Board of zoning appeals . . . . .	7
Enforcement of zoning regulations--zoning inspector . . . . .	8
Airport Zoning . . . . .	8
Airport zoning board . . . . .	8
Airport zoning commission . . . . .	9
Some Legislative Developments Prior to the Rural Zoning Enabling Act of 1947 . . . . .	9
City and village planning commissions . . . . .	9
Regional or county planning commissions . . . . .	10
City planning commission empowered to control platting of certain rural lands . . . . .	10
When county commissioners may control the platting of lands . . . . .	10
When a county or regional planning commission must approve the platting of lands . . . . .	10
Building Regulations in Unincorporated Areas . . . . .	11
Planning for Community Developments . . . . .	12
Information needed in community planning . . . . .	13
What is a community? . . . . .	13
Where should the planning start? . . . . .	14
Present Extent of Planning . . . . .	15
How work is being done by planning commissions . . . . .	15

---

This research circular is in partial fulfillment of the assignment, State Project No. 327, O.A.E.S. This state project was accepted as a contributing study to regional research on "Agricultural Adjustments in a Developing Economy" (NCT-35, later NC-45). This text is subject to adaptation for regional research publication, if deemed appropriate, by the NCR-17 committee which at present has responsibility for developing the regional cooperative study. The authors accept full responsibility for the ideas expressed in this publication.

## GIVING DIRECTION TO COMMUNITY DEVELOPMENTS

H. R. Moore, Francis B. McCormick, and W. A. Wayt

### Introduction

This circular provides a background discussion of rural zoning and some other measures which influence how land is utilized for nonagricultural purposes. Let us look at zoning first because currently it is the primary issue and point of action in many areas. But zoning is just one of several tools being used to shape community developments. Let us also consider the functions of county and regional planning commissions, real estate subdivision controls, building codes, and at least mention health district regulations. And lastly, let us take a look at the process of planning in general from which should arise the policies of how and when all these devices are put to work.

### Zoning

Ohio's Rural Zoning Enabling Act was adopted in 1947. Since then, the voters of about 275 townships have approved some type of zoning as developed either by a county or township zoning commission. For the most part, these townships cluster around the larger centers of population. On the other hand, numerous smaller communities face some measure of industrialization, expansion of residential developments, establishment of roadside businesses and other nonagricultural uses of rural lands. As a result, some relatively rural townships have adopted zoning resolutions and the residents of others are considering the question--to zone or not to zone.

Looking ahead--in the next few years--it is likely that most Ohio communities will experience changes in land uses, as mentioned above. Whether zoning is used or not is a question to be decided by the people in each county and township. And, whether rural zoning is successful or not depends on how well it is planned and managed in each case. It is opportune, therefore, for the people in any Ohio community to be alert as to what can be done with rural zoning and whether or not the present or potential developments in their community justify this kind of direction.

### What Is Zoning?

As associated with land use, zoning is the division of the land area of a locality into use districts. A uniform set of public regulations is applied to the use of the land and usually to the height, bulk, location and use of structures on the land in each district. The full scope of regulation may also include features to control density of population.

The above states the main essentials of zoning. To get a better concept of what zoning is let us look at it from several angles: its historical development, its purpose, the nature of the authority to zone, and as applying to Ohio--the processes of adoption and administration.

In pursuing the above objectives, it is not intended to become involved with the technical details of zoning law. Rather, the intent is to consider the general principles which have evolved and been incorporated in Ohio's Enabling Act.

How New Is the Idea and Use of Zoning?

Cities have practiced a limited amount of zoning for a long time--at least for hundreds of years. In the early American colonies, industries such as powder mills, slaughter houses and tanneries were occasionally restricted to some isolated spot in order to protect and preserve the safety, health and comfort of the community. But even in our heavily populated urban areas, no comprehensive plan of zoning was in operation in the United States before 1916.

