COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION

CITY OF SPRINGFIELD
FORWARD OHIO TOGETHER

City Planning Board Staff Reports 2020

Monday, November 9, 2020
7:00 P.M.
Virtual Meeting

2020 City Planning Board Call to Order: Roll Call

Name	Term Expiration
Charles Harris	03/30/2022
Trisha George	04/14/2022
Ravi R Shankar	03/05/2020
James Smith	10/24/2020
Charlene Roberge	03/17/2021
Alex Wendt	04/24/2021
Amanda Fleming	01/01/2022
Jack Spencer	06/16/2022
Kathryn Campbell	01/28/2023

Agenda
City Planning Board
Springfield, Ohio
Monday, November 9, 2020
7:00 P.M.

1. **Call to Order**

2. **Roll Call**

3. **Approval of Minutes – October 12, 2020** — ACTION

4. **Case # 20-Z-08 Rezoning** — DISCUSSION & ACTION
   Request from Clayton Hays to rezone 716, 718, and 726 Court Street from CN-2, Neighborhood Commercial District to CC-2, Community Commercial District.

5. **Case # 20-ZC-01 Zoning Code Text Amendment** — DISCUSSION & ACTION
   Request to amend Chapter 1175 - Annexations.

6. **Case # 20-ZC-02 Zoning Code Text Amendment** — DISCUSSION & ACTION
   Request to amend Chapter 1102.02(r) - Restaurants

7. **Board Comments** — DISCUSSION

8. **Staff Comments** — DISCUSSION

9. **Adjourn - Next meeting December 7, 2020** — ACTION

CITY PLANNING BOARD
Springfield, Ohio
Monday, October 12, 2020
7:00 P.M.
Virtual Meeting

Meeting Minutes
(Summary Format)

Chairperson Charlene Roberge called the meeting to order at 7:00 P.M.

MEMBERS	Ms. Kathryn Lewis-Campbell, Ms. Amanda Fleming, Mr. Alex Wendt, Mr. Jack Spencer, and Ms. Charlene Roberge.
MEMBERS ABSENT:	Mr. Charles Harris, Mr. James Smith and Ms. Trisha George.
OTHERS PRESENT:	Stephen Thompson, Planning, Zoning, and Code Administrator and other interested parties.

SUBJECT: Meeting minutes approval – September 9, 2020

Ms. Roberge asked for a motion to approve the minutes.

Ms. Fleming made a motion to approve the minutes. Seconded by Mr. Spencer.

The minutes were approved by voice vote.

Case # 20-RW-03 Right of Way Vacation Request to vacate the first alley north of E High Street from Fostoria Avenue East to the intersecting North-South alley.

Mr. Thompson gave the staff report.

Ms. Roberge asked if there were any complaints.

Mr. Thompson stated there were no complaints.

Ms. Roberge asked if there were any further questions for Mr. Thompson. Hearing none, Ms. Roberge asked if the applicant or the applicants agent wished to speak. Hearing none, Ms. Roberge asked for a motion.

MOTION: Motion by Mr. Wendt to approve Case # 20-RW-03 Right of Way Vacation Request to vacate the first alley north of E High Street from Fostoria Avenue East to the intersecting North-South alley. Seconded by Ms. Fleming.

YEAS: Ms. Lewis-Campbell, Mr. Wendt, Ms. Fleming, Mr. Spencer and Ms. Roberge.

NAYS: None.

Motion approved.

Case # 20-Z-07 Rezoning Request from Dion James to rezone 120, 122, & 126 N Bell Ave from RS-5, Low-Density, Single-Family Residence District and CC-2, Community Commercial District to CI-1, Intensive Commercial District.

Mr. Thompson gave the staff report.

Ms. Roberge questioned who owns the surrounding houses.

Mr. Thompson stated he was unsure who owned the surrounding houses but did not here from anyone in the surrounding areas.

Ms. Roberge asked if there would be an automotive business.

Mr. Thompson stated that was correct. The property owner wished to expand his business and planned to make a parking lot of the sewer line.

Ms. Fleming questioned if the property owner planned to remove the green space and trees and replace with concrete.

Mr. Thompson explained the property owner was unable to put a structure on the property because of the sewer line. The property owner planned to expand the parking area but had not submitted plans yet.

Ms. Roberge asked if the board should be concerned about the properties surrounding the areas with a noise ordinance.

Mr. Thompson explained one staff comment, the applicant would be required to screen everything for the residential to the south and the east. Mr. Thompson stated as far as the noise ordinance, there are no specifics in zoning. Mr. Thompson explained there is a general noise ordinance that covers everything from music to industrial operations. Mr. Thompson explained there's a manufacturing use to the west and stated he couldn't see an automotive use being louder than what's going on to the west. Mr. Thompson stated he did not receive any concerns regarding the case.

Mr. Spencer questioned if the applicant wanted to expand for automotive detailing.

Mr. Thompson stated that was correct.

Ms. Fleming stated her concerns were the amount of automotive business throughout the town that turn into dump zones.

Mr. Wendt asking what the uses would be for re-zoning.

Mr. Thompson explained some of the principal uses permitted out right would be automobile and truck oriented uses, contractor, pre-assembly yard, equipment rental, hardware store, lumber yard, office, repair shop, restaurant storage and personal service establishments.

Ms. Roberge explained the applicant already established a business here.

Mr. Thompson explained in the code it is distinguished between automotive repair and strict salvage yard operation that takes in junk vehicles.

Mr. Wendt explained he doesn't have any objections due to the fact there will be screening, he's established a business and there were no complaints from surrounding neighbors.

Ms. Roberge asked if there were any further questions for Mr. Thompson. Hearing none, Ms. Roberge asked if there was anyone else that wished to speak. Hearing none, Ms. Roberge asked for a motion.

MOTION: Motion by Mr. Wendt to approve Case # 20-Z-07 Rezoning Request from Dion James to rezone 120, 122, & 126 N Bell Ave from RS-5, Low-Density, Single-Family Residence District and CC-2, Community Commercial District to CI-1, Intensive Commercial District. Seconded by Mr. Spencer.

YEAS: Ms. Lewis-Campbell, Mr. Wendt, Ms. Fleming, Mr. Spencer and Ms. Roberge.

