

TEMPORARY ORDINANCE NO. 11-24

PERMANENT ORDINANCE NO. 14-24

AN ORDINANCE TO AMEND THE CITY OF LANCASTER ZONING MAP TO CHANGE THE ZONING OF 15,255.18 SQUARE FEET +/- IDENTIFIED AS FAIRFIELD COUNTY AUDITOR TAX PARCEL NUMBERS 0536189300 & 0536189400 FROM SERVICE INDUSTRIAL TO COMMERCIAL NEIGHBORHOOD

WHEREAS, an application to Amend the Zoning Map for Fairfield County Tax Parcel Nos. 0536189300 and 0536189400 (see Exhibit A attached) from Service Industrial ("SI") to Commercial Neighborhood ("CN") for the purpose of small scale business and professional office uses was filed by the property owner's agent on January 4, 2024, with the City of Lancaster Planning Commission ("Planning Commission") pursuant to Lancaster Codified Ordinance ("LCO") 1159.04(a); and

WHEREAS, after a public hearing at the February 8, 2024, Planning Commission Meeting, the Planning Commission approved the requested Zoning Map amendment to change the zoning for Parcel Nos. 0536189300 and 0536189400 from Service Industrial to Commercial Neighborhood; and

WHEREAS, pursuant to LCO 1159.02(c)(7), Lancaster City Council must also hold a public hearing and take action on the application to approve or deny this proposed change to the Zoning Map; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO,

SECTION 1. That the Zoning Map of the City of Lancaster, Ohio is hereby amended to change the zoning for Tax Parcel Nos. 0536189300 and 0536189400, which consist of approximately 15,255.18 square feet, pursuant to Exhibit A, to the following zoning district:

a. Commercial Neighborhood (CN)

SECTION 2. The City Engineer is directed to make this change on the Zoning Map.

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: April 8, 2024 after 3rd reading. Vote: Yeas 8 Nays 1

Approved: April 8, 2024

Clerk: Kut M Cut

Offered by: Proctor

Second by: Mayra Hoop

[Signature]
President of Council
[Signature]
Mayor

I, Kristina Crites, Clerk of Council do hereby certify that on _____, 2024 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council



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

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Date Filed: January 4, 2024
 Planning Commission Review Date: _____
 Application Fee (\$150 + \$10/parcel): \$170.00
 Sign Posting Fee (\$50): \$50.00
 Publication Fee (\$100): \$100.00
 Total Fee: \$320.00

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: The Windsor Company
2. Address & Phone Number: 1430 Collins Road NW, Lancaster, OH 43130, 740-653-8822
3. Petitioner's Attorney or Agent's Name, Address and Phone Number: Bryan Everitt at
Dagger Law Office, 144 E Main Street, Lancaster, OH 43130, 740-653-6464
4. General Area and Location of Request: 1856 West Cedar Hill Road
5. Present Zoning District: Service Industrial

6. Requested Zoning District: Commercial Neighborhood

7. Reason for this Application: Seeking to return the subject parcels to the zoning district that most closely resembles the types of uses that were previously utilized and permitted prior to the most recent change of zoning code.

8. Legal Description of the Property: See attached.

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? Petitioner, The Windsor Company

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

The Windsor Company by [Signature]
Applicant (Property Owner's Signature)

Sworn to before me a Notary Public in and for said Fairfield County and State of Ohio, on the 3 day of January, 2024.

Kelly M. Cox
Notary

Engineer's Approval & Date



KELLY M COX
Notary Public, State of Ohio
My Commission Expires:
June 10, 2025

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.

