



PLANNING BOARD MEETING AGENDA
Thursday, March 24, 2022 at 6:30 PM

15 East Franklin Street Bellbrook, Ohio 45305
T (937) 848-4666 | www.cityofbellbrook.org

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF THE MINUTES**
 - A. Approval of minutes from February 17, 2022 Planning Board meeting
4. **OLD BUSINESS**
 - A. None
5. **NEW BUSINESS**
 - A. PB 22-03 Zoning Code Update
6. **OPEN DISCUSSION**
7. **ADJOURNMENT**

RECORD OF PROCEEDINGS

Bellbrook Planning Board

February 17, 2022

Item A. Section 3, Item

OATH OF OFFICE:

Mayor Schweller administered the Oath of Office to swear re-appointed member Denny Bennett.

CALL THE MEETING ORDER:

Mr. Thompson called the meeting of the Bellbrook Planning Board to order at 6:00pm

ROLL CALL:

PRESENT:

Mr. Denny Bennett

Mr. Ed. Stangel

Mr. Mitchell Thompson

ABSENT:

Mr. Tim Tuttle

ALSO PRESENT:

Jason Foster, Community Development Administrator

Rob Schommer, City Manager

APPROVAL OF MINUTES:

Mr. Thompson asked if any member had comments or corrections to the minutes of the January 1, 2022 meeting. Hearing none, the minutes were declared approved.

OLD BUSINESS:

None

NEW BUSINESS:

Mr. Thompson noted the item for discussion is updates to Article 14 of the Zoning Code.

Mr. Foster explained the changes to the code, noting most were subtle and not substantive. He went through and explained the noted changes relative to the included staff report. He also noted the Village Review Board did recommend the noted changes for approval.

A motion to approve a recommendation to Bellbrook City Council for certain amendments to Article 14 of the Bellbrook Zoning Code - Bellbrook Village Plan in accordance to the Staff Report dated February 17, 2022.

Motion made by Mr. Bennett, Seconded by Mr. Stangel.

Voting Yea: Mr. Bennett, Mr. Stangel, Mr. Thompson

RECORD OF PROCEEDINGS

Bellbrook Planning Board

February 17, 2022

Item A. Section 3, Item

OPEN DISCUSSION:

Mr. Stangel asked when a new planning board member will be appointed. Mr. Schommer stated the Community Affairs Committee is working on a schedule to interview the 3 candidates.

Mr. Bennett stated while out for a walk throughout the community he was struck by the fact 70% of people leave their trash cans in front of their house. Mr. Foster stated that section of the code is under review for update and it will be addressed at that time.

Mr. Stangel noted he may not be able to attend the March 17 meeting due to a medical procedure. Mr. Bennet stated he will be out of town. The meeting will be rescheduled for the following week.

ADJOURNMENT:

With no further business coming before the Board, Mr. Thompson declared the meeting adjourned at 6:17pm.

Mitchell Thompson, Chair Person

Rob Schommer, Clerk of Council

ARTICLE 1	<u>TABLE OF CONTENTS AND FEE SCHEDULE</u>
ARTICLE 2	<u>INTENT AND PURPOSE</u>
ARTICLE 3	<u>CONSTRUCTION OF LANGUAGE AND DEFINITIONS</u>
ARTICLE 4	<u>ZONING DISTRICTS AND MAPS</u> Section 4.01 Districts Section 4.02 District Boundaries Section 4.03 Uncertainty of Boundary Location Section 4.04 Zoning Upon Annexation
ARTICLE 5	<u>R-1AA, R-1A, R-1B, ONE FAMILY RESIDENTIAL DISTRICTS</u> Section 5.01 Intent Section 5.02 Permitted Principal Uses Section 5.03 Accessory Uses Section 5.04 Conditional Uses Section 5.05 Yard Requirements Section 5.06 Building Height Regulations Section 5.07 Accessory Parking Section 5.08 Signs
ARTICLE 6	<u>R-2 TWO FAMILY RESIDENTIAL DISTRICT</u> Section 6.01 Intent Section 6.02 Permitted Principal Uses Section 6.03 Accessory Uses Section 6.04 Conditional Uses Section 6.05 Yard Requirements Section 6.06 Building Height Regulations Section 6.07 Accessory Parking Section 6.08 Signs
ARTICLE 7	<u>R-3 MULTI-FAMILY RESIDENTIAL DISTRICT</u> Section 7.01 Intent Section 7.02 Permitted Principal Uses Section 7.03 Accessory Uses Section 7.04 Conditional Uses Section 7.05 Yard Requirements Section 7.06 Building Height Regulations Section 7.07 Accessory Parking Section 7.08 Signs Section 7.09 Schedule of Yard & Lot Requirements

ARTICLE 8

O-1 OFFICE BUILDING DISTRICT

- Section 8.01 Intent
- Section 8.02 Permitted Principal Uses
- Section 8.03 Accessory Uses
- Section 8.04 Conditional Uses
- Section 8.05 Yard Requirements
- Section 8.06 Building Height Regulations
- Section 8.07 Accessory Parking
- Section 8.08 Off-Street Loading
- Section 8.09 Signs
- Section 8.10 Landscaping
- Section 8.11 Screening
- Section 8.12 Lot Coverage

ARTICLE 9

B-1 HIGHWAY BUSINESS DISTRICT

- Section 9.01 Intent
- Section 9.02 Permitted Principal Uses
- Section 9.03 Accessory Uses
- Section 9.04 Conditional Uses
- Section 9.05 Yard Requirements
- Section 9.06 Building Height Regulations
- Section 9.07 Accessory Parking
- Section 9.08 Off-Street Loading
- Section 9.09 Signs
- Section 9.10 Screening

ARTICLE 10

B-2 CONVENIENCE SHOPPING DISTRICT

- Section 10.01 Intent
- Section 10.02 Permitted Principal Uses
- Section 10.03 Accessory Uses
- Section 10.04 Yard Requirements
- Section 10.05 Building Height Requirements
- Section 10.06 Accessory Parking
- Section 10.07 Off-Street Loading
- Section 10.08 Signs
- Section 10.09 Screening

ARTICLE 11

B-3 NEIGHBORHOOD BUSINESS DISTRICT

- Section 11.01 Intent
- Section 11.02 Permitted Principal Uses
- Section 11.03 Accessory Uses
- Section 11.04 Yard Requirements
- Section 11.05 Building Height Regulations
- Section 11.06 Accessory Parking
- Section 11.07 Off-Street Loading
- Section 11.08 Signs
- Section 11.09 Screening

ARTICLE 12

B-4 CENTRAL BUSINESS DISTRICT

- Section 12.01 Intent
- Section 12.02 Permitted Principal Uses
- Section 12.03 Accessory Uses
- Section 12.04 Yard Requirements
- Section 12.05 Building Height Regulations
- Section 12.06 Accessory Parking
- Section 12.07 Off-Street Loading
- Section 12.08 Signs
- Section 12.09 Screening

ARTICLE 13

WO, WP WELL FIELD PROTECTION DISTRICTS

- Section 13.01 Intent
- Section 13.02 Definitions
- Section 13.03 Determination of Applicability
- Section 13.04 WO Wellhead Operation District
- Section 13.05 WP Wellfield Protection Overlay District

ARTICLE 14

BELLBROOK VILLAGE PLAN

- Section 14.01 General
- Section 14.02 Designation of District
- Section 14.03 Permitted Principal Uses
- Section 14.04 Accessory Uses
- Section 14.05 Conditional Uses
- Section 14.06 Non-Conforming Building
- Section 14.07 Yard Requirements
- Section 14.08 Parking Requirements
- Section 14.09 Off-Street Loading
- Section 14.10 Signs

Section 14.11 Standards
Section 14.12 Exclusions and Controls Not Appropriate
Section 14.13 Village Review Board
Section 14.14 Application for Village District Permit
and Information Required
Section 14.15 Review Procedure
Section 14.16 Permit Required
Section 14.17 Appeals Procedure
Section 14.18 Special Procedure for Demolition
Applications
Section 14.19 Review of Requests for A Variance
Appendix A1-14 Guidelines for the Old Village
Form VRB-1 Application for Certificate of
Appropriateness
Form VRB-2 Work Sheet for Demolition Request

ARTICLE 15

F-1, F-2, FLOOD PLAIN DISTRICTS

Section 15.01 Intent
Section 15.02 Provisions Applicable to Both Flood Plain Districts
Section 15.03 F-1 Floodway Districts
Section 15.04 F-2 Floodway Fringe District
Section 15.05 Figure 1, Typical Flood Plain

ARTICLE 16

A-1 AGRICULTURAL DISTRICT

Section 16.01 Intent
Section 16.02 Permitted Principal Uses
Section 16.03 Accessory Uses
Section 16.04 Conditional Uses
Section 16.05 Yard & Lot Requirements
Section 16.06 Building Height Regulations
Section 16.07 Accessory Parking
Section 16.08 Signs

ARTICLE 17

PLANNED DEVELOPMENT

Section 17.01 Purposes
Section 17.02 Types of Planned Development
Section 17.03 General Standards for Planned Developments
Section 17.04 Procedure for Approval
Section 17.05 PD-1 Planned Residential Development
Section 17.06 PD-2 Planned Business Development
Section 17.07 PD-3 Planned Industrial Development

Section 17.08 Submissions Required for Planned Developments
Appendix A-1 Planned Development Procedure for
Approval - Preliminary Plan
Appendix A-2 Planned Development Procedure for
Approval - Final Development Plan

ARTICLE 18

GENERAL PROVISIONS

Section 18.01 General Regulations
Section 18.02 Yard Required for Corner & Through Lots
Section 18.03 Corner Lot Accessory Building
Section 18.04 Lots Adjoining Alleys
Section 18.05 Accessory Buildings/Swimming Pools
Section 18.06 Fences, Walls & Hedges
Section 18.07 Removal of Soil, Sand or Other Material
Section 18.08 Essential Services
Section 18.09 External Effects
Section 18.10 Outdoor Storage and Waste Disposal
Section 18.11 Projections into Required Yards
Section 18.12 Exceptions to Height Limitations
Section 18.13 Temporary Uses
Section 18.14 Major Street Setbacks
Section 18.15 Off-Street Loading Regulations
Section 18.16 Off-Street Parking Regulations
Section 18.17 Screening
Section 18.18 Minimum Floor Elevation
Section 18.19 Septic Tanks or Wells
Section 18.20 Permitted Signs
Section 18.21 Non-Conformities
Section 18.22 Trailer, Commercial Semitrailer & Trucks
Section 18.23 Drive-In Service Establishments
Section 18.24 Barriers to Encroachment
Section 18.25 Antennas
Section 18.26 Recreational Vehicles
Section 18.30 Adult Entertainment Facilities
Section 18.40 Personal Wireless Service Sites

ARTICLE 19

ENFORCEMENT AND PENALTIES

Section 19.01 Zoning Permits Required
Section 19.02 Contents of Application for Zoning Permit
Section 19.03 Submission for Thoroughfare Plan Review
Section 19.04 Approval of Zoning Permit
Section 19.05 Expiration of Zoning Permit

Section 19.06 Certificate of Health Officer
Section 19.07 Certificate of Zoning Compliance
Section 19.08 Failure to Obtain Zoning Permit/Certificate
Section 19.09 Record of Zoning Permits/Certificates of Zoning Compliance
Section 19.10 Complaints Regarding Violations
Section 19.11 Other Action
Section 19.12 Penalties
Section 19.13 Affected Parties
Section 19.14 Violation, Nuisance Per Se: Abatement
Section 19.15 Schedule of Fees, Charges and Expenses
Section 19.16 Waiver

ARTICLE 20

ADMINISTRATION

Section 20.01 Office of Zoning Inspector Created
Section 20.02 Duties of Zoning Inspector
Section 20.03 Planning Board Created
Section 20.04 Duties of Planning Board
Section 20.05 Proceedings of Planning Board
Section 20.06 Board of Zoning Appeals Created
Section 20.07 Duties of the Board of Zoning Appeals
Section 20.08 Proceedings of the Board of Zoning Appeals
Section 20.09 Hearings of the Board of Zoning Appeals
Section 20.10 Action by the Board of Zoning Appeals
Section 20.11 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority & Courts on Matters of Appeal
Section 20.12 Procedures & Requirements for Administrative Reviews
Section 20.13 Procedures & Requirements for Variances
Section 20.14 Procedures & Requirements for Approval of Conditional Use Permits
Section 20.15 Determination of Similar Uses
Section 20.16 Determination of District Boundary Location
Section 20.17 Amendment Limitation

ARTICLE 21

AMENDMENT

Section 21.01 Right of Petition-Referral to Planning Board
Section 21.02 Contents of Application
Section 21.03 Reviews by Officials and Agencies
Section 21.04 Council Action on Recommendation
Section 21.05 Scheduling Public Hearing by Council
Section 21.06 Notice of Property Owners
Section 21.07 Amendment Limitation
Section 21.08 Annexation

Section 21.09 Fee

- ARTICLE 22** **VALIDITY AND SEVERABILITY**
- ARTICLE 23** **INTERPRETATION AND CONFLICT**
- ARTICLE 24** **REPEAL OF CONFLICTING ORDINANCES**
- ARTICLE 25** **EFFECTIVE DATE**

ARTICLE 2

INTENT AND PURPOSE

This Ordinance is based on a Plan, the purpose of which is to lessen the congestion on the public streets, to reduce undue hazards due to flooding, and to promote the public health, safety, and general welfare. This above-mentioned plan has been formulated with due consideration among other things, to the character of each district of the municipality and its peculiar suitability for uses to the conservation of property values; to the general trend and character of building and population development; to the prevention of undue concentration of population; to the advancement of social and economic stability; to the facilitation of adequate provision of public transportation, streets, highways, sewers, water mains, schools, recreation areas and other public facilities. It is the further purpose of this Ordinance to safeguard the public health, safety, and general welfare.

ARTICLE 3**CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

3.01

Construction of Language

For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designed" or "arranged to be used or occupied", the word "building" includes the word "structure" and the word "dwelling" includes the word "residence", the word "lot" includes the words "plot" or "parcel". In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.

Terms not herein defined shall have the meaning customarily assigned to them.

3.02

DEFINITIONS

Accessory Use or Building: Is a use or building on the same lot width and of a nature customarily incident or subordinate to those of the main use or building. All temporary and/or manufactured carports shall be considered detached accessory buildings, even if attached or anchored to a main structure.

Accessory Dwelling Unit: A second dwelling unit subordinate to the principal dwelling that shares ownership and utility connections with the principal unit on a single-family zoned lot.

Adult Entertainment Facility: A facility having Significant portion of its function as adult entertainment which includes the following listed categories:

Adult Book/Video Store: An establishment which deals in books, magazines or other periodicals, or video tapes of which at least ten percent, as measured by publicly accessible display area, are distinguished, or characterized by an emphasis on depictions or descriptions relating to specified sexual activities or specified anatomical areas, as defined below, or an establishment having an area devoted primarily to the sale or display of such materials.

Adult Entertainment Theater: A facility used to a substantial extent for presenting material distinguished or characterized by an emphasis on

matter depicting, describing, or relating to specified sexual activities, or specified anatomical areas as herein defined for the observation by patrons therein.

Adult Entertainment Business: Any establishment involved in the sale of services or products characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons, the exposure or presentation of specified anatomical areas or physical contact of live males or females, and characterized by including but not limited to photography, dancing, stripping, reading, massage, male or female impersonation, and similar functions which utilize activities as specified below.

Specified Sexual Activities:

- (a) Human genitals in a state of sexual stimulation or arousal;
- (b) Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; and
- (c) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.

Specified Anatomical Areas:

- (a) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breasts below a point immediately above the top of the areola; and
- (b) Human male genitals in a discernable turgid state even if completely and opaquely covered.

Agriculture: See Farm.

Alley: Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Alteration: Is any change, addition, or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

Antenna (Dish): A dish-shaped antenna to be used for receiving communication signals from satellites.

Apartment: A suite of rooms or a room in a multi-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit as herein defined.

Apartment Hotel: A building designed to contain both dwelling units and individual guest rooms or suites of rooms, which building may include accessory uses such as a cigar store, coffee shop, etc., when such uses are accessible only from the lobby.

Auto Service Station: Is a place where gasoline, or any other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises; including the sale of minor accessories and the servicing of and general repair and engine rebuilding of automobiles, not including storage of inoperable vehicles.

Auto Repair Station: Is a place where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding, or reconditioning of motor vehicles; collision service, such as body frame, or fender straightening and repair; overall painting and under-coating of automobiles.

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story, except as provided in paragraph 105.

Block: Is a parcel of land bound on all sides by a street or streets.

Board of Zoning Appeals: Means the Board of Zoning Appeals of Bellbrook, Ohio.

Boarding House: (Rooming House) a building other than a hotel, where for compensation and by pre- arrangement for definite periods, meals or lodging and meals are provided for three or more persons, but not exceeding ten sleeping rooms. A rooming house or a furnished room house shall be deemed a boarding house for the purposes of this Ordinance.

Building: Is any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

Building Height: Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building Line: Is a line formed by the face of the building, and for the purposes of this Ordinance, the building line is the same as a front setback line.

Carport:

(a) Temporary: A building with a rigid roof comprised of metal, wood, or fiberglass, open on two or more sides for the purpose of storing of vehicles and RVs. All temporary freestanding carports and/or manufactured carports shall be considered detached accessory buildings, even if attached or anchored to a main building. No tarpaulins or colored plastic covers are permitted to cover a vehicle housed in a temporary carport.

(b) Permanent: A carport may be built as a permanent addition to a residence and formed by extension of a main building, comprised of the same building materials, and having the same characteristics as the main building.

Carry-Out: A place of business where beverages and prepared food are sold for consumption off the premises.

Channel: A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

Clinic: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professions.

Club: Is an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

Commercial Vehicles: Any vehicle licensed by the State of Ohio as a commercial vehicle or used for a commercial purpose.

(a) **Commercial Semi-trailer:** Any commercial vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle, also defined as a vehicle having wheels only at the rear, the front resting on a tractor or towing vehicle.

(b) **Commercial Tractor:** Every motor vehicle having motive power designed or used for drawing other vehicles and not so constructed as to carry any load thereon, or designed or used for drawing other vehicles while carrying a portion of such other vehicles or the load thereon, or both.

(c) **Commercial Trailer:** Any commercial vehicle designed or used for carrying persons or property wholly on its structure and for being drawn by a motor vehicle.

(d) **Commercial Truck:** Any automotive vehicle designed to carry loads, and which exceeds ten thousand pounds (10,000 lbs.) in weight unloaded.

Conditional Use: A conditional use is a use permitted only after review of an application by the Board of Zoning Appeals, such review being necessary because the provisions of this Ordinance covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by the Ordinance. A conditional use does not require "undue hardship" to be allowable. The conditional uses that are found in this Ordinance appear as "special approval" on recommendation by the Planning Board and review by the Board of Zoning Appeals. These land uses could not be logically allocated to one zone or another, or the effects of such uses could not be ~~definitely foreseen~~foreseen as of a given time.

Conditional Use Permit: This is a permit issued by the Board of Zoning Appeals to allow certain specific developments that would not otherwise be allowed in that particular zoning district where the land is located. These permits are issued only after the applicant has followed the procedures as stated in this Ordinance. Development under a Conditional Use Permit differs from a zoning change in that it is much more specific. The applicant submits plans and if approved, he must follow those plans exactly or re-apply for a permit before deviating from that plan.

Convalescent or Nursing Home: An establishment which specializes in providing necessary services to those unable to care for themselves.

Council: Means the Municipal Council of Bellbrook, Ohio.

Deck: An open platform projecting from a wall of a building, surrounding a pool or free-standing, which is supported by structural pillars or posts at grade or by the principal building structure itself. Free-standing decks shall be considered accessory buildings for setback purposes only.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations.

District: Is a portion of the incorporated are of the municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Drive-In: Is a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle, or within a building or structure on the same premises and devoted to the same purpose as the drive-in service.

Dwelling Unit: Is a building, or a portion thereof, designed for occupancy of one (1) family for residential purposes and having cooking facilities.

Dwelling, One-Family: Is a building designed exclusively for and occupied exclusively by one (1) family.

Dwelling, Two-Family: Is a building designed exclusively for occupancy by two (2) families living independently of each other.

Dwelling, Multiple-Family: Is a building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

Enclosed Patio: An enclosed area immediately adjacent and connected to a structure which is not constructed nor intended as livable area. Such structures may be enclosed by screens or windows which shall compose at least fifty percent (50%) of any outside wall.

Encroachment Lines: Lines marking the limits of the floodway and the limit of encroachment of fill into the floodplain.

Erected: Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises, which are required for the construction. Excavation, fill, drainage, and the like, shall be considered a part of erection.

Essential Services: Is the erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, telephone, telegraph, steam, fuel or water transmission or distribution systems, collection, communication, supply, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

Excavation: Is any breaking of ground, except common household gardening and ground care.

Family: Is one or two persons or parents, with their direct lineal descendants and adopted children together with no more than two persons not so related, or a group of not more than three persons who need not be related, living together as a single housekeeping unit in a dwelling unit.

Farm: All the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of five (5) acres or more in area; provided, further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, and apiaries; but establishments keeping fur-bearing animals, or operate riding or boarding stables, commercial dog kennels, noncommercial stone quarries or gravel or sand pits, shall not be considered farm hereunder unless combined with bona fide farm operations on the same continuous tract of land of not less than twenty (20) acres. No farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one (1) year immediately prior thereto and for the use and consumption by persons residing on the premises.

Fence: Any structure other than part of a building which encloses or partially encloses any premises.

Filling: Is the depositing or dumping of any matter onto, or into the ground, except common household gardening and ground care.

Flood Control: The construction of dikes, river embankments, channels, or dams for protection from floods.

Flood Plain: A channel and the areas adjoining a channel which may be flooded.

Flood Profile: A graph, chart or longitudinal plot along a stream or river of maximum water surface elevations of a flood.

Flood Proofing: A combination of structural and nonstructural additions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damage to properties, water and sanitary facilities, and contents of buildings. Walls must be water-tight and structural components must be able to resist hydrostatic and hydrodynamic loads and effects of buoyancy.

Floodway Fringe: The part of the regulatory flood plain which is outside the floodway. One boundary of the floodway fringe is the encroachment line, and the other boundary is the landward boundary of the regional flood.

Floor Area: For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the interior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches, except basement areas designed and used for dwelling or business purposes.

Floor Area Gross: The sum of the gross horizontal areas of all the several floors of a building or buildings, including interior balconies and mezzanines. All horizontal measurements are to be made between the exterior faces of walls including the walls of roofed porches having more than one (1) wall. The gross floor area of a building shall include the floor area of accessory buildings, on the same lot, measured the same way.

Floor Area: (For the purpose of computing parking): That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandising, such as hallways, stairways, and elevator shafts, or for utilities or sanitary facilities, shall

be excluded from this computation of "Floor Area." Measurements of useable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Garage: Parking: A space or structure or series of structures for the temporary storage or parking of motor vehicles, not primarily of commercial vehicles or for dead storage of vehicles, having no public shop or service in connection therewith, other than for the supplying of motor fuels and lubricants, air, water, and other operating commodities wholly within the buildings, to the patrons of the garage only and not readily visible from other properties nor advertised for sale on the exterior of the building.

Garage: Private: An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned or used by the occupants of the building to which it is accessory.

Garage: Service: Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repair or kept for remuneration, hire or sale.

Grade (Ground level): The average of the finished ground level at the center of all walls of a building. In the case where walls are parallel to and within five (5) feet of a sidewalk, the above ground level shall be measured at the sidewalk, unless otherwise defined herein.

Hedge: Any planting which encloses or partially encloses any premises.

Home Occupation: An activity, office or occupation conducted in a dwelling unit where such use is clearly incidental and secondary to the residential use. Please refer to Article #5, Sec. 5.03, Accessory Uses, (2), Home Occupations.

Hospital or Sanitarium: A public or semi-public facility that provides accommodations and continuous service for the sick and injured including obstetrical, medical, and surgical care.

Hotel: A building occupied as the more-or-less temporary abiding place of individuals who are lodged with or without meals in which there are ten (10) or more sleeping rooms and no provision made for cooking in any individual room or apartment. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

Junk Yards (Salvage Yards): Is an open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packaged, disassembled, or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk Yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings. Two (2) or more inoperative or unlicensed vehicles shall be construed to be a junk yard.

Kennel:

(a) any lot or premises used for the sale, boarding or breeding of dogs, cats or other animals for commercial purposes;

(b) or any lot or premises upon which are kept more than four (4) animals which are over the age of four (4) months, and which are either dogs or cats. Kennels are not included as permitted principal or accessory uses in any Residential Zoning Districts and so are not allowed in those Districts;

(1) an excess number of dogs and/or cats on premises that exist as of the effective date of this ordinance (May 26, 2010) may remain without penalty until the permitted number of dogs and/or cats is achieved on the premises. No additional dogs and/or cats may be added to any such lot or premises until the number of dogs and cats is reduced to three (3) or less.

Loading Space: Is an off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or material.

Lot: Is a parcel of land occupied, or to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Ordinance. Every lot shall abut upon and have permanent access to a public street and have a minimum frontage of forty (40) feet thereon.

Lot Area: Is the total horizontal area within the lot lines of the lot.

Lot, Corner: A lot which has at least two (2) contiguous sides, each abutting upon a street for its full length.

Lot, Interior: Is any lot other than a corner lot.

Lots, Through: Is any interior lot having frontages on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

Lot, Coverage: Is the part or percent of the lot occupied by buildings including accessory buildings.

Lot Line: The lines bounding a lot as defined herein.

Front Lot Lines: In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot, or double frontage lot, it is that line separating said lot from either street.

Rear Lot Lines: Is that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In the case of a corner lot, the rear lot line is opposite the front lot line of least dimension.

Side Lot Line: Is any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot, or lots is an interior side lot line.

Lot Width: Is the horizontal distance between the side lot lines, measured at the two points where the building line or setback line intersects the side lot lines.

Lot of Record: Is a parcel of land, the dimensions of which are shown on a document or map on file with the County Recorder or in common use by Municipal or County Officials, and which ~~actually exists~~ exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Main Building: Is a building in which is conducted the principal use of the lot upon which it is situated.