NAYS: None.

Motion approved.

SUBJECT: Board Comments.
Mr. Harris and Ms. George showed up during the meeting.

SUBJECT: Staff Comments.
None.

SUBJECT: Adjournment

Motion to adjourn by Ms. Fleming. Seconded by Ms. Lewis-Campbell.

Approved by voice vote. Adjourned at 7:28 P.M.

_____

Ms. Charlene Roberge, Chair.
Mr. Jack Spencer, Vice-Chairperson.

Agenda Item # 4

Case # 20-Z-08
Rezoning

Staff Report

TO: City Planning Board DATE: November 4, 2020

PREPARED BY: Stephen Thompson SUBJECT: Rezoning Case #20-Z-08

GENERAL INFORMATION:

Applicant:	Clayton Hays, PO Box 102, Clifton, OH 45316
Owner:	Sorcha & Laird LLC, PO Box 102, Clifton, OH 45316
Requested Action:	Rezone 716, 718, and 726 Court Street from CN-2, Neighborhood Commercial District to CC-2, Community Commercial District
Location:	716, 718, and 726 Court Street
Size:	0.53 acre
Existing Land Use and Zoning:	Vacant Commercial/Manufacturing, CN-2
Surrounding Land Use and Zoning:	North: Residential, RS-8 East: Residential, RS-8 South: Residential, RS-8 West: Residential, RS-8
Applicable Regulations:	Chapter 1174 Amendments
File Date:	October 6, 2020

BACKGROUND:

The applicant seeks approval to rezone the subject parcels to CC-2. They were rezoned to CN-2 in 2016 from RS-8. The applicant wants to rezone the property in order to better market the vacant buildings for sale or lease.

ANALYSIS:

Land Use Plan and Zoning:

The Connect Clark County Comprehensive Plan shows this future character area as "Mixed Uses, High Intensity."

The purpose of the Community Commercial District (CC-2) is to provide locations for the development of community shopping and business areas which serve a major segment of the

community population.

CC-2 allows for the following uses:

Principal Uses Permitted

(a) Business service establishment, except a drive- in facility.
(b) Club.
(c) Food locker.
(d) Meeting hall.
(e) Museum and art gallery.
(f) Office use allowed in the CO-1 District.
(g) Personal service establishment, except a drive- in facility.
(h) Retail establishment (including a restaurant), except those uses listed as conditional uses.
(i) Theater.
(j) Financial Institution.
(k) Hotel or motel.

Provisional Uses Permitted

None

Conditional Uses Permitted

(a) Animal specialty service, veterinary clinic, and animal hospital. Such uses shall be subject to the following requirements:
  (1) The facility shall have no outside runs.
  (2) Animals shall not be housed outside nor shall cages be stored outside.
  (3) The building housing the facility shall be sound proofed to minimize the transmission of sound outside the walls of the building. A minimum sound transmission coefficient of 40 shall be maintained.
  (4) All facilities shall be constructed and maintained in such a manner so as to prevent the emission of noxious or offensive odors.
  (5) The facility shall be limited to the care of small domestic animals.
(b) Automobile and truck oriented use.
(c) Cemetery.
(d) Day-care center.
(e) Commercial recreational use.
(f) Dwelling located above the ground floor of another principal use allowed in this district, provided the density does not exceed one (1) dwelling unit per 1,800 square feet of lot area.
(g) Funeral home subject to the requirements of Chapter 1135.
(h) Public utility or public use.
(i) Religious institution.
(j) School, specialized private instruction.
(k) Emergency housing, provided there shall be at least 300 square feet of lot area for each permanent resident and 200 square feet for each guest.

(l) Drive-in facility for a financial institution.
(m) Mini-warehouse or self-storage facilities subject to the following requirements:
  (i) Such mini-warehouse or self-storage facilities must be located at the rear of a lot used for other CC-2 purposes.
  (ii) The lot on which such use is permitted must have frontage on a thoroughfare as the same is shown on the adopted Thoroughfare Plan of The City of Springfield, Ohio, and entrance and exit to such use shall be from such thoroughfare.
  (iii) All drives and parking areas serving the use shall have a paved surface such as asphalt, concrete, or like material.
  (iv) Any such use on a lot located within 150 feet of or abutting a lot having a residential use in an R district shall be screened in accordance with the requirements of Section 1161.02(h) of this Zoning Code.
  (v) There shall be one (1) off-street parking space for each 3,000 square feet of storage and such off-street parking shall be subject to Section 1158.02(b) of this Zoning Code.
(n) Community Center, subject to the requirements of Chapter 1135.

Surrounding Land Use:

There are parcels along W Main Street that are zoned CC-2 that border these properties.

Thoroughfare Plan:

Court Street is classified as a Local Street.

Staff Comments:

City Manager's Office:	No objections
City Service Department:	Sewer and water utilities will need to be investigated prior to and changes of use.
City Police Department:	No objections
City Fire Department:	No objections
City Building Inspections Division:	No objections
Planning/Zoning Division:	No objections. The structures on the parcels are commercial.