The current use of rural zoning really got its start during the 1920's. A few states used zoning to avoid ill-advised settlement of people on cut-over forest lands poorly adapted to agriculture. Also, in 1923, Wisconsin adopted a zoning enabling act to guide urban-type developments in areas adjacent to cities. This was an application of zoning to areas where more intensive land uses fully replace agriculture--the kind of situation many suburban communities face. In 1929, this zoning authority was extended to fit circumstances in more rural areas.<sup>1/</sup>

From this start in the 1920's, at least 38 states have adopted laws which make some provision for rural zoning. Some are special laws applying to specific areas and designed to deal with some specific problem. Several states, including Ohio, have adopted general enabling laws under which the people of a locality can design and adopt zoning regulations to meet their local needs. Ohio's Rural Zoning Enabling Act<sup>2/</sup> can be classed as "comprehensive" in the latitude

<sup>1/</sup> Solberg, Erling D., "Rural Zoning in the United States", Agriculture Information Bulletin No. 59, U.S.D.A., 1952.

<sup>2/</sup> Following is the section of the Ohio law which states the main grant of zoning authority to a county:

"Section 303.02. xxx For the purpose of promoting the public health, safety, and morals, the board of county commissioners may in accordance with a comprehensive plan regulate by resolution the location, height, bulk, number of stories and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas which may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures including tents, cabins, and trailer coaches and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of such county, and for such purposes may divide all or any part of the unincorporated territory of the county into districts or zones of such number, shape, and area as the board determines. All such regulations shall be uniform, for each class of building or other structure or use, throughout any district or zone, but the regulations in one district or zone may differ from those in other districts or zones."

Section 519.02 gives identical authority to a township, using the same wording except "township" and "board of township trustees" are substituted for "county" and "board of county commissioners". The remainder of the Ohio Rural Zoning Enabling Act is primarily a statement of procedure for adoption and administration.

of authority it gives to counties and townships. One special feature of Ohio's rural zoning law, as in several other states, is that agriculture is a permitted land use in all districts; "and no zoning certificate shall be required" for buildings incidental to the agricultural use of the land.

### Zoning--Its Economic and Social Purpose

The purpose of zoning is to promote the best use of all the land in a community by avoiding the haphazard development and intermingling of incompatible land uses. In any community there should be a best location for every legitimate purpose which can be justified in terms of private and public interest. Viewed in this light, zoning is intended to protect the tangible and intangible values which make a community a good place to live and to make a living. In doing so, it serves to protect property values and the investments people have made and will make in homes, farms, businesses, industries, and community facilities. The above are the intentions of zoning and the economic and social justification for it. Next, let us take a look at the legal authority on which zoning is based.

### What Can Be Done under the Ohio Rural Zoning Enabling Act?

Authority to zone.--As expressed in the Ohio Rural Zoning Enabling Act, counties and townships are delegated some very explicit authority. But it is well to recognize that this authority is circumscribed by the rules of constitutional law relating to: (a) delegation of legislative power, (b) due process, (c) police power, (d) public purpose, and (e) equal protection under the law. The point is that any zoning action should pass the test of economic or social justification and also must be performed according to rules of the Enabling Act and within the framework of constitutional law. (Experience in a few counties indicates that under some circumstances, management of zoning activities may create a substantial load of legal work for the county prosecuting attorney's office.)

The master key to the authority to zone is in Section 19, Article I of Ohio's Constitution which contains this sentence: "Private property shall ever be held inviolate but subservient to the public welfare." Any zoning regulation must meet the test of promoting the public welfare, health, safety, etc. Otherwise, it would be an unconstitutional infringement on rights in private property. There are several "ground rules" incorporated into the Ohio Rural Zoning Enabling Act which serve to safeguard private property rights within the intent and spirit of the Ohio Constitution.

First, zoning regulations must be reasonable; if otherwise, the courts provide the means for relief to an aggrieved person.

Second, the Ohio law provides for a board of zoning appeals, five citizens resident in the zoned area. This board is empowered to grant variances when strict compliance will result in hardship to a property owner without a substantial gain in public welfare.

Third, adoption, amendment, or repeal of a zoning resolution is subject to a vote of the people living in the area. In other words, the people of a township (or even smaller area if the people choose) have a complete option on whether or not to adopt zoning and to approve the kind of regulations if they do want it.