Main Use: Is the principal use to which the premises are devoted and the principal purpose for which the premises exist.

Major Thoroughfare: Is an arterial street which is intended to serve as a large volume traffic way for both the immediate municipal area and the region beyond, and may be designated a major thoroughfare, parkway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan. Any street with a width, existing or proposed, of eighty (80) feet shall be considered a major thoroughfare.

Major Thoroughfare Plan: The official plan, as adopted by the Planning Board, of the major highways and streets, on file in the Office of the County Recorder, including all amendments and supplements subsequently adopted.

Master Plan: Is the comprehensive plan approved by the Planning Board including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the municipality and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Mezzanine: Is an intermediate floor in any story occupying not to exceed two-thirds (2/3) of the floor area of such story.

Mobile Home: Is a detached single-family dwelling to be located on foundation supports, designed for long term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems; and designed to be transported after fabrication on its own wheels, or in flatbed or other trailers or detachable wheels.

Motel: Is a series of attached, semi-detached or detached rental units containing a bedroom, bathroom, and a closet space. Units shall provide for overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle. It may include all facilities specified under the definition of "Hotel" in Item 58.

Non-Conforming Building: Is a building or portion thereof, lawfully existing at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

Nursery:

(a) **Plant Material:** Is a space including accessory building or structure, for the growing or storage of live trees, shrubs or plant materials not offered for retail sale on the premises, including products used for gardening or landscaping.

(b) **Retail:** Is a space including accessory building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping.

Off-Street Parking Lot: Is a facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) vehicles.

Open Space: That part of a zoning lot, including courts or yards which is open and unobstructed from its lowest level to the sky, accessible to all tenants upon the zoning lot.

Open Space (Common): That area either dedicated to the public or commonly owned and/or available to all the residents of a Planned Unit Development Area.

Parking Space: Is hereby determined to be a minimum area of two hundred (200) square feet, said area shall be exclusive of drives, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

Patio: an open-sided, ground level improvement of the surface of a lot without roof which covers the vegetation and ground with concrete, wood, stone, gravel, or any other non-living building material.

Patio Cover: A projection out from the building to cover an area used for outdoor living or entry way. No vehicle, car, or similar vehicle may be stored or parked under this projection.

Personal Wireless Services: Services as defined in Title 47, Section 332(c)(7) of the United States Code.

Personal Wireless Service Antenna: A device for transmitting or receiving electromagnetic signals which carry information essential to the provision of a Personal Wireless Service.

Personal Wireless Service Facility: Facilities for the provision of Personal Wireless Services.

Personal Wireless Service Site: A place where Personal Wireless Service Facilities are maintained and operated.

Personal Wireless Service Tower: A structure for supporting a Personal Wireless Service Antenna.

Planned Development: Land under unified control, planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots or building sites, site plans and design principles for all buildings as intended to be located, constructed, used and related to each other, and for other uses and improvements on the land as related to buildings. Development may be a single operation or a ~~definitely~~ programmed series of development operations including all lands and buildings, with a program for provision, operations and maintenance of such areas, improvements, and facilities necessary for common use by the occupants of the development.

Planning Board: Means the Planning Board of Bellbrook, Ohio.

Pool, Swimming: A structure constructed or placed below ground or above ground, which is capable of containing water in excess of eighteen inches (18") of depth. For yard placement and setback purposes only, in-ground and above ground swimming pools are considered accessory buildings.

Public Utility: Is any person, firm or corporation, municipal department, board, or commission duly authorized to furnish and furnishing under state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, telephone, transportation, or water.

Recreational Vehicle (or RV): A vehicle which is used primarily for pleasure and/or recreational purposes. For purposes of determining the length, width and/or height of a recreational vehicle, the dimensions as stated on an official Certificate of Title will be used. Types of recreational vehicles include but are not limited to; boats, motor homes, travel trailers, campers, jet skis, snowmobiles, off road vehicles, unattached truck caps and trailers of any kind.

Regional Flood: A flood having an average frequency of occurrence on the order of once in 100 years, although such a flood may occur in any year.

Regulatory Flood Plain: The channel and areas adjoining a channel which may be covered by the regional flood.

Restaurant: An establishment whose primary business is serving food and beverages to patrons for consumption inside the building.

Row House or Town House: A two (2) story row of three (3) or more attached one (1) family dwellings, each unit of which extends from the basement to the roof.

Story: Is that part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. If the floor level directly above a basement is more than six (6) feet above grade, such basement shall be considered a story.

Story (Half): Is an uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet, with a clear height of seven feet six inches (7'6"). For the purposes of this Ordinance, the usable floor area is only that area having at least four feet (4') clear height between floor and ceiling.

Street: Is a public thoroughfare which affords the principal means of access to abutting property.

Structure: Is anything constructed or erected, the use of which requires location on or in the ground or attachment to something having location on or in the ground.

Temporary Use or Building: Is a use or building permitted by the Board of Zoning Appeals to exist during periods of construction of the main building or use, or for special events.

Temporary Storage Container: a structure manufactured primarily for temporary or moveable storage, including but not limited to PODS®

Tent: Any structure used for living or sleeping purposes, or for sheltering a public gathering constructed wholly or in part from canvas, tarpaulin, or other similar materials and shall include: shelter provided for circuses, carnivals, side shows, revival meetings, camp meetings, and all similar meetings or exhibitions in temporary structures.

Trailer Court, (Mobile Home Park): Any plot of ground upon which two or more trailer coaches or mobile homes occupied for dwelling or sleeping purposes may be located.

Transient Occupancy: The right to use, occupy or possess, the use, occupancy, or possession of the following: dwelling unit, dwelling, one family; dwelling, two family; or a dwelling, multiple family; or a portion of any of the aforementioned, for a period of 25 consecutive calendar days or less.

Transient Rental: The renting, letting, subletting, leasing, or subleasing of a: dwelling unit; a dwelling, one family; dwelling, two family; or a dwelling, multiple family; or a portion of any thereof for "transient occupancy".

Use: Is the purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.

Variance: Is a modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause practical difficulty owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variances are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

Wall: Any solid structure other than part of a building which encloses or partially encloses any premises.

Watercourse: A natural or artificially constructed channel in which a flow of water occurs either continuously or intermittently in a definite direction.

Yards: The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, as defined herein:

(a) **Front Yard:** Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

(b) **Rear Yard:** Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.

(c) **Side Yard:** Is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

ARTICLE 4 ZONING DISTRICTS AND MAPS

4.01 DISTRICTS:

In order to carry out the intent and purpose of this Ordinance, the City of Bellbrook is hereby divided into the following districts:

- R-1AA One Family Residential District
- R-1A One Family Residential District
- R-1B One Family Residential District
- R-2 Two Family Residential District
- R-3 Multi-Family Residential District
- O-1 Office Building District
- B-1 Highway Business District
- B-2 Convenience Shopping District
- B-3 Neighborhood Business District
- B-4 Central Business District
- I-1 Industrial District
- F-1 Floodway District (Overlying District)
- F-2 Floodway Fringe District (Overlying District)
- WO Wellhead Operation District
- WP Well Field Protection Overlay District

4.02 DISTRICT BOUNDARIES:

The Boundaries of the zoning districts listed above in Section 4.01 are shown on the Zoning Map of Bellbrook, Ohio. This map together with all explanatory data thereon including all changes thereof as hereinafter provided, shall be incorporated, and made a part of this Ordinance.

The official zoning map shall be identified by the signature of the President of City Council attested by the Clerk of Council and bearing the seal of the Municipality under the following words: "This seal is to certify that this is the Official Zoning Map referred to in Section 4.02 of the Zoning Ordinance of the City of Bellbrook, Ohio (including date of adoption). If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the official zoning map within five (5) normal working days after the amendment has been approved by the Council together with an entry on the official zoning map as follows: "On (date), by official action of the Council, the following change(s) were made" (brief description with reference number to Council proceedings).

The original and one copy of the official map is to be maintained and kept up to date - one copy on public display in the Municipal Building, and the original in the Clerk's office, accessible to the public and shall be the final authority as to the current zoning status of lands, building and other structures in the municipality.

4.03

UNCERTAINTY OF BOUNDARY LOCATION:

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (3) Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- (5) Boundaries indicated as following the shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines;
- (6) Boundaries indicated as parallel to the extension of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- (7) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 5 above, the Board of Zoning Appeals shall interpret the district boundaries.

4.04

ZONING UPON ANNEXATION:

Whenever any area is annexed to the Municipality of Bellbrook, one of the following conditions apply:

(1) Land that is zoned ~~previous to~~before annexation shall be classified as being in whichever district of the Ordinance that most closely conforms with the zoning that existed prior to annexation; such classification to be recommended for an interim period, by the Planning Board to the Council and the Board shall approve the same after a public hearing.

(2) Land not zoned prior to annexation shall be classified in the same manner into whichever district of this Ordinance that most closely conforms with the existing use of the annexed area or in accordance with the master plan in the case of vacant land.

(3) In all cases, within three (3) months after the effective date of annexation, the Planning Board shall recommend the appropriate permanent zoning districts for such area to the Council and the map shall be amended according to the prescribed procedure set forth in Article 21.

ARTICLE 5

R-1AA, R-1A, R-1B ONE FAMILY RESIDENTIAL DISTRICTS

5.01

INTENT

These districts are the most restrictive of the residential districts. The purpose and intent ~~is~~ are to provide for an environment of predominantly low-density single unit dwellings plus certain other facilities which serve the residents living in the district and to regulate transient occupancy within the city to protect and preserve the permanency of residential neighborhoods, protect property values, and ensure the comfort and safety of the residents.

5.02

PERMITTED PRINCIPAL USES

- (1) One family dwellings, not including trailers or tent dwellings.
- (2) Churches and similar places of worship: Provided such use is adjacent to a school or commercial area and/or access is by means of roads designated on primary or secondary thoroughfares by the Major Thoroughfare Plan.
- (3) Parks and playgrounds.
- (4) Public and private elementary, junior and senior high schools.
- (5) Parish houses and convents in conjunction with churches or schools.
- (6) Nursery schools operated and housed in a church building or other established house of worship.

(7) Accessory Dwelling Units: provided such use shall meet the following:

(a) An accessory dwelling unit may be located within a principal single-family detached dwelling or a detached accessory structure on the same lot as a principal dwelling

(b) The accessory dwelling unit shall share all public utilities with the principal dwelling unit. Accessory dwelling units shall not be metered separately.

(c) A minimum of one (1) off-street parking space shall be provided on the lot for the accessory dwelling unit in addition to the off-street parking spaces required for the principal dwelling unit.

(d) The accessory dwelling unit shall be limited in size to a maximum of fifty percent (50%) of the total living area of the principal dwelling or

eight hundred (800) square feet, whichever is less in the R-1AA zoning district. The accessory dwelling unit shall be limited in size to a maximum of fifty percent (50%) of the total living area of the principal dwelling or six hundred (600) square feet in the R-1A and R-1B zoning districts.

(e) The accessory dwelling unit shall contain a living area, a minimum of one (1) bathroom, and a cooking facility.

(g) No new access points or driveways shall be created or installed for access to the accessory dwelling unit.

5.03

ACCESSORY USES

(1) Private garage for storage of vehicles of residents and employees.

(2) A home occupation is an occupation conducted in a dwelling unit, provided that:

(a) A home occupation shall be conducted entirely within the principal residential structure with no more than 25% of the total floor area to be used in connection with the home occupation. No home occupation shall be conducted in any accessory structure, nor shall the storage of equipment related to the home occupation be contained within any accessory structure;

(b) There shall be no change in the external appearance of the building or premises resulting from the home occupation nor shall there be any storage of products, equipment, or materials on the lot. No more than one sign, not to exceed 1 square foot in total sign area, is permitted on the building, which shall be non-illuminated and mounted flat against the wall of the principal building;

(c) Only members of the household residing on the premises where the home occupation occurs may be employed full or part-time in the home occupation. In no case shall a home occupation be permitted to operate earlier than 8 AM or later than 6 PM. An exception to this requirement is for direct sale of consumer products where parties for the purpose of taking orders or selling merchandise are held;

(d) Traffic generated by the home occupation shall not create safety hazards nor be substantially greater in vehicular size nor exceed on any continual basis the average number of vehicle trips that would normally

be expected. Vehicles having a cargo area greater than twenty-two (22) feet in length or having dual rear axles are prohibited;

(e) No area on the residential property may be created to park any vehicles or equipment related to the home occupation. Any home occupation which requires the creation of parking in addition to the parking areas already provided for the single-family residence shall not be operated within a residential zoning district. The use of a home occupation shall not reduce or render unusable areas provided for required off-street parking for the dwelling unit;

(f) A home occupation shall not produce heat, cold or dampness, create noise, vibration, fire, explosion, light, glare, dust, smoke, fumes, or odor, electric or electronic disturbances detectable to normal sensory perception by a person located off the premises or beyond the walls of the dwelling; and

(g) A home occupation shall be conducted in accordance with all other city regulations and state and federal laws and licensing requirements.

(3) Pools: Swimming pools for use by residents and guests only: See Accessory Buildings (Section 18.05); and Fences: Walls and Hedges (Section 18.06).

(4) Signs Permitted as Accessory Uses: See Permitted Signs (Section 18.20).

5.04

CONDITIONAL USES

The following uses are allowed in any R-1 residential district provided a conditional use permit is granted by the Board of Zoning Appeals as provided in Section 20.08 of this Ordinance, and further provided, that all buildings allowed by such conditional use permit shall be set back from all lot lines a minimum of three (3) feet for each one foot of building height.

(1) Public recreation and community center buildings and recreation areas or buildings operated by membership clubs for the benefit of their members and not for gain, provided that any principal building, accessory building or outdoor swimming pool shall be located not nearer than 200 feet from any adjoining land zoned for a residential use.

(2) Public owned or leased buildings, public utility buildings, telephone exchanges, transformer stations and sub-stations, and garages and maintenance buildings.

(3) Institutions of higher learning and libraries.

(4) Cemeteries, when extension of existing cemeteries.

(5) Golf courses.

(6) Public and private school facilities (excluding buildings used for instructional purposes, which are permitted principal uses in R-1AA, R-1A, R-1B, R-2 and R-3 districts).

5.05 **YARD REQUIREMENTS**

See Section 7.09, Schedule of Yard and Lot Requirements.

5.06 **BUILDING HEIGHT REGULATIONS**

In any R-1 residential district, no building shall be erected in excess of two and one half (2 ½) stories or thirty-five (35) feet in height.

5.07 **ACCESSORY PARKING**

Two car spaces for each dwelling unit. Parking for other uses; see Section 18.16.

All driveways and parking spaces located in the front, side and rear yards shall be required to have a paved surface which shall be defined as a hard, smooth surface made principally of asphalt, concrete, Portland cement, brick or pavers that will bear travel. Existing unpaved driveways or parking spaces located in the front or side yards must be paved if additions or extensions are proposed to be made to any part of the unpaved driveway or parking space in the front or side yards. The parking of vehicles on the lawn or in other areas not designated for parking, shall be prohibited.

No more than two (2) recreational vehicles may be parked upon any lot within these residential zoning districts at any time.

5.08 **SIGNS**

See Section 18.20 for sizes and location of permitted signs.

5.09 **TRANSIENT RENTAL REGULATIONS:**

No dwelling unit or dwelling, one family or a portion of any thereof in the R-1AA, R-1A, or R-1B districts shall be used as a transient rental.

ARTICLE 6

R 2 TWO FAMILY RESIDENTIAL DISTRICT

6.01

INTENT:

The purpose and intent of this district recognizes the existence of older residential areas of the municipality where larger houses have been or can be converted from single family to two family residences to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization. This district also allows the construction of new two-family residences where slightly greater densities are permitted. This Article also regulates transient occupancy within this district and protects and preserves the permanency of residential neighborhoods, protects property values, and ensures the comfort and safety of the residents.

6.02

PERMITTED PRINCIPAL USES

- (1) Two-family dwellings.
- (2) Those uses permitted in R-1 Districts.

6.03

ACCESSORY USES

Those accessory buildings and accessory uses customarily incidental to the Permitted Principal Uses in this district.

6.04

CONDITIONAL USES

- (1) Those conditional uses permitted in R-1 Districts.
- (2) Mobile Home Courts.
- (3) Nursery school, provided that there is compliance with State requirements regarding space for play area per child.

6.05

YARD REQUIREMENTS

See Section 7.09 Schedule of Yard and Lot Requirements.

6.06

BUILDING HEIGHT REGULATION

In any R-2 District, no building shall be erected in excess of 2 1/2 stories or 35 feet in height.

6.07

ACCESSORY PARKING

(1) There shall be provided four (4) off-street parking spaces for each two-family dwelling.

(2) There shall be provided two (2) parking spaces for each one family dwelling.

(3) All other uses - See Section 18.16

6.08

SIGNS

See Section 18.20 for size and location of permitted signs.

6.09

TRANSIENT RENTAL REGULATIONS

No dwelling unit or dwelling, two family or a portion of any thereof in the R-2 district shall be used as a transient rental.

ARTICLE 7

R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

7.01

INTENT

The purpose and intent of this district is to allow construction of apartment buildings and condominiums and to regulate transient occupancy within this district to protect and preserve the permanency of residential neighborhoods, protects property values, and ensure the comfort and safety of the residents.

7.02

PERMITTED PRINCIPAL USES:

- (1) Those uses permitted in R-1 and R-2 Districts.
- (2) Two family dwellings.
- (3) Apartment house and Apartment Hotels.
- (4) Multiple dwellings.
- (5) Churches and similar places of worship.
- (6) Parish houses and convents in conjunction with churches or schools.
- (7) Public community center buildings, parks, playgrounds, and golf courses.
- (8) Public and parochial schools.
- (9) Public libraries.
- (10) Row houses.
- (11) Town houses.

7.03

ACCESSORY USES:

- (1) Garages shall be permitted for storage purposes only with no repair facilities.
- (2) Those accessory buildings and accessory uses customarily incidental to the Permitted Principal Uses in this district.

7.04

CONDITIONAL USES:

- (1) Those conditional uses permitted in R-1 and R-2 Districts.
- (2) Convalescent or Nursing Homes.
- (3) Dormitories and Group Housing.
- (4) Fraternities, Sororities, Clubs, Lodges, Social or Recreational buildings or properties not for profit.
- (5) Hospitals, Clinics, Sanitariums for Human Care.
- (6) Mortuaries.
- (7) Motels.
- (8) Offices of architects, engineers, and artists.
- (9) Offices of surgeons, physicians, dentists, and other similar professional persons concerned with the community health and medical treatment of persons.
- (10) Offices in which the personnel will be employed for work in executive, administrative, legal, writing, clerical, stenographic, accounting, insurance, or similar enterprises.

7.05

YARD REQUIREMENTS

See Section 7.09, Schedule of Yard and Lot Requirements.

7.06

BUILDING HEIGHT REGULATIONS:

In any R-3 District, no building shall be erected in excess of two and one half (2 1/2) stories or thirty-five (35) feet in height.

7.07

ACCESSORY PARKING

- (1) In any R-3 District, there shall be provided two (2) off street parking spaces per dwelling unit.
- (2) There shall be provided one (1) off street parking space for each two (2) roomers.

(3) For parking space required for other than residential uses, see Section 18.16.

7.08

SIGNS:

See Section 18.20 for size and location of permitted signs.

7.09

TRANSIENT RENTAL REGULATIONS

No dwelling unit or dwelling, multi-family or a portion of any thereof in the R-3 district shall be used as a transient rental.

ARTICLE 8

OFFICE BUILDING DISTRICTS:

8.01

INTENT

The purpose of this district is to provide for the maintenance and alteration of existing buildings and for new construction of business office and professional buildings.

8.02

PERMITTED PRINCIPAL USES:

(1) Offices of surgeons, physicians, dentists and other similar professional persons concerned with the community health and medical treatment of persons.

(2) Facilities for human care such as hospitals medical clinics, sanitariums, rest and convalescent homes.

(3) Offices of architects, engineers, artists and others employed in the graphic arts.

(4) Offices in which the personnel will be employed for work in executive, administrative, legal, writing, clerical, stenographic, accounting, insurance or similar enterprises.

(5) Public and Semi-Public Buildings, not including storage yards for materials or equipment.

(6) Dental Laboratories.

(7) Art or Antique Shops, Photographic Studios, Interior Decorating Studios.

8.03

ACCESSORY USES:

Those uses and buildings customarily incidental to the Principal uses permitted in this district.

8.04

CONDITIONAL USES:

Research Laboratories.

8.05 **YARD REQUIREMENTS:**

In the Office Building District, the minimum yard areas of the B-3 Neighborhood Business District shall apply.

8.06 **BUILDING HEIGHT REGULATIONS:**

The building height in this district shall not exceed two and one-half (2 1/2) stories or thirty-five (35) feet except in the O-1 District that is contiguous to the B-4 Central Business District; the height shall not exceed three (3) stories or forty (40) feet.

8.07 **ACCESSORY PARKING:**

Spaces shall be provided as required in Section 18.16 of this Ordinance.

8.08 **OFF-STREET LOADING:**

Spaces shall be provided as required in Section 18.15.

8.09 **SIGNS:**

See Section 18.20 for size and location of permitted signs.

8.10 **LANDSCAPING:**

All yard areas not used for buildings, parking or ways for pedestrians or vehicles shall be planted with grass and/or shrubbery so as to provide attractive green areas.

8.11 **SCREENING:**

See Section 18.17 for screening regulations for uses adjoining residential districts.

8.12 **LOT COVERAGE:**

Principal buildings shall be limited to thirty percent (30%) of the lot area and accessory buildings; parking areas and drives shall also be limited to thirty percent (30%) of the lot area.

ARTICLE 9

B-1 HIGHWAY BUSINESS DISTRICT

9.01

INTENT

This district is designed to provide for highway-oriented uses and less intensive business types to serve the market of the urban area rather than the neighborhood and is typically mapped along major traffic arteries and/or adjacent to the Central Business District.

9.02

PERMITTED PRINCIPAL USES:

- (1) Those uses permitted in R-1 and R-2 Districts.
- (2) Automobile service stations including light repairs and accessory sales and installation.
- (3) Drive- In Restaurants.
- (4) Motels.
- (5) Restaurants.

9.03

ACCESSORY USES:

Uses customarily accessory to the above uses.

9.04

CONDITIONAL USES:

- (1) Auto wash facilities which are at least partially enclosed in a building.
- (2) Building services and supplies, including lumber yard.
- (3) Mortuary establishments (a caretaker's residence may be provided within the main building of mortuary establishment).

9.05

YARD REQUIREMENTS:

In a B-1 Highway Business District the following yard area shall be provided:

(1) Front yards: A 25-foot front yard shall be required excepting where the frontage on one side of the block is divided between B-1 Highway Business District and a residential district, the front yard of the residential district shall apply to the area in the B-1 Highway Business District.

(2) Side Yards: Side yards shall not be required; except a yard of not less than 10 feet in width shall be provided where a side lot line of the B-1 Highway Business District abuts a residential district.

(3) Rear Yards: Rear yards shall not be required except where a rear lot line of the B-1 Highway Business District abuts a residential district; a rear yard of 30 feet shall be provided.

9.06

BUILDING HEIGHT REGULATIONS:

No building in the B-1 Highway Business District shall exceed 2 ½ stories or 35 feet in height.

9.07

ACCESSORY PARKING:

Space shall be provided in accordance with the provision of Section 18.16

9.08

OFF-STREET LOADING:

Spaces shall be provided in accordance with the provisions of Section 18.15.

9.09

SIGNS:

See Section 18.20 for size and location of permitted signs.

9.10

SCREENING:

See Section 18.17 for screening regulations for uses adjoining residential districts.

ARTICLE 10

B-2 CONVENIENCE SHOPPING DISTRICT:

10.01

INTENT:

This district is designed to provide for a limited range of convenience goals to supply the emergency needs of those living in the immediate vicinity. Size will be approximately one acre and contain one to four uses to serve about 2,000 people.

10.02

PERMITTED PRINCIPAL USES:

(1) Those uses permitted in all residential districts.

(2) Barber and beauty shops.

(3) Drug Stores.

(4) Food Stores.

(5) Laundry and dry-cleaning pick-up service and coin operated washing and dry-cleaning facilities.

10.03

ACCESSORY USES:

Uses customarily accessory to the above uses.

10.04

YARD REQUIREMENTS:

Those yard requirements of the adjacent and surrounding residential district.

10.05

BUILDING HEIGHT REGULATIONS:

Maximum permitted height for buildings in this district shall be 2 ½ stories or 35 feet.

10.06

ACCESSORY PARKING:

As required in Section 18.16 of this Ordinance.

10.07

OFF-STREET LOADING:

Spaces shall be provided as required in Section 18.15.

10.08

SIGNS:

See Section 18.20 for size and location of permitted signs.

10.09

SCREENING:

See Section 18.20 for screening regulations for uses adjoining residential district.

ARTICLE 11

B-3 NEIGHBORHOOD BUSINESS DISTRICT:

11.01

INTENT:

The purpose of this district is to provide an integrated collection of structures and uses designed to supply a majority of the daily needs of those living in the immediate vicinity. Ideally, these districts should be spaced no less than one (1) mile apart.

11.02

PERMITTED PRINCIPAL USES:

(1) Those uses permitted in all residential districts.

(2) Auto service station, for only the sale of gas, lubricants, coolants and accessories and the performance of incidental services such as tire installation and automobile washing, cleaning, and polishing, but not major overhaul, bumping or painting.

(3) Automobile sales and service (new or used).

(4) Bakery in which the manufacture is limited to goods retailed only.

(5) Barber and beauty shops.

(6) Book and stationary store.

(7) Bowling Alley.

(8) Candy, confectionery store in which the manufacture is limited to goods retailed only.

(9) Carry-outs.

(10) Clothing Stores.

(11) Dairy Bar, Soft Ice Cream.

(12) Department Stores.

(13) Drug Store.

(14) Dry cleaning, laundry pickup service and coin operated washing and dry-cleaning facilities.