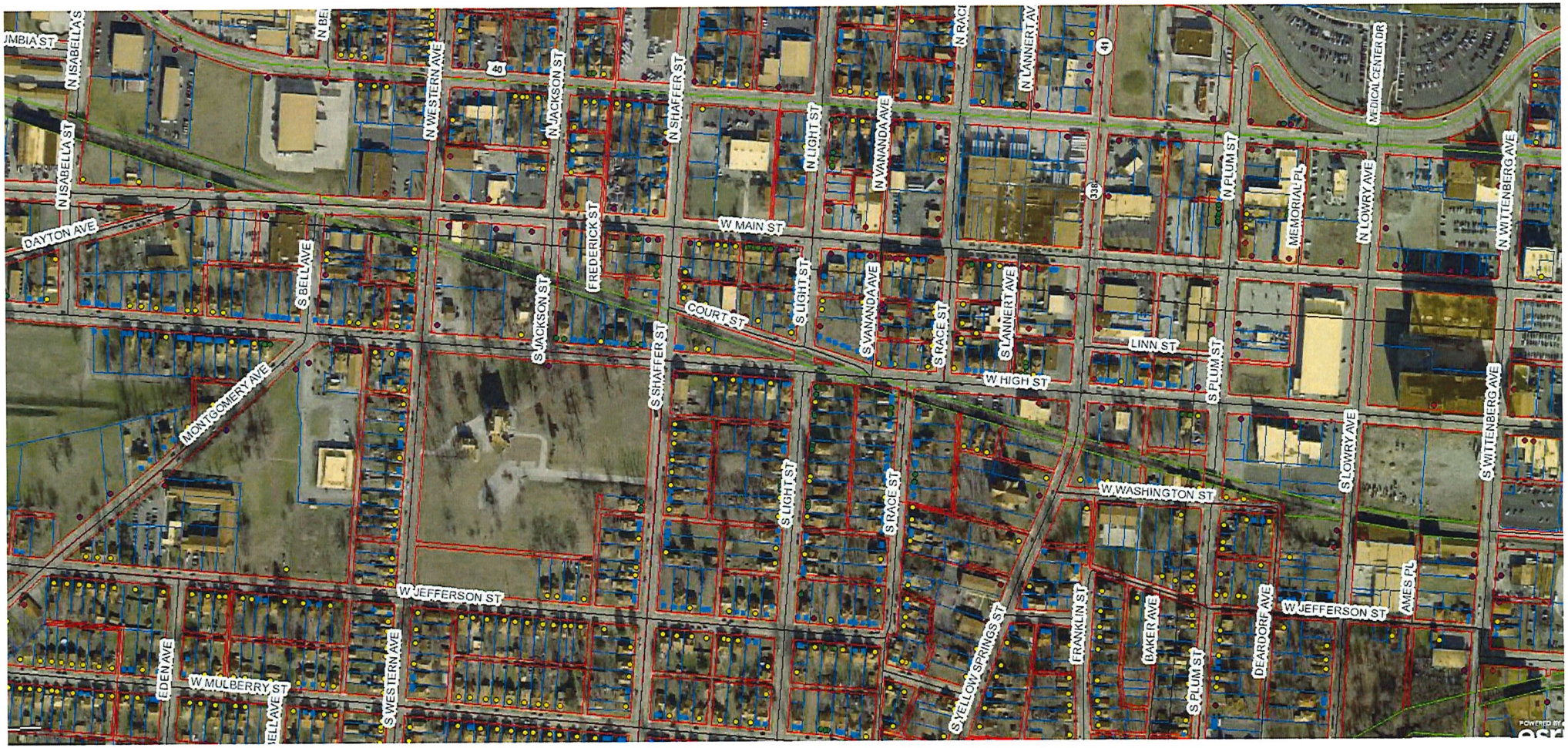
STAFF RECOMMENDATION:

Approval of request to rezone 716, 718, and 726 Court Street.

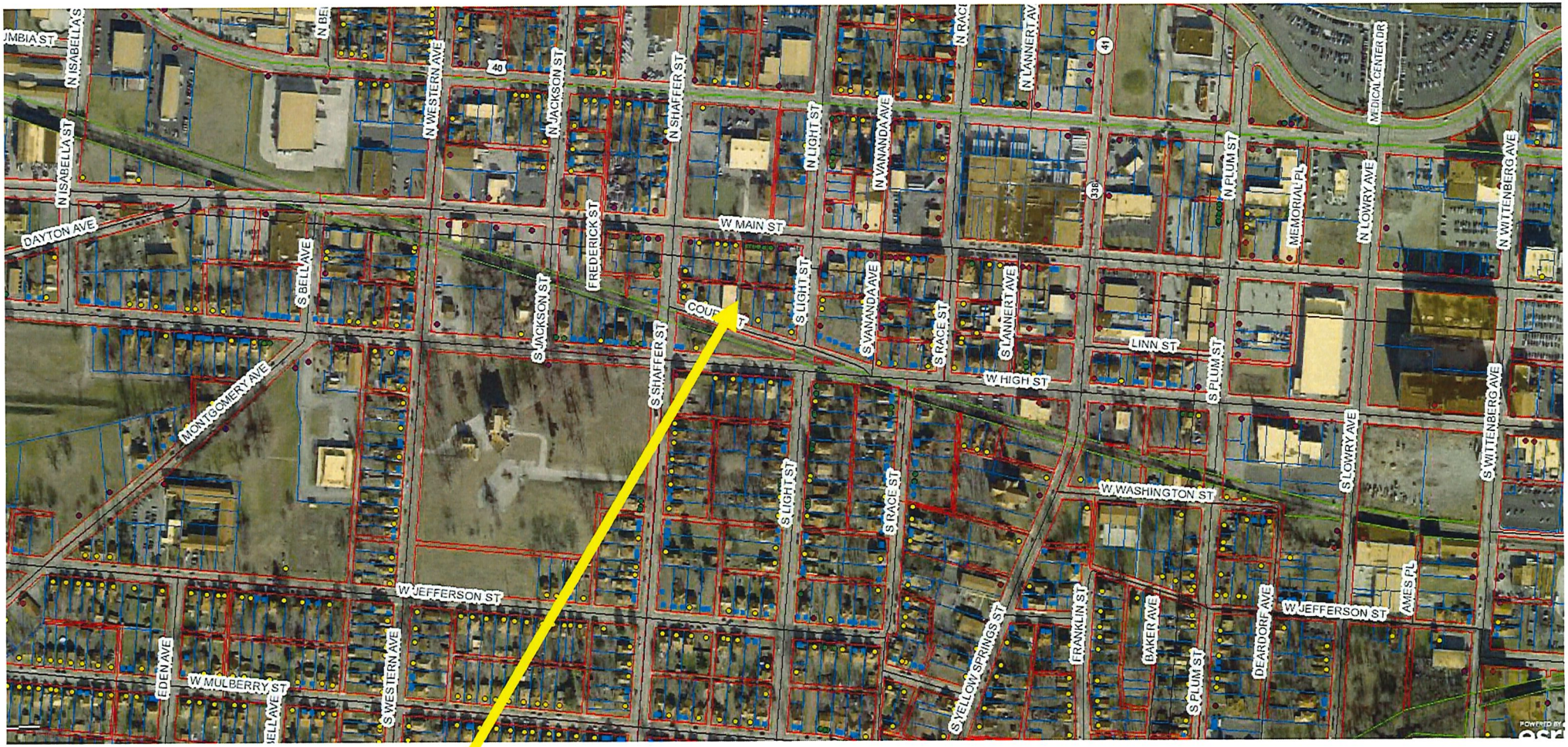
ATTACHMENTS:
1. Vicinity and zoning map

Staff Report

2. Application



Rezoning # 20-Z-08
716, 718, & 726 Court St.