Fourth, nonconforming uses existing prior to the adoption of zoning in an area are allowed to continue. Under the Ohio law, if a nonconforming use is voluntarily discontinued for two or more years, the property thereafter is subject to the zoning regulations applying to the area. If not abandoned it can continue indefinitely. Some zoning resolutions allow a limited expansion of a nonconforming use, others allow none.

The four points mentioned above indicate the main procedures in the Ohio rural zoning law intended to prevent unnecessary or unreasonable encroachment on private property rights. Perhaps the most important point of all is that the main decisions on zoning are by popular vote of the people subject to the regulations.

It is important to recognize that most of the time public and private interests are identical, otherwise, the owners of private property would not vote to adopt zoning.

Ohio's enabling law is "Comprehensive".--As applied to zoning, what do we mean by "comprehensive"? Briefly, it is a full grant of powers to do all the usual things classed as zoning as such is currently used in the various states which have enacted enabling legislation. The nature of these powers are indicated by the following headings, 1 to 4. The Ohio Rural Zoning Enabling Act grants all these powers to counties and townships subject to the approval of the voters.

1. Establish use districts. Regulations can be applied to the class of use of land and buildings in each district or zone.

2. Control dimensions of buildings. These controls can apply to "height, bulk, number of stories and size of buildings and other structures xxx."

3. Site-area controls. These controls apply to "percentage of lot areas" which can be covered by buildings, the set back of buildings from lot-lines and from road and street frontages, and the minimum size of tract.

4. Density of population. This is affected by various features of the controls previously mentioned--minimum size of tract which will be classed as a farm, minimum size of lot for single and multiple family dwellings, etc.

#### Land Use Districts

All human activities are in some way dependent on the use of land. Viewed thus, regulation of the use of land and the improvements on it is the most important feature of zoning. All the other features, as classed above, are usually treated as details of control within use districts.

These details may vary accordingly from one district to another. Let us look at the kinds of use districts as usually established in rural zoning regulations.

Classes of land use districts.--Zoning usually divides land uses into fairly broad categories. For instance, the Ohio law grants the authority to regulate "the uses of land for trade, industry, residence, recreation or other purposes xxxx." As usually specified in various county or township zoning resolutions, the uses are called "agricultural, residential, commercial, and industrial" with occasional naming of additional use districts as for instance "park" (recreational) or "flood plain" districts. The term "other purposes" used in the enabling law permits local zoning commissions to use whatever terminology is desired to identify use districts. In areas facing intensive developments, there may be several subdistricts within each class of use. Examples: districts for (a) single family dwellings, (b) double family dwellings, (c) apartments, (d) retail trade, (e) wholesale trade, (f) light industry, (g) heavy industry, and so on.

Frequently in open country situations where most of the land is expected to remain in farms indefinitely, all the land may be zoned into only one or two classes of use districts: (a) agricultural (also allowing single family dwellings) and (b) commercial (designating certain roadside areas for retail business and services).

As usually adopted, zoning resolutions allow for more than one use in most districts. For instance, the districts classed as agricultural permit single family dwellings on a certain minimum acreage (this minimum size of tract usually ranges from five acres down to one-half acre but may be more or less). There may be one or more additional classes of residential districts specifying smaller minimum size of lot but allowing the larger size. A commercial district, in turn, will allow for agricultural and residential uses but will be zoned against industrial uses. This cumulation of permitted uses allows needed flexibility for no one can foresee how all the land use requirements in an area may shape up. At the same time, some areas, particularly residential districts, have complete protection from uses which might be objectionable. It may be observed that one of the main incentives to zone is to prevent the establishment of objectionable uses or substandard developments. For instance, many zoning resolutions either forbid or place restrictions on establishing industries which are objectionable because of noise, dust, odors, unsightly appearance, or other features detrimental to the use of adjacent lands.

#### How a Rural Zoning Resolution Is Adopted and Administered

Adoption of resolution to use procedure provided by the Enabling Act.--A zoning plan can be developed on either the county or township level of administration. In either case, the voters of a township must approve the plan before it becomes operative in that township. Also in either case, the law provides a sequence of things which must be done before the zoning plan is voted on by the people.