- (15) Dry goods and notions stores.
- (16) Eating and drinking-restaurants or other places serving food and/or beverages.
- (17) Banks, Finance and Loan Agencies.
- (18) Floral shop, fruit, nursery stock and produce sales.
- (19) Food Market.
- (20) Furniture and appliances, including rugs, floor coverings, drapery sewing machine shops, used furniture, office equipment, supplies and similar uses.
- (21) Gift Shop.
- (22) Hardware Store.
- (23) Household appliance repair.
- (24) Jewelry Store.
- (25) Photographic Studio.
- (26) Physicians, dentists' offices, and private clinics.
- (27) Plumbing and heating shops.
- (28) Radio, TV, and music store.
- (29) Shoe Store.
- (30) Shoeshine and shoe repair shop.
- (31) Tailors and dress maker's shop.
- (32) Uses similar to the above uses.

11.03

ACCESSORY USES:

Uses customarily accessory to the above uses.

11.04

YARD REQUIREMENTS:

In a neighborhood business district, the following minimum yard areas shall be provided:

(1) Front yards: No front yard shall be required except:

When the frontage on one side of a block is divided between a neighborhood business district and a residential district, or is across the street from any residential district, or is across street from any residential district, the front yard requirement of the residential district shall apply to the area in the neighborhood business district.

(2) Side Yards: Side yards shall not be required excepting:

(a) A yard not less than 10 feet in width shall be provided where a side lot line of a neighborhood business district abuts a residential district.

(b) In all other cases, no side yards shall be required for a business, but if such a yard is voluntarily provided, it shall be not less than six (6) feet in width.

(3) Rear Yards: Rear yards shall not be required excepting where a rear lot line of a neighborhood business district abuts a residential district. In such instances, there shall be a rear yard of twenty-five (25) feet for a one (1) or two (2) story building. Such yards may be measured from the centerline of an intervening alley. An additional one (1) foot of rear yard shall be provided for each two (2) feet of height over twenty-five (25) feet.

A wall or decorative fence at least five feet six inches (5'6") high shall be placed along the boundary line of a rear yard abutting a residential district.

11.05

BUILDING HEIGHT REGULATIONS:

Maximum permitted height for buildings in this district shall be thirty-five (35) feet in height.

11.06

ACCESSORY PARKING:

In a neighborhood business district parking shall be provided as required in Section 18.16 of this Ordinance.

11.07 **OFF-STREET LOADING:**

Spaces shall be provided as required in Section 18.15.

11.08 **SIGNS:**

See Section 18.20 for size and location of permitted signs.

11.09 **SCREENING:**

See Section 18.17 for screening regulations for uses adjoining residential districts.

11.10 **CONDITIONAL USES:**

Conditional uses are as follows:

The following use is permitted pursuant to Article #20, Section 20.14, Procedures and Requirements for Approval of Conditional Use Permits and subject to compliance with applicable standards and conditions set forth in Article #18, Section 18.30 and to all other applicable requirements of the ordinances of this City:

Adult entertainment facilities, as defined in Article #18, Section 18.30.

ARTICLE 12**B-4 CENTRAL BUSINESS DISTRICT**

12.01

INTENT:

This district is designed to provide for a restricted variety of retail stores and related activities and for office buildings and service establishments which occupy the prime retail frontage in the Central Business District, and which serve the comparison, convenience, and service needs of a consumer population well beyond the corporate boundaries of the Municipality. The district regulations are also designed to provide for a centrally located major shopping complex which will be serviced with conveniently located off-street parking compounds and safe pedestrian movement, but to exclude non-retail uses which generate a large volume of truck traffic.

12.02

PERMITTED PRINCIPAL USES:

(1) Any generally recognized retail business, service establishments or processing uses as follows:

- (a) Those uses permitted in all residential districts.
- (b) Apparel shops, including specialty shops of all sorts, shoe stores and similar uses.
- (c) Shops selling automobile parts and accessories exclusively.
- (d) Banks, loan offices, stock exchange office and other financial institutions.
- (e) Commercial recreation facilities such as bowling alleys or movie theaters.
- (f) Department Stores.
- (g) Drug Stores.
- (h) Eating and drinking-restaurants or other places serving food and/or beverages.
- (i) Food stores including supermarkets and all types of specialty food stores such as bakeries, candy stores and similar uses.

(j) Furniture and appliances, including rugs, floor coverings, drapery, sewing machine shops used furniture, office equipment, supplies and similar uses.

(k) Gift shops, camera shops, record shops and similar uses.

(l) Hardware and related stores as paint, wallpaper, and similar uses.

(m) Hotels and motels.

(n) Professional and other offices drawing a large number of clients and/or customers such as, but as not restricted to:

(1) Chamber of Commerce, Automobile Clubs.

(2) Doctors, dentists, lawyers, architects.

(3) Insurance, realtors, unions.

(4) Post office.

(5) Utility Office.

(o) Publishing and printing.

(p) Repair shops such as shoe and watch repair.

(q) Service shops as barber, beauty, laundry, cleaner and similar uses.

(r) Travel agencies.

(s) Variety Stores.

(2) Public and semi-public buildings and privately owned schools such as but not restricted to:

(a) Churches.

(b) Fraternal organizations.

(c) Library.

(d) Municipal Offices.

(e) Parking garages.

(f) Nursery school, provided that there is compliance with State requirements regarding space for play area per child either on-site or in a public play area no more than one (1) block from the facility.

(3) Other uses, which in the opinion of the Planning Board are similar to the above uses indicated as being permitted. The Planning Board shall receive a written recommendation from the Village Review Board when considering other or additional uses in the Old Village District. The following uses are expressly prohibited:

(a) Adult Entertainment Facilities, (See Article #18, Section 18.30);

(b) Auto service stations;

(c) Mechanized car wash facilities; and

(d) New or used auto sales lots or showrooms.

(4) Off-street parking facilities provided according to the provision of Section 18.16 excluding multi-story parking garages.

12.03

ACCESSORY USES:

Accessory structures and uses customarily incidental to the above permitted uses.

12.04

YARD REQUIREMENTS:

In a Central Business District Zone, the following yard areas shall be provided:

(1) Front Yards: No front yard shall be required except where the frontage on one (1) side of a block is divided between a Central Business District and a residential district, or across the street from a residential district, the front yard requirement of the residential zone shall apply to the area in the Central Business District.

(2) Side Yards: Side yards shall not be required excepting:

A yard not less than six (6) feet in width shall be required where a side lot line of Central Business District abuts a residential district. One (1) additional foot of yard space shall be added for each additional two (2) feet of building height above twenty-five (25) feet.

(3) Rear Yards: Rear yards shall not be required excepting:

Where a rear lot line of a Central Business District abuts a residential district, there shall be a rear yard of twenty-five (25) feet for one (1) or two (2) story buildings, an additional one (1) foot of rear yard shall be provided for each two (2) feet of building height over twenty-five (25) feet, such yard may be measured from the centerline of an intervening alley. Where there is no alley, a wall or decorative fence at least five feet six inches (5' 6") high shall be placed along the boundary line of a rear yard abutting a residential district.

12.05

BUILDING HEIGHT REGULATIONS:

There shall be no specific height limitation in a B-4 District provided, however, that prior to the issuance of a zoning permit for any structure which is planned to exceed thirty-five (35) feet in height, the Old Village Review Board shall make a finding that any such excessive height will not be detrimental to the public safety; to the light; air or privacy of any other structure or use currently existing or approved for construction.

12.06

ACCESSORY PARKING:

In the B-4 Central Business District, there are no requirements for providing a minimum number or amount of parking spaces. The General Provisions of Section 18.16(1) of this Ordinance shall apply, however, to accessory parking provided in this district. The Old Village District Plan shall be used as a guide in locating accessory parking lots.

12.07

OFF-STREET LOADING:

Spaces shall be provided in accordance with the provisions of Section 18.15.

12.08

SIGNS:

See Section 18.20 for sizes and location of permitted signs.

12.09

SCREENING:

See Section 18.17 for screening regulations for uses adjoining residential districts.

ARTICLE 13**WO, WP WELL FIELD PROTECTION DISTRICTS**

13.01

INTENT

It is the intent of the WO Wellhead Operation District and the WP Well Field Protection Overlay District to safeguard the public health, safety, and welfare of the customers of the protected public water supplies and to protect the community's potable water supply against contamination by regulating land use and the storage, handling, use and/or production of Regulated Substances as defined in Section 13.02 of this Article of the Zoning Code. These districts will be shown on the City of Bellbrook Zoning Map at the location of any existing or proposed public wells and their capture areas.

13.02

DEFINITIONS

"Aquifer" means a glacial formation, group of glacial formations, or part of a glacial formation that contains enough saturated permeable material to yield significant quantities of water.

"Deminimis Quantity" means a specified amount Regulated Substances, expressed in gallons and/or pounds, that is excluded from the provisions of the WO Wellhead Operation District and the WP Well Field Protection Overlay District regulations. Any use of Regulated Substances in excess of the deminimis quantities and not explicitly subject to exclusion is considered nonconforming.

"Direct Recharge Area" means that portion of a drainage basin in which water infiltrating vertically from the surface will intercept the water table.

"Non-Routine Maintenance" means activities necessary not more frequently than every twenty-four (24) months to keep structures and equipment in good repair.

"One Year Capture Area" means the area around protected public water supply well fields delineated by the one- year travel time contour.

"Overlay District" means a district described on the zoning map within which, through super-imposition of a special designation, certain regulations and requirements apply, in addition to those of the underlying zoning districts to which such designation is added.

“Potable Water” means water that is satisfactory for drinking, culinary and domestic purposes, meeting current drinking water standards.

“Protected Public Water Supply” means a public water system which services as least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents, and having a one-year capture area defined through appropriate hydrologic studies.

“Recharge Lagoon” means a body of water designed and maintained by man to add water to the groundwater at a rate greater than that occurring naturally.

“Regulated Substances” means chemicals and mixtures of chemicals which are health hazards. Materials packaged for personal or household use as food or drink for man or other animals are not Regulated Substances. Regulated Substances include:

(1) Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.

(2) Mixtures of chemicals which have been tested as a whole and have been determined to be a health hazard.

(3) Mixtures of chemicals which have not been tested ~~as a whole but~~ but which contain any chemical which has been determined to be a health hazard and which comprises one percent (1%) or greater of the composition on a weight per unit weight basis, and mixtures of chemicals which include carcinogen if the concentration of the carcinogen in the mixture is one tenth of one percent (.1) or greater of the composition on a weight per unit weight basis.

(4) Ingredients of mixtures prepared within the WP Well Field Protection Overlay District in cases where such ingredients are health hazards but comprise less than one tenth of one percent (0.1) of the mixture on a weight per unit weight basis if carcinogenic, or less than one percent (1%) of the mixture on a weight per unit weight basis if non-carcinogenic.

(5) Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids).

“Travel Time Contour” means a locus of points from which water takes an equal amount of time to reach a given destination such as a well or well field.

“Underground Storage Tank” means any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of Regulated Substances and the volume of which (including the volume of underground pipes connected thereto) is ten percent (10%) or more beneath the surface of the ground. Flow-through process tanks and septic tanks approved by the Health Department or State Environmental Protection Agency, as applicable, are excluded from the definition of underground storage tanks.

“Well Field” means a tract of land that contains a number of wells for supplying water.

“Zone of Influence” means a zone delineated by iso-travel time contours around well fields. The zone is calculated, based on the rate of movement of groundwater in the vicinity of well with an allowance for the dispersion of a pollutant entering into and moving with the groundwater.

13.03

DETERMINATION OF APPLICABILITY

(1) Responsibility

It shall be the responsibility of any person owning real property and/or owning or operating a business within the City of Bellbrook to make a determination of the applicability of this Article as it pertains to the property and/or business and failure to do so shall not excuse any violations of this Article.

(2) Applicability Based on Regulated Substances

Applicability based on de minimis quantities and/or limited exclusions pertaining to Regulated Substances as set forth in this Article shall be determined separately for each use, as defined in Article 3, Section 3.02, Paragraph 107, associated with the property.

13.04

WO WELLHEAD OPERATION DISTRICT

(1) Permitted Principal Uses:

(a) Municipal water supply, treatment, and operations facilities in accordance with the City of Bellbrook's plan(s) for water supply and treatment.

(b) Public parks, playgrounds, and community centers.

(2) Conditional Uses:

(a) Public utility uses including electric and telephone substations; gas regulator and meter station buildings; and electric and communications transmission towers and structures.

(b) Existing single family detached residences.

(3) Groundwater Protection Standards:

(a) Use of Regulated Substances in conjunction with public water supply and treatment activities shall not be restricted by this paragraph.

(b) Use of Regulated Substances in conjunction with public parks, playgrounds and community centers shall be in accordance with the City of Bellbrook's management plan for Maintenance of Sensitive Areas.

(c) Use of Regulated Substances in conjunction with conditional uses in this district shall be limited to:

(1) The aggregate of Regulated Substances in use may not exceed twenty (20) gallons or one hundred and sixty (160) pounds at any time.

(2) The total use of Regulated Substances may not exceed fifty (50) gallons or four hundred (400) pounds in any twelve (12) month period.

(d) A limited exclusion from the provisions of Section 13.04, Paragraph (3)(c) is authorized for non-routine maintenance or repair of property or equipment. The use of Regulated Substances under this exclusion shall be limited to:

(1) The aggregate of Regulated Substances in use may not exceed fifty (50) gallons or four hundred (400) pounds at any time.

(2) The total use of Regulated Substances may not exceed one hundred (100) gallons or eight hundred (800) pounds in any twelve (12) month period.

(e) Storage of regulated Substances in conjunction with public water supply and treatment activities shall not be restricted by this paragraph.

(f) Underground storage of fuel and lubricants for vehicle operations in conjunction with permitted and conditional uses in this district shall be in tanks placed above the floor surface of a below grade vault. Said vault shall allow access for physical inspection of the tank for leakage and the interior of the vault shall be continuously monitored and alarmed to provide for automatic and immediate detection of any release from the tank.

(g) Notwithstanding other provisions of this Article, nonconforming uses in this district presently utilizing underground storage tanks for fuel and lubricants for vehicle operations shall be permitted to replace existing tanks with those constructed as per the specifications of Section 13.04, Paragraph (3)(f) and not exceeding the capacity of existing tanks. Replacement of underground tanks for Regulated Substances other than fuel and lubricants for vehicle operations is not permitted.

(h) Storage of Regulated Substances other than fuel and lubricants for vehicle operations in conjunction with permitted and conditional uses in this district is prohibited.

(i) As part of the findings required under Article 19 of the Zoning Code prior to issuance of a Zoning Permit/Certificate of Zoning Compliance, the Zoning Officer shall utilize the Hazard

Potential Ranking System, identified in Section 13.05, Paragraph (9) to assist in the determination of intensity of use within this district. No substitutions of a non-conforming use shall be permitted which result in an increase of the Hazard Potential Ranking on a parcel within this district.

(j) All uses within this district shall be connected to the public wastewater disposal system within a three (3) year period from the effective date of this Ordinance or have a wastewater disposal system approved by the Greene County Combined General Health District.

13.05

WP WELL FIELD PROTECTION OVERLAY DISTRICT

(1) Applicability of Well Field Protection Overlay District to Underlying Zoning Districts:

The provisions of this Section shall be applicable to all lands shown as being located within the boundaries of the WP Well Field Protection Overlay District on the Zoning Map and shall be supplemental to the regulations of the underlying zoning district. Where the requirements of this Section are in conflict with the regulations of the underlying district, the more restrictive regulations shall apply.

(2) Permitted Principal Uses:

The permitted uses within the WP Well Field Protection Overlay District shall be those of the underlying zoning district.

(3) Accessory Uses:

Accessory uses and buildings within the WP Well Field Protection Overlay District shall be those customarily incident to the permitted principal uses of the underlying zoning district.

(4) Conditional Uses:

The requirements of this paragraph shall be in addition to any applicable regulations found elsewhere within the Zoning Code.

(a) The conditional uses within the WP Well Field Protection Overlay District shall be those of the underlying zoning district, except as specified in Section 13.05, Paragraphs (4)(b) and (7).

(b) When listed as a permitted or conditional use within the underlying zoning district, the excavation, extraction, mining, or processing of sand, gravel, and limestone from the earth for resale shall remain as conditional uses in the WP Well Field Protection Overlay District, subject to Board of Zoning Appeals approval of an excavation and facilities plan that includes, but is not limited to:

(1) An existing site plan with topographic detail at two (2) foot contour intervals, all planimetric information, depth to groundwater, and flood plain characteristics where applicable.

(2) The proposed extent and depth of excavations.

(3) Slope angle of excavation walls (any final slopes shall be at the angle of repose for the remaining material).

(4) Use and disposition of the spoil and/or overburden materials from the excavations including a landscaping and vegetation plan to stabilize any disturbed material.

(5) Surface drainage plan:

(A) Drainage into on-site excavation from proximate off-site transportation facilities such as roadways and roadbeds and off-site watercourses is prohibited unless the applicant provides a plan which otherwise protects the excavation from off-site waterborne Regulated Substances.

(B) The final on-site grading shall minimize all surface drainage into the excavations.

(6) A post-excavation and operation land use plan.

(7) A security plan (unauthorized access shall be strictly prohibited as long as any excavations remain on site).

(5) Non-Conforming Uses:

Uses using, storing, handling and/or producing Regulated Substances in amounts in excess of the quantities specified in Section 13.05, Paragraphs (8)(a) through (8)(f) are non-conforming uses subject to the requirements of this Section.

(6) Yard Requirements and Building Height Regulations:

Yard requirements and building height regulations shall be those of the underlying zoning district.

(7) Prohibited Uses:

Sanitary landfills, drywells, landfills comprised of demolition debris or other non-approved matter and junkyards are prohibited within the WP Well Field Protection Overlay District.

(8) Groundwater Protections Standards:

(a) Use, storage, handling and/or production of Regulated Substances in conjunction with permitted and conditional uses in this district shall be limited to:

(1) Aggregate of Regulated Substances: The aggregate of Regulated Substances in use, storage, handling and/or production may not exceed twenty (20) gallons or one hundred and sixty (160) pounds at any time.

(2) Total Use of Regulated Substances: The total use, storage, handling and/or production of Regulated Substances may not exceed fifty (50) gallons or four hundred (400) pounds in any twelve (12) month period.

(b) A limited exclusion from the provisions of Section 13.05, Paragraph (8)(a) is authorized for non-routine maintenance or repair of property or equipment. These, storage, handling and/or production of Regulated Substances under this exclusion shall be limited to:

(1) The aggregate of Regulated Substances in use, storage, handling and/or production may not exceed fifty (50) gallons or four hundred (400) pounds at any time.

(2) The total use, storage, handling and/or production of Regulated Substances may not exceed one hundred (100) gallons or eight hundred (800) pounds in any twelve (12) month period.

(3) The application of USEPA approved agricultural chemicals by licensed personnel using USEPA best recommended practices. Below ground applications in excess of one hundred (100) gallons or eight hundred (800) pounds in any twelve (12) month period shall require 72-hour prior notice to the City of Bellbrook Administrative Officer or his designee.

(c) A limited exclusion from the provisions of Section 13.05, Paragraph (8)(a) is authorized for each medical and research laboratory use, provided however, Regulated Substances shall be stored, handled or used in containers not to exceed five (5) gallons or forty (4) pounds of each substance and the aggregate inventory of Regulated Substances shall not exceed two hundred and fifty (250) gallons or two thousand (2,000) pounds.

(d) A limited exclusion from the provisions of Section 13.05, Paragraph (8)(a) is authorized for Regulated Substances which are cleaning agents, provided, however, such cleaning agents are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public, and provided the aggregate inventory of such cleaning agents shall not exceed one hundred (100) gallons or eight hundred (800) pounds at any time. In no case shall Regulated Substances claimed under this exclusion include hydrocarbon or halogenated hydrocarbon solvents.

(e) A limited exclusion from the provisions of Section 13.05, Paragraph (8)(a) is authorized for on-site storage of a maximum one-year supply of agricultural chemicals to be used for routine onsite agricultural operations, provided such substances are stored in standard approved packaging and such chemicals are applied to cropland under Best Management Practices as indicated by soil tests, agricultural experts or label directions approved by the United States Environmental Protection Agency (EPA) or the Ohio Department of Agriculture. This limited exclusion also applies to the application of agricultural chemicals to cropland where such chemicals are brought in from other locations. This provision does not exempt such agricultural chemicals either stored on-site or brought in from other locations from the inventory, spill reporting and underground storage tank protection requirements of the WP Well Field Protection Overlay District.

(f) With the exception of residential use of heating fuels in tanks having a capacity equal to or less than five hundred (500) gallons, the underground storage of fuel and lubricants for vehicle operation and fuel for building and/or process heating in conjunction with permitted and conditional uses in this district shall be in tanks secondarily contained and monitored. Such installations shall be subject to approval by the Zoning Inspector or his designee.

(g) Notwithstanding other provisions of this Article, non-conforming uses in this district presently utilizing underground storage tanks for fuel and lubricants for vehicle operations and fuel for building and/or process heating shall be permitted to replace existing tanks with those constructed as per the specifications of Section 13.05, Paragraph (8)(f) and not exceeding the capacity of existing tanks. Replacement of underground tanks for Regulated Substances other than the above noted fuels and lubricants is not permitted.

(h) As part of the findings required under Article # 19 of the Zoning Ordinance prior to issuance of a Zoning Permit or a Certificate of Zoning Compliance, the Zoning Inspector or his designee shall utilize the Hazard Potential Ranking System in Section 13.05, Paragraph (9) to assist in the determination of intensity of use within this district. No substitutes of a non-conforming use shall be permitted which result in an increase of the Hazard Potential Ranking on a parcel within this district. If the quantities of Regulated Substances initially exceed the de minimis quantities above, they shall be considered legally non-conforming. Such legally non-conforming quantities cannot be increased.

(9) Hazard Potential Rating System:

In order to assess the risk for potential groundwater contamination, a hazard rating has been developed for various activities categorized by their Standard Industrial Classification (SIC) Code. This rating is based on the kind of materials commonly associated with each use looking only at the most critical hydrologic factors.

Table 1 below lists the site hazard potential by land use activity (source) on a scale of one (1) to nine (9), with one (1) being a low hazard and nine (9) a very high hazard. This rating is based on the intrinsic hazards posed by different land uses and is related to the materials commonly used or stored on the site or the types and amounts of wastes commonly discharged.

Table II below lists the hazard potential determined on the basis of materials known to be used, stored or disposed of at a specific site.

If the two tables referenced above indicate different site hazard potential ratings for the SIC-coded land use activity and the materials found on-site, the higher of the two scores is the rating for the site.

(10) Enforcement Provisions:

(a) Scope:

(1) The provisions of this Section shall be effective within the WP Well Field Protection District, except as otherwise provided. This Ordinance provides for pollution control pertaining to the public water supply.

(2) Nothing contained in this section shall be construed so as to interfere with any existing or future lawful requirements that may be, or heretofore were, imposed by any other public body authorized to enact sanitary, health or water pollution abatement restrictions so long as such requirements are consistent with, or more stringent than, the stated purpose of this Ordinance.

(b) Administration:

Except as otherwise provided herein the Administrative Officer for the City of Bellbrook or his designee, hereinafter referred to as the Administrative Officer, shall administer, implement, and enforce the provisions of this Section.

(c) Notice of Violation:

(1) Any person found in violation of any provisions of this Section or any order, requirement, rule or regulation Issued under

the authority of this Section will be served with a written notice stating the nature of the violation and providing reasonable time for compliance; provided however, written notice of violation may be dispensed with under the conditions described In Section 13.05, Paragraph (10)(i)(2) and provided further, that if the Administrative Officer has previously promulgated a schedule of compliance or issued an order addressing the same type of or a similar violation and the time for compliance has passed, the Administrative Officer may dispense with establishing another time period for compliance.

(2) The notice shall be served in the manner provided by law for the service of civil process. Where the address of the violator is unknown, service may be made upon the owner of the property involved at the tax mailing address of the owner as shown on the County tax record.

(d) Inspections: Subject to applicable provisions of law, the Administrative Officer or authorized designee bearing proper identification, shall be permitted to enter private property at any reasonable time, with reasonable cause or with prior notification, for such purposes as inspection, observation, measurement, sampling, and records examination pertaining to the requirements of this Ordinance to ensure that activities are in accordance with the provisions of this Section. Upon request of the entity, which is the subject of the Inspection, and if permitted by the State Public Records Law, information obtained as a result of the inspection shall be maintained as confidential. If the owner or tenant does not consent to the entry of the Administrative Officer for the above stated purposes, the Administrative Officer may apply to a court of competent jurisdiction for an appropriate warrant or other authority to enter said property.

(e) Vandalism: No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, property, or equipment which is a part of or used in conjunction with water facilities of the City of Bellbrook and/or any other protected public water supply, or which results in the violation of the provisions of this Ordinance.

(f) Severability: A finding by any court or other jurisdiction that any part or provision of this Ordinance is invalid shall not affect the validity of any other part or provision of this Ordinance which can be given effect without the Invalid parts or provisions.

(g) Handling of Regulated Substances:

(1) No person shall place, deposit, or permit to be deposited, store, process, use, produce, dispose of, transport, or discharge, hereinafter referred to as "handle," any Regulated Substance on public or private property within the City of Bellbrook or in any area under the jurisdiction of the City of Bellbrook except as provided by law, statute, ordinance, rule, or regulation.

(2) Any violation of this paragraph is hereby determined to be a nuisance.

(h) Underground Storage Tanks Declared to Constitute Dangerous Nuisances:

(1) With the exception of the residential use of home heating fuel in tanks having a capacity equal to or less than five hundred (500) gallons, and underground storage systems for accessory vehicle fuel, vehicle lubricants, fuel for building heating and fuel for process heating, any storage of Regulated Substances In underground storage tanks within the WP Well Field Protection Overlay District shall be deemed to constitute a dangerous nuisance. Every such nuisance must and shall be abated no later than five (5) years from the effective date of this Ordinance.