Rezoning # 20-Z-08
716, 718, & 726 Court St.

N LIGHT ST
S LIGHT ST
S SHAFFER ST
COURT ST
Rezoning # 20-Z-08
716, 718, & 726 Court St.

Rezoning # 20-Z-08
716, 718, & 726 Court St.

The City of Springfield
COMMUNITY DEVELOPMENT
Planning & Zoning

FOR OFFICE USE ONLY
Case #: 20-Z-08
Date Received: 10/6/20
Received by: ST
Application Fee: $ 285
Review Type:
☐ Admin ☑ CPB ☐ BZA

GENERAL APPLICATION

A. PROJECT

1. Application Type & Project Description *(attach additional information, if necessary)*: ZONING CHANGE

2. Address of Subject Property: 716, 718 & 726 COURT ST

3. Parcel ID Number(s): 34006000042040 26 - 4027 & 4018

4. Full legal description attached? ☑ yes ☐ no

5. Size of subject property: APPROX .4 ACRE TOTAL ALL 3 PARCELS

6. Current Use of Property: VACANT BUILDINGS FORMERLY MACHINE SHOP & DIESEL TRUCK GARAGE

7. Current Zoning of Property: CN-2

B. APPLICANT

1. Applicant's Status *(attach proof of ownership or agent authorization)* ☐ Owner

☑ Agent *(agent authorization required)* ☐ Tenant *(agent authorization required)*

2. Name of Applicant(s) or Contact Person(s): CLAYTON HAYS

Title: _____

Company (if applicable): SORCHA & HAIRD LLC

Mailing address: P.O. BOX 102

City: CLIFTON State: OH ZIP: 45316

Telephone: (937) 605-9424 Fax: ( )

Email CLAYTON@HAYSFAB.COM

3. Does the proposed change in zoning conform to City's adopted Thoroughfare Plan? Will it adversely affect the capacity of the present road system in the area?

SHOULD NOT AFFECT TRAFFIC FLOW

4. Are adequate sanitary sewer, water, and storm drainage facilities available?

YES

I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE.

Signature of Applicant

Signature of Co-applicant

CLAYTON HAYS

Typed or printed name and title of applicant

Typed or printed name of co-applicant

State of Ohio
County of Clark

The foregoing instrument was acknowledged before me this 2nd day of October 2020 CLAYTON HAYS

by Sophia M Blevins (name of person acknowledged).

(seal)

SOPHIA M BLEVINS, NOTARY PUBLIC
COMM. EXP. JANUARY 10, 2024
STATE OF OHIO

Sophia M Blevins
Notary Public Signature

My commission expires: Jan 10, 2024

716, 718, 726 COURT ST

The City of Springfield

☐ Planning & Zoning

CITY OF SPRINGFIELD
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION
REZONING APPLICATION

Date: OCTOBER 1, 2020

Property address: 726 COURT ST & 716 & 718 COURT ST

The undersigned petitions that the following described property be rezoned from a/an CN-2 District to a/an CC-2 District containing .4 APPROX acres.

Please submit the following Exhibits with this rezoning application:

EXHIBIT A

Attach either a metes and bounds legal description or subdivision and lot number description (this can be obtained at the A. B. Graham Building).

EXHIBIT B

Attach a site plan of the petitioned lands.

EXHIBIT C

Rezoning request statement: Attach a sheet listing your reasons for the zoning district amendment.

EXHIBIT D

1. Is the requested zone compatible to existing zoning and land use in the area?

YES

2. Does it conform to the City's adopted Land Use Plan and the best overall Community Development?

I THINK SO

3. If the applicant is agent for the property owner:
Name of Owner (title holder): SORCHA & LAIRD LLC

Mailing Address: PO BOX 102

City: CLIFTON State: OH ZIP: 45316

I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE.

Signature of Applicant

Signature of Co-applicant

CLAYTON HAYS
Typed or printed name and title of applicant

Typed or printed name of co-applicant

State of Ohio
County of Clark

The foregoing instrument was acknowledged before me this 2nd day of October, 2020

by Clayton Hays (name of person acknowledged).

(seal)

SOPHIA M BLEVINS, NOTARY PUBLIC
COMM. EXP. JANUARY 10, 2024
STATE OF OHIO

Sophia M Blevins
Notary Public Signature

My commission expires: Jan 10, 2024

WARRANTY DEED

Know All Men By These Presents, that C & D Associates, Ltd, an Ohio limited liability company, does hereby grant and convey, with general warranty covenants, to Sorcha & Laird, LLC, an Ohio limited liability company, whose tax mailing address is 6000 Old Clifton Rd., Springfield, OH 45502, the following described real estate:

Situate in the City of Springfield, County of Clark and State of Ohio and more particularly described in Exhibit A attached hereto.

Prior Deed Reference: Volume 1390, Page 1602 and Volume 859, Page 159, Official and Deed Records, Clark County, Ohio.

Signed this 13th day of July, 2016, by the grantor.

C & D Associates, Ltd.

By: Douglas E. Smith, Member

By: Cheryl L. Smith, Member

STATE OF OHIO)
COUNTY OF CLARK)

Sworn to before me, a notary public, by Douglas E. Smith and Cheryl L. Smith, who acknowledged the execution of this deed to be their free act and deed and the free act and deed of grantor, and who further acknowledged themselves to be all of the members of grantor, C& D Associates, Ltd, an Ohio limited liability company, this 13th day of July, 2016.