The first official step is the adoption of a resolution by the county commissioners or township trustees showing intention to use the procedure provided in the rural zoning law. This action can be initiated voluntarily by the commissioners or trustees; or, the commissioners or trustees are obligated to initiate this action if requested by a petition signed by a sufficient number of voters (eight percent or more of the number voting for governor at the last general election).

A rural zoning commission is appointed.--If rural zoning is being organized on a county level, the county commissioners appoint a county zoning commission; if being organized by a township, the trustees appoint a township zoning commission. In either case, the zoning commission consists of five citizens residing in the area proposed for zoning. Members are appointed for a term of five years (the first round of appointments excepted) with one member retiring each year. Members can be allowed expenses or other compensation as the county (or township) board may provide.

The duty of this zoning commission is to develop a zoning plan including a text and maps. Planning consultants, executives and clerical assistants can be employed and paid from whatever funds the county commissioners (or township trustees) may provide.

Other sources of assistance are available to the zoning commission. First, the law directs that a zoning commission use the information and counsel of public officials, departments, and agencies; and these in turn are directed by the law to make any data pertinent to zoning available to the zoning commission. Second, as amended in 1957, the law directs that when a county has a county or regional planning commission, this commission "shall" prepare the text and maps for a county zoning commission. This 1957 amendment also provides that a township "may" request the planning commission to prepare a zoning text and maps for the township. This amendment should further expedite the cooperation which has already existed in various counties.

The zoning commission develops a plan--public hearings.--Before submitting a zoning plan to a vote of the people, the law provides several details of procedure which are intended to ensure: first, that the plan has been carefully considered, and second, that the people who will eventually vote on the plan have the opportunity to voice their opinions while the plan is being prepared.

The zoning commission (either township or county) has the responsibility of developing a plan. At this stage the plan should perhaps be considered to be only tentative. When prepared in its initial form, the zoning commission has the duty of presenting this plan to the people in a series of public hearings--at least one hearing in each township included in the plan. These hearings are to acquaint the people with the details of the plan and to receive suggestions for possible changes.

After these township hearings the zoning plan is submitted to the county or regional planning commission, if there is such a commission in the county, for approval, disapproval or suggestions. In the event that the planning commission disapproves or suggests any material change in the plan, the zoning commission will hold at least one more public hearing in each township affected by any proposed change. When the



zoning commission has completed its recommendations the zoning plan is certified to the county commissioners (or township trustees).

Before the county commissioners (or township trustees) can adopt the plan they must hold at least one more public hearing. If the commissioners (or trustees) make any changes in the plan, it must be resubmitted to the zoning commission and given a second public hearing, and if the zoning commission disapproves of these changes the county commissioners (or township trustees) can adopt the zoning resolution only by a unanimous vote of all members.

After all the foregoing preliminaries have been completed, the zoning resolution is ready to be submitted to a vote of the people.

Vote of electors.--A rural zoning plan, inaugurated by the above process, can be submitted to the electors at the next primary or general election; or a special election may be called for this purpose. Only those electors who reside in the area proposed for zoning vote on the issue. No zoning regulations can be put in effect in any township unless a majority of the vote cast in the township is in favor of the proposed plan of zoning; this applies to a rural zoning resolution developed on either the county or township level of administration.

Administration of rural zoning resolution.--It may be anticipated that any plan of zoning must be adjusted from time to time to meet new situations. The work of a zoning commission is more or less continuous. Amendments or supplements to a rural zoning resolution can be made by the same process as the original was adopted. The law also provides that the county commissioners (or township trustees if the zoning is by a township) can amend or supplement the existing plan by resolution, providing the voters resident in the area affected by the change do not petition within thirty days to submit the proposed change to the electors at the next primary or general election.<sup>3/</sup> Also, any person adversely affected by the change may appeal the question to the Court of Common Pleas on the grounds that the revision was unreasonable or unlawful.

Board of zoning appeals.--This board has broad discretionary powers to decide questions of error in administration of a zoning resolution and in specific cases to allow variances from the terms of a zoning resolution when such are not contrary to the public interest and where literal enforcement will result in unnecessary hardship.