(2) With the exception of residential use of home heating fuel in tanks having a capacity equal to or less than five hundred (500) gallons, any underground storage tank systems for vehicle fuel and lubricants and fuel for building and/or process heating within the WP Well Field Protection Overlay District not removed within five (5) years from the effective date of this Ordinance must be secondarily contained and monitored in accordance with plans submitted to and approved by the Administrative Officer and the City of Bellbrook Fire Department.

(i) Reporting Requirements:

(1) Regulated Substance Activity Inventory:

(A) Applicability:

(1) Except as provided in Section 13.05, Paragraph (10)(i)(1)(B), any owner or occupant

of any land in the WP Well Field Protection Overlay District at the effective date of this Ordinance, shall file a Regulated Substance Activity Inventory Report with the Administrative Officer. Said Report shall be filed within one hundred and eighty (180) days of the effective date of this Ordinance and at twenty-four (24) month intervals thereafter.

(2) Except as provided in Section 13.05, Paragraph (10)(i)(I)(B), any new owner or occupant of any land in the WP Well Field Protection Overlay District shall file a Regulated Substance Activity Inventory Report prior to receipt of a Zoning Permit or a Certificate of Zoning Compliance and at twenty-four (24) month intervals following the date of occupancy. For purposes of this paragraph, "new" shall be defined as subsequent to the effective date of this Ordinance.

(3) Where a person owns, operates, or occupies more than one location, Regulated Substance Activity Inventory Reports shall be made for each location.

(4) Agricultural uses shall file a Regulated Substance Act Inventory Report within one hundred eighty (180) days of the effective date of this Ordinance and at twelve (12) month intervals thereafter. Regulated Substance Inventory Activity Reports for agricultural uses shall include total annual on-site application of Regulated Substances for the reporting property.

(B) Exclusions to Activity Inventory Reporting:

(1) Any exclusion set forth in this subsection shall apply provided that said exclusion does not substantially increase any risk or hazard to the public health or water supply, wells or well fields; and provided further that any spill, leak,

discharge, or mishandling shall be subject to the provisions of Section 13.05, Paragraph (10)(i)2. Any exclusions granted herein shall not remove or limit the liability and responsibility of any person or activity Involved.

(2) A limited exclusion from Regulated Substance activity Inventory reporting is hereby authorized for Incidental uses of Regulated Substances provided the uses are limited as follows:

(a) The aggregate of Regulated Substances in use may not exceed twenty (20) gallons or one hundred and sixty (160) pounds at any time.

(b) The total use of Regulated Substances may not exceed fifty (50) gallons or four hundred (400) pounds in any twelve (12) month period.

(3) A limited exclusion from Regulated Substance activity inventory reporting is hereby authorized for non-routine maintenance or repair of property or equipment in the WP Well Field Protection Overlay District provided the uses are limited as follows:

(a) The aggregate of Regulated Substances in use may not exceed fifty (50) gallons or four hundred (400) pounds at any time.

(b) The total use of Regulated Substances may not exceed one hundred (100) gallons or eight hundred (800) pounds in any twelve (12) month period.

(4) A limited exclusion from Regulated Substance activity Inventory reporting is hereby authorized for Regulated Substances which are cleaning agents, provided however, such

cleaning agents are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public, and provided the aggregate inventory of such cleaning agents shall not exceed one hundred (100) gallons or eight hundred (800) pounds at any time. In no case shall Regulated Substances claimed under the exclusion include hydrocarbon or halogenated hydrocarbon solvents.

(5) A limited exclusion from Regulated Substance activity Inventory reporting is hereby authorized for medical and research laboratory uses in the WP Well Field Protection Overlay District, provided however, Regulated Substances shall be stored, handled, or used in containers not to exceed five (5) gallons or forty (40) pounds of each substance and the aggregate Inventory of Regulated Substances shall not exceed two hundred and fifty (250) gallons or two thousand (2,000) pounds.

(6) An exclusion from Regulated Substance activity inventory reporting is hereby authorized for the transportation of Regulated Substances through the WP Well Field Protection Overlay District provided that the transportation vehicle is in compliance with applicable local, State, and Federal laws and regulations; provided that the regulated substance is fueling the transportation vehicle; and provided that the transportation vehicle is in continuous transit, making delivery or is stopped for a period of time not to exceed seventy-two (72) hours.

(7) A limited exclusion from Regulated Substance activity Inventory reporting is hereby authorized for owners and occupants of single or two family residences, provided however, the storage and use of Regulated Substances are related to the maintenance of the residence or vehicles under control of the occupant and provided waste Regulated Substances, are

appropriately disposed of to a permitted solid waste facility or a permitted publicly-owned wastewater treatment works.

(2) Spills, Leaks or Discharges:

(A) Any person with direct knowledge of a spill, leak or discharge of a Regulated Substance within the WP Well Field Protection Overlay District shall, if such spill, leak, or discharge escapes containment or contacts a non-impervious ground surface and is not immediately and completely remediated, give notice to the Public Works Director of the City of Bellbrook or the operator on duty at the affected or potentially affected water treatment facility by telephone within thirty (30) minutes. The notification shall include at a minimum, the location of the incident, name and telephone number, date and time thereof, type of substance(s), concentration and volume, and control or corrective action taken. Such notification shall in no way alleviate other local, State, and Federal reporting obligations as required by law.

(B) The application of agricultural chemicals, fertilizers, mineral acids, organic sulphur-compounds, etc. used in routine agricultural operations, including plant nutrients and crop protection materials, applied under Best Management Practices as indicated by soil tests, agricultural experts, or label directions approved by the United States EPA or the Ohio Department of Agriculture, shall not be considered a spill, leak, or discharge subject to the reporting provisions of this paragraph.

(C) Any entity or person who spills, leaks or discharges said substance(s) shall be liable for any reasonable expense, loss or damages incurred by the City of Bellbrook in response to such an incident, in addition to the amount of any fines imposed on account thereof under State and Federal law; said entity or person shall document and maintain sufficient records so as to reflect accurately the circumstances related to any such incident and develop and implement procedures to substantially eliminate the likelihood of recurrence of such spills, leaks or discharges as soon as practicable following the incident, but no later than one hundred eighty (180) days after the incident.

(3) Falsifying Information:

No person shall make any false statement, representation, or certification in any report or other document filed or required to be maintained pursuant to this Ordinance.

(4) Retention of Records:

Any reports or records compiled or submitted pursuant to this paragraph shall be maintained by the user for a minimum of five (5) years or so long as enforcement or judicial proceedings are being pursued, whichever is longer.

(j) Public Water Supply Protection Authorities:

(1) Application: If any activity or use of Regulated Substance is deemed by the Administrative Officer to pose a real and present danger of contaminating surface and/or groundwater which would normally enter the public water supply, the Administrative Officer, in accordance with Section 713.13 of the Ohio Revised Code, is authorized to:

(A) Cause cessation of said activity or use of the Regulated Substance;

(B) Require the provision of administrative controls and/or facilities sufficient to mitigate said danger; and/or

(C) Cause the provision of pollution control and/or abatement activities.

(2) Considerations: When considering the exercise of any of the above authorities or actions, the Administrative Officer shall consult with the appropriate administrative official of any potentially affected protected public water supply. Such consultation shall determine what measures need to be taken to ensure the public water supply is reasonably and adequately protected from contamination for the present and the future. The Administrative Officer may take into consideration any evidence represented by the entity regarding cost effectiveness and the economic effectiveness and the economic impact imposed by the requirements or actions.

(3) Exemption of Certain Regulated Substances:

The Administrative Officer is authorized to exclude certain Regulated Substances, that pose no threat to groundwater, from the provisions of these regulations. Prior to authorizing the exemption of any Regulated Substance, the Administrative Officer shall have such request for exemption reviewed by the Environmental Advisory Board. The recommendation of the Environmental Advisory Board shall be binding on the administrative officer.

(4) Technical Consultants: Upon application for a Certificate of Zoning Compliance and/or Occupancy Certificate for a use within the WP Well Field Protection Overlay district, the Administrative Officer may employ such technical expertise as needed to ensure compliance with the provisions of these regulations. All costs incurred in the compliance review process shall be passed through to the applicant and shall be in addition to those fees normally charged by the City of Bellbrook to review an application for a Certificate of Zoning Compliance and/or Occupancy Certificate.

(k) Well Field Protections Board:

(1) Appeals: Any person may appeal an action of the Administrative Officer made pursuant to this Ordinance as provided for under Article #20 by filing a Notice of Appeal within twenty (20) days of said action and a Statement of Appeal within thirty (30) days of the date that the order being appealed was issued. A Notice of Appeal shall include at a minimum, name, address, telephone number, date, and a statement of intent of appeal. A Statement of Appeal shall include all information contained in the Notice of Appeal, a description of the nature of the appeal, and any pertinent documentation.

(2) Appeals Board: The Board of Zoning Appeals of the City of Bellbrook shall hear Well Field Protection Overlay District appeals. Said Board shall have the authority to take appeals, investigate matters related to said appeals, deny, uphold, or otherwise modify or waive, the Administrative Officer's actions on a case-by-case basis.

(1) Penalties for Violations:

Vandalism: A violation of the provisions of Section 13.05, Paragraph (10)(e), beyond the time limit for compliance set forth by the Administrative Officer, Notice of Violation, or the compliance schedule established by the administrative officer, shall constitute a minor misdemeanor punishable as provided in Article #19 of the Zoning Code.

ARTICLE 16

A-1 AGRICULTURAL DISTRICT

16.01

INTENT:

This district is composed of certain land being used for agricultural activities, publicly owned and operated buildings and facilities, open recreational uses, and other open land uses. Sub-marginal lands having no principal use also are included in this district. It is the intent of this district to protect the open area from the encroachment of scattered urban type uses until such time as the area is ready for more intense development.

16.02

PERMITTED PRINCIPAL USES:

- (1) Municipal wells and water supply facilities;
- (2) Agriculture and gardening including the sale of produce and plants raised on the premises;
- (3) Animal shelters;
- (4) Kennels.

16.03

ACCESSORY USES:

- (1) Personal Wireless Service Sites and
- (2) Any use customarily accessory or incidental to the permitted uses with the exception of uses listed under 16.04 (7) below.

16.04

CONDITIONAL USES:

- (1) Cemeteries;
- (2) Home occupations (See Section 3.02);
- (3) One family dwellings;
- (4) Open air commercial amusements;
- (5) Public or private recreation facilities including parks, playgrounds, golf courses, boat docks, driving ranges, swimming pool and customary accessory buildings;

(6) Supervised educational religious, recreational, and physical fitness facilities with or without provisions for overnight short-term residence such as boarding schools, band camps, religious retreats, scout camps and physical fitness/weight control centers;

(7) Breeding, boarding, grooming and retail sales of domestic pet birds. Retail sale of supplies related to the care of domestic pet birds. The business owner/operator must maintain his principal residence on property used for any business use outlined in (7).

16.05

YARD AND LOT REQUIREMENTS:

(1) Required yards:

(a) Front yards shall not be less than 35 feet in depth;

(b) Side yards shall not be less than 15 feet on each side;

(c) Rear yards shall not be less than 40 feet in depth.

(2) Minimum Lot Area:

The minimum lot area shall not be less than 5 acres.

16.06

BUILDING HEIGHT REGULATIONS:

No structure shall exceed 2 ½ stories or 35 feet in height with the exception of personal wireless service towers which shall not exceed 200 feet in height.

16.07

ACCESSORY PARKING:

In the Agricultural District parking shall be provided as required in Section 18.16.

16.08

SIGNS:

See Section 18.20 for size and location of permitted signs.

ARTICLE 17**PLANNED DEVELOPMENT**

17.01

PURPOSES

Planned Development zoning is of a substantially different character than other types of zoning. Because of the difference in character, special standards and procedures are hereby established to govern and guide the creation of Planned Development zoning districts.

Planned Development zoning is a privilege to be earned and not a right which can be claimed simply upon complying with all the standards established in this section. The Planning Board and/or Council may require any reasonable condition or design consideration which will promote proper development of and benefit to the community. It is not intended that the Board and/or Council automatically grant the maximum use exceptions or density increases in the case of each Planned Development. The Board and Council shall grant only such increase or latitude which is consistent with the benefit accruing to the City as a result of the Planned Development. As a condition for approval, each Planned Development must be compatible with the character and objectives of the zoning districts within which it is located, and each Planned Development shall be consistent with the objectives of the Bellbrook Comprehensive Plan.

Some specific purposes of the Planned Development procedures are:

- (1) To take advantage of advances in technology, architectural design and functional land use design;
- (2) To recognize the problems of population density, distribution, and circulation and to allow a deviation from rigid established patterns of land uses, while maintaining control through application of defined policies and objectives;
- (3) To produce a comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development;
- (4) To permit flexibility of design in the placement, height, and uses of buildings, open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of site, characterized by special features of geography, topography, size and shape;
- (5) To protect flood plains from encroachment by development within the City of Bellbrook; and

(6) To regulate transient occupancy within the residential districts to protect and preserve the permanency of residential neighborhoods, protect property values, and to ensure the comfort and safety of the residents.

17.02

TYPES OF PLANNED DEVELOPMENT

PD-1 Planned Residential Development

PD-2 Planned Business Development

PD-3 Planned Industrial Development

17.03

GENERAL STANDARDS FOR PLANNED DEVELOPMENTS

(See 17.05, 17.06 and 17.07 for specific standards for respective Planned Development districts)

Before an application for Planned Development can be approved, the applicant must present evidence which clearly supports the following conclusions:

(1) The proposed development advances the general welfare of the community and the immediate vicinity.

(2) The plan is in conformity with the Comprehensive Plan or is acceptable by the Planning Board and/or City Council.

(3) The proposed development is consistent in all respects with the purpose and intent of this Zoning Ordinance.

(4) The site will be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development, and the streets and driveways on the site of the proposed development will be adequate to serve the residents or occupants of the proposed development.

(5) The development will not impose an undue burden on public services and facilities, such as fire and police protection.

(6) The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a Planned Development not used for structures, parking and loading areas, or access ways, shall be landscaped or otherwise improved. The height of buildings shall be compatible with surrounding land uses as well as the general

characteristics of the area to be developed and the surrounding area.

(7) Natural features such as water courses, trees and rock outcrops will be preserved, to the degree possible, so that they can be incorporated into the layout to enhance the overall design of the Planned Development.

(8) The Planned Development can be substantially completed within the period of time specified in the schedule of development submitted by the developer.

(9) Special Review of B-3, B-4 and R-3 Zoning Districts

(a) In cases where a parcel of land has been previously zoned or has been recommended for zoning to its highest business or residential use (B-4 Central Business District, B-3 Neighborhood Business District or R-3 Multi-Family Residential District), the City Manager may recommend and the City Council may require that prior to the City's issuance of a Zoning Permit for new construction on any portion of the parcel the owner/developer shall follow the plan submissions procedures for the entire parcel as described under the Planned Development Article.

(b) In such cases, because the Planning Board has already made a determination on the appropriate land use for the parcel and has recommended that the zoning be the highest possible business or residential use, a second Planning Board public hearing on the Planned Development land use shall not be required.

~~(C)~~ The Planned Development procedures concerning the submission of plans shall be followed and the Planning Board shall review the preliminary development plans and forward them to the City Council following consultation with the City's engineering consultants.

(d) The City Council shall then conduct the single Planned Development public hearing and then determine whether or not the PD-1 or PD-2 zoning and accompanying preliminary plans shall be approved.

(e) If the zoning and plans are approved, approval of the Final Plans shall follow procedures as outlined under 17.082 Final Plan Stage.

17.04

PROCEDURE FOR APPROVAL

(For a procedural flow-chart, see Appendix A, Planned Development).

(1) Pre-application Conference:

Prior to filing a formal application for approval of a Planned Development, the developer shall request a pre-application conference with the Bellbrook Planning Board.

The purpose of such conference is to allow the developer to present a general concept of his proposed development prior to the preparation of detailed plans. For this purpose, the presentation shall include, but not be limited to the following:

(a) Written "letter of intent" from the developer establishing his intentions as to development of the land.

(b) Topographic survey and location map.

(c) Sketch plans and conceptual objectives regarding land use pattern, structure location and type, street and lot arrangement and tentative lot sizes.

(d) Tentative proposals regarding water supply, sewage disposal, surface drainage, street improvements and flood control measures.

Planning Board shall then instruct the developer to file an application and advise the developer to familiarize himself with the Bellbrook Zoning requirements and the Comprehensive Plan affecting the proposed development. A copy of Article #17, Planned Development, shall be made available by request.

(2) Preliminary Plan:

Seven (7) copies of the Preliminary Plan of the Planned Development and the application shall be filed with the Zoning Inspector, who shall in turn forward them to the Planning Board for consideration.

The required procedure for consideration and approval of the Preliminary Plan shall be:

(a) An application for Zoning Amendment shall be secured from the Zoning Inspector. The completed application shall be filed with the Zoning Inspector accompanied by other subdivision requirements as specified in Section 17.081.

(b) The Planning Board shall study materials received and confer with other agencies of government as appropriate in the case to determine general acceptability of the proposal as submitted. In the course of such preliminary consideration, the Planning Board may request, and the applicant shall supply additional material needed to make specific determinations.

(c) Following such study, the Planning Board shall hold a conference or conferences with the applicant to discuss desirable changes in the first or succeeding drafts of the Preliminary Development Plan and report.

(d) Recommendations of the Planning Board to the applicant shall be in writing, and following any such conference, agreements between the applicant and the Planning Board as to changes in the Preliminary Plan or other matters are to be recorded and acknowledged by the Planning Board and the applicant. Items on which no agreement is reached or on which there is specific disagreement shall be recorded and the applicant may place in the record the reasons for any disagreement.

(e) When the Preliminary Development Plan has been approved in principle (as a whole or with reservations specifically indicated) or when the applicant indicates in writing that no further negotiations with the Planning Board are desired before proceeding, and in any case, within sixty (60) days of the submission of the preliminary plan application, the Planning Board shall schedule the proposed plan for a public hearing, following which it shall make its recommendations to Council. Such recommendations shall indicate approval, approval with specific reservations or disapproval with reasons.

(f) In the event Council upholds an unfavorable recommendation from Planning Board, a public hearing is not required. Otherwise, Council shall schedule a public hearing for the Preliminary Plan and respective Planned Development zone designation. Within sixty (60) days, the Council shall approve

the proposal outright, approve subject to conditions, or deny the proposal. Council approval shall be by ordinance.

If conditions are attached to Council approval, there shall be no change in the zoning map until such conditions are formally accepted in writing by the developer. When approved, the area of land proposed for development shall be designated PD-1 (Planned Residential District) or PD-2 (Planned Business District) or PD-3 (Planned Industrial District) and shall be used only in accordance with the uses and densities shown on the Planned Development Preliminary Plan.

(3) Approval and Recording of Final Development Plan

The purpose of such recording is to designate with particularity the land subdivided into conventional lots, as well as the dimension of other lands not so treated, into common open areas and building areas, and to define each building site as well as the use of the land in general.

The approval and recording of the Final Development Plan may be accomplished in stages if the stages have been specified in the Construction Schedule approved with the Preliminary Plan.

(a) Upon the designation of the Planned Development district by Council, the Final Development Plan shall be presented to the Zoning Inspector who shall see that all requirements of Section 17.082 have been complied with and that the Final Development Plan is in a form suitable for recording with the Greene County Recorder.

(b) The record plot (the Final Development Plan in a form suitable for re-zoning) shall then be forwarded to the Planning Board for review and, if approved, shall be forwarded to the City Manager who shall make appropriate arrangement with the applicant, in accord with 17.02(2), to ensure the accomplishment of public improvements. The City Manager shall consult with Council concerning any land to be publicly or commonly owned and shall arrange for the necessary legal deed(s).

(c) The approved record plot shall then be submitted to the Greene County Recorder for recording within six (6) months after approval by Council.

(d) No Final Development Plan within the corporate limits of Bellbrook shall be so recorded unless it shall have the approval of Council, as indicated by the signatures of the Mayor and the Clerk of Council, inscribed thereon.

(4) Zoning Permit:

No zoning permit shall be issued by the Zoning Inspector until the Final Development Plan has been approved and duly recorded. See Article # 19, Section 19.01 of the Bellbrook Zoning Ordinance.

(5) Certificate of Zoning Compliance:

The Zoning Inspector shall issue no Certificate of Zoning Compliance until all utilities have been accepted by the City of Bellbrook in accordance with the Final Development Plan.

If all utilities, including roadways, have not been accepted by the City of Bellbrook, the Zoning Inspector may issue a Temporary Certificate of Zoning Compliance upon certification by the City Manager that the existing public utilities are functionally acceptable and adequate for the use of the premises. Should the City Manager find, while the Temporary Certificate of Zoning Compliance is in force, that the existing utilities are no longer functionally acceptable and adequate, the City Manager may order the cancellation of the Temporary Certificate of Zoning Compliance and direct the developer to vacate the premises of occupants.

The Temporary Certificate of Zoning Compliance remains in effect until all utilities, including roadways, are accepted by the City of Bellbrook at which time the Zoning Inspector will issue a permanent Certificate of Zoning Compliance.

(6) Changes in the Planned Development:

A Planned Development shall be developed only according to the approved and recorded final plan, and all recorded amendments shall be binding on the applicants, their successors, grantees, and assignees and shall limit and control the use of premises (including the general internal use of buildings and structures) and location of structures in the Planned Development as set forth therein. Any deviation from the approved and recorded final plan must have Planning Board approval. Planning Board shall decide whether a change is major or minor.

(a) Major Changes:

Changes which alter the concept or intent of the Planned Development, include but are not limited to: increases in the number of units per acre; change in location or amount of non-residential land use; more than fifteen percent (15%) modification in proportion of housing types; reductions of proposed open space; significant re-design of roadways, utilities, or drainage. These changes shall be approved only by submission of a new Preliminary Plan and supporting data, by following the “preliminary approval” steps and subsequent amendment of the final Planned Development Plan with the Greene County Recorder.

(b) Minor Changes:

A minor change is any change not defined as a major change. The City Zoning Inspector and the Planning Board may jointly approve minor change in the Planned Development which do not change the concept or intent of the development without repeating the “preliminary approval” steps.

The Zoning Inspector shall enter in detail all minor changes on the official Final Development Plan on record with the Municipality of Bellbrook.

(7) Schedule of Construction:

A modification of the schedule may be approved by the City Council if the developer shall present satisfactory evidence of reasonable effort toward meeting the initial schedule and justification for the modification.

If construction falls more than one (1) year behind schedule, as determined by the City Engineer, and the developer fails to justify the delay to Council’s satisfaction, Council may proceed to complete all or any part of such improvements and recover the costs thereof by laying claim to the guarantee specified in 17.082(2).

(8) Effect of Denial of a Planned Development:

If an application for a Planned Development is denied wholly or in part, then for a period of one (1) year from the date of submission thereof, the Planning Board need not consider any resubmission therefore,

unless it finds substantive changes or a change in the conditions upon which the denial was based. If a Preliminary Development Plan is approved and the Final Development Plan is thereafter disapproved, the applicant, or his successor in interest, may at any time, submit one (1) or more new versions of the Final Development Plan, so long as the new versions are in full compliance with the approved Preliminary Development Plan, including any conditions attached to said plan.

17.05

PD-1 PLANNED RESIDENTIAL DEVELOPMENT

(1) Policies Guiding Development:

This district is intended to provide flexibility in the arrangement and design of residential dwellings, based upon a unified development plan conceived and carried out for an entire area. Within this district, appropriate and reasonable population density is maintained while a variety of dwelling unit types is encouraged. Natural features such as topography, trees and drainage ways are encouraged to remain in their natural state to the degree possible. Such developments are generally characterized by a significant proportion of usable open space and a unified design concept with particular attention devoted to the periphery of the development, the overall objective being the compatibility of the development with its surroundings.

(2) Permitted Uses:

Permitted uses are those included as permitted and accessory uses in Articles #5, #6 and #7 of the Bellbrook Zoning Ordinance and convenience establishment as hereafter defined.

Convenience establishments as accessory uses are those established as necessary for the proper development of the community and to be so located, designated, and operated to serve primarily the needs of the persons within the Planned Development Plot. Uses shall be generally limited to those uses permitted in the B-2 district, with no direct access or advertising signs for such uses to be visible from the exterior of the development. Such convenience establishments and their parking areas shall not occupy more than five percent (5%) of the total area of the development. No separate building or structure designed or intended to be used, in whole or part, for business purposes shall be constructed within a Residential Planned Development until not less than thirty percent (30%) of the dwelling units proposed in the development plan are certified for occupancy.

(3) Area Requirements:

The minimum land area required for a Planned Residential development shall be five (5) acres. This area requirement may be reduced at the discretion of the Planning Board and City Council if it can be demonstrated that a waiver is necessary to achieve an improved site design and that surrounding neighborhoods and public facilities will not be adversely affected.

(4) Density Requirements:

Any combination or cluster of housing units is permitted, provided that the average lot area per family or dwelling unit contained in the site, exclusive of the area of street rights-of-way, parking areas and commercial areas, will not be less than eighty percent (80%) of the average lot area per family required in the surrounding non-agricultural districts. This density requirement may be varied at the discretion of the Planning Board and City Council if it can be demonstrated that a waiver is necessary to achieve an improved site design and that surrounding neighborhoods and public facilities will not be adversely affected.

(5) Site Design:

All housing shall be sited to preserve privacy and to ensure natural light.

Lot widths may be varied to permit a mixture of structural designs. Varied setback is encouraged.

Where feasible, housing units should be situated to abut common open space or similar areas. A clustering of dwellings is encouraged.

(6) Structure Spacing:

A minimum of fifteen (15) feet shall be maintained between principal structures.

(7) Length:

There shall be no continuous structure of town houses, attached dwellings or apartments containing more than twelve (12) dwelling units on ground floor level.

(8) Height:

The height of any residential structure within a Planned Development shall not exceed thirty-five (35) feet or 2 ½ stories. However, the Planning Board may grant an exception if it is demonstrated that additional height can be achieved with concurrent expansion of suitable open space to protect adjacent structures from adverse reduction of light and air.

(9) Setback and Screening:

A minimum setback of fifty (50) feet shall be provided along the entire perimeter of the development and retained in natural woods or be suitably landscaped with grass and/or ground cover, shrubs, and trees. Projects located adjacent to commercial or industrially zoned areas shall provide suitable screening to the residential development as adjudged by the Planning Board. Screening shall not obscure traffic visibility within fifty (50) feet of an intersection.