NOTARY PUBLIC

EXHIBIT A

Tract I:

Situate in the City of Springfield, County of Clark and State of Ohio:
Being part of Lots Nos. 6 and 7 on a plat of lots laid out by Samuel A. Bowman, Assignee of Henry Ruhl, as recorded in Plat Book 5, Page 58, Plat Records of Clark County, Ohio, and being part of the Northeast quarter of Section 4, Township 4, Range 9, M. R. S.
Beginning at the Southwest corner of said Lot No. 6; running thence North with the East line of an alley 116 ½ feet, more or less, to the Northwest corner of Lot No. 7; thence East with the North line of Lot No. 7, 70 feet; thence South parallel with the first named line 132 feet, more or less, to a 33 foot street; thence West with the North line of said Street 70 feet to the place of beginning.
ALSO, a vacated alley along the west side of said property per Springfield City Ordinance No. 67-247.
Being pp#s 340-06-00004-204-018 and 340-06-00004-204-027.

Tract II:

Situate in the State of Ohio, County of Clark, and within the corporate limits of the City of Springfield and being part of the northeast quarter Section 4, Town 4, Range 9, M. R. S. and being described as follows:
Beginning at a cross cut in a concrete sidewalk in the north right-of-way of Court Street, said cross bears S. 73 deg. 06' 20" E. 110.0 feet from the northeast right-of-way corner of Court Street and Shaffer Street; thence N. 3 deg. 30' E. 103.30 feet to an iron bar in the south line of a 10 foot private alley; thence with the south line of said private alley S. 86 deg. 30' E. 97 feet to an iron bar in the west line of a vacated 16.5 foot alley (67-247); thence with the west line of said vacated alley S. 3 deg. 30' W. 126.40 feet to a cross cut in a concrete sidewalk being in the north right-of-way line of Court Street; thence with the north right-of-way line of Court Street and on a line 53 feet north of and parallel to the centerline of the C. C. C. & St. L. Railroad tract, N. 73 deg. 06' 20" W. 99.71 feet to the place of beginning and containing 0.256 acres, subject, however, to all legal rights-of-way and easements of record.
The above legal description is according to a new survey prepared by George S. Lambert, Jr. Registered Surveyor #4229.
Excepting herefrom that portion of the north-south alley between Shaffer and Light Streets from Court Street north to an intersecting east-west alley which was vacated by Ordinance No. 67-247 of the City of Springfield, Ohio, on December 26, 1967.
Being pp# 340-06-00004-204-028.

View Search Results

Sort By: Parcel Number | Low to High

Remove Clear

Parcel Number:	3400600004204028
Owner Name:	SORCHA & LAIRD LLC
Property Address:	726 COURT ST SPRINGFIELD 45506
Land Use:	340
Acres:	0
CUR:	Y

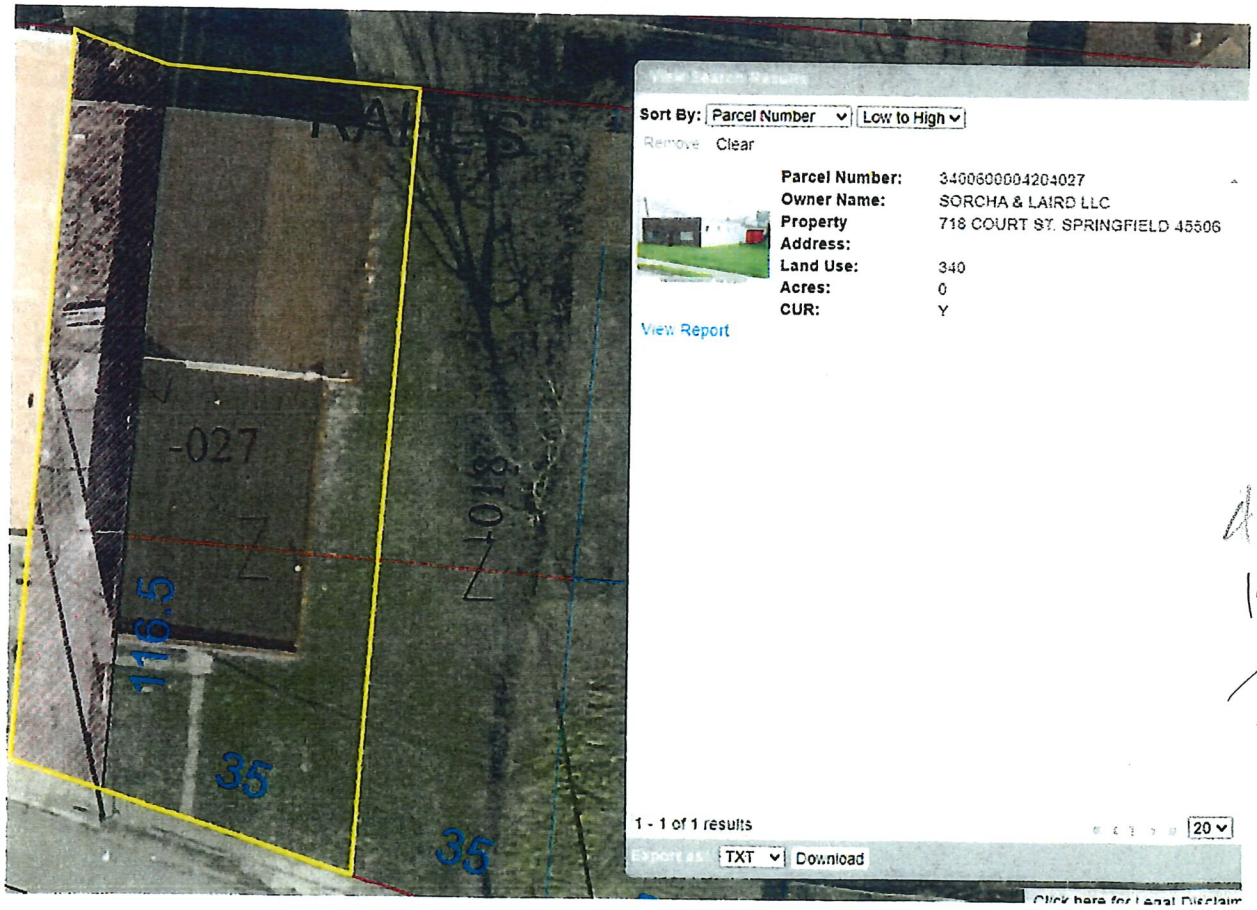
View Report

118820

1 - 1 of 1 results

20

Export as: TXT Download



View Search Results

Sort By: Parcel Number | Low to High

Remove Clear

Parcel Number:	3400600004204027
Owner Name:	SORCHA & LAIRD LLC
Property Address:	718 COURT ST. SPRINGFIELD 45506
Land Use:	340
Acres:	0
CUR:	Y