A board of zoning appeals consists of five members who are residents of the area subject to zoning. Members of a county board of zoning appeals are appointed by the county commissioners for a term of five years (the first round of appointments excepted) and may be

<sup>3/</sup> As amended in 1957 (Sec. 303.12), the law provides that all owners of property affected by a proposed amendment or supplement to a rural zoning resolution must be notified by registered mail of a public hearing on the proposed change. This expense virtually prohibits zoning amendments or supplements involving large numbers of people.

compensated as the county commissioners may provide. Similar powers, duties, and prerogatives apply to a township board of zoning appeals appointed by township trustees.

A board of zoning appeals is required to keep minutes of all its proceedings, hold all meetings open to the public and is empowered to call and hear witnesses. Any party adversely affected by a decision of the board of zoning appeals can appeal the issue to the Court of Common Pleas.

Enforcement of zoning regulations--zoning inspector.--Enforcement is the responsibility of the board of county commissioners, when a county plan of zoning is used and of the board of trustees when a township plan is used. In either case, the law provides that a system of zoning certificates may be used and a zoning inspector may be employed. A county building inspector can also act as the county zoning inspector. Or, if the township plan of zoning is used, the township clerk may serve also as secretary of the township zoning commission, secretary of the township board of zoning appeals, and as zoning inspector and may be paid for these extra services by the township board of trustees.

In case zoning certificates are used as a means of control, the law provides that a certificate must be issued showing compliance with zoning regulations before a building can be constructed, altered or enlarged, but zoning certificates are not required for buildings and other structures used for agricultural purposes or used by any public utility or railroad.

When any building or land use (established nonconforming uses excepted), or proposed use, is in violation of zoning regulations, the law provides that compliance may be enforced by injunction or other appropriate court proceedings brought either by public officials or by property owners who may be damaged by the noncomplying use. The maximum penalty for violation is a \$100 fine. But this penalty is made more severe by the provision that each day a violation continues may be considered a separate offense.

#### Airport Zoning

If an area is within a few miles of an airport it may become subject to two sets of zoning regulations--those imposed by a county or township (or village or city), as have been previously discussed, and those imposed to avoid hazards in the approaches to the airport. The following is a brief sketch of how airport zoning regulations are originated and administered.

Airport zoning board.--Enabling legislation was adopted in Ohio in 1955 (Revised Code Sections 4563.01 to 4563.21) to provide for the control of hazards in the approach areas around any airport owned or controlled by a political subdivision. The law specifies, if the hazard area is wholly within the territorial limits of a political subdivision, the legislative authority of that subdivision shall constitute the airport zoning board. But when the hazard area is outside such territorial limits, the law provides that the county commissioners of the

counties containing lands in the hazard area shall collectively constitute the airport zoning board. (For instance, Columbus Airport's hazard area includes part of four counties.)

Airport zoning commission.--This commission is appointed by the airport zoning board. The commission's duties are to recommend the boundaries of hazard zones and the regulations which should apply. Or, the airport zoning commission may request the Ohio aviation board to prepare an airport zoning plan.

It is the duty of the airport zoning board to adopt and enforce regulations in the airport hazard area. As is the case with rural zoning, existing nonconforming uses are allowed to continue in the area zoned around an airport. In the event of conflict between any airport zoning regulations and any other zoning regulations, the law provides that the requirement best calculated to insure safety shall govern.

In the process of adoption public hearings must be held, but airport zoning regulations are not put to a vote of the people. In respect to administration, control by the airport zoning board is supplemented by a board of zoning appeals which is empowered to grant variances when such do not create hazards. A decision of the board of appeals can be further appealed to the Court of Common Pleas.

Some Legislative Developments Prior to the  
Rural Zoning Enabling Act of 1947

Planning by officially organized commissions, building codes, controls over real estate subdivisions, and zoning are all in the bundle of devices widely used by cities to influence the pattern and standards of land use. Some precedents and patterns of action in the use of these things by urban areas have been gradually extended to unincorporated rural areas. Each of these devices has a separate function to perform. Each supplements the others. These functional relationships and the official framework in which action is organized can be made clearer by the following brief history of some legislative developments.

City and village planning commissions.--An Ohio law was enacted in 1919 which provided a general procedure under which cities and villages could adopt a zoning plan. Prior to that time, any zoning done by municipalities was under the general power of local self-government conferred on municipalities by Article 18 of the Ohio Constitution.

