

ZONING DISTRICT CHANGE PACKET

Approved by Planning Commission 4/16/98
Amended 12/3/98
Amended 1/17/02
Amended 5/2/03
Amended 3/8/18

Index

Application for District Change.....	1
Procedure Overview.....	3
Exhibit A Information for Preparing Descriptions and Maps.....	7
Exhibit B Public Hearing Notice for Planning Commission.....	8
Exhibit C Notice and Affidavit to Lancaster Clerk of Council....	9
Exhibit D Public Hearing Notice for City Council.....	11

Date Filed: _____
Planning Commission Review Date: _____
Application Fee (\$150 + \$10/parcel): _____
Sign Posting Fee (\$50): _____
Publication Fee (\$100): _____
Total Fee: _____

APPLICATION FOR DISTRICT CHANGE

Lancaster, Ohio

NOTE: Applications for any change of district boundaries or classifications of property as shown on the Zoning Map, and for regulation amendments, shall be submitted to the Planning Commission, at the City Engineer's Office upon such forms, and all shall be accompanied by such data and information, as may be prescribed for that purpose by the Planning Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Such data shall include a plan or map drawn to the required specifications. Each such application shall be verified by at least one of the owners or leasees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments or district changes initiated by the Planning Commission itself shall be accompanied by its own motion pertaining to such proposed amendment.

NOTE: List of Property Owners: Any person or persons desiring a change in the zoning shall file with the application for such change a statement giving the names and addresses of the owners of all properties contiguous to, directly across the street and/or alley from any part of the exterior boundaries of the parcel which is proposed to be changed, and all landowners of property within the proposed parcel to be rezoned. This list is to be obtained from records in the County Auditor's Office or the County Treasurer's Office.

1. Name of Petitioner: _____
2. Address & Phone Number: _____
3. Petitioner's Attorney or Agent's Name, Address and Phone Number: _____

4. General Area and Location of Request: _____

5. Present Zoning District: _____

6. Requested Zoning District: _____

7. Reason for this Application: _____

8. Legal Description of the Property: _____

NOTE: LEGAL DESCRIPTION MUST BE REVIEWED AND APPROVED BY THE CITY ENGINEER'S OFFICE BEFORE SUBMITTING AN APPLICATION TO THE PLANNING COMMISSION.

9. Has there been a previous application for district change of the above parcels? _____

10. If so, give date: _____

11. Does the notice go to petitioner or agent? _____

12. The above statements and the statements contained in all exhibits transmitted herewith are true.

Applicant (Property Owner's Signature)

Sworn to before me a Notary Public in and for said _____ County and State of Ohio, on the _____ day of _____, 20____.

Notary

Engineer's Approval & Date

PROCEDURE OVERVIEW

A. GENERAL OVERVIEW

Pursuant to Ohio Revised Code 713.12 and the City of Lancaster Zoning Ordinance 1159.04, when an ordinance is presented to Lancaster City Council requesting a zoning change within the City, all property owners within and contiguous to and directly across the street from such parcels must be sent written notice of the public hearing by first class mail, at least twenty (20) days before the date of the public hearing. So that the City may streamline the process of zoning changes, we have adopted the following policies concerning such procedures and request your full cooperation in implementing them. Please note that we are attempting to streamline procedures so that we may move your legislation through the City as efficiently as possible.

B. THE POLICY IS AS FOLLOWS:

1. Landowner/landowner's agent shall file with the Planning Commission at the City Engineer's Office the following information:
 - A. A plat map which complies with the specifications of Exhibit "A"
 - B. A legal description of the property approved by the Engineer's Office.
 - C. Completed Application for zoning change
 1. List all:
 - i. Contiguous landowners (by lot number and mailing address)
 - ii. Landowners directly across the street and/or alley (by lot number and mailing address)
 - iii. Owners of property within the proposed parcel to be rezoned (by lot number and mailing address)
 2. Provide signatures of all contiguous landowners on the same petition who consent to the change (recommended but not required).
2. The completed application, the list of required property owner's addresses, the application fee (\$150 plus \$10 per parcel), the sign fee (\$50), plus a one hundred dollar (\$100) non-refundable deposit for publication expenses must be filed with the Secretary of the City Planning Commission, located in the City Engineer's Office. Applications must be filed thirty-five (35) calendar days prior to the

Planning Commission's monthly meeting. Engineering staff will enter the change of zoning request on the agenda of the next available meeting.