View Report

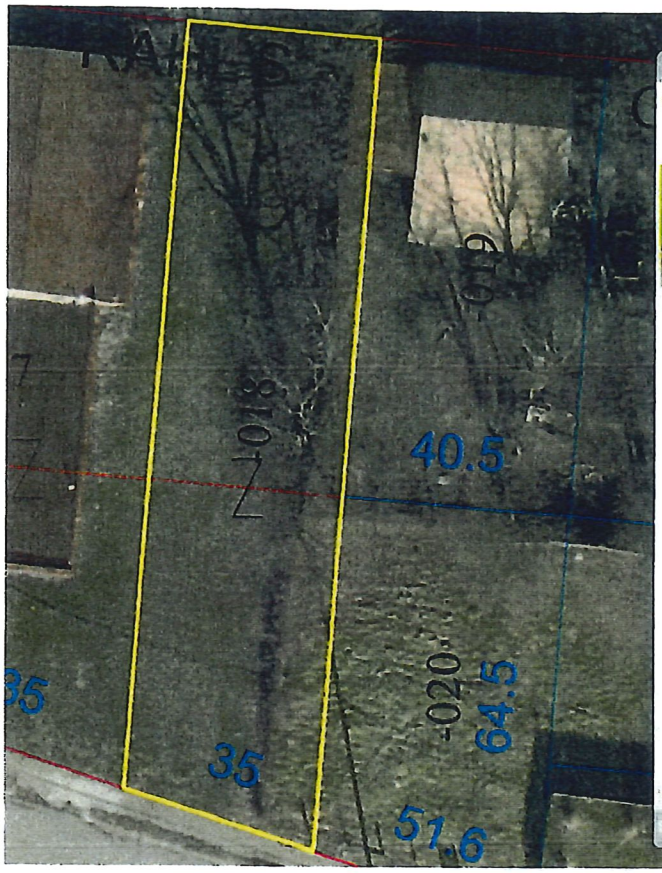
4060
1080
21,080

1 - 1 of 1 results

20

Export as: TXT Download

Click here for Legal Disclaim



View Search Results

Sort By: Parcel Number | Low to High

Remove Clear

Parcel Number:	3400600004204018
Owner Name:	SORCHA & LAIRD LLC
Property Address:	716 COURT ST SPRINGFIELD 45505
Land Use:	500
Acres:	0
CUR:	Y

View Report

40 60

1 - 1 of 1 results

« ‹ 1 › » 20

Export as: TXT Download

Click here for Legal Disclai

Rezoning from CN-2 to CC-2

Reason for zoning change on 716, 718, and 726 Court St, Springfield, OH 45506.

History

The main building was built in 1969 by Robert Reise as a diesel truck garage. In 1997, the property was bought by Doug and Cheryl Smith to use as a heavy machine shop. We purchased the building in 2016 when the machine shop went out of business.

Current Situation

The buildings are unused. We have tried in vain for several years to lease or sell the buildings. We have the property on Loop-net and Costar to no avail. The current zoning renders them virtually unusable.

Neighborhood

Formerly mostly residential with some commercial. Today most of the houses are vacant. Some are condemned. The house adjacent to the east burned down last spring. I was carjacked 2 months ago in front of 726 Court St. We have had continual problems with illegal dumping and graffiti.

The neighborhood needs these buildings to be used.

BROWN BENGT L & TRACY L	PO BOX 1286	SPRINGFIELD, OH 45501
BRYANT FAMILY PROPERTIES LLC	1602 BRIARWOOD TER	SPRINGFIELD, OH 45504
CARTER AVERY R & EVELYN S	14 S SHAFFER ST	SPRINGFIELD, OH 45506
CLARK COUNTY LAND REUTILIZATION CORP	3130 E MAIN ST STE 1A	SPRINGFIELD, OH 45505
D R ISRAEL LLC	3252 MANN RD	BLACKLICK, OH 43004
ENGLE ALLIE E	712-714 COURT ST	SPRINGFIELD, OH 45506
HDLD LLC	2508 SUMMIT DR	SEBRING, FL 33870
HENSLEY LARRY W & VALARIE K	6564 JOHNSON RD	SPRINGFIELD, OH 45502
HOLMES ALEXANDER AUSTIN	724 N FOUNTAIN AVE	SPRINGFIELD, OH 45504
HOLT DIANE	711 W HIGH ST	SPRINGFIELD, OH 45506
HUSTED HARRY O	239 HEDGE DR	SPRINGFIELD, OH 45504
MMJ 84 LLC	2035 S LIMESTONE ST	SPRINGFIELD, OH 45505
NEW OHIO INVESTMENTS LLC	PO BOX 2699	SPRINGFIELD, OH 45501
PHOENIX PROPERTIES GROUP LLC	4511 MC CORD ST	SPRINGFIELD, OH 45503
RAINES HOLDINGS LLC	2182 BALLENTINE PIKE	SPRINGFIELD, OH 45502
ROBERTS ROBERT N & PATRICIA J	363 E HIGH ST APT 306	SPRINGFIELD, OH 45505
RUDE JERRY L	2019 MITCHELL BLVD	SPRINGFIELD, OH 45503
SHERROCK DIANNA	237 E THIRD ST	SPRINGFIELD, OH 45503
SHROYER PHILLIP A JR	102 SUNSHINE BLVD	ROYAL PALM BEACH, FL 33411
SMITH COLLEEN	728 W HIGH ST	SPRINGFIELD, oH 45506
SORCHA & LAIRD LLC	PO BOX 102	CLIFTON, OH 45316
TMR MAINTENANCE LLC	225 CHESTNUT AVE	SPRINGFIELD, OH 45503
TURNER MICHAEL A	3019 HILLDALE RD	SPRINGFIELD, OH 45505
WHALEY RONALD E	360 S LIMESTONE ST APT 110	SPRINGFIELD, OH 45505
WILLIAMS DAVID V	427 LINDEN AVE	SPRINGFIELD, OH 45505
WILLIAMS DONALD	423 E GRAND AVE	SPRINGFIELD, OH 45505
WILLIAMS VERNIE & OPAL	427 LINDEN AVE	SPRINGFIELD, OH 45505