This Act of 1919 (G. C. Sec. 4368-1 to 12) authorized the legislative body of a city or village to appoint a planning commission. One general duty of such a commission, as stated in the law, is to develop maps and plans for public facilities and services needed currently and in the foreseeable future both within the bounds of the corporation and adjacent to it. A city or village planning commission also was empowered to develop a zoning plan for all or part of the municipality.

While this did not grant any power to zone rural territory, an Act in 1923 gave a limited control over the platting of lands, as indicated in the following sequence of events.

Regional or county planning commissions.--In 1923, another Ohio law was enacted to provide for regional and county planning commissions (G. C. 4366-13 to 19). The primary purpose of these is to plan for the development of metropolitan areas around cities. The intent was to coordinate the planning for development of an area which may include one or more municipal corporations as well as more or less extensive adjacent rural lands in one or more counties.

This 1923 Act provides that upon petition of a majority of the planning commissions of the municipalities of a county, the county commissioners shall appoint a county planning commission. Or, the county commissioners can appoint a planning commission on their own initiative without petition. A regional planning commission can likewise be organized by cooperation of one or more city planning commissions with the commissioners of one or more counties.

As stated in the original Act (G. C. 4366-15), "The powers and duties of a regional or county planning commission shall be to make plans and maps of the region or county respectively, showing the commission's recommendation for systems of transportation, highways, park and recreational facilities, the water supply, sewage and sewage disposal, garbage disposal, civic centers and other public improvements which affect the development of the region or county as a whole or more than one political unit within the region or county and which do not begin and terminate within the boundaries of any single municipality."

City planning commission empowered to control platting of certain rural lands.--Another Act in 1923 (G. C. Sec. 3586-1) provided that where a city planning commission had developed plans for the development of an area up to three miles outside the corporation limits, any platting of lands for real estate subdivisions within this three mile limit must be approved by the city planning commission.

When county commissioners may control the platting of lands.--This was followed in 1929 by an Act (G. C. Sec. 3583) which provided that the county commissioners must approve all plats of real estate subdivisions in unincorporated territory not subject to the jurisdiction of a city planning commission as mentioned above. This control by the county commissioners was limited to subdivisions involving lands dedicated to public highway purposes. This 1929 Act also provided that county commissioners may adopt general rules and regulations governing plats and subdivisions falling under their jurisdiction.

When a county or regional planning commission must approve the platting of lands.--In 1935, the law relative to the platting of rural lands was further supplemented by the provision that when a county or regional planning commission had adopted a plan for the major streets or highways of a region or county, then any platting or subdivision of rural lands must be approved by the county or regional planning commission (G. C. Sec. 3586-2).

This Act in 1935 left the platting of lands within the three mile limit of cities under the jurisdiction of city planning commissions as previously indicated.

### Building Regulations in Unincorporated Areas

A law enacted in 1941, gave county commissioners the authority to regulate the erection, construction, repair, alteration and maintenance of residential buildings within the unincorporated portion of any county. Dwellings of bonafide farmers were exempted from any regulation. Commissioners were empowered to employ a building inspector to administer a building code.

In 1949, this enabling law was amended to cover not only residential buildings but also offices, mercantile buildings, workshops or factories, and public and private garages.

This amended law made no mention of exemption of farmers' dwellings. It did exclude all buildings and structures which are incidental to the use for agricultural purposes and also structures of any public utility or railroad, (G. C. Sec. 2482-2483).

The above power to regulate was limited to matters affecting safety, health and sanitary conditions of buildings. Its use may be entirely independent of any zoning regulations or may supplement the latter. As mentioned previously, a county building inspector may also act as the county zoning inspector. An inquiry in March, 1958, indicated that the above authority had been utilized in 16 counties to establish a building code.

In respect to rural zoning, the significance of the foregoing developments can be summed up as follows:

1. The use of zoning first became a well established practice by municipal corporations. Since 1920, the principles and purposes of zoning have been adapted to rural areas. Various states, including Ohio, have provided the necessary legal framework for subdivisions of local government to adopt and administer rural zoning.