3. The City Planning Commission shall publish a notice of the time and place of the meeting in the Lancaster Eagle Gazette. As described in Section (B)(2), the Agent for the landowner shall deposit one hundred dollars (\$100) at the City Engineer's Office at the time the petition is filed to cover the cost of the publication. Notice shall be published at least twenty (20) days prior to the meeting.
4. The City Planning Commission shall also post the affected property at least twenty (20) days prior to the public hearing.
5. The City Planning Commission shall also mail letters by first class mail at least twenty (20) days before the date of the public hearing to*:
 - a. The owners of property within the proposed parcel to be rezoned
 - b. Owners of property contiguous to the parcel to be rezoned
 - c. Owners of property directly across the street and/or alley from the parcels to be rezoned

(* A sample of the letter to be used is attached in Exhibit B)

6. The Secretary of the City Planning Commission shall certify completion of the notice process and attach original certification to the proposed ordinance.
7. The petitioner or a knowledgeable representative must attend the Planning Commission hearing on the change in zoning.
8. After notice and public hearing, the Planning Commission shall vote to:
 - i. Recommend to City Council that the application be approved as submitted, amended, or modified.
 - ii. Recommend to City Council that the application be denied.
9. Within fifteen days of the vote of approval by the Planning Commission, the Commission shall forward their recommendation for approval and its report to City Council.
10. If the Planning Commission votes to recommend denial, the applicant has fifteen (15) days to file a written request with the Clerk of City Council for a hearing.
11. Upon approval, the Planning Commission requests the City Law Director to prepare the appropriate legislation for City Council consideration.

12. The legislation will be prepared by the Law Director's Office and introduced through the Code Enforcement & Zoning Committee of Lancaster City Council.
13. City Council has first reading on the ordinance and establishes a public hearing date and time for public comments concerning the change in zoning. City Council must give no less than thirty (30) days notice for the public hearing in the newspaper. Council may table the ordinance until after the public hearing. The Clerk of Council shall notify petitioner or agent of the place and time of the public hearing.
14. The Lancaster Clerk of Council shall publish a notice of the time and place of the meeting in the Lancaster Eagle Gazette. Cost of the notice will be paid from the advertising deposit. The petitioner shall be billed for any additional costs.
16. Petitioner or agent of petitioner shall be required to submit to the Lancaster Clerk of Council a completed Exhibit "C", Notice and Affidavit to Lancaster Clerk of Council. Upon receipt of Exhibit "C", Lancaster Clerk of Council shall send letters (See Exhibit "D") to contiguous landowners by first class mail pursuant to O.R.C. 713.12 at least twenty (20) days before the date of the public hearing to all of the following*:
 - a. The owners of property within the proposed parcel to be rezoned
 - b. Owners of property contiguous to the parcel to be rezoned
 - c. Owners directly across the street and/or alley from the parcels to be rezoned

as provided by petitioner or agent of petitioner.

(* A sample of the letter to be used is attached in Exhibit D)

17. During the thirty (30) day period referenced in number 14, the text or copy of the text of such ordinance, measure, or regulation, together with the maps or plans, or copies thereof, forming part of or referred to in such ordinance, measure, or regulation and the maps, plans, and reports submitted by the planning commission, board, or officer shall be on file, for public examination, in the office of the Lancaster Clerk of Council or in such other office as is designated by City Council. It shall be the responsibility of the Lancaster Clerk of Council to insure that this provision is in compliance.
18. Clerk of Council shall certify completion of the notice process and payment of advertising costs and attach original certification to the proposed ordinance.

19. After the public hearing and required readings, Council may act upon the ordinance. A Change of Zoning ordinance requires a simple majority to pass when recommended by the Planning Commission and a three-quarters (3/4) majority to overcome a denial by the Planning Commission.

20. In case of protest against such zoning change filed at least three days prior to said public hearing by the owners of 20% or more of the area of the lots included in such proposed change, or by the owners of 50% or more of the area of the lots contiguous to and directly across the street from the property included in the proposed change, a three-fourths (3/4) majority is required to pass a change of zoning ordinance.

21. The change of zoning goes into effect thirty (30) days after passage by Council and the Mayor's signature on the ordinance.

* Please note that the failure of delivery of such notice does not invalidate the ordinance, and that addresses obtained from either the county auditor or county treasurer are sufficient as the most current address of the property owners.

Exhibit "A"

INFORMATION FOR PREPARING
DESCRIPTIONS AND MAPS

ITEMS TO BE INCORPORATED IN LEGAL DESCRIPTION

1. THE TITLE
2. THE SITUATE
 - A. Acreage;
 - B. State, County, Congress Lands, township and range and township name where located.
3. BODY OF DESCRIPTION
 - A. Each course of the description should be described in a separate sentence and in a clockwise direction from the point of beginning to the point of termination;
 - B. Each course must call for the direction, northwardly, southwardly, eastwardly and westwardly, followed by a distance of the nearest foot and denote along what property line it is to follow.
4. ACREAGE
 - A. All descriptions must cite the acreage contained within its perimeter.
5. SEAL AND REGISTRATION OF REGISTERED SURVEYOR PREPARING THE DESCRIPTION OR NAME OF AGENT AND MAILING ADDRESS ON DESCRIPTION.

