

ARTICLE 10

ADMINISTRATIVE PROCEDURES

SECTION 1001 ZONING PERMIT REQUIRED: No person shall change any use of land, locate, erect, construct, reconstruct, enlarge or structurally alter any building or structure

within Spring Valley Township without first obtaining a Zoning Permit. No Zoning Permit shall be issued unless the plans for the proposed building or structure or use of land fully comply with the provisions of this Resolution, unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, a variance, or conditional use. A Zoning Permit shall be required for all dwellings, all principal structures and uses, all accessory structures unless otherwise specified, all specified accessory uses, and all temporary uses. A Zoning Permit shall not be required for the use of land for agricultural purposes, for buildings or structures exclusively used for agricultural purposes, or for structures, not including buildings, required in the provision of essential services.

1001.1 Accompanying Information: A written application and site plan for a Zoning Permit shall be submitted to the Zoning Inspector of Spring Valley Township on forms provided by the Zoning Inspector. The following information shall be required:

- a. Name, address, and phone number of applicant;
- b. Date;
- c. The name of the subdivision and the lot number or other information necessary to establish the location of the lot;
- d. The actual dimensions of the lot based on actual survey, including square footage and/or acreage, the yard and other open space dimensions thereof, and the location and size of any existing structures thereon;
- e. The location on the lot and size of any proposed structure and/or the proposed alteration of any existing structure, indicating dimensions, including building height;
- f. The number of proposed dwelling units, and the total residential floor area and the number of bedrooms to be included in each dwelling unit;
- g. A permit from the Greene County Health Department or Ohio Environmental Protection Agency for onsite waste water disposal, where applicable, illustrating the location of primary and secondary leaching field locations;
- h. The proposed parking plan and number and location of proposed off-street parking or loading spaces;
- i. A plan for screening when applicable;
- j. A statement by the applicant attesting to the truth and exactness of all information supplied on the application;
- k. A statement that the permit shall expire and shall be revoked if work has not been started and substantially pursued within one (1) year of its issue date;
- l. Such other information as may be necessary to determine conformance with this Resolution; and
- m. A fee as established by the Township Trustees.

1001.2 Processing of Permit: Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. If the

application is approved, the Zoning Inspector shall issue a Zoning Permit. One copy of the application shall be returned to the applicant by the Zoning Inspector after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of the application similarly marked shall be retained by the Zoning Inspector and filed. After the Zoning Inspector issues a Zoning Permit, he shall issue a placard to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

In the event an application involves land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification of local officials by the Director of the Ohio Department of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall require a third application for a Zoning Permit and send it to the Director of the Ohio Department of Transportation by registered mail for review. If the Director of the Ohio Department of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the Zoning Permit. If the Director of the Ohio Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Ohio Department of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the Zoning Permit.

SECTION 1002

CONDITIONAL USE PERMITS: Conditional uses shall be permitted only upon issuance of a Conditional Use Permit by the Zoning Inspector after approval by the Board of Zoning Appeals. At a minimum, the application shall contain the following information:

1002.1 Application: An application for a Conditional Use Permit by at least one owner of the property is required prior to any authorization by the Board of Zoning Appeals. At a minimum, the application shall contain the following information:

- a. Name, address, and telephone number of applicant;
- b. Date;
- c. The lot, name, and number or legal description of the property;
- d. Description of existing zoning district;
- e. Description of the proposed Conditional Use;
- f. A site plan of the proposed site for the Conditional Use showing the scale, north arrow, location of all buildings, parking and loading areas, traffic access and traffic circulation, sidewalks, curbs, open spaces,

landscaping, refuse and service areas, fire hydrants, utilities, rights-of way, signs, yards, and such other information as the Board of Zoning Appeals may require to determine if the proposed Conditional Use meets the intent and requirements of this Resolution;

- g. A plan for screening when applicable;
- h. A narrative statement discussing the merits of the proposal;
- i. Such other information as may be required by the Board of Zoning Appeals; and
- j. A fee as established by the Township Trustees.