2. Also since 1920, an official pattern for organized and systematic planning has been made possible through a system of municipal, county and regional planning commissions. To date, only about one-third of the Ohio counties have planning commissions, although a substantial amount of planning should precede the process of rural zoning whether it is done on the county level or township level of administration. Zoning of privately owned lands needs to take into account all the foreseeable developments, both public and private, which may influence the use of lands in a specific area. Planning for these developments is a primary function of local planning commissions. It may be pointed out that local developments may be greatly influenced by what may be done in the local area by departments of the state and federal government. Some states have approached this problem by creating a state planning commission which can serve to coordinate and be a clearinghouse for information. Legislation to do this has been considered in Ohio but not adopted.

3. In addition to zoning, two other devices have been mentioned because they are part of the kit of tools available and being used to direct nonagricultural developments on rural lands. One of these tools is control by planning commissions and county commissioners over the

subdivision of rural lands into lots. The other tool is a county building code administered by the board of county commissioners. Including rural zoning, any one of these controls may be used separately. Because each has a distinct function to perform, a combination of all three is applicable in rural areas faced with the expansion of nonfarm land uses.

Another tool in the kit--one not discussed--is the body of regulations dealing with water supply and sanitation administered by general health districts. Both zoning and building code regulations usually have standards based on health district recommendations. But in addition, health districts maintain their own system of supervision and inspection of physical facilities related to health.

### Planning for Community Developments

For the time being let us broaden our focus to consider some general aspects of planning as contrasted with the specific official organization for planning already discussed.

First, the present and future nature of a community depends largely on two sets of circumstances: (a) the resources whereby people obtain gainful employment and (b) the nature of services, public and private, which are available to people and which in the aggregate determine the level of living. Obviously, the above statement is inclusive of a large part of human affairs. And also obviously, community planning cannot, as a practical matter, be that inclusive.

The scope of planning is somewhat simplified if it is confined to things involving problems which merit some kind of group action by people. Some kind of decision must be drawn between two or more alternatives. Something should be done. What? The planning is to help determine the what. In respect to community planning the what may be rural zoning, a new hospital, a church, a school, a new industry, highway improvements, development of the land and water resources, facilities for recreation, and a dozen and one other things.

Second, planning for community developments to be practical and fruitful is a more or less continuing process. As conditions change plans should be modified to fit new circumstances.

Third, the scope of planning for many rural areas may actually be somewhat broader than city planning. Rural areas face problems of land resource development by extractive industries--agriculture, forestry, and mining. Rural areas also face the problems of urban-industrial types of land uses because these are spilling out into the country. A serious long-range problem is to maintain a desirable balance between open country land uses and the urban type uses within local areas. This problem can be seen in the abstract, but how does a community solve it. This is a problem which faces metropolitan and larger regional areas.

Fourth, much planning is being conducted on a piece-meal basis by groups with special interests. Getting all these special interests together is a problem of organization, communication, and coordination which is part of the overall job of "community" planning.

Information needed in community planning.--This can be illustrated in a general way by the kinds of background information being assembled by some county and regional planning commissions. Whatever the emerging problems of development, a community needs to have basic information in respect to its present and future capacity to produce wealth and to support services. Following are some of the things which are usually reported on as background information:

- (1) The natural resources of soils, minerals, water and climate.
- (2) The existing industries based on the natural resources and on factors of location and markets.
- (3) Population--size, trend, density, age distribution, skills, employment.
- (4) Facilities for transportation and communication.
- (5) Public services, utilities and institutions--their adequacy, organization and financing.

Some local areas have problems because they are "satellite" communities where people only live. The economic base of their livelihood is in some other "community". Every "community" has its own peculiar pattern of problems of which the above is one illustration. There can be no easy, uncomplicated guide to "community" planning. If for no better reason, this is so because each interest (and problem) has its own geographic base--a point enlarged on next.

What is a community?--Perhaps the best concept of a community, for the purpose of planning, is to visualize it in terms of a "community of interest" or "community of interests". Thus, for some purposes the people of a village, city, township, school district, or county have common interests; for other purposes, it may be a trade area around a small center of population; for still other purposes, it may be a large center of population or metropolitan area.

