

CHAPTER V
ADMINISTRATION AND ENFORCEMENT

ARTICLE 38
ENFORCEMENT PENALTIES

Section 3801 Enforcement by the Zoning Inspector. There is hereby established the Office of Township Zoning Inspector. The Township Trustees, after reviewing recommendations from the Zoning Commission shall appoint a Zoning Inspector together with such assistants as the Township Trustees deem necessary fix the compensation for said position and make disbursement thereof. The Zoning Inspector must be a resident of Springfield Township. It shall be the duty of the Zoning Inspector to enforce this Zoning Resolution. All departments, officials, and public employees of Clark County which are vested with the duty or authority to issue a certificate or license shall conform to the provision of this Resolution and shall issue no certificate or license for any use, building, or purpose, if the same is in conflict with the provisions of this Zoning Resolution. Any certificate or license, issued in conflict with the provisions of this Zoning Resolution, shall be null and void.

Section 3802 Zoning Certificates. Until a Zoning Certificate has been obtained from the Zoning Inspector:

- A. The construction, building, moving, remodeling or reconstruction of any building or structure shall not be commenced.
- B. The improvement of land preliminary to any use of such land shall not be commenced.
- C. The use of land, buildings or structures for temporary and accessory uses and home occupations shall not be commenced.
- D. A certificate pertaining to the temporary or permanent use of land, buildings or structures shall not be issued by any official, officer, employee, department, or Board of Springfield Township or Clark County.

3802.01 Application for Zoning Certificate. Each application for a Zoning Certificate shall be accompanied by a plan showing the following as applicable:

- A. The actual dimensions of the lot including easement.
- B. The exact size and location of all building(S) existing on the lot.
- C. The location and size of the proposed new construction.
- D. The existing and intended use of all parts of the land or buildings.
- E. Such other information as required by the Zoning Inspector with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Zoning Resolution.

3802.02 Issuance of Zoning Certificate. Zoning Certificate shall normally be issued or refusal thereof given within twenty (20) working days after the date of application. Written notice of such refusal and reason thereof shall be given to the applicant.

3802.03 A Zoning Certificate shall become null and void twelve (12) months after the date on which it is issued unless within such twelve (12) month period construction, building, moving, remodeling, or reconstruction of a building structure is commenced or use is commenced.

Section 3803 Violations-Remedies. In case any building is, or is proposed to be located, erected, constructed, reconstructed, enlarged, changes, maintained or used, or any land is or is proposed to be used in violation of this Zoning Resolution or any amendments or supplements thereto: the Township Trustees, the Zoning Inspector, or Building Inspector, or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, enlargement, change, maintenance or use.

Section 3804 Violations and Penalties. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use, any building or any land in violation of any regulation in or any provisions of this Zoning Resolution or any amendment or supplement thereto adopted by Township Trustees. Any person, firm, or corporation, violating any regulation in, or any provision of this Zoning Resolution, or guilty of misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars (\$100). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change or maintenance of use continues, shall be deemed a separate offense.

Section 3805 Fees. Any application under this Zoning Resolution for Site Plan Review, a Zoning Certificate, Variance, Conditional Use Permit, Sign Permit, Planned Development, Amendment or filing of a Motion of Appeal shall be accompanied by such fee as shall be specified from time to time by Resolution of the Township Trustees. There shall be no fee, however, in case of applications filed by the Township Trustees or the Zoning Commission.

The fees shall be in addition to any other fees which may be imposed under applicable resolution of Springfield Township . The fees imposed by this Zoning Resolution are only intended to defer in part the costs involved in such application such as publishing and/or posting, and mailing the notice of hearing or hearings. Such fees are not refundable regardless of the outcome of the application.

ARTICLE 39
BOARD OF ZONING APPEALS

Section 3901 Appointment

3901.01 Establishment. A Board of Zoning Appeals (BZA) for Springfield Township is hereby created. The BZA shall consist of five (5) members, to be appointed by the Township Trustees, who shall be residents of the unincorporated territory of Springfield Township. The terms of all members shall be for five (5) years. Each member shall serve until their successor is appointed.

3901.02 Removal. BZA members of the Board be removable for nonperformance of duty, misconduct in office, or other cause by the Township Trustees upon written charges having been filed with the Township Trustees and after a public hearing has been held regarding such charges. A copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally or by registered mail, or by leaving the same at their usual place of residence. The member shall be given an opportunity to be heard or answer such charges. Vacancies shall be filled by the Township Trustees and shall be for the expired term.