1002.2 Conditional Use Standards: Conditional Uses may be permitted provided that such uses shall be found to comply with the following requirements and all other applicable requirements as set forth in this Resolution:

- a. The use is so designed, located and proposed to be operated so that the public health, safety, welfare and convenience will be protected;
- b. The use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance;
- c. The use will be designed, constructed, operated, and maintained so that it shall not cause substantial injury to the value of the property in the area or neighborhood where it is to be located;
- d. The use shall be compatible with adjoining development and the proposed character of the zoning district where it is to be located;
- e. The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide any such services adequately;
- f. The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- g. Adequate landscaping and screening are provided, as required under Article 5, Section 515;
- h. Adequate off-street parking and loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets;
- i. The use conforms with all applicable regulations governing the district in which it is located, except as may otherwise be determined for planned unit development;
- j. The use is compatible with the standards, objectives, and policies of *Perspectives: A Future Land Use Plan for Greene County, Ohio*;
- k. The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or vibrations; and
- l. Any other supplementary requirements as prescribed by the Board of Zoning Appeals.

1002.3 Processing of Conditional Uses: The Board of Zoning Appeals shall hold a public hearing within sixty (60) days from the receipt of the application. Before holding the public hearing, notice of such hearing shall be given in one (1) or more newspapers of general circulation within the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed Conditional Use. Before holding the public hearing, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers. Within thirty (30) days after the hearing, the Board of Zoning Appeals shall either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is disapproved by the Board of Zoning Appeals, the applicant may seek relief through the Court of Common Pleas.

1002.4 Expiration of Conditional Use Permits: A conditional use permit shall be deemed to authorize only one particular conditional use. The Conditional Use Permit shall automatically expire if, for any reason, the conditional use shall cease for more than six (6) months, or construction is not begun within the amount of time indicated on the Conditional Use Permit.

SECTION 1003

APPEALS AND VARIANCES: It is the purpose of this Section to establish procedures and requirements for the hearing of appeals and variances. As is specified in Article 9, Section 903, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

1003.1 Appeals: Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken.

1003.2 Stay of Proceedings: An appeals stays all proceeding in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

1003.3 Variance: The Board of Zoning Appeals may authorize, upon appeal in specific cases, such variance from the terms of this Resolution as will not be contrary to the public interest or the intent of this Resolution, but only where strict interpretation would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance.

1003.4 Application: A variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless the applicant has provided sufficient evidence to warrant the granting of a variance, and a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing, at a minimum, the following information:

- a. Name, address, and telephone number of applicant;
- b. Legal description of the property;
- c. Description and nature of variance requested;
- d. A narrative statement demonstrating that the requested variance conforms to the following standards:
 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 2. That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Resolution.
 3. That special conditions and circumstances do not result from the actions of the applicant.
 4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.
 5. That an economic hardship, requesting a more intensive use of the property than would normally be permitted, is not the only nor the primary factor for requesting the variance; and

e. A fee as established by the Township Trustees.

1003.5 Granting of Variances: The burden of proof for granting a variance, shall rest with applicant. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with the Resolution. Violation of such conditions and safeguards, when made part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Resolution and punishable under Article 10, Section 1005 of this Resolution. Under no

circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district.

1003.6 Processing Appeals and Variances: The Board of Zoning Appeals shall hold a public hearing within sixty (60) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

Before holding the required public hearing, notice of such hearing shall be given in one or more newspapers of general circulation within the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

Before holding the required public hearing, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers.

SECTION 1004

AMENDMENTS AND DISTRICT CHANGES: Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Township Trustees may, by resolution after receipt of recommendations from the Zoning Commission and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and district boundaries or classification of property.

1004.1 Initiation of Amendments: Amendments to this Resolution may be initiated in one of the following ways:

- a. By adoption of a motion by the Zoning Commission.
- b. By adoption of a resolution by the Township Trustees; or
- c. By the filing of an application by at least one (1) owner or his designee or property within the area proposed to be changed or affected by said amendment.