(10) Common Open Space:

A minimum of twenty-five percent (25%) of the total land in any Planned Residential Development shall be reserved for permanent common open space and recreational facilities for the residents or users of the area being developed. In extreme topographical conditions, at the discretion of the Planning Board, this requirement may be reduced. Only area having minimum dimensions of fifty (50) feet by one hundred (100) feet shall qualify for computation as usable open space.

(11) Parking Requirements:

See Article #18, Section 18.16 for required spaces and design criteria.

(12) Signs:

See Article #18, Section 18.20 for size and location of permitted signs.

(13) Utilities:

All utilities including electric, telephone, gas, water and sewer lines must be buried, except when deemed unfeasible as determined by the City Engineer.

(14) Transient Rental Regulations:

No dwelling unit or dwelling, one family, dwelling, two family or dwelling multi-family or a portion thereof in the PD-1 district shall be used as a transient rental.

17.06

PD-2 PLANNED BUSINESS DEVELOPMENT**(1) Policies Guiding Development:**

This district is provided in recognition that many commercial establishments seek to develop within unified commercial areas, usually under single ownership and control and typically called “shopping centers”. Within the premises of the zone, such centers would have all the necessary services and facilities comprehensively provided in accordance with an approved development plan. Provisions of this zone are formulated to achieve harmoniously designed structures upon a well landscaped site, achieving a high degree of pedestrian-vehicular separation, all of which would be compatible with surrounding land uses.

(2) Permitted Uses:

Uses included are those permitted, accessory and conditional uses in B-1, B-2, B-3 and B-4 Business Districts and O-1, Office Building District developed in accordance with the approved Development Plan but subject to approval of the Planning Board.

(3) Arrangement of Commercial Uses:

Commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares.

The plan of the project shall provide for the integrated and harmonious design of buildings and for adequate and properly arranged facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding existing or potential developments.

(4) Area Requirements:

The minimum land area for a Planned Business Development shall be two (2) acres.

(5) Structure Spacing:

A minimum of twenty (20) feet shall be required between adjacent principal buildings.

(6) Setback and Screening:

A setback of at least fifty (50) feet shall be provided along the entire perimeter of the development. However, where the Planned Development adjoins a Business or Industrial District, the setback and screening requirements shall be at the discretion of the Planning Board.

Where situated adjacent to a residentially zoned area, a minimum of twenty (20) feet along the exterior property line shall be planted with an evergreen hedge or dense planting of evergreen shrubs not less than three (3) feet in height at the time of planting. A landscaped mound adequate to provide screening may be substituted for hedge or shrubs.

In no case shall screening be placed within fifty (50) feet of a curb cut or intersection.

Vehicular access through such landscaped strip when leading from residential areas shall be permitted only for convenience of residents of adjoining residential areas, and not designed for use by the general public.

(7) Parking Requirements:

See Article #18, Section 18.16 for required parking criteria.

(8) Loading and Unloading Areas:

See Article #18, Section 18.15.

(9) Signs:

See Article #18, Section 18.20 for size and location of permitted signs.

(10) Utilities:

Wherever possible, utilities shall be housed in structures compatible with the development so as not to detract from the overall aesthetic design.

17.07

PD-3 PLANNED INDUSTRIAL DISTRICT

(1) Policies Guiding Development:

The provisions of this district are provided in recognition that many industrial establishments seek to develop within unified industrial areas having all necessary services and facilities comprehensively provided in accordance with a pre-determined development plan. As in the Planned Business Zone (PD-2), provisions of this zone are formulated to encourage a high degree of coordinated development upon well landscaped premises. Particular attention is devoted to design of the periphery of the development with the objective of achieving compatibility with existing and potential surrounding land uses.

(2) Permitted Uses:

These uses will be permitted in accordance with the approved Development Plan:

- (a) Assembly plants except automobile assembly plants or plants of similar nature.
- (b) Automobile repair but no commercial wrecking, dismantling or salvage yard.
- (c) Auto service station.
- (d) Automobile, trucks, boat sales.
- (e) Bottling works.
- (f) Builders supply store.
- (g) Building and trades, including contractor's yard and utilities storage yard.
- (h) Carpet cleaning, dry cleaning and dyeing, laundry.

- (i) Cold storage plant.
- (j) Commercial greenhouse.
- (k) Dairy products manufacture.
- (l) Fabrication, processing, packaging and/or manufacture of food products and condiments excluding fish products, slaughterhouses and rendering and refining of fats, oils, fish, vinegar, yeast, and sauerkraut.
- (m) Fabrication, processing, packaging and/or manufacture of cosmetics, drugs, perfumes, pharmaceuticals, and toiletries.
- (n) Fabrication, processing, packaging and/or manufacture of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, textiles, tobacco, wax, wood, and yarn.
- (o) Fabrication, processing, packaging, and/or manufacturing of musical instruments, toys, novelties, rubber, or metal stamps.
- (p) Fabrication, processing, packaging and/or manufacture of ice, cold storage plant, bottling plant.
- (q) Farm implements and contractor equipment sales and service.
- (r) Foundry casting light weight non-ferrous metals or electric foundry, not causing noxious fumes or odors.
- (s) Fuel or coal company.
- (t) Furniture re-upholstering and repair.
- (u) Industrial research laboratories.
- (v) Inflammable liquids, underground storage only.
- (w) Lumber yards including incidental millwork, coal, brick, stone.

(x) Monument sales including incidental mechanical operations.

(y) Motor freight depot or trucking terminal provided, the truck entrance and exits are on to streets whose pavement width is at least thirty (30) feet between curbs.

(z) Painting, varnishing shops.

(aa) Personal wireless service sites.

(bb) Plumbing supply and contracting shops including storage yards.

(cc) Poultry killing and dressing.

(dd) Public garages, motor vehicle and bicycle repair shops, auto paint and body shops.

(ee) Publishing and printing.

(ff) Railroad freight stations, but not including switching, storage, freight yards, sidings or maintenance or fueling facilities.

(gg) Repair, rental, and servicing for appliances.

(hh) Sign contractor.

(ii) Stone grinding, dressing, and cutting.

(jj) Storage yard for building supplies and equipment, contractors' equipment, food fabrics, hardware and similar goods when located entirely within a building, provided such buildings shall not be used for wrecking or dismantling of motor vehicles.

(kk) Television and radio broadcasting towers.

(ll) Tin and sheet metal shop.

(mm) Tool and die shop, wrought iron shop, blacksmith or machine shop, excluding drop hammers.

(mm) Trailer rental and sales.

(nn) Truck terminal.

(oo) Veterinary clinic or kennels, animal hospital, provided that all animals are housed in buildings or enclosures which are at least five hundred (500) feet from any "R" district.

(pp) Warehouses.

(qq) Wholesale distributors.

(rr) Uses similar to the above uses and any other manufacturing or industrial enterprise, operation or process whether making, assembling, repairing, buffing, finishing, plating, polishing, tempering, packing, shipping or storing; provided that any resulting cinders, dust, flashing, fumes, gas, noise, odor, refuse matter, smoke, vapor or vibration is no greater or more detrimental to the neighborhood than the specified uses, that no extra fire hazard is created, and the proposed use as determined by the Board of Zoning Appeals is similar in character to one of the specific uses in this section.

17.08

SUBMISSION REQUIREMENTS FOR PLANNED DEVELOPMENT PROPOSALS

17.081

PRELIMINARY PLAN STAGE

(1) Application:

An application for Preliminary Planned Development shall be secured from, and the fully completed application shall be filed with the Zoning Inspector, together with the appropriate fee in accordance with the prevailing rate.

(2) Material To Be Submitted with Applications:

(a) Identification of all property owners within the proposed development, evidence of unified control of the entire area of the development, tentative agreement of all owners to proceed with development according to plan or to provide adequate sureties for completion.

(b) A map or maps indicating the relation of the proposed development to the surrounding area. As

appropriate to the development proposed, such map or maps shall demonstrate access to major streets and show the approximate location and sizes of existing public sewers, water lines and storm drainage systems.

(c) Topographic data map drawn to a scale of one hundred (100) feet or less to one (1) inch by a registered surveyor and/or engineer showing:

- (1) Boundary lines, bearing and distances;
- (2) Easements, location, width and purpose;
- (3) Wooded areas, streams, lakes, marshes and other physical conditions affecting the site;
- (4) Ground elevations on the tract;
- (5) If deemed necessary by the City Engineer, subsurface conditions on the tract, including the location and results of tests made to ascertain the conditions of subsurface soil, rock, and groundwater.
- (6) Name, address and phone number of registered surveyor, registered engineer and/or urban professional planner assisting in the preparation of the Preliminary Development Plan.

(3) Preliminary Development Plan and Report:

A Preliminary Development Plan and report shall accompany the application with maps at a scale of one hundred (100) feet or less to the inch, including as appropriate to the kind of planned development proposed; the following information, presented in generalized form:

(a) Proposed land uses and appropriate height, bulk, and location of principal structures sufficient to permit an understanding of the style of the development. Proposals containing residential units shall specify the number of housing units by size and type proposed within the initial phase of the proposal or within the overall development if the development is not to be staged.

(b) Proposed automotive and pedestrian circulation patterns including streets by type (major, collector or minor) and width, public or private bicycle paths and pedestrian ways and existing or plotted streets proposed to be vacated.

(c) Major off-street parking areas.

(d) Proposed parks, playgrounds, school sites and other major open spaces as well as the general form of organization proposed to own and maintain any common open space.

(e) General locations of utility installations and easements.

(f) A Schedule of Construction which shall indicate the estimated date for the start of construction and the duration of the construction period in months. The commencement date of construction may be set relative to the Plan's approval date.

If development is to be in stages, indication as to order and timing of development and demonstration that each stage, when completed, would complement any completed earlier, and would form a reasonably independent unit even though succeeding stages were delayed.

(g) Proposals for provision of public facilities, utilities, or services where lacking or unlikely to be available when needed for the planned development, or for providing suitable private facilities, utilities, or services. A report shall be provided containing proposals for improvement and continuing maintenance and management of any private streets.

(h) The substance of covenants, grants and easements or other restrictions proposed to be imposed upon the use of the land, building and structures including proposed easements or grants for public utilities.

17.082

FINAL PLAN STAGE

(1) Requirements for the Final Development Plan:

(a) A map or maps in the form required by the governing Subdivision Regulations for recording of final plats or subdivisions, with such modifications and additions as required to achieve the design flexibility of the planned development concept. Similar modifications of standards contained in the governing Subdivision Regulations or in other regulations or policies applying generally may be reflected in such maps and reports if the Planning Board shall find and shall certify, after consultations with other agencies of government as appropriate in the specific case, that the public purposes of such regulations or policies are as well or better served by specific proposals of the formal plan and reports.

(b) A general site and land use plan for the Planned Development as a whole, indicating sub-areas for phase development if any, and showing location and use of structures and portions of structures in relation to building sites reserved for future use and uses for which sites are reserved, automotive and pedestrian circulatory networks, principal parking areas, open space not in building sites and the use for which it is intended, and such other matters as are required to establish a clear pattern of the relationships to exist between structures, uses, circulation and land.

(2) Agreements, Contracts, Deed Restrictions and Sureties:

(a) All agreements, contracts and deed restrictions shall be submitted in a form acceptable to the City. Acceptance of the documents shall be in the form of a letter from the City Manager certifying that all such requirements have been met.

The applicant shall guarantee the installation of the public improvements specified in the Final Development Plan through one of the following methods:

(1) Filing a performance and labor and material payment bond in the amount of one hundred twenty-five percent (125%) of the estimated construction cost as determined by the City;

(2) Depositing or placing in escrow a certified check or cash or any other acceptable pledge, in the amount of one hundred twenty-five percent (125%) of the construction cost as approved by the City.

Acceptance of the form of guarantee selected shall be evidenced by a formal letter from the City Manager.

(b) The owners of the Planned Development or persons legally representing them shall execute a legally binding agreement providing for the maintenance of commonly owned open space, recreation areas and automotive and pedestrian circulatory networks. In addition, such owners or person(s) legally representing them shall authorize the Bellbrook Police Department and any other properly constituted law enforcement agency to exercise full powers of arrest law enforcement on the premises.

17.083

DETAILED SITE PLANS

Detailed plans for individual buildings or groups of buildings shall be submitted to the Planning Board for approval before each stage of construction is completed. Such plans shall be in accord with the Final Development Plan and report as approved by the Planning Board and shall be in sufficient detail to permit determinations as to compliance with the requirements of this ordinance with respect to the ~~particular~~ planned development district and uses involved. The plans shall include:

- (1) Site plans for the building site or sites, indicating relationship to adjoining areas.
- (2) Floor plans of the buildings involved, indicating horizontal dimensions, uses of space, and floor areas.
- (3) Elevations of the buildings involved, indicating height and if required in determinations for the ~~particular~~ building or use, location and dimensions of all windows and other glassed area.
- (4) Any modifications on single lots in PD zoning districts shall be heard by the Board of Zoning Appeals.

ARTICLE 18

GENERAL PROVISIONS

18.01

GENERAL REGULATIONS:

Except as herein provided, no building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building or land be used:

(1) Except for a purpose permitted in the district in which the building or land is located;

(2) Except in conformance to the height or bulk limits established herein for the district in which the building or use is located;

(3) Except in conformance to the yard and lot regulations of the district in which the building or use is located;

(4) Except in conformance to the off-street parking and off-street loading space regulations of the district in which the building or use is located;

(5) Unless such building or structure is located on a lot as herein defined and in no case shall there be more than one main building on a lot except as specifically provided hereinafter.

18.02

YARD REQUIRED FOR CORNER AND THROUGH LOTS:

(1) In any district the side yard of a corner lot that abuts the side street shall have the same setback requirements as the front yard.

(2) A rear yard shall be provided parallel to and opposite from the front yard.

(3) On through lots the front yard requirements shall apply to all street frontages.

18.03

RESERVED

18.04

LOTS ADJOINING ALLEYS:

18.05A

ACCESSORY BUILDINGS:

In a residential zone, no garage or other accessory building shall be erected within a required side yard or front yard.

When located at least sixty (60) feet from the front property line and completely to the rear of the main dwelling, the accessory building may be erected not less than eight (8) feet from the side or rear lot lines. Provided that when access to a garage is from an alley, such garage shall be located not less than ten (10) feet from the alley.

When located less than sixty (60) feet from the front property line and not completely to the rear of the dwelling, garages shall be constructed as a part of the main building or connected thereto by a covered breezeway.

Corner lot accessory buildings must be placed within the boundaries of the required rear yard as governed by Article #7, Sec. 7.09, Yard & Lot Requirements or Article # 17, Sec. 17.05, PD-1 Planned Residential Development and not less than 8' from the side and rear lot lines.

No detached accessory building measuring up to three hundred (300) square feet in Residential and B-1 Districts shall exceed one (1) story or twelve (12) feet in height and no detached accessory building in Residential and B-1 Districts measuring from 301-600 square feet shall exceed one (1) story or 15' in height.

Detached accessory buildings (including garages) constructed on a one-family lot shall not exceed, in the aggregate, six hundred (600) square feet.

18.05B

SWIMMING POOLS:

(1) Every outdoor swimming pool, or the entire rear yard of the property on which it is located, shall be completely fenced or walled to prevent uncontrolled access. The fence or wall shall be not less than five (5) feet in height and shall be maintained in good condition with a gate or device that shall be self-locking and secured when not in use. Fences surrounding pools shall meet the requirements of Section 18.06(1)(a). A dwelling, house or accessory building may be used as part of such enclosure; and

(2) Above ground pools, the circumference of which are decked and completely fenced, and the top of the fence is not less than five (5) feet above the ground level are considered to meet the fence height requirements. All other provisions in Section 18.05(B)(1) apply.

18.05C

Temporary Storage Units

A temporary storage unit may be permitted in any residential, commercial, or agriculturally zoned lot provided the following criteria are met:

(a) A permit is required for the use and placement of a temporary storage unit

(b) Only one unit may be permitted on any property at any time for a maximum of thirty (30) days, not more than three (3) times per calendar year.

(c) Each use requires a permit. Permits can be issued, and units onsite, consecutively, but not concurrently.

(d) Unit must be placed on a hard surface driveway in the front or side of the building, totally visible from the right-of-way.

(e) Unit must be placed on private property, behind the sidewalk and out of the right-of-way.

(f) Unit must maintain a minimum of two (2) feet of separation from any building located on the same parcel as the unit.

(g) Unit shall remain closed when not being loaded or unloaded.

(h) No substance may leak from inside the unit. No trash or refuse may be stored within the unit.

(i) No unit shall be located closer to an adjacent parcel than the required minimum side or rear yard setback for accessory uses in the district the unit is located.

(j) No unit shall be used for human or animal occupation.

(k) No unit shall be located in such a manner on any property as to create a public nuisance.

18.06

FENCES & WALLS:

(1) Non corner lots:

(a) Side and rear yards:

No fence or wall shall exceed six (6) feet in height unless it is ten (10) or more feet from the property line. In residential zones, chain link, wire or wire mesh fences shall not exceed five (5) feet in height unless ten (10) or more feet from the property line. Side yard fences and walls shall not extend forward of the house or front setback line. All fences shall be constructed with supporting fence posts placed facing the interior of the lot.

(b) Front yard:

No fence or wall shall exceed four (4) feet in height above the ground; be made of wire or chain link; be closer than five (5) feet to the front property line.

(2) Corner and double frontage lots:

(a) Fences and walls on both streets shall meet above front yard requirements.

(3) Swimming pool fence See Section 18.05B Swimming Pool

(4) Ornamental fences and those, which do not actually complete the enclosure of a yard, are considered an "Other" permit for purposes of the required fee.

18.07

REMOVAL OF SOIL, SAND OR OTHER MATERIAL:

The use of land for the removal of topsoil, sand or other material from the land other than materials from basement excavations is not permitted in any zone except under a temporary permit from the Board of Zoning Appeals; this permit may be denied or issued in appropriate cases after the filing of an application accompanied by a suitable agreement or bond that such removal will not cause stagnant water to collect or leave the surface of the land, at the expiration of such permit, in an unstable condition, or unfit for the growing of turf or for other land uses permitted in the district in which such removal occurs.

18.08

ESSENTIAL SERVICES:

Essential services shall be allowed in any district insofar as permitted, authorized, or regulated by law or other ordinance. Buildings required in conjunction with an essential service may be permitted in any district when approved by the Planning Board. In granting such permission, the Planning Board shall take into consideration the location, size, use and effect such building will have on the adjacent land and buildings.

18.09

EXTERNAL EFFECTS:

No land, building or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard; noise, brilliant light, vibration; smoke, dust, fumes, odor or other form of air pollution; heat, cold, dampness, electrical or electronic disturbances, nuclear radiation, or any other condition, substance or element as per applicable federal standards to any person or property outside of the premises on which such building, structure or use is located; such uses when lawfully permitted under the provisions of this ordinance shall be operated in a manner so as to insure that the property rights of all other parcels of land will not be adversely affected to the extent of reducing the enjoyment of property rights thereon.

18.10

OUTDOOR STORAGE AND WASTE DISPOSAL:

Every use shall be operated in accord with the following provisions:

(1) No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground except in an industrial district. Tanks or drums of fuel directly connected with heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision;

(2) All outdoor storage facilities for fuel, raw materials and products shall be enclosed by a fence, wall or planting to conceal such facilities from adjacent residential property;

(3) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by wind, flood or natural causes or forces;

(4) All materials or wastes which might cause fumes, dust or which constitute a fire hazard or which may be edible or attractive to rodents or insects shall be stored outdoors only in closed containers constructed of impervious material.

18.11

PROJECTIONS INTO REQUIRED YARDS:

(1) Chimneys, flues, sills, pilasters, cornices, eaves, gutters, and other similar features may project into a required side yard a maximum of eighteen (18) inches.

(2) Front yards:

No structure may project into a required front yard; however, unroofed porches and steps may extend from the dwelling into the required front yard a maximum of ten (10) feet.

(3) No structure may project into a required side yard except that, where a single lot under one ownership existed in a residential district at the time of passage of this Ordinance, and such lot is of insufficient width to meet the side yard requirements of this Ordinance, the Board of Zoning Appeals may grant a minimum variance to permit the construction of a one-family residence.

18.12

EXCEPTIONS TO HEIGHT LIMITATIONS:

Chimneys, domes spires and necessary mechanical appurtenances and radio and television towers may exceed district height limitations.

(1) Public, semi-public or public service buildings, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding ninety (90) feet when the required side and rear yards are each increased by one (1) foot for each foot of additional building height above the height regulations for the district in which the building is located, provided, however, that prior to the issuance of a zoning permit for any structure which is planned to exceed thirty-five (35) feet in height, the Planning Board shall make a finding that any such excessive height will not be detrimental to the public safety; to the light, air or privacy of any other structure or use currently existing or approved for construction.

(2) Commercial radio and television towers shall be located centrally on a continuous parcel having a dimension at least equal to the height of the tower measured from the center of the base of the tower to all points on each property line.

(3) Except as otherwise provided herein, an amateur radio station antenna shall be erected at heights and dimensions to accommodate such service communications. Required permits must constitute the minimum practicable regulation necessary to accomplish the city's legislative authority purposes.

18.13

TEMPORARY USES:

In any district, subject to the conditions stated below, the Enforcing Officer may issue a permit for the following temporary uses:

(1) Temporary building or yard for construction office, material, or equipment, provided such use is adjacent to the construction site and removed when construction is completed. Each permit shall be valid for six (6) months and may be renewed if construction is underway and shall be removed when construction is completed or discontinued for more than thirty (30) days.

(2) Temporary office incidental and necessary to real estate sales and rentals. Each permit shall be valid for one (1) year and may be renewed for one (1) additional year if conditions warrant such renewal.

(3) Building and yard locations shall be subject to such conditions and safeguard as the Enforcing Officer may deem necessary to preserve the character of the surrounding area.

(4) Gatherings under canvas or in open:

Temporary tents for special events are permitted in residential districts for a maximum of one week per event. A zoning permit is required for temporary tents measuring 400 square feet or larger.

18.14

MAJOR STREET SETBACKS:

Any building or structure shall hereinafter be constructed in accordance with the required front yard setback in the district in which it is to be

located, measured from the required right-of-way line on major streets and secondary streets designated as such on the Major Thoroughfare Plan.

18.15

OFF STREET LOADING REGULATIONS:

On the same premises with every building or structure or part thereof, erected and occupied for commerce, industry, public assembly, or other uses involving the receipt or distribution by vehicles of materials or merchandise, there shall be provided and permanently maintained adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets or alleys in conformance to the following:

(1) General Provisions:

(a) Screening:

Off street loading spaces that adjoin or are across a street or alley from property zoned for residential use, shall have a dense evergreen planting, fence, masonry wall or such other screening, as may be determined by the Planning Board. The Planning Board shall also determine the height, location and density of screening used to provide adequate protection to adjoining property.

(b) Entrances and Exits:

Off street loading spaces shall be provided with entrances and exits not less than twelve (12) feet in width and so located as to minimize traffic congestion.

(c) Dimensions:

Each off-street loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length and fifteen (15) feet in height, exclusive of access drives.

(d) Projections into yards:

Off street loading spaces may occupy all or any part of any required rear yard space.

(2) Amount of Loading Space Required:

The minimum amounts of off-street loading space shall be provided according to the table below. An area adequate for maneuvering, ingress and egress shall be provided in addition to required loading space.

<u>Sq Ft of Gross Floor Area</u>	<u>Required # of Spaces</u>
(a) Up to 10,000 sf	1
(b) 10,001 to 20,000 sf	2
(c) 20,001 to 40,000 sf	3
(d) 40,001 to 75,000 sf	4
(e) 75,001 to 125,000 sf	5
(f) For each add'l 50,000 sf	1 add'l space

18.16

OFF STREET PARKING REGULATIONS:

Hereafter no building shall be erected or altered, and no land used unless there be provided adequate off-street parking space or spaces for the needs of tenants, personnel, and patrons together with means of ingress or egress.

(1) General Provisions:

(a) Single Family Residential off-street parking spaces shall consist of a parking strip, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve and subject to the provisions of Sections 18.03, 18.04 and 18.05, Accessory Buildings, of this Ordinance.

(b) Any area once designated as required off street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.

(c) Off street parking existing at the effective date of this ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

(d) Two or more buildings or uses may collectively provide the required off street parking in which case the required number of parking spaces shall not be less than the sum of the

requirements for the several individual uses computed separately.

(e) In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Zoning Appeals may grant an extension.

(f) The storage or sale of merchandise or the commercial repair of vehicles is prohibited.

(g) For those uses not specifically mentioned, the requirements for off street parking facilities shall be in accord with a use which the Board of Zoning Appeals considers as being similar in type.

(h) Ingress and Egress:

A suitable means of ingress or egress for vehicles to premises used for parking shall be provided and shall open directly from and to a public street, alley, or highway. The width of any exit, or entrance, adjoining property or opposite property zoned for residential uses shall be approved by the Traffic Engineer or Planning Board prior to obtaining any permit; therefore, the Traffic Engineer or the Planning Board may require the owner to provide acceleration and/or de-acceleration lanes where traffic volumes indicate the need.

(i) Fencing, wheel stops, or other physical barriers shall be provided for all boundaries of the parking area except at points of ingress and egress to prevent encroachment of vehicles.

(j) Pavement:

(1) All parking lots or parking spaces shall be surfaced with a hard dust-free surface in conformance to the standards of the Bellbrook Service Department. For zoning purposes, compacted gravel is not considered a dust-free surface;

(2) The parking of vehicles on grass or other areas not designated for parking shall be prohibited.

(k) Lighting:

If the parking lot is to be open for use after dark, it shall be provided with not less than one half (1/2) lumen of light per square foot of parking lot surface or the recommendation of the City Engineer. Lights shall be shielded so as not to shine directly, or in an offensive manner, on the adjoining residential property.

(l) Screening:

When a parking lot abuts a residential zone, there shall be permanently maintained along such boundary, screening as provided in Section 18.17.