Section 3902 Organization

- A. The BZA shall organize and adopt rules in accordance with the provisions of this Zoning Resolution. Meetings of the BZA shall be held at the call of the Chairperson and such other times as the BZA may determine. The Chairperson, or in their absence, the Vice- Chairperson, shall administer oaths and the Board BZA may compel the attendance of witnesses. All meetings of the BZA shall be open to the public.
- B. The BZA shall keep minutes of its proceedings showing the vote of each member upon each motion, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Zoning Inspector and shall be a public record. A copy of the decision for each case shall be given to the applicant.
- C. Three (3) members of the BZA shall constitute a quorum. The BZA shall act by motion and the concurring note of three (3) members shall be necessary to approve any motion.

Section 3903 Jurisdiction

The Board of Zoning Appeals shall have the following jurisdiction:

- A. Administrative Appeal: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Zoning Resolution.
- B. Variances
 1. Variances on Lots: To authorize, upon appeal, in specific cases, such variance from the terms of this Zoning Resolution as will not be contrary to public interest, where owing to special conditions of the land (i.e. an irregular shaped lot having the required area; a lot of exceptional topography; or an exceptionally narrow, shallow, or irregular lot existing and of recorded at the time of the passage of this Zoning Resolution), a literal enforcement of the provisions of this Zoning

Resolution will result in unnecessary hardship. In granting such variance, the BZA shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the Zoning District in conformity with this Zoning Resolution.

2. Variances on existing buildings and structures: To grant the projection of a building or structures existing at the time of the adoption of this Zoning Resolution into a required yard to secure an addition to the building or structure and arrangement. Such projection shall not exceed one-third (1/3) of the required depth or width of the required yard. In granting such variance, the BZA shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the Zoning District in conformity with this Zoning Resolution.
- C. Conditional Use: To grant Conditional Zoning Certificates for the use of land, buildings, or other structures, if such certificate for specific uses are provided for in the Zoning Resolution.
- D. Non-Conforming Uses: Non-Conforming Uses as provided in Article 27 of this Resolution.

Section 3904 Procedure for Administrative Appeal

3904.01 Authorization. An appeal from a decision of the Zoning Inspector with respect to the interpretation or application of this Zoning Resolution, may be taken to the BZA by any person aggrieved, or his agent, or by any officer of the county affected by such decision of the Zoning Inspector.

3904.02 Notice of Appeal. Appeals to the BZA shall be filed within twenty (20) days after the decision of the Zoning Inspector by filing a written notice of appeal with the Zoning Inspector to the BZA.

The Notice of Appeal shall specify the grounds for such appeal. Upon receipt of a Notice of Appeal, the Zoning Inspector shall forthwith transmit the BZA all of the papers constituting the record upon which the decision being appealed was based.

3904.03 Hearing on Appeal. The BZA shall select a reasonable time and place for the hearing of an appeal, which shall be held not less than fifteen (15) not more than (70) days after receipt of the application; give at least ten (10) days written notice thereof to the owners of the property within three hundred (300) feet of the applicant's property as they shall appear on the Notice of Appeal.

In addition, public notice of such hearings as to the time, place, date and subject of the hearing, shall be published in a newspaper of general circulation at least ten (10) days prior to the date of the hearing. Any party in interest may appeal and be heard at the hearing in person, by agent, or by attorney.

3904.04 Decision on Appeals. The BZA shall have all the powers of the Zoning Inspector with respect to such decision. The concurring vote of a majority of the members of the BZA shall be necessary to reverse or modify any decision of the Zoning Inspector. The BZA shall render a written decision on the application without unreasonable delay after the close of the hearing, and in all cases within thirty (3) days after the close of the hearing. A copy of the decision and finding of fact shall be sent to the applicant.

Section 3905 Procedure for Obtaining a Variance A variance is permission to deviate in a specific manner from the terms of the Zoning Resolution, where, owing to special conditions of the land itself, a literal enforcement of the provisions of this Zoning Resolution will result in unnecessary hardship and provided that only deviations from development standards shall be permitted.

3905.01 Authorization. The BZA may authorize variances from the terms of this Zoning Resolution as stated in Section 3903 B, when the Board has made findings of fact, based upon the standards set out in Section 3905.02 of this Resolution.

3905.02 Application for Variance. An application for Variance, together with an Application for a Zoning Certificate shall be filed with the Zoning Inspector. The application shall contain the following.

A. Description of Property and Nature of Variance:

1. The nature of the variance, i.e., including the specific provisions of the Zoning Resolution from which the variance is requested.
2. The property's address and/or the parcel number. [eff. 03-22-2016]
3. A statement of the special circumstances or conditions applying to the land or structure and not applying generally throughout the Zoning District.
4. A statement showing that the special conditions and circumstances do not result from the actions of the applicant.
5. A statement showing that the granting of the application is necessary to the preservation and enjoyment of substantial property rights.
6. Such other information regarding the appeal as may be pertinent or required for appropriate action by the BZA.