ITEMS TO BE SHOWN ON MAPS

1. TITLE OF ZONING CHANGE
2. LOCATION MAP
3. NORTH ARROW AND SCALE
4. THE SITUATE
 - A. The situate is to be copied from the description.
5. PROPERTY TO BE REZONED
 - A. Boundary lines of property to be rezoned must be bolder lines and distinguishable from other lines;
 - B. Name(s) of owners;
 - C. Subdivision name, plat book and page where recorded, lot number or acreage, whichever is applicable.
6. SURROUNDING PROPERTIES
 - A. Name of Owner(s);
 - B. Subdivision name, plat book and page where recorded, lot number or acreage, whichever is applicable.
7. PROPOSED AND EXISTING CORPORATION LINES
 - A. Must be distinguishable from other lines.
8. SEAL AND REGISTRATION OF REGISTERED SURVEYOR PREPARING THE MAP.
9. NAME AND ADDRESS OF AGENT PREPARING THE MAP.

Exhibit "B"

PUBLIC HEARING NOTICE FOR PLANNING COMMISSION

Date: _____

TO: _____ (property owner)

_____ (street)

_____ (city, state, zip)

RE: Rezoning Hearing for property located at: _____

Dear Property Owner:

A public hearing concerning the property located at _____, has been set for _____ at _____ am/pm. The location of the hearing is Olivedale Senior Center, 253 Boving Avenue, Lancaster, Ohio, basement meeting room.

The proposed zoning change filed with Lancaster City Planning Commission seeks to rezone the above property from a _____ zoning district to a _____ zoning district.

The public hearing is open to the public for comment.

Sincerely,

City Official

Exhibit "C"

NOTICE AND AFFIDAVIT TO LANCASTER CLERK OF COUNCIL

Date: _____

RE: Rezoning Hearing for property located at: _____

Dear Lancaster Clerk of Council:

We are requesting a hearing concerning the property located at the above-captioned address. Please set the hearing at the soonest available date to be held before City Council at the Educational Services Building, 111 S. Broad Street, Lancaster, Ohio.

The proposed zoning change recommended by the Lancaster City Planning Commission for City Council approval seeks to rezone the above property from a _____ zoning district to a _____ zoning district.

I understand that a public hearing cannot occur until the notice for public hearing can be placed in the Lancaster Eagle Gazette at least thirty (30) days in advance of such hearing. I further understand that the public hearing will likely be held on a regularly scheduled City Council meeting date.

I, the petitioner or agent of the petitioner, hereby swear and affirm that I am providing to you a complete list of landowners that are: (1.) The owners of property within the proposed parcel to be rezoned; (2.) The owners of property contiguous to the parcel to be rezoned; and (3.) The owners of property directly across the street and/or alley from the parcels to be rezoned. I fully understand that if I should fail to notify the Clerk of Council of each and every such landowner that the rezoning approval will likely be reversed.

As the petitioner or agent of the petitioner, I also swear and affirm that the addresses of the below-listed names of landowners I am providing you have been confirmed by me as being correct by the county auditor's current tax list or the county treasurer's mailing list. The names and addresses of all landowners (including spouses) described in the preceding paragraph are as follows:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

8. _____

9. _____

I also fully understand that once I have provided this notice to the Lancaster Clerk of Council that the Clerk will send such notice, as provided in Exhibit D, by first class mail, at least twenty days before the date of the public hearing to the above-listed landowners.

FURTHER AFFIANT SAYETH NAUGHT.

Signature of petitioner or agent

Sworn to before me a Notary Public in and for said County and State on the _____ day of _____,
20____.

Notary

Exhibit "D"

PUBLIC HEARING NOTICE FOR CITY COUNCIL

Date: _____

TO: _____(property owner)

_____ (street)

_____ (city, state, zip)

RE: Rezoning Hearing for property located at: _____

has been set for _____ at _____ a.m./p.m. The location of the hearing is the Educational Services Building, 111 S. Broad Street, Lancaster, Ohio.

The proposed zoning change recommended by the Lancaster City Planning Commission for City Council approval seeks to rezone the above property from a _____ zoning district to a _____ zoning district.

The public hearing is open to the public for comment.

Sincerely,

Lancaster Clerk of Council