

HOW TO REQUEST A ZONING DISTRICT CHANGE ON YOUR PROPERTY

ZONING MAP AMENDMENT

INTRODUCTION

If you are considering changing the zoning district on your property, which is a zoning map amendment, this document will help guide you through the general process. Please note, this is a general outline of the process and it is not specific to each township. Each individual township has an adopted zoning resolution with specific requirements. Please contact your township zoning inspector to determine your township's specific requirements, policies, and procedures. Additionally, this document does not address every possible situation, issue, and/or question that may arise. If you have a situation, issue, and/or have a question that is not addressed by this document, please contact your township zoning inspector.

Licking County has 26 townships of which, 20 currently have zoning. If you live in one of the following townships, which have no zoning, this document does not apply to you:

- Eden Township
- Mary Ann Township
- Hanover Township
- Fallsbury Township
- Perry Township
- Hopewell Township

Each of the 20-zoned townships has its own zoning resolution, which is a legal regulatory document adopted by the board of trustees for your township and authorized by Section 519 of the Ohio Revised Code. Although the Ohio Revised Code Chapter 519 authorizes and provides general requirements that a township must follow, each township's zoning resolution may have variations in how they are written depending on the regulations and what is authorized by the Ohio Revised Code. Thus it is important that you consult with your appropriate township to determine the specific regulations and procedures required in that township. A contact is your local zoning inspector or the zoning commission clerk.

This document is based upon Section 519 of the Ohio Revised Code and is not a legal document or legal guidance. Any legal interpretation or guidance shall be obtained from your legal counsel.



TERMS AND DEFINITIONS

- Ohio Revised Code – A legal document that contains the State of Ohio Laws.
- Non-Binding Recommendation – This is a legal requirement of Section 519.12 of the *Ohio Revised Code* for the purpose of providing a recommendation to the township officials that they may accept, accept in part, or not accept. The purpose of this is to obtain guidance and information from the county planning commission with consideration of the State of Ohio Law, adopted township comprehensive plan and any regional plans, a regional perspective, and good planning practices. In addition, because the Licking County Planning Commission has a professional staff, the Township is also receiving professional input.
- Public Hearing – A prearranged gathering of a majority of the members of a public body that is open to the public for the purpose of receiving formal public testimony and comment, both in favor and in opposition, to specific issue that is under consideration as required by the *Ohio Revised Code and in accordance with the Ohio Sunshine Laws as published by the Attorney General, State of Ohio*. No deliberation or decisions are made by the public body during this gathering.
- Public Meeting – A prearranged gathering of a majority of the members of a public body for the purpose of discussing and taking action on any public business in accordance with the *Ohio Revised Code and Ohio Sunshine Laws as published by the Attorney General, State of Ohio*.
- Resolution – An official legal document prepared and signed by the local governing body, documenting local law, rules, policy, and decisions.
- Tax Parcel Map – An official map prepared by the Licking County Engineer's Office that shows the current property dimensions, and road right-of-way on any given property.
- Township board of trustees – A three-member board elected by the residents of the township to manage township affairs.



- Township zoning commission – A five-member board appointed by the township board of trustees to advise them on zoning matters. They are responsible for overseeing the initial development of the zoning text and map and the subsequent amendments to such documents.
- Township zoning commission Clerk – An individual appointed by the township board of trustees to assist the township zoning commission with clerical work and recording of minutes of their meetings.
- Zoning Amendment – A change in the wording, context, or substance of the township zoning resolution, or a change in the zoning district boundaries and classification on the official zoning map.
 - Zoning Map Amendment – A type of zoning amendment that is specific to a request to change the zoning district boundaries and classification for a specific parcel or group of parcels on the official zoning map. For example to change from the *Agriculture District* to the *Commercial District*.
 - Zoning Text Amendment – A type of zoning amendment that is specific to a request a change to the zoning text in the township zoning resolution.
- Zoning Inspector – An individual that is appointed by the township board of trustee responsible for interpreting, administering, and enforcing the adopted township zoning resolution.



WHO CAN APPLY TO CHANGE ZONING?

The Ohio Revised Code allows for three options for initiating a zoning amendment. A zoning amendment may be initiated by application by one or more property owners, the adoption of a motion by the township zoning commission, or certification of a resolution by the township board of trustees.

The remainder of this document will discuss the filing of an application by one or more property owners. Please note, however, if either the township zoning commission or the township board of trustees initiate a zoning amendment, they must follow the same procedures and timeline as a property owner, with the exception of paying applicable fees and filing an application form. The application form is replaced by the adoption by the township zoning commission or the certification of a resolution by the township board of trustees.