(m) Plot Plan to be Filed:

Prior to constructing an accessory parking lot, the owner or person in charge of the land to be used for parking shall submit a plot plan to the Zoning Inspector who will submit same to the Planning Board, the Bellbrook Service Department, Bellbrook Police Department or other agencies for their consideration and recommendations. Such plot plan shall show the boundaries of the property, location of adjacent houses, parking spaces, circulation patterns, drainage plan and construction plan for boundary walls and planting plan.

(n) Restricted Accessory Parking Areas:

The Board of Zoning Appeals may permit accessory parking within an adjacent lot zoned for residential uses, providing:

(1) Such lot is necessary for the public convenience and will not have an adverse effect on adjacent properties.

(2) A public hearing is held in accordance with the procedure given in Section 20.08.

(3) Compliance with all provisions of Section 18.16 of this ordinance.

(4) No parking shall be permitted between the street line and the building line prevailing in the zone in which the proposed parking area is to be located. The

resulting open area shall be planted in grass or otherwise landscaped to create a permanent green area.

(5) A dense evergreen planting with a minimum height of four (4) feet and a mature height of at least five feet, six inches (5'6"), or solidly constructed decorative fence shall be permanently maintained along the mutual boundary of the restricted accessory parking area and adjacent land zoned for residential uses except for the portion of such boundary located within a required front yard.

(6) Whenever a lot located in a residential zone is used for accessory parking purposes and is located across the street from land in a residential zone, that portion of the lot used for parking purposes shall be screened from the street as specified in paragraph five (5) above, except for access drive. Such screening to be placed along the setback line.

(7) Ingress and egress for vehicles to any premises used for parking under conditional use permit by the Board of Zoning Appeals shall be by means of streets or alleys through business or industrial areas, not by means of streets or alleys through residential areas.

(o) When Off Street Parking Cannot be Located on the Lot with the Use:

Where off street parking required in connection with a use cannot be located on the lot with the use, such parking may be provided off the lot, subject to the following requirements:

(1) If the use is multi-family, hotel, motel or tourist home, the off-lot spaces shall be within two hundred (200) feet of the principal entrance or the entrance for individual occupants for whom spaces are reserved.

(2) If the use is other than multi-family, hotel, motel or tourist home, the furthest portion of the parking lot shall be within five hundred (500) feet of an entrance to

the establishment.

(3) Distances indicated above shall be measured along routes generally available to the pedestrians involved.

(4) If and so long as satisfactory attendant parking service is provided, or if for employees of the establishments, parking spaces may be at greater distances than those indicated above.

(5) Such off-lot spaces shall be located only in districts in which similar off-street parking is permitted.

(6) The off-lot parking area shall be:

(A) Held in fee simple by the same owner as the use requiring the off-street parking space or,

(B) Under lease, rental, or other form of agreement satisfactory to the administrative official as assuring continuing availability for required off street parking for the use, or

(C) Established by the City for the purpose of providing such off-lot parking for specific areas and/or land uses and with number of spaces allocated by specific individual lots. Where, and to the extent that such lots serve other uses, spaces allocated may be similarly marked and reserved, in whole or in part, or may in whole or in part be made available for general public use.

(2) AMOUNT OF OFF-STREET PARKING SPACE REQUIRED:

The amount of required off street parking spaces for new uses or building additions thereto and additions to existing buildings, shall be determined in accordance with the following minimum parking provisions provided that no parking area shall project into a required front yard in any residential district or be permitted between the curb line and building line in any district, except as hereinafter noted.

(a) One Family Dwelling:

Two (2) spaces for each family unit plus one (1) space for each roomer, one (1) of which may project into the required front yard.

(b) Two Family Dwelling:

Two (2) parking spaces for each family, plus one (1) space for each roomer.

(c) Multiple Family:

Two (2) parking spaces per dwelling unit plus one (1) space per each employee.

(d) Apartment Hotel:

One (1) space per apartment, plus one (1) for each employee.

(e) Housing for the Elderly:

One (1) parking space for each two (2) units, plus one (1) space for each employee.

(f) Boarding House:

One (1) parking space for each sleeping room.

(g) Hotel or Motel:

One (1) space per unit, plus one (1) for each employee.

(h) Churches:

One (1) parking space for each three (3) seats in the main building.

(i) Hospitals:

One (1) for each two (2) beds, plus one (1) for each staff doctor, plus one (1) for each two (2) full time employees on shift, including nurses.

(j) Sanitariums, Convalescent Homes or Children's Homes:

One (1) for each two (2) beds, plus one (1) for each two (2) employees.

(k) Elementary and Junior High Schools:

One (1) parking space for each employee, plus parking space for each eighty (80) square feet in the main auditorium, not containing fixed seats, or one (1) space for six (6) fixed seats in the main auditorium whichever is greater.

(l) Senior High Schools:

One (1) parking space for each employee, plus one (1) parking space for each ten (10) students, or one (1) parking space for each eighty (80) square feet of floor area in the main auditorium not containing fixed seats, or one (1) parking space for each six (6) fixed seats in the main auditorium, whichever is greater.

(m) College and Business University:

One (1) for each two (2) employees, plus one (1) for each three (3) students.

(n) Libraries, Museums or Art Galleries:

One (1) for each six hundred (600) square feet of floor area, plus one (1) for each three (3) employees.

(o) Post Office:

One (1) for each five hundred (500) square feet of floor area, plus one (1) for each three (3) employees.

(p) Private Clubs, Lodges:

One (1) parking space for each three (3) persons allowed by fire, health or building codes.

(q) Bowling Alleys:

Five (5) parking spaces for each alley.

(r) Public Golf Courses:

Six (6) parking spaces for each golf hole, plus one (1) space for each employee.

(s) Sports Arenas (Indoor), Auditoriums, Theatres, Assembly Halls (other than in schools):

One (1) parking space for each two and one half (2 ½) seats, plus one (1) for each two (2) employees.

(t) Stadium, Sports Arena or Similar Place of Outdoor

Assembly:

One (1) parking space for each three (3) seats.

(u) Professional Offices, Medical Clinics:

One (1) parking space for each two hundred fifty (250) square feet of floor area with a minimum of twelve (12) spaces. When professional offices are maintained in a residence as a home occupation, one (1) parking space for each one hundred (100) square feet or major fraction thereof of the residence used as office area shall be provided in addition to that required for the residing family or families.

(v) Office Building:

One (1) parking space for each two hundred (200) square feet of gross floor area excluding any floor space used for parking.

(w) Banks, Dry Cleaning, Laundries and Similar Service Business:

One (1) parking space for each two hundred fifty (250) square feet of floor space.

(x) Drive-In Banks with Inside Customer Service:

Five (5) spaces for each teller window, plus one (1) for each employee; without inside customer service, one (1) space for each employee.

(y) Auto Service Station:

Six (6) spaces per bay.

(z) Automobile Sales and Service Garage:

One (1) parking space for each two hundred (200) square feet of floor area in the main display room plus one (1) space for each employee.

(aa) Used Car Lot:

One (1) space for each fifteen hundred (1500) square feet of lot area.

(bb) Barber Shops and Beauty Parlors:

One (1) for each chair, plus one (1) for each employee.

(cc) Drive-In Eating Establishments and Fast-Food Establishments (where food is served directly to customers in parked motor vehicles, or food is served within the structure but may be consumed within the structure or on the premises outside the structure):
Three (3) parking spaces for each one hundred (100) square feet of gross floor area.

(dd) Furniture and Appliances, Household Equipment, Decorator, Electrician, Shoe Repair:
One (1) parking space for each eight hundred (800) square feet of floor area plus one (1) space for each two (2) employees.

(ee) Laundromats:
One (1) space for each two (2) washing machines.

(ff) Mortuaries or Funeral Homes:
One (1) parking space for each fifty (50) square feet of floor area in the slumber rooms, parlors, or individual funeral service rooms.

(gg) Restaurants, Taverns, and Carry-Outs:
One (1) parking space for each one hundred (100) square feet of gross floor area.

(hh) Retail Stores and Shopping Centers:
Six (6) parking spaces for each one thousand (1000) square feet of gross floor area.

(ii) Contractor Yards or Plant Storage Yard:
One (1) space for each three (3) employees.

(jj) Warehouses, Wholesale Stores:
One (1) parking space for each eight hundred (800) square feet of floor area.

(kk) Manufacturing Plants or Research Laboratories:
One (1) space for each one and one half (1 ½) employees per largest work shift.

(II) In the case of a use not specifically mentioned, the requirements for off street parking shall be the same as for a similar use specifically mentioned, similarly, to be determined by the Enforcing Officer.

18.17

SCREENING:

Hereafter no buildings or structures shall be erected, altered or enlarged nor shall land be used for any non-residential use on a lot that adjoins or faces any residential district until a plan for screening has been submitted and approved by the Enforcing Officer or Planning Board.

(1) Screening shall be provided for one (1) or more of the following purposes:

- (a) A visual barrier to partially or completely obstruct the view of unattractive structures or activities;
- (b) As an acoustic screen to aid in absorbing or deflecting noise;
- (c) For the containment of debris and litter.

(2) Screening may be one of the following or a combination of two (2) or more:

- (a) A solid masonry wall;
- (b) A solidly constructed decorative fence;
- (c) Louvered fence;
- (d) Dense evergreen plantings;
- (e) Deciduous trees and shrubs.

(3) Location of Screening:

Whenever any non-residential use abuts a residential district, a visual screening wall, fence, or a planting shall be erected or placed along such mutual boundary lines.

(4) Height of Screening:

Visual screening walls, fences or plantings shall be at least five feet, six inches (5'6") high except in required front yards when maximum height shall be not greater than two feet (2'0").

(5) Depth or Width of Screening:

Screening for purposes of absorbing or deflecting noise shall have a depth of at least fifteen (15) feet of dense plantings or a solid masonry wall in combination with decorative plantings.

(6) Protection:

Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts or curbing to avoid damage by vehicles.

18.18

RESERVED

18.19

SEPTIC TANKS OR WELLS:

Any residential construction utilizing wells and/or septic tanks shall be situated on a lot having a minimum site area of three fourth (3/4) of an acre.

18.20

PERMITTED SIGNS

Subsection 18.20A applies and governs signs in all districts. Subsection 18.20B modifies and delineates special controls for signs in the Old Village District.

18.20A

PERMITTED SIGNS (GENERAL):

(1) PURPOSE:

The purpose of this sign section of the ordinance is to:

(a) Protect each person's Constitutional right to freedom of speech; and

(b) Protect the public health, safety, convenience, comfort, prosperity, and general welfare.

(2) OBJECTIVES:

This section, 18.20A, regulates the time, place, and manner in which signs are displayed to achieve the following:

(a) Primary Objectives:

(1) Permit non-commercial signs on any property within the city;

(2) Permit signs, which do not create a potential hazard to the public safety; and

(3) Permit commercial signs appropriate to the land use and/or zoning classification of each property within the city.

(b) Secondary Objectives:

(1) To create a more aesthetically pleasing city; and

(2) To eliminate visual clutter within the city.

Commentary: A fundamental concept to understanding this sign section 18.20A of the Zoning Ordinance is the classification of a sign into the following two broad categories: (1) permanent versus temporary; and (2) commercial versus non-commercial.

(3) DEFINITIONS:

(a) Building Frontage:

Building frontage shall mean the maximum horizontal width of the ground floor of a building that approximately parallels and faces an adjacent public right-of-way of at least fifty (50) feet in width. In the case of a building with multiple occupants, the maximum horizontal width of the portion of the building where each occupant's main entrance is located shall be considered that occupant's separate and distinct building frontage. In the case where the ground floor of a building is occupied by two (2) or more different tenants, the portion of the building frontage occupied by each tenant shall be considered a separate and distinct building frontage. Corner lots and through lots shall be considered to have only one (1) distinct and separate building frontage.

(b) Commercial Message:

Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

(c) Legible:

A message that is legible from a particular location is one that can be comprehended by a person with eyesight adequate to obtain a current Ohio driver's license standing in the public right-of-way way or other location from which legibility is to be determined. Where such facts are material, it shall be presumed that the observation takes place in daylight hours, and that the person making the observation is standing and is between five feet two inches (5'2") and six feet (6') tall.

(d) Localized Background:

A localized background is any distinctive material, pattern or color that provides a visual background for the sign message and that distinguishes a sign from a larger surface against which it is placed.

(e) Sign:

A sign shall mean any visual communication device utilizing a letter, a word, a number, a symbol, a picture, an object, color, illumination or motion, the major function of such device being to convey visual information to or attract the visual attention of:

(1) A person within a public right-of-way; and/or

(2) A person not on the premises on which the visual communication device is located.

The term "sign" shall specifically include the following:

(1) Any localized background which is a part of or is placed in conjunction with a sign for the purpose of improving the visibility of the sign; and,

(2) Any artificial illumination device whose major function is to provide illumination of the visual information conveyed by a sign.

The following are types of signs:

(1) Directional Signs:

A directional sign is a sign that conveys information that pertains to the direction of traffic movement onto or within a premises.

(2) Ground Signs:

A ground sign is a sign not attached to a building.

(3) Projecting Sign:

A projecting sign is a sign supported by a building wall or column and extending a distance exceeding twelve (12) inches from the wall.

(4) Roof Sign:

A sign mounted vertically on a pitched roof which overhangs a wall at ground level.

(5) Wall-Sign:

A wall sign is a sign which is located on or formed by the surface of the wall of a building. A mansard roof facade on a building shall be considered part of the wall.

(6) Portable Sign (prohibited):

Any sign not attached to the ground or other permanent structure or a sign to be transported, including, but not limited to, signs designed to be transported by means of wheels; balloons used as signs, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. This definition does not include "sandwich board" signs.

(f) Sign Area:

The sign area shall mean the total area in square feet of all the visible information-conveying surface area(s) of a sign including all localized backgrounds but excluding all materials not conveying significant visual information and whose major function is providing structural support for the sign. An irregular shaped sign surface area shall be measured by calculating the surface area of a simple plane or solid geometric shape, which approximates the size and shape of the sign surface area. The area of individual elements of a sign placed against a non-localized background such as letters placed against a wall, shall be measured by calculating the area of the smallest single rectangle which would completely enclose all elements of the sign.

(g) Sign-Height:

Sign height shall mean the maximum vertical height in feet that the highest part of a ground sign extends above the surface of the ground underneath the sign.

(h) Sign - Permanent:

A permanent sign is a sign permitted by this Ordinance to be located on a premises which is permanently anchored for an unlimited period of time.

(i) Sign-Sandwich Board:

A temporary sign with two (2) hinged boards which can be placed on the ground. A sandwich board sign is not considered a portable sign under this ordinance. A sandwich board shall only be displayed during the hours in which the business is open.

(j) Sign - Temporary:

A temporary sign is a movable sign permitted by this Ordinance to be located on a premises for a limited period of time. A temporary sign is not considered a portable sign under this ordinance.

(a) any sign located on a premise in conjunction with any election is considered a temporary sign under this ordinance and must conform to all standards of a temporary sign, except; any temporary sign in conjunction with any election shall only be displayed thirty (30) days prior to that election and must be removed within two (2) days after that election on any non-residential property.

(4) SIGNS EXEMPT FROM ORDINANCE:

The following signs are not subject to the provisions of this Ordinance:

(a) Signs Inside Buildings:

Any sign located inside or behind a window shall not be subject to any provision of the Ordinance, except the

Prohibited Signs and Sign Characteristics contained in this Ordinance.

(b) Other Signs:

Other signs that are not legible from the public right-of-way or from private property other than that on which the building is situated.

(5) SIGNS PARTIALLY EXEMPT FROM ORDINANCE:

The following signs may be erected or constructed without a permit, but may be subject to additional regulations under this section. Where a sign is erected pursuant to a state statute or a court order, the sign may exceed the size standards of this ordinance or otherwise deviate from the standards set forth in this ordinance to the extent that the statute or court order expressly requires the larger size or other deviation. In all other respects, such signs shall conform to the standards of this ordinance:

(a) Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message;

(b) Signs installed by employees or officials of a state or federal agency in the course of their governmental duties and bearing no commercial message;

(c) Signs installed by employees or officials of the City of Bellbrook or of Greene County in the course of their governmental duties and bearing no commercial message;

(d) Signs required by a state or federal statute;

(e) Signs required by an order of a court of competent jurisdiction;

(f) Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message as necessary to identify the use; and

(g) Signs installed by a transit company with a franchise or other right to operate in the City of Bellbrook, where such signs are installed along its routes and relate to schedules or other information about the transit route.

(6) SIGNS PERMITTED IN PUBLIC RIGHT-OF-WAY.

The following signs, and only the following signs, shall be allowed in the public right-of-way:

(a) Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message;

(b) Signs installed by employees or officials of a state or federal agency in the course of their governmental duties and bearing no commercial message;

(c) Signs required by a state or federal statute;

(d) Signs installed by employees or officials of the City of Bellbrook or Greene County;

(e) Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message is necessary to identify the use;

(f) Signs installed by a transit company with a franchise or other right to operate in Bellbrook, where such signs are installed along its routes and relate to schedules or other information about the transit route; and

(g) In the Old Village District only, sandwich board signs located on sidewalks in conformance with Sec. 18.20B. For display of non-commercial sandwich board signs, see Section 18.20A(9)(h).

(7) SIGNS ALLOWED WITHOUT A PERMIT:

The following signs shall be exempt from the permit requirements of this ordinance but shall be subject to all other standards of this ordinance:

(a) Signs installed by employees or officials of the City of Bellbrook that do not fall under one of the broader exemptions of this section;

(b) Detached signs smaller than two (2) square feet in area and less than four (4) feet in height, and containing no commercial message;

(c) Wall signs smaller than two (2) square feet in area and containing no commercial message; and

(d) In residential districts only, temporary signs allowed by this ordinance that have no more than six (6) square feet of sign area per side or (twelve (12) square feet total sign area.

(8) PROHIBITED SIGNS AND SIGN CHARACTERISTICS:

The following signs are prohibited in the city:

(a) Any sign erected at or near any intersection of any street in such a manner as to obstruct free and clear vision between the height of three (3) feet from the ground and the height of nine (9) feet from the ground;

(b) Any sign which by reason of any combination of location, position, shape, or color, may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or which makes use of the word "stop"; "look"; or "danger"; or other word phrase or symbol in such a manner as to interfere with, mislead, or confuse traffic;

(c) Any lighter-than-air or inflatable sign situated on, attached or tethered to a premises;

(d) Any sign, which conveys at any time the visual sensation or appearance of motion, or presents a non-constant visual image to the eye of an observer;

(1) 'Visual sensation or appearance of motion' shall not include a change of message that is completed in less than one (1) second. The change of message shall appear as a seamless transition from one message to the next and shall include no special visual effects: and

(2) A message display period of five minutes or longer shall constitute a constant visual image;

(e) Any sign with lighting directed out or away from the sign so that the light is cast directly onto or toward a public street or sidewalk or toward private property other than the premises on which the sign is located;

(f) Any sign utilizing a fixed or mobile beacon, strobe light, search light, signaling light, spot light, or similar apparatus, equipment or device, which is directed above or outside of a premises in such a manner so as to attract an unusual amount of visual attention of persons not located on the premises;

(g) Any sign or part thereof which utilizes flame as a source of light;

(h) Any sign utilizing an energized lamp bulb where the surface of the bulb is directly visible to persons not located on the premises;

(i) Any sign mounted on a roof, attached to a roof or integrated into a roof except as permitted for certain special cases as allowed under §18.20A(12)(c)(2), and for certain buildings in the B-4 zoning district of the Old Village District, and as permitted more fully set forth in §18.20B(3)(d), and

(j) Any portable sign.

(9) GENERAL PROVISIONS:

A sign shall be designed, erected, altered, reconstructed, moved, and maintained in accordance with the provisions of this section of this Ordinance unless specifically modified by another section of this Ordinance.

(a) Permits Required:

A Zoning Permit shall be obtained for erection, construction, relocation, or alteration of any permanent or temporary sign unless exempted from this Ordinance or from permit requirements by the express terms of this Ordinance. Installation of any sign shall conform to all city zoning, building, electrical and fire codes.

(b) Non-Conforming Signs:

See: Sec. 18.20B, Non-Conforming Signs, Non-Conforming Lots, Non-Conforming Uses of Land, Non-Conforming Structures; Non-Conforming Uses of Structures and Premises and Non-Conforming Characteristics of Use, Section 18.21 of this Ordinance.

(c) Maintenance of Signs:

Every sign, which requires a sign permit, shall be maintained in a safe, presentable, and good structural condition at all times, including the replacement of a defective part, painting, cleaning, and other acts required for the maintenance of said sign. Permits shall not be required for:

- (1) Routine maintenance of any sign, not involving structural changes to the sign; and
- (2) Changes of message, either manually or electronically, on an electronic message sign, changeable copy sign, subject to limitations of this ordinance on the frequency of message changes.

(d) Dangerous or Defective Signs:

A sign in dangerous or defective condition shall not be permitted on any premises. Any such sign shall be removed or repaired promptly upon receipt of notice from the City Manager or his/her designee. The City Manager may immediately remove or cause to be removed any dangerous or defective sign which, in the opinion of the City Manager, creates an immediate or potential danger to persons or property due to structural

deficiencies, inadequate maintenance, or because of the location of the sign.

(e) Location of Signs:

All signs shall be located on private property and a minimum of 15 feet from the paved edge of the road. Signs shall not be permitted in the public right-of-way nor in a median, sidewalk or tree lawn area. Signs shall not be affixed to any improvement (utility pole, traffic control device, bridge, guardrail, or other safety barrier) within such right-of-way or within required sight distance of or on city owned property or buildings, except within lawful proximity of polling places on Election Day, under rules established by the Greene County Board of Elections. Any sign erected in the public right-of-way or on public property in violation of this ordinance shall be deemed abandoned and may be removed by the City Manager or his/her designee without notice or compensation to the owner. Removal by a city official shall not affect the penalties applicable for the unlawful erection or placement of a sign in the public right-of-way or on public property.

(f) Duration of a Permanent Sign:

Any sign permitted in this Ordinance shall be considered to be a permanent sign unless otherwise stated in this Ordinance.

(g) Sign Location with Respect to Frontages:

Allowed signs in Business, Industrial or other non-residential Districts are determined in part by the frontage of the premises on particular roads; where the sign area is calculated based on the frontage on a particular road or street, the allowed sign shall be located along that road or street frontage, regardless of the fact that the premises may have frontage on other streets or roads.

(h) Non-Commercial Messages:

Any sign allowed under this ordinance or a predecessor ordinance, by sign permit, by conditional use permit, or by variance, may contain, in lieu of any other message or copy, any non-commercial message that does not direct attention to a

business operated for profit, or to a product, commodity, or service for sale or lease, or to any other commercial interest or activity, so long as said sign complies with the size, height, area, and other requirements of this ordinance. The substitution of a non-commercial message may be made without any additional approval or permitting.

(i) Commercial Messages:

All commercial information conveyed by any sign permitted under this Ordinance must pertain to commercial activities lawfully conducted on the premises on which the sign is located. For purposes of this provision, the offering of a property for sale or lease shall be considered a commercial activity conducted on the premises.

(j) Ground Sign:

(1) Setback:

Unless otherwise stated in this ordinance, any temporary or permanent ground sign or any part thereof shall be set back a minimum distance of ten (10) feet from any right-of-way.

(2) Lot Frontage:

A ground sign shall be allowed only on a lot which has lot frontage on a public right-of-way. Corner lots and through lots shall have only one (1) lot frontage.

(3) Landscaping Requirements:

A permanent ground sign shall require a single continuous landscaped area to be maintained beneath the sign in accordance with the following standards:

- (A) The minimum size of landscaped area shall be equal to the total area of the sign; and

(B) The landscaped area shall include living plantings aesthetically located and maintained. The use of concrete, asphalt, or any other paved surface inside the required landscaped area beneath the sign shall be prohibited.

(k) Projecting Signs:

Where projecting signs are allowed, they shall conform with the following standards. A projecting sign:

- (1) Shall have vertical clearance of at least ten (10) feet above a sidewalk and fifteen (15) feet above a driveway;
- (2) Shall be attached to the building wall at an angle of ninety (90) degrees and no part of the sign shall project more than four (4) feet from the wall; and
- (3) Shall not extend higher on the wall than the bottom height of any second story window.

(l) Wall Signs:

Where wall signs are allowed, they shall conform with the following standards. A wall sign:

- (1) Shall not extend more than twelve (12) inches from the wall of the building upon which it is mounted;
- (2) Shall be inclined from the vertical only to the extent necessary for conformity to the general contour of the wall to which the sign is mounted;
- (3) Shall not extend above the top of the wall and shall not extend beyond the limits of any wall to which they are attached;

(4) Shall not obscure an architectural feature, such as but not limited to doors, windows or trim; and

(5) Shall have hidden structural supports.

(m) Temporary Signs:

The illumination of a temporary sign shall be prohibited.

(10) SIGNS PERMITTED FOR AGRICULTURAL ZONES:

(a) Permanent Signs, Generally:

(1) Permanent signs requiring a permit shall be prohibited on vacant or undeveloped land in agricultural zoning districts; and

(2) Permanent signs shall be allowed on a premises with a permanent building designed for human use or occupancy (not including storage or equipment sheds) in accordance with the further provisions of this sub-section.

(b) Occupied Land:

(1) Permanent Signs:

One (1) permanent ground sign shall be allowed for each occupied premises in the agricultural zoning district, subject to the following standards:

(A) The permitted sign area shall not exceed one (1) square foot of sign area per ten (10) linear feet of lot frontage and shall not exceed thirty-two (32) square feet per side or sixty-four (64) square feet total sign area;

(B) The sign shall not exceed six (6) feet in height;

(C) The sign shall be subject to the setback

standards applicable to ground signs in other zoning districts, as set forth under “General Provisions”; and

(D) The sign may bear any non-commercial message or a commercial message related to agricultural activity conducted or agricultural products sold on the premises.