Legal Description
Rezoning of 1856 Cedar Hill Road, Lancaster 43130
City of Lancaster, Fairfield County, Ohio
Section 2, Township 14N, Range 19W
15,255.18 Square Feet

Situated in the County of Fairfield, State of Ohio, and in the City of Lancaster, being more particularly bounded and described as follows:

Being all of Lots Number 28 and 29 in the Lawrence N. Ruff Addition to the City of Lancaster, Ohio as said lots are numbered and delineated upon the recorded plat thereof, of record in Plat Book 6, Page 9, in the Fairfield County Recorder's Office;

Containing **15,255.18 Square Feet**, more or less, based on plated dimensions;

Subject to all existing rights-of-way and easements of record.

This legal description has been prepared for the purpose of rezoning. It is based on GIS data and is not based on an actual field survey. This description does not represent a field boundary survey as prescribed by Ohio Administrative Code 4733-37. This legal description has been prepared and sealed by Craig E. Stevenson, Registered Surveyor 8592.



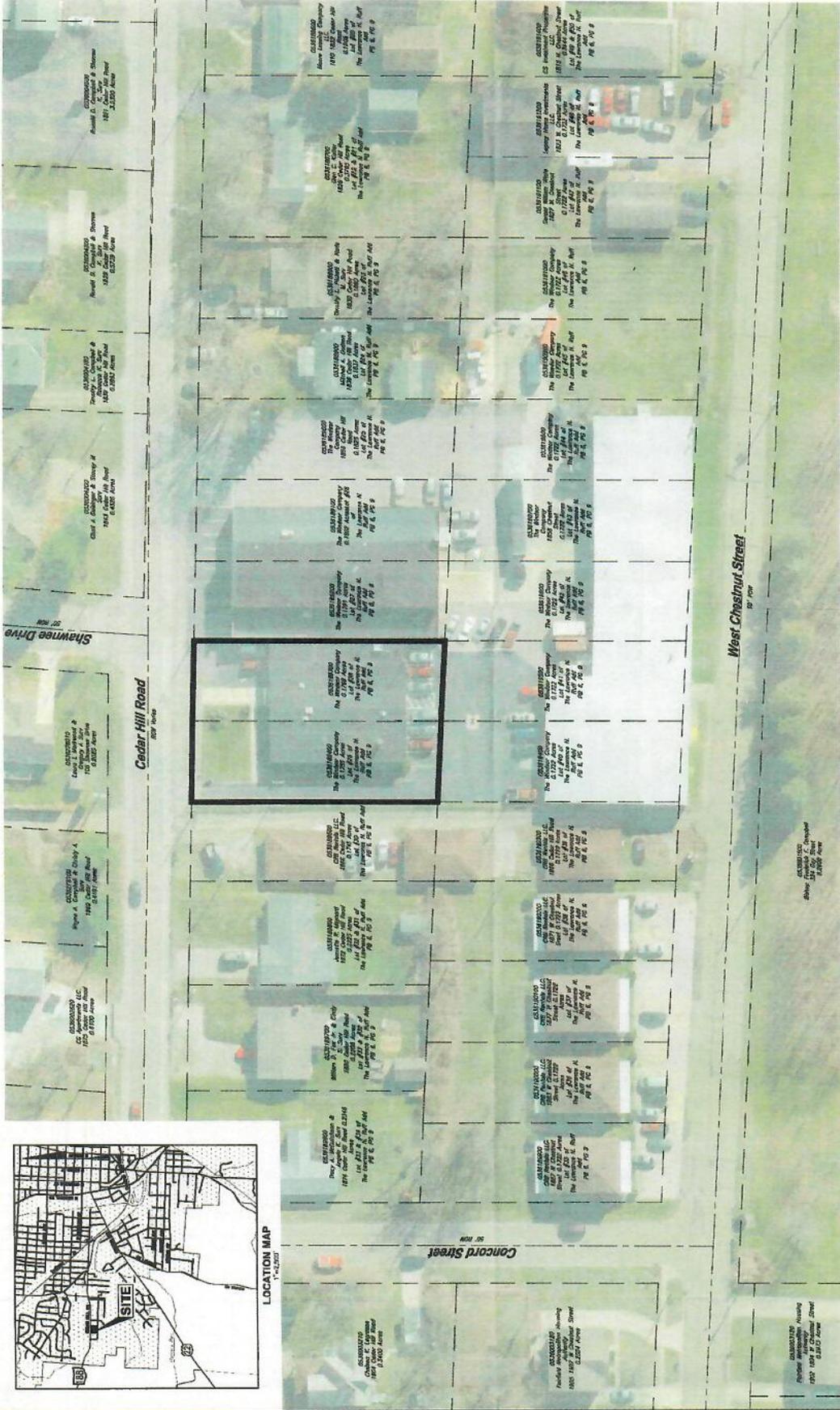
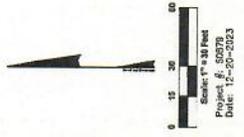
Craig E. Stevenson P.S. 8592
Harral and Stevenson