1004.2 Application for Amendments: The application for amendment shall contain at a minimum the following information in triplicate:

- a. Name, address, and telephone number of applicant;
- b. Date;
- c. Legal description of the property;
- d. Present use;
- e. Present zoning district;
- f. Proposed use;

- g. Proposed zoning district;
- h. A vicinity map at a scale approve by the Zoning Commission showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Commission may require;
- i. Proposed amendment to the text;
- j. A list of all property owners within five hundred (500) feet of, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned, and others that may have a substantial interest in the case;
- k. A statement on how the proposed amendment relates to *Perspectives: A Future Land Use Plan for Greene County*; and
- l. A fee as established by the Township Trustees.

All applicants submitting requests for change in district boundaries on the Official Zoning District Map shall be required to post a sign upon the property in question within five (5) days after the submission of an application. Such sign shall be clearly visible from the street, or in the case of two or more streets, that street with the greater average traffic flow.

Such sign shall state "THIS PROPERTY IS BEING CONSIDERED FOR REZONING." "FOR INFORMATION CALL SPRING VALLEY TOWNSHIP." and shall also denote the present and proposed zoning district classification for the site. No zoning permit shall be required. However, the location and size of such sign shall be subject to approval by the Zoning Inspector.

- 1004.3 Procedure for Amendments: Within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by at least one (1) owner, or his designee, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map pertaining to the case in question to the Regional Planning and Coordinating Commission of Greene County, Ohio. The Regional Planning and Coordinating Commission shall recommend the approval, denial, or modification to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

In the event that a proposed rezoning is located adjacent to another political jurisdiction, an additional copy of the application shall be provided and forwarded to the chairman of the Planning Commission or the Zoning Commission of that jurisdiction. Any comments provided by the adjoining jurisdiction shall be considered at the public hearing of the Zoning Commission.

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification

to local officials by the Director of the Ohio Department of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of the Ohio Department of Transportation. The Zoning Commission may proceed as required by law, however, for one hundred twenty (120) days from the date the notice is received by the Director of the Ohio Department of Transportation. If the Director of the Ohio Department of Transportation notifies the Township Council that he shall proceed to acquire any land needed, then the Board of Township Trustees shall refuse to approve the zoning. If the Director of the Ohio Department of Transportation notifies the Council that acquisition at this time is not in the public interest or upon expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Ohio Department of Transportation and the property owner, the Township Trustees shall proceed as required by law.

The Zoning Commission shall schedule a public hearing after the adoption of their motion, a transmittal of a resolution from the Township Trustees, or the filing of an application for Zoning Amendment. Said hearing shall not be less than twenty (20) no more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

Before the required public hearing, notice shall be given by the Zoning Commission by at least one (1) publication in a newspaper of general circulation within the Township at least fifteen (15) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty days before the date of the public hearing to all owners of property within five hundred (500) feet of, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

Within thirty (30) days after the required public hearing, the Zoning Commission shall forward with reasons for such recommendation to the

Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested or it may recommend that the amendment not be granted.

Upon receipt of the recommendation from the Zoning Commission, the Board of Township Trustees shall schedule a public hearing. The date of said hearing shall be not more than thirty (30) days from the receipt of the recommendation from the Zoning Commission.

Notice of the required public hearing shall be given by the Board of Township Trustees by at least one (1) publication in a newspaper of general circulation within the Township. Said notice shall be published at least fifteen (15) days before the date of the required hearing. Such notice shall be mailed by the Clerk of Board of Township Trustees, by first class mail, at least twenty (20) days before the day of the hearing to all owners of property within five hundred (500) feet of, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice as provided in this section shall not invalidate any such amendment. In the case of a text amendment or where more than ten (10) parcels of land are being considered, written notice shall not be required.

Within twenty (20) days after the required public hearing the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission the majority vote of the Board of Township Trustees is required.

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the Township equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the primary or general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

SECTION 1005

VIOLATIONS AND PENALTIES: Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this Resolution, including those established by the Board of Zoning Appeals for Conditional Uses, shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500) and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation.

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector shall record properly such complaint, immediately investigate, and take action thereon as provided in this section.