B. Plot Plan: The application shall be accompanied by a plot plan drawn to an appropriate scale showing the following:

1. The boundaries and dimensions of the lot.
2. The size and location of existing and proposed structures.
3. The proposed use of all parts of the lot and structures.
4. The relationship of the requested variance to the standards set by the Zoning Resolution.
5. The use of land and location of structures on adjacent property.

3905.03 Hearing on Variance. A hearing on the application shall be held by the BZA and Notice thereof given, as specified under Section 3904.03. [eff. 03-22-2016]

3905.04 Standards for Variances. The BZA shall not grant a Variance unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, that support conclusions that:

- A. The variance requested arises from special conditions, of, or involving, the property which are unique, or that is a situation which is not ordinarily found in the same zoning district and the situation results from the enforcement of this Zoning Resolution and not by an action or actions of the property owner, the applicant, or any other person or party who has control of the property.

- B. The strict application of the provisions of this Resolution from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
- C. The variance desired will not adversely affect the public health, safety, and morals.
- D. The variance desired will not compromise the general spirit and intent of this Resolution.

3905.05 Conditions and Resolutions. In granting a variance, the Board may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to comply with the standards set out in Section 3905.05 of this Zoning Resolution to reduce or minimize potentially injurious affects of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of this Zoning Resolution.

3905.06 Decision on Variance. The concurring vote of a majority of the members of the BZA shall be necessary to approve a variance request. The Board shall render a written decision on the application without unreasonable delay after the close of the hearing, and in all cases within thirty (30) days after the close of the hearing. [eff. 03-22-2016]

3905.07 Period of Validity. A variance granted by the BZA shall terminate at the end of six (6) months from the date on which the BZA grants the variance, unless within such six (6) month period, a Zoning Certificate is obtained and has not expired.

Section 3906 Procedure for Obtaining a Conditional Use Certificate

3906.01 Authorization. Specifically listed Conditional Uses are provided within the Zoning District Regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the Permitted Uses of such Zoning District.

The intent of the procedure for authorizing a Conditional Use is to set forth in the developing standards and criteria for locating and developing a Conditional Use in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

3906.02 Application for Conditional Use. Any person owning or having an interest in property may file an application to use such property for one or more of the Conditional Uses provided in the Zoning District in which the property is situated. An application for a Conditional Use Certificate shall be filed with the Zoning Inspector.

The application for a Conditional Use shall contain the following:

- A. Description of Property and Intended Use:
 - 1. The property's address and/or parcel number.
 - 2. The proposed use of the property.
 - 3. A statement of the necessity or desirability of the proposed use to the neighborhood or community.
 - 4. A statement of the compatibility of the proposed use to adjacent property and land use.

5. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the BZA.
- B. Plot Plan: The application shall be accompanied by a plot plan drawn to an appropriate scale, clearly showing the following:
1. The boundaries and dimensions of the lot.
 2. The size and location of existing and proposed structures.
 3. The proposed use of all parts of the lot and structures.
 4. The relationship of the proposed development to the development standards in the existing Zoning District.
 5. The use of land and location of structures on adjacent property.

3906.03 Hearing on Conditional Use. A hearing on the application shall be held by the BZA and notice thereof given, as specified under Section 3904.03.

3906.04 Standards for Conditional Use. The BZA shall not grant a Conditional Use unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it that support conclusions that:

- A. The proposed Conditional Use will comply with all applicable regulations of this Zoning Resolution, including lot size, requirement, development standards, and use limitations. [eff. 03-22-2016]
- B. Adequate utility, drainage and other such necessary facilities have been or will be provided.
- C. Adequate access roads or entrance and exit drives will be provided and will be designed as to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys.
- D. All necessary permits and licenses for the use and operation of the Conditional Use have been obtained or evidence has been submitted that such permits are obtainable for the proposed Conditional Use on the subject property.
- E. All exterior lights for artificial open-air illumination are so shaded as to avoid casting direct light upon any property located in a Residential District.
- F. The location and size of the Conditional Use, the nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- G. The location, nature and height of building, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, building and structures.
- H. The Conditional Use desired will not adversely affect the public health, safety and morals.