1/03/24
Date

AGENT:
 Wm. Collins Road NW
 Lancaster, Ohio 43130
 740-653-8822

SURVEYOR:
 Herral and Stevenson
 2000 Hunt Court, Suite 115
 Concord, Ohio 43087
 614-885-1115
 hst@hstsurvey.com



THIS SURVEY WAS PREPARED FOR THE PURPOSE OF RECORDING AND IS BASED ON THE DATA AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF HERRAL AND STEVENSON SURVEYORS.



SITUATION:
 Situated in the County of Fairfield, in the State of Ohio
 Township 14, Range 19
 Section 2

PROPOSED REZONING:
 Current: Zoning: Service Industrial District (S1)
 Proposed Zoning: Commercial Neighborhood District (CN)

Reference Documents:
 O.S. Book 1575, Page 686-687
 Plat Book 6, Page 9

EXHIBIT
ZONING MAP
 CITY OF LANCASTER, FAIRFIELD COUNTY, OHIO

Herral and Stevenson
 Civil Engineering and Surveying
 2000 Hunt Court, Suite 115
 Concord, Ohio 43087
 614-885-1115
 hst@hstsurvey.com

Exhibit "B"

PUBLIC HEARING NOTICE FOR PLANNING COMMISSION

Date: _____

TO: The Windsor Company (property owner)

1856 Cedar Hill Road (street)

Lancaster, OH 43130 (city, state, zip)

RE: Rezoning Hearing for property located at: 1856 Cedar Hill Road, Lancaster, OH 43130

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 Service Industrial zoning district to a Commercial Neighborhood zoning district.

The public hearing is open to the public for comment.

Sincerely,

City Official

Date: January 29, 2024

RE: Rezoning Hearing for property located at: 1856 Cedar Hill Road, Lancaster, OH 43130

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 Service Industrial zoning district to a Commercial Neighborhood 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. CRB Rental LLC, 1746 Meredith Lane, Bellair, FL 33756 _____
2. The Windsor Company, 1430 Collins Road NW, Lancaster, OH 43130 _____
3. Laura and Gregory Markwood, 105 Shawnee Drive, Lancaster, OH 43130 _____
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 29 day of January, 20 24.



Reilly M. Tate
Attorney At Law
Notary Public, State of Ohio
My commission has no expiration date
Sec. 147.03 R.C.



Notary

Exhibit "D"

PUBLIC HEARING NOTICE FOR CITY COUNCIL

Date: _____

TO: The Windsor Company (property owner)

1856 Cedar Hill Road (street)

Lancaster, OH 43130 (city, state, zip)

RE: Rezoning Hearing for property located at: 1856 Cedar Hill Road, Lancaster, OH 43130

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 Service Industrial zoning district to a Commercial Neighborhood zoning district.

The public hearing is open to the public for comment.