(2) Temporary Signs:

Temporary signs shall be allowed in the agricultural zoning district subject to the following:

(A) Temporary signs shall be ground signs and shall not be attached to buildings, fences or walls;

(B) Such temporary signs shall not exceed twelve (12) square feet in area per side, or twenty-four (24) square feet total sign area, and shall not exceed six (6) feet in height;

(C) One (1) temporary sign bearing a commercial message related to the sale, lease or rental of the premises is allowed per frontage at any time;

(D) On occupied property, one (1) temporary sign may bear a commercial message related to temporary commercial activities lawfully conducted on the premises, including the occasional sale of personal property through a garage or yard sale, but no premises shall have a temporary sign bearing a commercial message (other than one related to the sale or lease of the property) for more than ninety (90) days per calendar year; and

(E) Any temporary sign may bear a non-commercial message. ~~If the non-commercial~~

~~message relates to an election or other event, such sign shall be removed within ten (10) days following the conclusion of the event; and~~

(F) The sign shall be located outside any public right-of-way but shall not be subject to the general ground sign setback provision.

(11) SIGNS PERMITTED FOR RESIDENTIAL ZONES:

(a) Permanent Signs Generally:

(1) Permanent signs, other than neighborhood entrance signs that conform to Section 11(f), requiring a permit shall be prohibited on vacant or undeveloped land in residential zoning districts; and

(2) Permanent ground signs are prohibited in all residential districts with the exception of permanent neighborhood entrance signs (f) and churches, schools or institutions (d); permanent wall signs are allowed in such districts in accordance with the further provisions of this section (11).

(b) Occupied Lots in Single- or Two-Family Residential Zones:

(1) Generally:

(A) No sign may be directly illuminated;

(B) Projecting signs shall be prohibited; and

(C) The provisions of this sub-section (b) apply to individual occupied residential lots in these districts; sub-section(d), (e) and (f) of this section apply to signs in other locations in these districts.

(2) Temporary Ground Signs:

No permanent ground signs shall be allowed. The following rules apply to temporary ground signs:

(A) Temporary signs shall be ground signs and shall not be attached to buildings, fences or walls;

(B) Such temporary signs shall not exceed six (6) square feet per side, or twelve (12) square feet total sign area, and shall not exceed four (4) feet in height;

(C) One (1) temporary sign bearing a commercial message related to the sale, lease or rental of the premises is allowed per frontage per premises at any time;

(D) One (1) temporary sign may bear a commercial message related to temporary commercial activities lawfully conducted on the premises, including the occasional sale of personal property through a garage or yard sale, but no premises shall have a temporary sign bearing a commercial message (other than one related to the sale or lease of the property) for more than thirty (30) days per calendar year;

(E) Any temporary sign may bear a non-commercial message. ~~If the non-commercial message relates to an election or other event, such sign shall be removed within ten (10) days following the conclusion of the event; and~~

(F) The sign shall be located outside any public right-of-way but shall not be subject to the general ground sign setback provision.

(3) Wall Sign:

Only one (1) wall sign shall be permitted on each dwelling unit and each sign shall not exceed one (1) square foot. The wall sign may bear any non-commercial message or a commercial message pertaining to a commercial activity lawfully conducted on the premises.

(c) Multi-Family Residential Zones:

(1) Generally:

(A) No sign may be directly illuminated;

(B) Projecting signs shall be prohibited; and

(C) The provisions of this sub-section (c) apply to individual occupied residential premises in these districts; sub-sections (e), (e) and (f) of this section apply to signs in other locations in these districts.

(2) Temporary Ground Signs:

No permanent ground signs shall be allowed. The following rules apply to temporary ground signs:

(A) Temporary signs shall be ground signs and shall not be attached to buildings, fences or walls;

(B) Such temporary signs shall not exceed six (6) square feet per side, or twelve (12) square feet total sign area, and shall not exceed four (4) feet in height;

(C) One (1) temporary sign bearing a commercial message related to the sale, lease or rental of the premises is allowed per frontage per premises at any time;

(D) One (1) temporary sign may bear a commercial message related to temporary commercial activities lawfully conducted on the premises, including the occasional sale of personal property through a garage or yard sale, but no premises shall have a temporary

sign bearing a commercial message (other than one related to the sale or lease of the property) for more than thirty (30) days per calendar year;

(E) Any temporary sign may bear a non-commercial message. ~~If the non-commercial message relates to an election or other event, such sign shall be removed within ten (10) days following the conclusion of the event; and~~

(F) The sign shall be located outside any public right-of-way but shall not be subject to the general ground sign setback provision.

(3) Wall Sign:

Only one (1) wall sign shall be permitted on each dwelling unit and each sign shall not exceed one (1) square foot. The wall sign may bear any non-commercial message or a commercial message pertaining to a commercial activity lawfully conducted on the premises.

(d) Signs for Institutional Uses:

Any school, house of worship, recreation center or other institutional use, including the Old Village District, may have the same signage allowed for any other use in the same zoning district in which it is located or the signs listed in paragraphs (1), (2) and (3), in this sub-section:

(1) One (1) detached ground sign, not to exceed thirty-six (36) square feet per side or seventy-two (72) square feet total sign area, or six (6) feet in height. Such signs may be illuminated;

(2) The number of wall signs shall be limited to one per each wall of the building and the total combined area of all wall signs shall not exceed one (1) square foot of sign area per linear foot of building frontage; and

(3) Signs conforming to the Manual of Uniform Traffic Control Devices and containing no commercial message are permitted in required off-street parking areas.

(e) Temporary Subdivision Signs:

As a temporary use accessory to the permitted activity of lawful subdivision development, one temporary sign per subdivision is permitted. There shall in no case be more than one (1) such sign for each fifty (50) lots in a proposed subdivision. Such sign shall not be illuminated and shall not exceed thirty-two (32) square feet per side, or sixty-four (64) square feet total sign area. Such signs shall be removed upon the sale of ninety percent (90%) of the lots in the subdivision.

(f) Permanent Neighborhood Entrance Signs:

Permanent neighborhood or multi-family monument signs, either illuminated or non-illuminated, are permitted. Such signs may include a masonry wall, landscaping or other similar materials or features. Such signs shall be located at the principal entrance(s) to the neighborhood on private property and not in the public right-of-way. Such signs may not exceed thirty-two (32) square feet per side or sixty-four (64) square feet total sign area, and six (6) feet in height.

(12) SIGNS PERMITTED FOR BUSINESS, INDUSTRIAL, OR OTHER NON-RESIDENTIAL ZONES (EXCLUDING THE OLD VILLIAGE DISTRICT):

(a) General-Provisions:

(1) All permanent signs may be illuminated. Temporary signs shall not be illuminated; and

(2) Signs for business, industrial, or other non-residential uses which are lawfully located in a residential zoning district shall be subject to the standards of this subsection (12).

(b) Ground or Projecting Signs:

(1) Only one (1) ground or projecting sign per street frontage shall be permitted on a premises;

(2) The ground or projecting sign shall not exceed one (1) square foot of sign area per one (1) linear foot of lot frontage not to exceed thirty-two (32) square feet per side or sixty-four (64) square feet total sign area; and

(3) Ground signs shall be a maximum height of six (6) feet at the minimum sign setback line and for every additional five (5) feet of sign setback, two (2) feet may be added to the sign height not to exceed a total sign height of sixteen (16) feet. (4) See (e)“DirectionalSigns”.

(c) Wall Signs:

(1) The number of wall signs shall be limited to one (1) per each wall of the building and the total combined area of all wall signs shall not exceed one (1) square foot of sign area per linear foot of building frontage; and

(2) In the case of a building with a pitched roof that overhangs a wall at the ground floor level in a manner that precludes the practical placement of a wall sign on any part of the wall of the building, that portion of the roof surface that overhangs the wall shall be considered part of the wall and a wall sign may be located on that overhanging roof surface provided that no part of the sign extends more than three (3) feet from the roof surface and that the sign height does not exceed two (2) feet. An application for a permit for a sign under this paragraph shall include a detailed drawing by a licensed architect or engineer showing how the sign will be placed and showing sufficient dimensional details to indicate that such placement will conform with the requirements of this paragraph.

(d) Temporary Signs:

(1) Temporary ground or wall signs shall be permitted.

(A) The sign area shall not exceed sixteen (16) square feet per side or thirty-two (32) square feet total sign area;

(B) The sign height shall not exceed six (6) feet;

(C) Only one temporary sign bearing a commercial message shall be allowed for each business address at one time;

(D) Temporary ground or wall signs with commercial messages are permitted for four (4) separate occurrences per business for a total of thirty (30) days per quarter of a calendar year; and

(E) Temporary ground or wall signs with non-commercial messages shall be allowed for an unlimited time, ~~but shall be removed within ten (10) days after the occurrence of any specific election or other event to which a sign refers.~~

(e) Directional Signs:

In addition to any other permanent or temporary sign permitted elsewhere in this Ordinance, permanent or temporary sign(s) which convey information which pertains to wayfinding onto or within a premises shall be permitted provided that:

(1) The sign area shall not exceed two (2) square feet per side or four (4) square feet total sign area;

(2) Sign height shall not exceed three (3) feet if located within twenty-five (25) feet of a public right-of-way or six (6) feet in height in any other location; (3) The sign shall be located outside any public right-of-way but shall not be subject to the general ground sign setback provision;

~~(34)~~ No commercial message on such a sign shall be legible from the public right-of-way or from private property other than the premises on which the sign is located;

~~(45)~~ Any commercial message, including the name or Logo of a business establishment, shall pertain to the premises on which it is located;

(~~56~~) For purposes of the previous two paragraphs, in the case of a shopping center or other multi-tenant property with a single site plan, the entire area under one site plan shall be considered a single premises, regardless of the fact that some occupants of the center may own their individual sites or spaces; and

(~~67~~) When located in the Old Village District, the sign shall comply with all the general design standards and general provisions applicable to signs located within the Old Village District.

18.20.B

PERMITTED SIGNS (OLD VILLAGE-DISTRICT):

(1) SCOPE-OF-REGULATIONS:

The intent of this section is to modify sign requirements and to delineate special standards for signs in the Old Village District as defined in Appendix H of the Comprehensive Plan of Bellbrook (adopted by Ordinance No. 74-32) to ensure that such signs are compatible with the general architectural character of the Old Village. These regulations are in addition to regulations contained in Section 18.20.A, but where there is conflict with Section 18.20.A, the regulations contained herein shall take precedence. A Review Board named Village Review Board shall be established by City Council to administer this section of the Zoning Regulations.

(2) NUMBER OF SIGNS PERMISSIBLE:

(a) Single Occupant-Buildings:

Single occupant buildings are permitted one (1) sign of each sign type (free-standing, wall/roof or projecting) no larger than the permissible size (see Section (4) below) for each frontage on a public street. One (1) additional sign no greater than one (1) square foot in area is permitted for each entrance, when flush mounted near the entrance for purposes of pedestrian information. No other exterior signs are permitted unless they are identified as a permitted exception in Section (7) "Exceptions."

(b) Multi-occupant Buildings:

Signs on buildings having more than one (1) occupant shall be controlled in the following manner:

(1) Each occupancy facing a public street or public access driveway with a door opening directly from the occupancy onto the public street or access shall be allowed one (1) sign of each sign type (free-standing, wall/roof or projecting) of the permitted size, for each street frontage.

(2) One sign of the permissible size (see Section (4) below) is permitted for each shared entrance. On this sign, all the building's occupants sharing the entrance may be listed.

(3) One (1) additional sign no greater than one (1) square foot in area is permitted for each building entrance, when flush mounted near the entrance for purposes of pedestrian information. No other exterior signs are permitted unless they are identified as a permitted except in Section (7) "Exceptions".

(3) LOCATION OF SIGNS:

(a) Projecting:

In no case should the sign or its supports extend above the highest point of the building supporting the sign. A sign may project from a building beyond the property line and over a public sidewalk providing:

(1) it does not intrude more than 3/4 of the sidewalk width; and

(2) it clears the sidewalk by ten (10) feet.

(b) ~~Flat~~Wall:

Flat signs may take any shape or any direction across the facade of a building provided it conforms to the general character of

the building to which it is attached. No flat sign shall project above the cornice of the building to which it is attached.

(c) Free Standing:

No free-standing sign shall be mounted on the roof of a building, nor shall it reach a greater height than the lowest point of the cornice of the building or facility it represents. In no case shall any portion of a free-standing sign be located off the property of the facility it represents. All such signs shall be allowed the same area and be subject to the restrictions outlined for projecting signs.

(d) Roof signs:

Roof signs are permitted on structures in B-4 zoning districts in the Old Village District where a pitched roof overhangs a wall at the ground floor level in a manner which precludes the practical placement of a sign on any part of the wall of the building. The baseline of the roof sign:

(1) shall be no closer than twelve (12") inches from the gutter line of the roof and the sign, including structure, must be totally contained within the lower fifty percent (50%) of the roof; and

(2) shall not exceed four feet (4') in height and a maximum of four- and one-half feet (4 ½") from the roof surface as measured vertically from the face of the sign.

In no case shall the roof sign project above the peak of the roof upon which the sign is located.

(4) PHYSICAL CHARACTERISTICS OF SIGNS:

(a) Sign Size:

(1) Projecting:

No projecting sign shall be larger than thirty-six (36) square feet total exposed faces, except at the corner of two (2) public streets. Projecting signs attached to

corners of buildings facing two (2) public streets may be of a size equivalent to the total size allowed for projecting signs on the two (2) sides forming the corner (a total 72 square feet), in which case, no other sign shall be permitted. If less than the allowable area is used, the remaining allowable area may be used to establish one (1) other projecting or flat sign on the respective intersecting building faces.

(2) ~~Flat~~Wall:

No sign attached flat against the face of a building or painted thereon, shall be larger than forty (40) square feet and shall not extend more than twelve (12) inches from the building face.

(3) Free Standing:

No free-standing sign shall be larger than thirty-six (36) square feet total exposed faces.

(4) Roof:

No roof sign shall be larger than twenty-four (24) square feet total exposed face.

(5) Color:

Sign colors shall be subdued and compatible with building colors.

(6) Materials:

Allowable materials are stone, wood, and metal. Facsimiles of stone, wood and metal produced from other materials are permissible if deemed acceptable by the Village Review Board.

(7) Lighting:

No sign shall be lighted internally nor shall there be rotating beams, beacons, or flashing illumination. All signs shall be lighted by separate light source set so as to not constitute a hazard to pedestrian or vehicular traffic. No back lighting shall be allowed.

(8) Animation:

No sign shall be permitted which incorporates physical movement or the illusion of physical movement.

(9) Design:

The design (shape, material, colors, lettering) of signs shall in total be compatible with late 19th century architecture characteristic of the Old Village.

(5) ERECTION AND DISPLAY OF SIGNS:

No exterior sign may be erected or displayed within the Old Village without the prior approval of the ~~Village Review Board~~ Community Development Department. Should the applicant wish to apply for an alternate amount, size, or material of signage permitted in Section 18.20 of the Zoning Code, the applicant shall seek approval from the Village Review Board.

(6) MODIFICATION AND REPAIR OF SIGNS:

(a) Non-Conforming:

Existing signs which do not meet the requirements of this ordinance shall be considered nonconforming and shall be subject to the following restriction:

No sign sustaining over fifty percent (50%) damage based on current replacement costs shall be repaired. No change in the size, shape, color, or content of a non-conforming sign shall be permitted except a change in ownership identification.

(b) Conforming:

No new sign shall be erected and no change in size, shape, color, or content of an existing conforming sign shall be permitted without prior approval of the ~~Village Review Board~~ Community Development Department. Should the applicant wish to apply for an alternate amount, size or material of signage permitted in Section 18.20 of the Zoning Code, the applicant shall seek approval from the Village Review Board.

(7) EXCEPTIONS:

(a) General:

Certain unique types of identifying signs or emblems shall be allowed on approval of the Village Review Board. Examples are barber poles, physician's caduceus, community bulletin boards, etc., provided they are of a scale suitable for the business they identify and are compatible as to color, materials as otherwise noted herein.

(b) Temporary:

Temporary signs of various types and designs for businesses and public notice shall be allowed provided they are approved by the ~~Village Review Board~~ Community Development Department and are limited to a total of thirty (30) days display time per quarter. If the applicant wishes to apply for a temporary sign that does not meet the requirements of Section 18.20 of the Zoning Code, the applicant shall seek approval from the Village Review Board.

(c) Awnings Used as Signs:

Signs shall be permitted on awnings provided the awnings are constructed of frame and cloth. The area of the awning used as sign shall be no larger than eighteen (18) square feet.

(8) ADMINISTRATION, ENFORCEMENT AND APPEAL:

(a) Administration of this section of the Zoning Regulations shall be the responsibility of the Village Review Board. See Section 14.13 for the assembly of the Board. It shall also be the duty of the Village Review Board to inform the Zoning Inspector of all approved applications and provide the Zoning Inspector with a copy of the drawings and the description contained in the

application. Application for display or modification shall contain the following minimum information:

- (1) Name and address of the applicants;
- (2) Address of the property at which the sign will be displayed;
- (3) Listing of occupants of the buildings on the property where sign is to be displayed;
- (4) A sketch and/or photograph showing the location of the sign on building or property; and
- (5) A written description and sketch of the sign containing the wording, colors, material and dimension of the sign.

(b) Enforcement:

Any person, firm or corporation erecting or modifying a sign not in accordance with an approved application will be subject to penalties as specified in Section 19.12 of the Zoning Ordinance.

(c) Appeal:

Appeal of the decisions of the Village Review Board or the Zoning Inspector shall be made to the Board of Zoning Appeals.

18.21

NON-CONFORMITIES:

Within the districts established by this Ordinance or amendments that may later be adopted, there exists lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed but not to encourage their continuance. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved.

It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except by appeal to the Board of Zoning Appeals for approval of specific plans. Expansions of existing non-conforming uses, where allowed by the Board of Zoning Appeals, may be made only on property owned by the applicant as of the effective date of this Ordinance.

A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

(1) NON-CONFORMING LOTS OF RECORD:

In any district in which single-family dwellings are permitted, notwithstanding other limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of

adoption or amendment of this Ordinance subject to the following conditions:

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

(2) NON-CONFORMING USES OF LAND:

Where at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

(a) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except as provided.

(b) No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.

(c) If any such non-conforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for this district in which such land is located.

(d) Where a non-conforming use of the land by the nature of the use requires expansion or enlargement of the land are so used in order to continue in operation such as removal of sand, earth, stone, minerals, etc., continuance of such operations following the adoption or amendment of this Ordinance shall be deemed a violation.

(3) NON-CONFORMING STRUCTURES:

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reasons of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful.

(4) NON-CONFORMING USES OF STRUCTURES:

If a lawful use of a structure or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals in collaboration with the Planning Board may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.

(b) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the non-conforming use may not thereafter be resumed.

(c) When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twenty-four (24) consecutive months or for twenty-seven (27) months during any three (3) year period, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.

(d) When non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the use being conducted at that location and any subsequent use of the lot shall be in conformance with the regulations of the district in which it is located.

(5) REPAIRS AND MAINTENANCE:

On any building devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs or on repairs or replacement of non-bearing walls, fixtures, wiring or plumbing.

(6) RESTORING BUILDINGS:

When a building or structure, the use of which does not conform to the provisions of this ordinance, has been damaged by explosion, fire, act of God, or the public enemy, to the extent of twice its assessed value for tax purposes, it shall not be restored or reconstructed or in any way used except in conformity with the district regulations ~~of the district~~ in which the building is situated. When a non-conforming use qualifies for such reconstruction, a building permit shall be secured for that purpose within one (1) year from the date of occurrence for that damage and such reconstruction shall be diligently prosecuted and completed without delay. Failure to comply as set forth above shall cause such non-conforming uses to lapse and the premises shall conform thereafter to the established district regulations therein.

(7) VIOLATIONS NOT RENDERED NON-CONFORMING:

A use, structure or lot which was in violation of the provisions of the ordinance which this ordinance amends shall not be validated or become non-conforming upon the adoption of this ordinance.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charge with protecting the public safety, upon order of such official.

18.22

TRAILER, COMMERCIAL SEMITRAILER AND TRUCK:

No section of a commercial tractor, commercial trailer, semi-trailer nor any commercial truck shall be parked in any residential district except for loading or unloading residential goods or furniture; in cases of such loading or unloading, such parking shall not exceed a total of twenty-four (24) hours within any thirty (30) day period beginning with the first instance of commercial semi-trailer or truck parking.

18.23

DRIVE-IN SERVICE ESTABLISHMENTS:

Establishments that by their nature create periodic lining up of customers in automobiles waiting to be serviced shall provide off-street waiting areas for these customers. This includes such activities as:

(1) Drive-in banks;

(2) Auto wash;

(3) Drive-in retail outlets;

(4) Drive-in service and repair drop stations for such items as clothing, appliance equipment, etc.

Those establishments that can normally serve their customers in three (3) minutes or less shall provide at least five (5) off-street waiting spaces per window. Auto wash shall provide at least ten (10) off-street waiting spaces. Where normal customer servicing time is greater than three (3) minutes per car, additional spaces shall be provided on the basis of one (1) additional space per additional minute of service time.

18.24

BARRIERS TO ENCROACHMENT:

Hereafter any lot used for parking, storage or display of vehicles for sale or rent including boats, trailers, mobile homes and trucks where such use is permitted to come within three (3) feet of any property line separating said lot from any property held by any other ownership including public land, such property lines shall be protected from encroachment by the installation of wheel stops, bumper guards or fencing so placed and erected as to prevent vehicles from projecting over said lines except at approved points of ingress and egress.

18.25

RESERVED

18.26

RECREATIONAL VEHICLES

(1) One recreational vehicle (RV) up to 25 in length is permitted to be parked at any location on a residential lot provided that the vehicle conforms to the following:

(a) RVs parked in front of the principal building line shall be located on a hard surface pad or driveway such as poured concrete, asphalt or brick pavers in a manner so as not to obstruct the view of traffic;

(b) Parked or stored RVs shall not be connected to any utilities other than for maintenance purposes;

(c) No RV shall be used for living, sleeping or commercial purposes while parked in a residential district or in any area not approved for such use;

(d) RVs must be in operable condition and must display a current license and registration, if applicable. There are no restrictions on recreational vehicle storage or parking when the vehicle will be stored or parked inside an enclosed permanent structure on a residential lot.

(2) One RV 25 feet in length or greater but not more than 40 feet in length or a second RV up to 25 feet in length is permitted to be parked on a residential lot provided that it conforms to the following:

(a) RVs must be positioned behind the principal building setback line in a side yard or rear yard;

(b) Parked or stored RVs shall not be connected to any utilities other than for maintenance purposes;

(c) No RV shall be used for living, sleeping or commercial purposes while parked in a residential district, or in any area not approved for such use;

(d) RVs are permitted to be parked in a driveway for loading and/or unloading purposes only not to exceed forty-eight (48) hours per occurrence.

(e) RVs must be in operable condition and must display a current license and registration, if applicable. There are no restrictions on recreational vehicle storage or parking when the vehicle will be stored or parked inside an enclosed permanent structure on a residential lot; and

(f) RVs must be parked on a hard surface, driveway, or compacted gravel.

(3) RVs in excess of 40 feet in length are not permitted to be parked in any residential district. No more than two (2) RVs are permitted to be located on the exterior of any residential lot.

Exception: The parking of a visiting RV is permitted in a residential zoning district provided that the RV is parked on a hard surface pad or driveway such as poured concrete, asphalt, or brick pavers and the vehicle does not restrict the view of traffic. A property owner may only claim this exception one (1) time per calendar year for a period not to exceed thirty (30) days per calendar year.

18.30

ADULT ENTERTAINMENT FACILITIES:

(1) No adult entertainment facility shall be established within a radius of 500 feet of any single-family residential zoning district or of any building used for single family residence purposes, whether in this city or in any other political subdivision.

(2) No adult entertainment facility shall be established within a radius of 500 feet of any school, library or teaching facility, whether public or private, governmental, or commercial, which school, library or teaching facility is attended by persons under 18 years of age, whether in this city or in any other political subdivision.

(3) No adult entertainment facility shall be established within a radius of 500 feet of any park or recreational facility attended by persons under 18 years of age, whether in this city or in any other political subdivision.

(4) No adult entertainment facility shall be established within a radius of 500 feet of any church, synagogue, or permanently established place of religious service, which is attended by persons under 18 years of age, or day care center or type A or B family day care home as defined by Ohio law, whether in this city or in any other political subdivision.

(5) No adult entertainment facility shall be established within a radius of 500 feet of any other adult entertainment facility or within a radius of 500 feet of any two (2) of the following establishments (or of any one (1) establishment which combines to any degree any two (2) of the following activities), whether in this city or in any other political subdivision:

(a) Cabarets, clubs, or other establishments which feature topless or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

(b) Establishments for the sale of beer or intoxicating liquor for consumption on the premises.

(c) Pool or billiard halls.

(d) Pinball palaces or halls.

(e) Video arcades or establishments known by other descriptions, but which provide video game and/or other games or entertainment attended or participated in by persons under 18 years of age.

(f) Dance halls or discotheques.

(6) For the purposes of this section, distances shall be measured from the property lines of any lot or parcel of land which includes, or which is operated or used in connection with, a building in which an adult entertainment facility is located or in which any activity described or referred to in this section is located.

18.40

PERSONAL WIRELESS SERVICE SITES:

(1) Personal Wireless Service Sites shall be screened by a solid wood fence, at least six (6) feet high. This fence shall be surrounded by an evergreen hedge, which shall be continuous, except for an entryway. Any equipment other than a Personal Wireless Service Tower or Personal Wireless Service Antenna, which projects above the fence shall be screened from view by a parapet, wall, or screen.

(2) Personal Wireless Service Sites shall be dismantled, and all Personal Wireless Service Facilities maintained therein shall be removed within six (6) months after cessation of operations therein.

(3) The Zoning Inspector shall not issue a Zoning Permit for a Personal Wireless Service Site until after the applicant has provided written certification that all required state and federal permits have been obtained and has supplied copies of all such state and federal permits.

(4) If lighting is required by state or federal authorities, it shall be approved only at the minimum number and intensity and shall be shielded from ground view. If not required by those authorities, no lights, beacons, or strobes shall be mounted on any Personal Wireless Service Antenna or Personal Wireless Service Tower.