Agenda Item # 5

Case # 20-ZC-01
Zoning Code Amendment

CITY OF SPRINGFIELD
FORWARD OHIO TOGETHER

OFFICE OF THE LAW DIRECTOR

October 5, 2020

CEDA Members
Planning Board Members

RE: Proposed changes to Springfield Codified Ordinance 1175

Board Members:

Attached to this letter you will find a copy of the current Chapter 1175 of the Springfield Codified Ordinance ('SCO") and a copy of the proposed changes to Chapter 1175. As you may be aware our current annexation process under SCO 1175 does not address the issue of zoning the newly annexed land. Instead, the prior zoning district of the township remains in place. Maintaining the former township zoning classification for newly annexed land creates two problems of concern.

First and of most concern, is an enforcement issue. It is challenging for the City to enforce another jurisdiction's zoning code when newly annexed land maintains its original township zoning classification. In fact, it is common for the City to be left in the position of trying to enforce a township-specific classification that does not even exist within the City. For example, when property is annexed in with the designation of "Township NR", Natural Resources, no such zoning for this exists within the City. The City Code Enforcement Official is left in the unenviable position of trying to interpret another jurisdiction's zoning protocols and regulations. Beyond the practical concerns of this issue there is also a question of whether the Code Enforcement Official even has authority for enforcement. The City Code Enforcement Office is without authority to enforce another jurisdiction's zoning classifications. This is especially problematic when that jurisdiction's zoning classifications fails to exist within the City's zoning classifications.

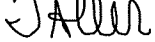
Second, failing to address the zoning classification in the annexation process creates additional and unnecessary burdens. If/when a property owner desires to change the zoning classification of the newly annexed land, the owner must separately apply for a zoning change after the entire annexation process (which typically takes months to occur) is finalized. This process is both arduous and time consuming for the owner, the City, and the respective boards. Further, it is not necessary to wait and address the zoning classification until after the annexation process is complete. Rather, assigning a new City zoning classification can be address as a part of the annexation process itself.

For the reasons stated above, many cities have addressed this issue by requiring the assignment of a new City zoning classification to be part of the annexation process. We are proposing to add similar language to Chapter 1175. In the second attachment, you will find the new proposed language underlined. The goals of this new language to ensure that the newly annexed land is assigned a classification that is consistent and compatible with adjacent land to the City.

76 East High Street • Springfield, Ohio 45502 • (937) 324-7351 • fax (937) 328-3919 • www.springfieldohio.gov

If you have any questions, please contact the Office of the Law Director at (937) 324-7351.

Sincerely,
THE CITY OF SPRINGFIELD, OHIO



Jill N. Allen
Law Director

Enclosures (2)

CHAPTER 1175
Annexation

1175.01 Annexation.

1175.01 ANNEXATION.

(a) Upon annexation of land to the city, the zoning regulations then in effect shall remain in full force, administered by the Director of Community Development or his designee of the City, until the City Commission shall adopt new regulations for such land. Upon annexation of land to the city, the provisions of Chapter 1127, Flood Plain Overlay District, shall also become effective for such land.

(b) The City Commission shall hold a public hearing regarding application of the provisions of subsection (a) above to the new annexation prior to the acceptance of the annexation. The City Clerk shall cause notice of the public hearing to be made pursuant to the provisions of Section 713.12 of the Ohio Revised Code, as presently enacted or as it may be amended for time to time by the general assembly. Notice shall be made by the City Clerk so the required public hearing may occur on the first day that the City Commission is permitted to consider acceptance of the annexation in compliance with section 709.04 of the Ohio Revised Code, as presently enacted and as it may be amended from time to time by the general assembly.

CHAPTER 1175
Annexation

1175.01 Annexation.

1175.01 ANNEXATION.

(a) Where land previously zoned and assigned a Zoning Sign District by another jurisdiction is annexed to the City, the same shall be zoned in the same Zoning District and Zoning Sign District as land that is already within the City and immediately adjacent to the land to be annexed.

(b) If the land immediately adjacent to the land to be annexed consists of more than one Zoning District and/or Zoning Sign District, the land to be annexed shall be zoned in the same Zoning District and/or Zoning Sign District that the majority of the land adjacent to it is located in.

(c) Land not zoned by another jurisdiction prior to annexation shall be classified in the same manner into whichever district and sign district most closely conforms to the existing use of the annexed area or in accordance with Chapter 1173 in the case of vacant land. Building permits may be issued only after the City has given the land its permanent zoning and zoning sign classification.

(d) In all cases, within three (3) months after the effective date of annexation, the Planning Board shall recommend the appropriate permanent zoning districts and sign district for such area to Commission, and the Official Zoning District Map shall be amended according to the prescribed procedure set forth in Chapter 1174.

(e) Upon annexation of land to the city, the provisions of Chapter 1127, Flood Plain Overlay District, shall also become effective for such land.

(b) The City Commission shall hold a public hearing regarding the annexation application ~~of the provisions of subsection (a) above to the new annexation~~ prior to the acceptance of the annexation. The City Clerk shall cause notice of the public hearing to be made pursuant to the provisions of Section 713.12 of the Ohio Revised Code, as presently enacted or as it may be amended for time to time by the general assembly. Notice shall be made by the City Clerk so the required public hearing may occur on the first day that the City Commission is permitted to consider acceptance of the annexation in compliance with Section 709.04 of the Ohio Revised Code, as presently enacted and as it may be amended from time to time by the general assembly.