Sincerely,

Lancaster Clerk of Council

The building in question, 1856 Cedar Hill Road, Lancaster, Ohio 43130, was zoned under the previous Zoning Map and Zoning Code as Industrial Light (IL) District. Despite having the word "Industrial" in its name, the IL District actually provided for numerous non-industrial and non-manufacturing type uses including, but not limited to, administrative, business or professional offices, including brokers and dealers in securities, commercial banks, insurance agents, real estate services, medical and medical related activities, legal, engineering and architectural services, accounting, auditing and bookkeeping services, etc. (Prior Code, Chapter 1135.02) 1856 Cedar Hill Road is a one-story building that is, according to the Fairfield County Auditor's site 8,151 square feet of Multi-Use Office space. The enclosed pictures and floor plan will show that the building's layout consists of approximately 21 offices, a conference room, several storage/file rooms, several restrooms, etc. all of which are consistent with professional office uses. Suffice it to say that true industrial buildings have requirements such as very high ceilings, clear-span floor areas, overhead doors/loading docks, and large electricity capacity that this building does not possess, nor has it ever had. In fact, for the last 20 plus years, it has been occupied and used as professional offices, which is the use for which it was designed and built. We recently learned of this zoning change when we signed a lease with a tenant whose use was permitted under the previous zoning. It was only after applying for Zoning Clearance that we learned that a new Zoning Map and Code was passed in the City and all of the previously permitted professional and office uses were no longer permitted. We were not notified of this change, so we had no chance to appeal it. More importantly, this zoning change has resulted in a significant reduction in the types of permitted uses. The zoning that has been applied to this building is now Service Industrial (SI). This is a brand-new district and, unlike the previous industrial zoning districts, this new SI district does not permit business and professional office uses. The new SI district permits uses that are more tailored to an industrial facility such as Commercial Recreation, Auto Repair, Kennel, Landscape business, Machine Shop, Manufacturing, etc. None of which could be feasible uses in this building. Given the fact that the previous zoning was an industrial district, we can see how it might have seemed logical to map the property to Service Industrial under the new zoning; however, the uses permitted under SI are not what the building was built, designed or ever been used for. As such, we are requesting this property be re-zoned Commercial Neighborhood (CN). Commercial Neighborhood (CN) most accurately reflects the type of uses for which this building has been occupied and the types of uses that are most suitable for its design and location. There are currently ten (10) parcels just to the east of the subject property zoned Commercial Neighborhood (CN), so this zoning is consistent with other nearby properties. We request that the zoning for the building located at 1856 Cedar Hill Road be changed from Service Industrial (SI) to Commercial Neighborhood (CN) so that we can utilize the building for its intended use and what it has historically been used for under its previous zoning and permitted uses.

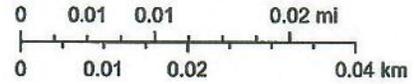
Lancaster Webmap



1/4/2024, 2:55:31 PM

1:1,128

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|-----------------|------------------|--------------------------|
| Parcels | State Routes | Zoning (Est. 2023)
CN |
| Corp Lines | US Routes | R-MD |
| Roads | Interstate Roads | RM |
| Private | Ramps | RT |
| Municipal Roads | Address Points | SI |
| Township Roads | City Properties | |
| County Roads | | |



City of Lancaster, IT/Telecom, City of Lancaster, IT/Telecom, Engineering, City of Lancaster IT/Telecom, City of Lancaster, IT/Telecom, FEMA, Lancaster IT

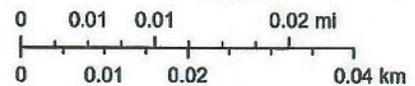
Lancaster Webmap



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- | | | |
|-----------------|------------------|--------------------------|
| Parcels | State Routes | Zoning (Pre-2023) |
| Corp Lines | US Routes | CH |
| Roads | Interstate Roads | CN |
| Private | Ramps | IL |
| Municipal Roads | Address Points | RS-3 |
| Township Roads | City Properties | RS-4 |
| County Roads | | |



City of Lancaster, IT/Telecom, City of Lancaster, IT/Telecom, Engineering, City of Lancaster IT/Telecom, City of Lancaster, IT/Telecom, FEMA, Lancaster IT