3906.05 Conditions and Restrictions. In granting a Conditional Use Certificate, the BZA may impose such conditions, safeguards and restrictions upon the premises benefited by the Conditional Use as may be necessary to comply with the standards set

out in Section 3906.05 to reduce or minimize potentially injurious affects of such Conditional Uses upon other property in the neighborhood, and to carry out the general purpose and intent of this Zoning Resolution.

3906.07 Period of Validity. A Conditional Use Certificate approved by the BZA shall terminate at the end of one (1) year from the date on which the Board approves the Conditional Use, unless within the one (1) year period a Zoning Certificate has been obtained and has not expired. [eff. 03-22-2016]

ARTICLE 40
TOWNSHIP ZONING COMMISSION, DISTRICT CHANGES
AND RESOLUTION AMENDMENTS

Section 4001 Zoning Commission

4001.01 Organization. The Township Trustees proceeding under Sections 519.01 to 519.99 inclusive of the Ohio Revised Code, shall create and establish a Zoning Commission. The Zoning Commission shall be composed of five (5) members who reside in the unincorporated area of the Township to be appointed by Township Trustees and the terms of the members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until their successor is appointed.

4001.02 Removal. Members shall be removable for nonperformance of duty, misconduct in office or other cause by the Township Trustees upon written charges having been filed with the Township Trustees and after a public hearing has been held regarding such charges. A copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally or by registered mail, or by leaving the same at their usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Township trustees and shall be for the expired term. [eff. 03-22-2016]

Section 4002 District Changes and Resolution Amendments

Amendments to this Zoning Resolution shall be effected as provided by Section 519.12 of the Ohio Revised Code.

4002.01 Procedure

- A. An amendment may be initiated by the Zoning Commission or Township Trustees or by a verified application of one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by this Zoning Resolution.
- B. Once the application is filed and fees paid, the Zoning Commission shall set a date for a public hearing which shall not be less than twenty (20) days nor more than forty (40) days from the filing date. Notice of the hearing shall be given in a newspaper of general circulation in the Township at least fifteen (15) days before the hearing.
- C. If the proposed amendment requests rezoning or redistricting of ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearings shall be mailed to property owners within three hundred (300) feet of the proposed area. The failure of delivery of such notice shall not invalidate any such amendment.

- D. Within five (5) days after the application is filed; or motion or resolution is adopted, the Zoning Commission shall transmit a copy thereof, along with text and map pertaining thereto to the Clark County Central CEDA Regional Planning Commission (CEDA RPC). The recommendation shall be considered at the public hearing held by the Zoning Commission on the proposed amendment.
- E. The Zoning Commission shall, within thirty (30) days after its public hearing, submit its recommendation to the Township Trustees.
- F. The Township Trustees shall, upon receipt of such recommendation, set a time for its public hearing on the proposal, which date shall not be more than thirty (30) days from the date of the receipt of the Zoning Commission's recommendation. Notice of the hearing shall be given in a newspaper of general circulation in the Township at least (10) days before the hearing date.
- G. Within twenty (20) days after such public hearing, the Township Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. The Township Trustees may deny or modify the Zoning Commission's recommendation with a majority vote.
- H. Such amendment adopted by the Township Trustees shall become effective in thirty (30) days after the date of adoption unless, as specified in ORC 519.12, within said thirty (30) days after adoption a petition is presented to the Township Trustees, signed by at least eight (8) percent of the qualified voters residing in the unincorporated area of the township of the total vote in the last preceding general election at which a governor was elected, requesting the Township Trustees to submit the amendment to the electors of such area for approval or rejection at the next primary or general election that occurs at least ninety days after the petition is filed.
- I. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the voters, the amendment shall take immediate effect.

4002.02 Written Application A completed application shall be filed with the Zoning Inspector.

A. Description of Change:

The application shall include the following statements:

1. A description or statement of the present or proposed provisions of this Zoning Resolution or the boundaries of the Zoning District Map.
2. The property's address and/or parcel number.
3. The proposed use of the property.
4. A statement of the necessity or desirability of the proposed use to the neighborhood or community.
5. A statement of the relationship of the proposed use to adjacent property and land use.
6. A list of owners of property within three hundred (300) feet from such accordance with the Clark County Auditor's current tax list.

7. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the Zoning Commission or Township Trustees.
- B. Plot Plan: The application shall be accompanied by two (2) copies of a plot plan, prepared by a registered engineer, architect, or surveyor of the State of Ohio, drawn to an appropriate scale, clearly showing the following:
1. The boundaries and dimensions of the lot.
 2. The appropriate size and location of existing and proposed structures on the land to be rezoned if desired by applicant.
 3. The proposed use of all parts of the lot and structures, including access ways, walks, off-street parking and loading spaces, and landscaping if desired by applicant.