A common question is “I am purchasing property on the contingency that the property may be rezoned, can I apply or does the current property owner apply?” It is generally acceptable that you may apply on the owner’s behalf, however you must obtain a signed and notarized letter from the owner granting you permission on his/her behalf to apply for this change and act on their behalf. If you have a power of attorney, or an executed agreement or contract that clearly state you may act on the owner’s behalf in legal matters and/or in matters specific to zoning applications these are also generally acceptable forms of documentation. However, each township shall make these determinations in accordance with their own policies and procedures and guidance from their legal counsel. This document does not supersede individual township requirements.



APPLICATION

Application forms to apply for either a text or map amendment may be obtained from your local township officials. These forms may be found on the townships website and/or usually the zoning commission clerk or township zoning inspector will have these forms. When obtaining an application from one of these sources, be sure to look for and/or ask about the townships procedures, required supporting documentation, and required fees.

On average the following supporting documentation will be required with your application, much of this may be in the form of a question on the actual application form:

- Name, address, and phone number(s) of the applicant(s) and the legal owner(s).
- Parcel number assigned by the Licking County Auditor Office.
- The current deed that shows ownership of the property.
- The area in question shall be drawn on a tax parcel map from the Licking County Engineers Office Tax Parcel Viewer, which is available online. (See important contacts at the end of this document.)
- The present use of the property.
- The proposed use of the property.
- The present zoning district.
- The proposed zoning district.
- A legal description and survey of the property in question. (Note: If this is an existing lot of record, you may be allowed to use the legal description in your current deed. Please ask your township official if this is appropriate for their regulations. If your deed is an old deed with inaccurate descriptions, you most likely will be required to submit a current legal description and survey.)
- A statement on how the proposed amendment relates to the comprehensive plan. (Note: Copies of the township comprehensive plan may be viewed on the township or county websites and likely at the township hall.)
- Applicable fees. (Note: Contact your local township official for a copy of the fee schedule.)



PUBLIC HEARINGS, PUBLIC MEETINGS, AND REVIEW TIME FRAME

Upon the applicant completing the application form, paying the application fee, and submitting the materials to the township zoning inspector or township zoning commission clerk, the zoning commission clerk will schedule a township zoning commission meeting for the acceptance of your request. If the application is found to be complete and all applicable fees are paid, the zoning commission must accept the application. Only if required or pertinent information is missing or fees are not paid will this application not be accepted. With the request's acceptance, the following timing of events will occur:

- Within five (5) days of accepting the application, the township zoning commission must submit the application to the Licking County Planning Commission for a non-binding recommendation.

Note: The Licking County Planning Commission has regularly scheduled application deadlines and meeting dates that must be complied with. Please visit the Licking County Planning Commission (LCPC) webpages to view the schedule. This is accessible through www.lcounty.com. Generally, a township application requesting a non-binding recommendation is due from the township two weeks prior to the regularly scheduled LCPC Board meeting. Applications are not to be submitted to the LCPC Board directly from the property owner or their agents. The LCPC Board meeting is usually on the fourth Monday of the month except for May, November, and December when it is the third Monday of the month due to Holidays. The application deadlines and meeting dates are subject to change without notice. The LCPC Board meeting is a public meeting and not a public hearing. The LCPC Board is making a non-binding recommendation to the Township based upon State of Ohio Law, the adopted township comprehensive plan and any regional plans, a regional perspective, and good planning practices.

- Within a period of not less than twenty (20) days and not more than forty (40) days of the township zoning commission accepting the application, the zoning commission shall schedule a public hearing to consider the application. The zoning commission shall also provide notice as required by the township



zoning resolution in accordance with Section 519.12 of the Ohio Revised Code.

- During the zoning commission public hearing, the zoning commission shall receive the Licking County Planning Commissions' recommendation, the applicant's comments, and any public comments, the application materials. *Note: The zoning commission must have the Licking County Planning Commission (LCPC) Board non-binding recommendation and enter it into the record and consider it before concluding any public hearing.* If the zoning commission does not have the LCPC Board non-binding recommendation, they may schedule their hearing for a date after the LCPC Board meeting during which the LCPC Board will consider the request. Provided the zoning commission public hearing will fall within any time frame specified in their zoning resolution in accordance with the Ohio Revised Code. *Alternatively, the zoning commission may conduct their public hearing and recess the hearing to a specific date that will occur after the LCPC Board meeting in which the LCPC Board will consider the request. This must be announced to those in attendance at the public hearing.*
- Within thirty (30) days of the township zoning commission's public hearing, the zoning commission shall hold a public meeting to approve, approve with modifications, or deny the application. The zoning commission must, within this time frame, also submit the application, the Licking County Planning Commissions non-binding recommendation, and the zoning commission's recommendation to the township board of trustees.

