

HOW DO I CHANGE THE ZONING ON MY PROPERTY? FACT SHEET ID # LCPC 001

INTRODUCTION

If you are considering changing the zoning on your property, this fact sheet will help guide you through the process. Please note, this is a general outline of the process, and does not address every possible issue that may arise. If you come across an issue or have a question that is not addressed by this fact sheet, please contact your local Township Zoning Inspector or the Licking County Planning Commission for assistance.

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

Each of the 20-zoned Townships has their own Zoning Resolution. Although the Ohio Revised Code Chapter 519 provides general requirements that a Township must follow, each Townships Zoning Resolution may have variations in how they are written. Thus it is important that you consult with your appropriate Township as to the procedures required in that Township. A good contact is your local Zoning Inspector, or the Zoning Commission Clerk.



TERMS AND DEFINITIONS

Zoning Amendment – A change in the wording, context, or substance of the Township Zoning Resolution, or a change in the zoning district boundaries on the official zoning map. *Note: Most request will be for a change to the map, this is what commonly occurs when a property owner wishes to change their zoning from Agriculture to Commercial for example.*

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.

Ohio Revised Code – Document that contains all State Laws.

Resolution – An official legal document prepared and signed by the local governing body, documenting local law, rules, policy, and decisions.

Tax Map – An official map recorded in the Licking County Engineers Office that shows the current property dimensions, easements, and road right-of-way on any given property.



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 passing of a resolution by the Township Zoning Commission, or the passing of a resolution by the Township Board of Trustees.

The remainder of this fact sheet 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 initiates 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 a resolution by the appropriate Township board.

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?" 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; in addition the owner must sign all application forms. If you have a power of attorney, this is acceptable documentation.



APPLICATION

Application forms to apply for either a text or map amendment may be obtained from your local Township officials. Usually the Zoning Commission Clerk or Township Zoning Inspector will have these forms. When obtaining an application from one of these officials, be sure to ask about their 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 applicant(s) and legal owner(s).
- Area in question shall be drawn on a certified tax map from the Licking County Engineers Office. (See important contacts at the end of this fact sheet.)
- Present use of the property.
- Proposed use of the property.
- Present zoning district.
- 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 Plans may be viewed at the Licking County Planning Commission Office or Township Hall.)
- Applicable fees. (Note: Contact your local Township Official for a copy of the fee schedule.)



MEETINGS, PUBLIC HEARINGS, AND REVIEW TIME FRAME

Upon the completion of the application form, payment of the application fee, and submission to the 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 meets on the fourth Monday of every month except December when they meet the third Monday.*
- 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. At this meeting, the Zoning Commission shall consider the Licking County Planning Commissions' recommendation, the applicant's testimony, any public comments, the application materials and the discussion of the board members in determining whether to approve, approve with conditions, or deny the application. *Note: This meeting cannot occur until after the Licking County Planning Commission conducts it's meeting and provides a recommendation. Additionally, the Zoning Commission must only consider the facts and does not have to render a recommendation at this meeting, although they may if they so choose.*
- Within thirty (30) days of the Township Zoning Commission's public hearing, the Zoning Commission shall approve, approve with conditions, or deny the application. The Zoning Commission must, within this time frame, also submit the application, the Licking County Planning Commissions recommendation, and the Zoning Commission's recommendation to the Township Board of Trustees.



- Within thirty (30) days after receiving the application from the Zoning Commission, the Township Board of Trustees shall schedule a public hearing. At this meeting, the Board of Trustees shall consider the Township Zoning Commissions recommendation, the Licking County Planning Commissions' recommendation, the applicant's testimony, any public comments, the application materials and the discussion of the board members in determining whether to approve, approve with conditions, or deny the application. *Note: The board must only consider the facts and does not have to render a recommendation at this meeting, although they may if they so choose.*
- Within twenty (20) days after the Township Board of Trustees conducts its public hearing, the Township Board of Trustees shall approve, approve with conditions, or deny the application. *Note: If the Trustees wish to deny or modify the recommendation of the Zoning Commission, there must be a unanimous vote of the Board of Trustees to do so.*
- The approved amendment adopted by the board shall become effective thirty (30) days from the date such amendment is adopted by resolution. 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 certifies that a majority vote has approved the amendment. In this case, the amendment takes immediate effect. If the Board of Elections 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.



IMPORTANT RESOURCES AND CONTACTS

The above information provides a general outline of the process you will incur if 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 you may obtain information on this process from your local Township Official or one of the following:

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

The Ohio Revised Code Online
Please Refer to Chapter 519, which addresses Township Zoning.
<http://onlinedocs.andersonpublishing.com> Once the main page loads, please click the "Revised Code" text and follow the link to the Ohio Revised Code section of Anderson Publishing.

For copies of the Tax Map for your Parcel:

Licking County Engineers Office
20 South Second Street
Newark, OH 43055
(Located on the 3rd Floor of the Donald D. Hill County Administration Building)
(740) 349-6054

For copies of your deed or other recorded documents:

Licking County Recorders Office
20 South Second Street
Newark, OH 43055
(Located on the 3rd Floor of the Donald D. Hill County Administration Building)
(740) 349-6059