Agenda Item # 6

Case # 20-ZC-02
Zoning Code Amendment

The City of Springfield Ohio

Community Development Department

TO: CITY COMMISION

FROM: STEPHEN THOMPSON, PLANNING, ZONING, AND CODE ADMINISTRATOR

SUBJECT: ZONING TEXT AMENDMENT – 1102.02(R) RESTAURANT, DRIVE IN/CARRYOUT

DATE: NOVEMBER 4, 2020

Staff is recommending amending the definition of restaurant, drive-in-carryout, Chapter 1101.02(r). The current definition list the, together. Staff sees these as two separate uses and they should be defined differently. Drive-in restaurants are automobile oriented to the point customers typically do not exit their vehicles. Carry out restaurants are primarily oriented for customers to exit their vehicles to order and take away food to eat off site. Multiple zoning districts which are neighborhood oriented allow for restaurants, but not drive-in and carry out. Staff thinks carry out restaurants are appropriate in these neighborhood settings.

Many commercial structures are located in the middle of legacy neighborhoods. These commercial structures served a variety of neighborhood needs such as general stores, groceries, banks, and other types of retail and services. In 2001, every parcel was rezoned in the city. Many of these commercial structures in residential neighborhoods were rezoned to a residential district, making the existing commercial uses nonconforming. After those businesses left and the structures became vacant, reusing them for a commercial purpose is difficult and often not possible because of the zoning restrictions, contributing to the blighting effect of vacant structures on neighborhoods.

The food industry has changed since this definition was originally written. Food trucks and other smaller food service operations are more prevalent. The COVID-19 pandemic has put a premium on carry out food service for restaurants to survive. Any new restaurant in the foreseeable future will have to be carryout oriented as well. Changing this definition would give opportunities for new restaurants while utilizing commercial structurers in neighborhoods.

CHAPTER 1102
Definitions

1102.02 DEFINITIONS.

(r) (9) **Restaurant, drive-in~~/carry-out~~.** An automobile and truck oriented use whose principal operation is the dispensing of edible foodstuff and/or beverage for consumption in vehicles, at indoor or outdoor tables, at stand-up counters or to be carried off the premises. Orders generally are not taken at the customer's table and the food is generally served in disposable wrapping or containers. The total seating area, if provided, is less than 50 percent of the total floor area of the restaurant.

(10) Restaurant, Carryout: Any establishment that provides, as a principal use, the preparation and sale of food and/or beverages in a ready-to consume state, primarily for consumption off the premises. A carryout restaurant shall not include drive-through facilities, and up to six (6) seats may be provided for on-site consumption and/or customer waiting.

2020 CITY PLANNING BOARD ATTENDANCE

BOARD MEMBERS		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
		13	10	9	13	11	8	13	10	9	12	9	7
Ravi R. Shankar Reso. 5967	3-05-2017 3-05-2020	P	P	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Charlene Roberge Reso. 5878	3-17-2018 3-17-2021	P	P	P	N/A	N/A	N/A	P	P	P	P		
Kathryn Lewis-Campbell Reso. 5960	01-14-2020 01-28-2023	N/A	P	P	N/A	N/A	N/A	P	P	P	P		
Charles Harris Reso. 5927	03-29-2016 03-30-2022	P	P	P	N/A	N/A	N/A	P	P	P	P		
Trisha George Reso. 5772	4-02-2013 4-12-2022	P	P	A	N/A	N/A	N/A	P	P	A	P		
James Smith Reso. 5987	10/24/2017 10/24/2020	P	P	P	N/A	N/A	N/A	A	A	A	A		
Alex Wendt Reso. 6006	4/10/2018 4/24/2021	P	P	A	N/A	N/A	N/A	P	A	P	P		
Jack Spencer Reso. 6055	7/18/19 7/22/22	P	P	A	N/A	N/A	N/A	A	P	P	P		
Amanda Fleming	8/27/2019 1/01/2022	P	P	P	N/A	N/A	N/A	P	P	P	P		

NOTE: The first date shown is the most recent appointment/reappointment date. The second date represents the most recent term's expiration. The City Commission Resolution is also listed.

CITY OF SPRINGFIELD
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING AND ZONING DIVISION

City Planning Board
Regular Meeting - First Monday following the First Tuesday of the Month
7:00 P.M. - City Forum, City Hall, 76 E. High St., Springfield, Ohio

City Planning Board Meeting Date:	Lotsplit Variance, Rezoning, and Final Subdivision Application Deadline:
January 13, 2020	December 23, 2019
February 10, 2020	January 17, 2020
March 9, 2020	February 14, 2020
April 13, 2020	March 23, 2020
May 11, 2020	April 20, 2020
June 8, 2020	May 18, 2020
July 13, 2020	June 22, 2020
August 10, 2020	July 20, 2020
September 9, 2020 *	August 17, 2020
October 12, 2020	September 21, 2020
November 9, 2020	October 19, 2020
December 7, 2020	November 16, 2020

Board of Zoning Appeals
Regular Meeting-Third Monday of the Month
7:00 P.M.- City Forum, City Hall, 76 E. High St., Springfield, Ohio

Board of Zoning Appeals Meeting Date:	Application Deadline:
January 22, 2020 *	December 30, 2019
February 19, 2020 *	January 27, 2020
March 16, 2020	February 24, 2020
April 20, 2020	March 30, 2020
May 18, 2020	April 27, 2020
June 15, 2020	May 22, 2020
July 20, 2020	June 29, 2020
August 17, 2020	July 27, 2020
September 21, 2020	August 31, 2020
October 19, 2020	September 28, 2020
November 16, 2020	October 26, 2020
December 21, 2020	November 30, 2020

* Denotes meeting day changed to Wednesday due to holiday.
Effective Date: December 2019
Prepared by the Planning and Zoning Division

Commission Meetings
City Holidays

2020 CITY COMMISSION CALENDAR

JANUARY 2020						
Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

FEBRUARY 2020						
Su	M	Tu	W	Th	F	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

MARCH 2020						
Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	Election Day		Retreat	

APRIL 2020						
Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

MAY 2020						
Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

JUNE 2020						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

JULY 2020						
Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

AUGUST 2020						
Su	M	Tu	W	Th	F	Sa
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

SEPTEMBER 2020						
Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

OCTOBER 2020						
Su	M	Tu	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

NOVEMBER 2020						
Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30		Budget Mtg		Election Day	

DECEMBER 2020						
Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	1	2

2021 Important Dates: Friday, Jan. 1, 2021 – City Holiday