During this public meeting, the zoning commission will consider the testimony and comments from the applicants and public during the public hearing, and the LCPC Board's non-binding recommendation. The zoning commission will deliberate and formulate a recommendation to the board of trustees. This is a public meeting and not a public hearing. The zoning commission may ask questions to clarify comments from the public hearing but should not accept new testimony or comments.

Note: The township zoning commission public meeting may occur immediately after the public hearing if the board chooses and it is advertised



as such. Both the public hearing and public meeting need to be advertised and can be included in the same advertisement.

- Upon receipt of the recommendation from the zoning commission, the board of trustees shall set a public hearing on the proposed zoning amendment. The public hearing shall occur within thirty (30) days after receiving the application from the zoning commission. The board of trustees shall also provide notice as required by the township zoning resolution in accordance with Section 519.12 of the Ohio Revised Code.
- During the public hearing, the board of trustees shall enter the township zoning commission's recommendation and the Licking County Planning Commissions non-binding recommendation for the record and receive the applicant's testimony or comments, and any public testimony or comments.
- Within twenty (20) days after the township board of trustees conducts its public hearing, the township board of trustees shall conduct a public meeting. During this public meeting, the township board of trustees will consider and discuss the township zoning commission recommendation, the Licking County Planning Commission's non-binding recommendation, and the testimony and comments from the public hearing. After discussing the recommendations, testimony, and comments the board shall consider a resolution to approve, approve with modifications, or deny the application.
Note: If the trustees wish to deny or modify the recommendation of the zoning commission, a majority vote of the board of trustees is required to make said denial or modification.

Note: The board of trustees public meeting may occur immediately after the public hearing if the board chooses and it is advertised as such. Both the public hearing and public meeting need to be advertised and can be included in the same advertisement.

- The approved amendment adopted by the board of trustees shall become effective thirty (30) days from the date such resolution is adopted. Note: The effective date may only be postponed if there is a petition submitted to the township board of trustees, as required in Section 519.12 of the Ohio Revised Code, calling for a referendum. If this were to occur the amendment would



not be effective until the next general election and the County Board of Elections, Licking County, Ohio certifies that a majority vote has approved the amendment. In this case, the amendment takes immediate effect. If the Board of Elections, Licking County, Ohio certifies that, by majority vote, the amendment was denied, then the amendment fails and the text or map cannot be changed.

- Once an amendment is adopted, all changes to text or maps must be submitted to the Licking County Recorder's Office and the Licking County Planning Commission within five (5) days of the adoption of the amendment. Failure to do so does not invalidate the amendment.



IMPORTANT RESOURCES AND CONTACTS

The above information provides a general outline of the process you will incur if you are requesting a zoning amendment. Again this is not a detailed guide nor does it account for all the notices and postings that the township must comply with in order to process your request. If you have further questions specific to the township requirements you need to contact your township zoning inspector or other township officials as appropriate. If you have general questions you use one of the resources below. However, as previously stated, these sources can only provide general guidance. Any specific requirements or processes of the township can only be addressed by the township officials. Any legal questions or request for legal guidance shall come from your private legal counsel. The public officials cannot provide legal guidance or opinions.

Listing of Township Zoning Inspectors

Licking County Planning Commission - Township and Zoning Information:

<https://lickingcounty.gov/depts/planning/zoninginfo/default.htm>

Also, check to see if your township has a website.

Licking County Planning Commission

20 South Second Street

Newark, OH 43055

(Located on the 1st Floor of the Donald D. Hill County Administration Building)

(740) 349-6555

www.lcounty.com/depts/planning/default.htm.

The Ohio Revised Code Online

Please refer to Chapter 519, which addresses Township Zoning.

<http://www.codes.ohio.gov>. Once the main page loads, please click the "Ohio Revised Code."



For copies of the information listed in this document, the following resources are provided:

For copies of the Tax Parcel Map:

Licking County Engineer's Office
20 South Second Street
Newark, OH 43055
(Located on the 3rd Floor of the Donald D. Hill County Administration Building)
(740) 670-5280
Tax Parcel Viewer:
<https://apps.lcounty.com/maps/taxparcelviewer/default.htm>

To obtain the parcel number:

Licking County Auditor's Office
20 South Second Street
Newark, OH 43055
(Located on the 2nd Floor of the Donald D. Hill County Administration Building)
(740) 670-5040
OnTrac, <https://www.lickingcountyohio.us/>

For copies of your deed or other recorded documents:

Licking County Recorder's Office
20 South Second Street
Newark, OH 43055
(Located on the 3rd Floor of the Donald D. Hill County Administration Building)
(740) 670-5300