Or, for some purposes, the common interest is dictated by some special feature. For instance, a watershed is a logical unit for planning flood control or water supply and use. The various Ohio conservancy districts are examples of action based on this kind of "community" interest.

For some purposes, planning and action must be inaugurated on the state level, a regional level involving several states, or even on the national and international level. A case of the latter sort is illustrated by various developments around the Great Lakes. The main point is that developments on the local level may be influenced by circumstances which relate to a much larger geographic area or "community"



of interest.<sup>4/</sup>

Or, looking at the problem of community development from still another vantage point, the activities relating to it arise from various public agencies on all levels of government, from civic groups, private business and individuals. To evaluate all this involves investigation and research. It certainly involves people with various interests getting together in some kind of organization with the specific intention of pooling their interests for the common good.

An important question in any community is to determine the sequence of procedure which can be most logically followed in the planning process and in the implementation of particular functions growing out of it. Let us look at this problem from the "grass roots" level.

Where should the planning start?--The enabling laws already discussed provide for official planning action on several levels--city, village, county, and in the case of regional planning commissions--a combination of counties. This is in recognition of the fact that a "community" of interest may function on these various levels--depending on local circumstances and the nature of the common interest. No legal provision is made for township planning commissions. But as already mentioned, the zoning law directs that township zoning be based on a comprehensive plan and the presumption is that this precedes the zoning action either on the initiative of the township or of the county.

Where should planning start--in terms of organization? With the appointment of a planning commission by the county commissioners? Or, should something be preliminary to this official action? As a practical matter, a board of commissioners needs to know if and when it appoints a planning commission that this action has substantial popular support. As a matter of observation, this support may come from influential organizations representing business, agriculture, and various other economic or social interests. In some areas an officially appointed planning commission has been preceded by an unofficial discussion and study group representing a large number of special interests. For example, in one county, representatives of more than 30 interests are making an appraisal of the local situation to answer the question of what should be done to direct developments. In the event that this unofficial citizens planning group does recommend an official planning commission, a broad base of interest would give moral support to its appointment and financing. The above is a pattern of procedure which has been followed in several counties.

On the other hand, in other cases an official planning commission has been appointed to do the preliminary work and to publicize the findings as first steps in shaping public opinion for action. Citizens advisory committees can play a key role in bridging the gap between the

<sup>4/</sup> Examples: Water pollution and various kinds of air pollution. These illustrate that the area of a common problem and the area on which planning and action can be effective may be very large. Some concrete illustrations: The Ohio River Valley Sanitation Commission, remedial action involves six or seven states; radio-active "fall-out" is a world-wide problem.

assembly of information and its use by the average citizen to crystallize public opinion into policy and action. However done, the initial process of community planning involves the problems of communication, education and organization.

#### Present Extent of Planning

A recent survey<sup>5/</sup> indicates that nearly 300 official and unofficial planning groups exist in Ohio and the number probably will be higher by the time this is published. The count indicates that more than 30 counties have either county or regional planning commissions. A few of the former, however, are inactive. The list includes eight regional planning commissions, seven of which are consolidations of county and municipal planning commissions within single counties and one, a three-county area. The greatest activity in what may be termed "officially organized community" planning, centers in municipal corporations; 120 cities and 133 villages have planning commissions. It should be added that within the agricultural sector a substantial amount of officially organized planning exists. For instance, Ohio has 87 soil conservation districts in that number of counties.

A total of ten citizens groups concerned with planning often designated as "Development Committees" or "Associations" are functioning on either a temporary or semi-permanent basis. The total of such groups is probably higher because some are in an informal stage of organization.

How work is being done by planning commissions.--The majority of city and village planning commissions and more than half the county and regional planning commissions have not employed a full time staff. Several of these have employed a planning consultant (or consultant firm) to do research and prepare reports, maps, etc. incidental to the planning program and in some instances including rural zoning. Thirteen county and regional and five city planning commissions have employed a full-time staff. One merit of the latter is that planning for the development of an area, as previously mentioned, is a continuing process.

<sup>5/</sup> Conducted by the Lorain County Regional Planning Commission. Publication source: Ohio Planning Directory, 1958, published by the Ohio Planning Conference.