(5) Personal Wireless Service Sites shall be situated on land parcels having a minimum area of at least twenty-five (25) acres, and the base of any Personal Wireless Service Tower situated thereon shall be set back at the furthest point from property designated for residential use in the city. The setback from the nearest point on the parcel shall be at least two hundred (200) feet or a distance equal to the maximum height of the highest antenna supported thereby, whichever is greater.

(6) No part of any Personal Wireless Service Facility may have a maximum elevation greater than two hundred (200) feet above ground level.

(7) Personal Wireless Service Towers shall be constructed in such a manner as to be suitable for supporting at least two (2) differently dedicated Personal Wireless Service Antennas.

ARTICLE 19

ENFORCEMENT AND PENALTIES

19.01

ZONING PERMITS REQUIRED

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure or land be established or changed in use without a permit issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this ordinance unless the Zoning Inspector received a written order from the Board of Zoning Appeals or from the City Council, as provided by this ordinance.

See Commentary - Normal Zoning Flow Chart.

19.02

CONTENTS OF APPLICATION FOR ZONING PERMIT/ZONING COMPLIANCE CERTIFICATE:

The application for zoning permit/zoning compliance certificate shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and shall be revoked if work has not begun within one (1) year or substantially completed within two and one-half (2 ½) years from the date of the issuance of the zoning permit/zoning compliance certificate. For conditional uses, the effective date of the conditional use and zoning permit/zoning compliance certificate shall be that of the conditional use permit. At a minimum, the application shall contain the following information:

- (1) Name, address and phone number of applicant;
- (2) Legal description of property;
- (3) Existing use;
- (4) Proposed use; if, business, specify use per zoning code and describe business;
- (5) Zoning district;
- (6) Plans drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alterations;

(7) Building heights;

(8) Application for accessory parking lot (as applicable);

(9) Number of dwelling units;

(10) When development is proposed for a single lot which is therefore not subject to standard subdivision rules and regulations, the Zoning Inspector shall require the applicant to submit plans meeting those requirements which are listed in the City of Bellbrook Subdivision Regulations under Section IV(B)(2) (a), Final Construction Plans and Estimate, and any additional subdivision regulations which are deemed necessary to allow the proper review and approval of the application for zoning permit/zoning compliance certificate.

(11) Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance, i.e., copy of conditional uses required in conditional use permit.

19.03

SUBMISSION FOR A THOROUGHFARE PLAN REVIEW:

Before any zoning permit is issued affecting 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 Bellbrook and Environs Major Thoroughfare Plan Map of the Comprehensive Plan 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 give notice to the applicant that a zoning permit will not be issued until after a recommendation is made in a period of thirty (30) days from the date notice is received by the Bellbrook Planning Board. After having checked the Comprehensive Plan, the Bellbrook Planning Board may coordinate with the Miami Valley Regional Planning Commission, Transportation Coordinating Committee and Regional Planning and Coordinating Committee of Greene County so as to ascertain whether or not highway construction or changes are planned. If the Bellbrook Planning Board is notified by any of the above agencies of pending plans for said highway, they shall recommend against the issuance of a zoning permit and shall attempt to resolve any conflict within thirty (30) days. If no plans exist for said highway, or on the expiration of the thirty (30) days, the Zoning Inspector shall, issue the zoning permit/zoning compliance certificate if the application is conformance with all provisions of this ordinance.

19.04

APPROVAL OF ZONING PERMIT/ZONING COMPLIANCE CERTIFICATE

Within thirty (30) days after the receipt of an application and required fee, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this ordinance. Zoning permits which require approval by the Village Review Board and/or the Board of Zoning Appeals shall be issued by the Zoning Inspector and the appropriate fee(s) paid by the applicant within thirty (30) days of the date of board approval. Failure to do so will result in the doubling of any permit fees for each thirty (30) day period beyond the initial thirty (30) days following board approval up to one hundred and eighty (180) days after which the permit may be revoked and a new approval required by the appropriate board. Re-application for Village Review Board approval shall be in conformance with Section 14.15; re-application for variances shall be in conformance with Section 20.17. All zoning permits shall, however, be conditional upon the commencement of work within one (1) year from date of issuance. The copy of the plans may be placed in the official file. The Zoning Inspector may 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 ordinance.

19.05

EXPIRATION OF ZONING PERMIT/ZONING COMPLIANCE CERTIFICATE:

If the work described in any zoning permit/zoning compliance certificate has not begun within one (1) year from the date of issuance and has not been substantially completed within two and one-half (2½) years of the date of issuance said permit shall expire and written notice thereof shall be given by the Zoning Inspector to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit/zoning compliance certificate has been obtained or extension granted. One (1) extension shall be granted by the Zoning Inspector for a period of six (6) months. The extension will be noted on the zoning permit/zoning compliance certificate and application by the Zoning Inspector.

19.06

CERTIFICATE OF HEALTH OFFICER:

In every instance where the zoning permit application/zoning compliance certificate and the attached plan reflect work associated with the water supply and/or disposal of sanitary waste and where a lot is not served with public water and/or the disposal of sanitary wastes by means of public sewers, the application for zoning permit/zoning compliance certificate shall be accompanied by a Certificate of Approval by the County Health Officer of the proposed method of water supply and/or disposal of sanitary wastes.

19.07 **APPLICATION FOR ZONING PERMIT/ZONING COMPLIANCE CERTIFICATE:**

The Zoning Inspector shall sign the application for zoning permit/zoning compliance certificate when he/she is satisfied that the construction or alteration ~~actually~~ to be done is the same as described and proposed on the zoning permit/zoning compliance certificate. This provision shall apply to new construction, additions, decks, and similar uses, except the raising of crops and other agricultural uses.

19.08 **FAILURE TO OBTAIN A ZONING PERMIT/ ZONING COMPLIANCE CERTIFICATE:**

Failure to obtain a zoning permit/zoning compliance certificate shall be a violation of this ordinance and punishable under Section 19.12 of this ordinance.

19.09 **RECORD OF ZONING PERMITS / CERTIFICATES OF ZONING COMPLIANCE:**

The Zoning Inspector shall maintain a record of all zoning permits/zoning compliance certificates and they shall be made available for inspection upon request to any person.

19.10 **COMPLAINTS REGARDING VIOLATIONS:**

Whenever a violation of this ordinance 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. The Zoning Inspector shall record such complaint, promptly investigate, and take action as provided by the ordinance.

19.11 **OTHER ACTION:**

Nothing herein contained shall prevent the municipality from taking other lawful action as is necessary to prevent or remedy any violation.

19.12 **PENALTIES:**

(1) Violation of any provision of this ordinance or any amendment or supplement thereto, or failure to comply with any of the requirements of this Code may be enforced either through the filing of a misdemeanor complaint or assessment of a civil penalty, or both.

(a) Minor misdemeanor. Except as otherwise provided herein, any person, firm, or corporation violating any of the provisions

of this Code, or any amendment or supplement thereto, shall upon conviction of a minor misdemeanor, be fined not more than one hundred dollars (\$100).

(b) Civil penalties. A person who violates any provision set forth in a provision of the Zoning Code has committed a civil offense and is subject to civil penalties. Prior to assessment of a civil penalty, the Zoning Inspector shall issue written notice of the civil violation to the offending person. The notice shall include:

- (1) The street address of the property subject to the notice of violation;
- (2) A description of the violation and the section(s) of the ordinance violated;
- (3) Corrective action that will eliminate or correct the violations;
- (4) The reasonable time frame required to correct the violation;
- (5) Provide information to the property owner of the right to a hearing before the Board of Zoning Appeals if a request for a hearing is made within twenty (20) days of receipt of the notice;
- (6) When applicable, include a statement of the right to file a lien.

(2) The written notice of the violation shall be served by one of the following methods:

- (a) delivered personally;
- (b) sent by certified mail to the last known address and receiving a return receipt showing delivery of the mailing; or
- (c) if the notice is returned showing that the letter was “unclaimed,” service by regular mail;
- (d) if the notice is returned showing that the letter was not delivered for reason other than “unclaimed,” a copy of the notice shall be posted in a conspicuous place in or about the structure affected by such notice.

(3) A person served with a notice of civil violation may request a hearing before the Board of Zoning Appeals to contest the commission of a violation, to offer an explanation of the circumstances, or to offer proof of correction. The request shall be made in writing and received by the city within 20 days of the person's receipt of the notice of violation. The hearing shall be conducted in accordance with the provisions of Article 20 of the Zoning Code. If the person desires the presence, at the hearing, of the Zoning Inspector, the person must request the same in their written response to the notice of civil violation.

If the person served fails to remedy the zoning violation within a reasonable time, if the person admits the offense by written response, or if the person fails to attend a requested hearing, the Zoning Inspector may pursue enforcement as set forth in this section. If the person denies the offense by written response, the person must also request a hearing before the Board of Zoning Appeals.

In accordance with Section 19.15 of the Zoning Code, when a notice of civil violation has been issued pursuant to this section, the following amounts are hereby assessed upon the violator.

(a) Any violation of the Zoning Code that is a first offense shall be twenty-five dollars (\$25) per day, per offense, or two hundred fifty dollars (\$250) per offense total.

(b) Any violation of the Zoning Code that is a second offense shall be fifty dollars (\$50) per day, per offense, or five hundred dollars (\$500) per offense total.

(c) Any violation of the Zoning Code that is a third offense shall be seventy-five dollars (\$75) per day, per offense, or seven hundred fifty dollars (\$750) per offense total.

(4) Those who erect signs contrary to the provision of this Code shall be fined upon conviction or assessed by civil penalty not more than ten dollars (\$10) per offense, up to a maximum of four (4) offenses in any twelve (12) month period. Illegal signs are subject to confiscation by the City and will not be returned to the owners until all penalties are satisfied; unclaimed signs shall be held for thirty (30) days and then disposed of as surplus property. Convictions or civil penalties for sign violations in excess of four (4) offenses in a twelve-month period shall be fined, upon conviction, or assessed a civil penalty amount not to exceed twenty-five dollars (\$25) per offense.

19.13

AFFECTED PARTIES:

The owner or tenant of any building, structure, premises, or part thereof and architect, engineer, surveyor, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation shall be found guilty of a separate offense and suffer the penalties herein provided.

19.14

VIOLATION, NUISANCE PER SE: ABATEMENT:

Buildings erected, altered, razed, or converted, or uses carried on in violation of any provision of this ordinance is hereby declared to be a nuisance per se.

19.15

SCHEDULE OF FEES, CHARGES AND EXPENSES:

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits/zoning compliance certificates, amendments, appeals, variances, conditional use permits, plan approvals and other matters pertaining to the administration and enforcement of this ordinance requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector and shall be altered or amended only by the City Council.

19.16

WAIVER

Any person charged with a violation of any provision of this chapter for which payment of a prescribed fine may be made, may pay such sum in the manner prescribed on the issued sign ticket. Such payment shall be deemed a plea of guilty, waiver of court appearance and acknowledgement of conviction of the alleged offense and may be accepted in full satisfaction of the prescribed penalty for such alleged violation.

ARTICLE 20

ADMINISTRATION

20.01

OFFICE OF ZONING INSPECTOR CREATED:

A Zoning Inspector designated by the City Council shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the Council may authorize.

20.02

DUTIES OF ZONING INSPECTOR:

For the purpose of this ordinance, the Zoning Inspector shall have the following duties:

- (1) Upon finding that any of the provisions of this ordinance are being violated shall notify in writing by certified mail the person responsible for such violation(s) ordering the action necessary to correct such violation;
- (2) Order discontinuance of illegal uses of land, buildings or structures;
- (3) Order removal of illegal building or structures or illegal additions or structural alterations;
- (4) Order discontinuance of any illegal work being done;
- (5) Issue receipts and maintain a record thereof for all fees collected;
- (6) Take any other action authorized by this ordinance to ensure compliance with or to prevent violation(s) of this ordinance. This may include the issuance of and action on zoning permits and certificates of zoning compliance and such similar administrative duties as are permissible under the law, to include the maintenance of records as required by Section 19.09.

20.03

PLANNING BOARD CREATED:

A Planning Board shall be created in accordance with Sections 8.01, 8.02 and 8.03 of the Bellbrook Charter. The Planning Board shall have the powers of zoning and all the power and authority conferred upon city planning boards by the Ohio Revised Code and such other duties as may be imposed upon it by the Municipal Administrative Code and by the Bellbrook Charter.

20.04

DUTIES OF PLANNING BOARD:

For the purpose of this ordinance the Planning Board shall have the following duties:

- (1) Initiate proposed amendments to this ordinance;
- (2) Review all proposed amendments to this ordinance and make recommendations to the City Council as specified in Article 21;
- (3) Review all planned unit developments and make recommendations to the City Council provided in Article 17;
- (4) Review all requests for determination of similar uses; and
- (5) Perform other duties specified in the Zoning Ordinance.

20.05

PROCEEDINGS OF PLANNING BOARD:

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. All meetings shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, 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 a public record and be immediately filed in the office of the Board. The official copy of the minutes of all proceedings will be signed by the Board Chairman and Secretary.

20.06

BOARD OF ZONING APPEALS CREATED:

A Board of Zoning Appeals shall be created in accordance with Sections 8.05 and 8.06 of Bellbrook Charter. The Board of Zoning Appeals shall elect its own officers annually. Three (3) members of the Board of Zoning Appeals shall constitute a quorum for the conducting of business. It shall require a majority of votes to pass a motion or take official action.

20.07

DUTIES OF THE BOARD OF ZONING APPEALS:

In exercising its duties the Board may, as long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The majority of votes of the sitting Board shall be necessary to reverse

any order, requirements, decision or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to affect any variation in the application of this ordinance. For the purpose of this ordinance the Board has the following specific responsibilities:

- (1) Administrative review;
- (2) Determination of district boundary location;
- (3) Granting conditional use permits; and
- (4) Authorizing variances.

20.08

PROCEEDINGS OF THE BOARD OF ZONING APPEALS:

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The Chairman, or in his absence the acting chairman, may compel the attendance of witnesses. Oral testimony given as evidence must be given under oath. Oaths will be administered by a notary public. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each appeal considered by the Board, and the section of this ordinance where applicable which the Board has considered in approving or disapproving any petition or other matter brought before the Board and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board. The official copy of the minutes of all proceedings will be signed by the Board Chairman and Secretary.

20.09

HEARING OF BOARD OF ZONING APPEALS:

The Board of Zoning Appeals shall fix a reasonable time not to exceed 30 days from receipt of application, petition or appeal, for the hearing. Application, petition, or appeal shall be filed with the Zoning Inspector at least five days prior to the next regularly scheduled meeting. The Board shall give at least ten (10) days' notice of the time and place of such hearing, to the enforcing officer, and to the owners of record of property within three hundred (300) feet of the premises in question, such notice to be delivered personally or by mail addressed to the respective owners at the address given on the last assessment roll. Any party may appear at such hearing in person, by agent or by attorney. Before holding the public hearing, notice of such hearing shall be posted in full in not less than five (5) of the most public places in the municipality as determined by Council 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 hearing.

20.10

ACTION BY THE BOARD OF ZONING APPEALS:

Within thirty (30) days after a public hearing, the Board of Zoning Appeals shall either approve, approve with supplementary conditions, or disapprove the request or application before the Board. If an application for conditional use is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue the conditional use permit listing the specific conditions specified by the Board for approval. Appeals from Board decisions shall be made in the manner specified in Section 20.11.

20.11

DUTIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL:

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this ordinance that the duties of the City Council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this ordinance. Under this ordinance the City Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this ordinance as provided by law, and of establishing a schedule of fees and charges as stated in Ordinance No. 75-1. Nothing in this ordinance shall be interpreted to prevent any official of the City from appealing a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's written decision.

20.12

PROCEDURES AND REQUIREMENTS FOR ADMINISTRATIVE REVIEW:

Administrative reviews shall conform to the procedures and requirements of Sections 20.06 through 20.12 of this ordinance. As specified in Section 20.07, the Board of Zoning Appeals has appellate jurisdiction relative to administrative reviews.

20.12.1

ADMINISTRATIVE REVIEW:

Appeals will be heard and decided only in such cases where it is alleged there is an error in any order, requirement, decision, or determination made by the enforcing officer in the enforcement of this ordinance. Appeals may be taken by any person aggrieved or by any officer of the City affected by any decision of the enforcing officer. Such appeal shall be taken within twenty (20) days after the decision. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the enforcing officer, or to decide in favor of the applicant on any matter upon which they are required to pass under the terms of this ordinance.

20.12.2

STAY OF PROCEEDINGS:

An appeal stays all proceedings 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.

20.13

PROCEDURES AND REQUIREMENTS FOR VARIANCES:

To vary the strict application of any of the requirements of this ordinance in the case of exceptionally irregular, narrow, shallow or deep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship - not economic in nature - that would deprive the owner of reasonable use of the land or building involved but in no other case. The fact that another use would be more profitable is not a valid basis for legally granting a variance. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance. The variance requested shall not alter the essential character of the locality, nor be in conflict with the Comprehensive Master Plan. In making this determination, the Board of Zoning Appeals shall be advised by the recommendation of the Planning Board. In cases involving properties situated within the Village District, as defined by Article 14, Section 14.02 of the Bellbrook Zoning Code, the Village Review Board shall, when possible, make a recommendation to the Board of Zoning Appeals regarding the disposition of the variance request.

20.13.1

PROCEDURE FOR CONSIDERATION OF PETITIONS FOR VARIANCE:

The procedure for the consideration of petitions for variances shall be:

(1) The Board of Zoning Appeals shall make a finding that the reasons set forth in the application are valid and justify the granting of the variance. The Board shall also determine if the variance is the minimum variance that will make possible the reasonable use of land, building or structure.

(2) Under no circumstances shall the Board of Zoning Appeals grant a variance which will permit a use which is not permitted in the district involved.

(3) Conditions:

The Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance and the recommendation of the Planning Board. The Board of Zoning Appeals shall require a bond or irrevocable letter of credit to assure conformance to such conditions and safeguards as the Board may require.

(4) Violation of such conditions and safeguards when such are made a part of the terms under which a Variance is granted, shall cause the bond mentioned in (c) above to be forfeited and shall be deemed in violation of this ordinance and punishable under Section 19.12 of this ordinance.

(5) Public Hearings:

Prior to taking action on a request for a variance the Board of Zoning Appeals shall hold a public hearing and give notice to property owners as in Section 20.09 of this ordinance.

20.13.2

APPLICATION AND STANDARDS FOR VARIANCES:

A variance from the terms of this ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:

(1) Name, address and phone number of applicants;

(2) Legal description of property; and a site plan based on an accurate survey showing existing and/or future building locations and the locations of buildings on adjacent properties. This site plan should be prepared by a registered surveyor attesting to the accuracy of same;

(3) Description of nature of variance requested;

(4) Variances from the terms of the Zoning Ordinance shall be granted only where the property owner shows that the application of a zoning requirement to the property is inequitable causing the property owner practical difficulties in the use of the property. Factors to consider include, but are not limited to:

(a) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

(b) Whether the variance is substantial;

(c) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

(d) Whether the variance would adversely affect the delivery of governmental services such as water, sanitary sewer or garbage removal;

(e) Whether the property owner purchased the property with knowledge of the zoning restriction;

(f) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and

(g) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. The Board shall determine, after and weighing the factors described above and any other factors the Board deems relevant,

whether the property owner has shown practical difficulties so inequitable as to justify granting a variance to the property owner.

20.13.3

SUPPLEMENTARY CONDITIONS AND SAFEGUARDS:

In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this ordinance and punishable under Section 19.12 of this ordinance.

20.14

PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE PERMITS:

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses that are conditionally permitted under the provisions of this ordinance shall follow the procedures and requirements set forth in this section.

20.14.1

GENERAL:

The following requirements shall be complied with prior to any approval or denial of a conditional use permit by the Board of Zoning Appeals:

(1) A written application for a conditional use is submitted indicating the section of this ordinance under which the conditional use is sought and stating the grounds on which it is requested per Section 20.14.2.

(2) A public hearing shall be held as specified in Section 20.09 of this ordinance.

(3) The Board of Zoning Appeals shall determine:

(a) That it has the authority to grant the request.

(b) That the granting of the conditional use will not adversely affect the neighborhood in which the conditional use is to be located.

(c) That the conditional use is not one which is contrary to the policies of the Comprehensive Master Plan of the Municipality of Bellbrook. In making this determination the Board shall be advised by the recommendation of the Planning Board.

20.14.2

CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT:

An application for conditional use permit shall be filed with the Chairman of the Board of Zoning Appeals by at least one owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

- (1) Name, address, and phone number of applicant;
- (2) Legal description of property;
- (3) Description of existing use;
- (4) Zoning district;
- (5) Description of proposed conditional use;
- (6) A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require ~~to determine~~determining if the proposed conditional use meets the intent and requirements of this ordinance;
- (7) A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan;
- (8) Such other information as may be required in Section 20.14.

20.14.3

GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES:

In addition to the specific requirements for conditionally permitted uses as specified in Section 20.14.1, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- (1) Is in fact a conditional use as established under the provisions of the Zoning Ordinance for the zoning district involved;
- (2) Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Comprehensive Plan and/or the Zoning Ordinance;
- (3) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- (4) Will not be hazardous or disturbing to existing or future neighboring uses;
- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- (6) 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;
- (7) 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 or odors;
- (8) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;

(9) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

20.14.4

SUPPLEMENTAL SAFEGUARDS AND CONDITIONS:

In granting any conditional use permit, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity to the provisions of this ordinance and the recommendation of the Planning Board. The Board of Zoning Appeals shall require a bond to assure conformance to such conditions and safeguards as may be necessary. Violation of such conditions and safeguards shall cause the performance bond mentioned above to be forfeited and shall be deemed a violation of this ordinance and punishable under Section 19.12.

20.14.5

EXPIRATION OF CONDITIONAL USE PERMIT:

A conditional use permit shall expire in one (1) year after it is issued unless actual construction has taken place or is underway except as provided elsewhere in this ordinance.

20.15

DETERMINATION OF SIMILAR USES:

The Planning Board will determine if uses not specifically mentioned in this ordinance are similar to uses permitted within a district.

20.16

DETERMINATION OF DISTRICT BOUNDARY LOCATION:

The Board of Zoning Appeals shall determine the exact location of any district boundary if there is uncertainty as to exact location thereof. In making such determination the Board shall be guided by the provisions of Section 4.03.

20.17

AMENDMENT LIMITATION:

Petitions for zoning amendment, conditional use permits or variances concerning any parcel of property, portion thereof, or use thereon shall not be accepted for consideration more than once during any consecutive twelve (12) month period.

ARTICLE 21**AMENDMENT**

The Council may amend, supplement, change or repeal this ordinance in the manner prescribed by Section 5.03 and 5.04 of the Bellbrook Charter after receiving the recommendation from the Planning Board.

21.01

Right of Petition - Referral to Planning Board

A proposed amendment, supplement, change or repeal may be originated by the Council, the Planning Board, or the owner of the affected property. All such proposals except those originating with the Planning Board shall be referred to that Board for a recommendation thereon. Proposals originating by Council shall be referred to the Planning Board by resolution stating the date, not less than sixty days from the next regularly scheduled meeting of the Planning Board, as to when the Planning Board recommendation is required. Upon its request, the Planning Board shall be granted a thirty-day extension by which its recommendation shall be due. At its discretion, Council may, upon satisfactory petition by the Planning Board, grant a further extension. The Council shall take no final action on any amendment, supplement, change or repeal until it has received and studied the recommendation of the Planning Board; provided, however, if the Planning Board shall fail to forward its recommendation on any Council initiated proposal within the time specified by the resolution proposing the same, then Council may act thereon as though it had received a negative recommendation from the Planning Board.

The Planning Board shall study the proposed amendment, supplement, change or repeal. If the Board decides the proposal has merit it shall hold a public hearing thereon. At least ten (10) days' notice of the time and place of such hearing shall be mailed to the petitioner, and all property owners within three (300) hundred feet of the property included in petitions for rezoning. Public notices of hearings on proposed amendments to Articles of the Zoning Regulations shall be posted in five (5) public places as determined by Council. The Planning Board shall make a report of its findings and a recommendation to the Council.

21.02

Contents of Application:

Applications for amendments to the Official Zoning Map adopted as part of this ordinance by Section 4.02 shall contain at least the following information:

- (1) Name, address and phone number of applicant;
- (2) Proposed amending ordinance, approved as to form by the City Legal Advisor;

(3) Present use;

(4) Present zoning district;

(5) Proposed use;

(6) Proposed zoning district;

(7) A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning and such other items as the Zoning Inspector may require;

(8) A list of all property owners, and their mailing addresses, who are within three hundred(300) feet of the property proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;

(9) A statement on how the proposed amendment relates to the Comprehensive Plan; (See Comprehensive Plan map in Zoning Inspector's office).

(10) A fee as established by Council (See Section 19.15)

21.03

Reviews by Officials and Agencies:

Prior to acceptance, the Board may request and review recommendations for each proposed amendment from the Miami Valley Regional Planning Commission, the Transportation Coordinating Committee, the Regional Planning and Coordinating Commission of Greene County, City Law Director, and other city officials, agencies and adjacent local governments to ascertain the nature of highway plans, drainage and flooding problems, utility plans and other factors relevant to the proposal.

21.04

Council Action on Recommendation:

When the Council receives an adverse recommendation on a proposed amendment, supplement, change or repeal it may concur with the Planning Board and, by a motion of Council stop further action, or if the Council does not agree with the recommendation of the Planning Board, it shall hold a public hearing prior to taking final action on the ordinance.

When the Council receives an affirmative recommendation from the Planning Board on a proposed amendment the Council shall hold a public hearing thereon. When such hearing is held, notice shall be given as prescribed by the Bellbrook Charter, for an ordinance. In addition to such notice the enforcing officer shall, upon notification by the Clerk, place upon the involved premises in a prominent position a printed sign bearing the words "rezoning pending from ... classification to ... classification" and the time, date and place of hearing. Said sign shall be located within ten (10) feet of the right-of-way of a public road or street. The sign shall be placed on the property at three hundred (300) foot intervals. One sign shall suffice for lesser distances. The size of the letters on the sign shall be a minimum of two and one-half inches in height. Such sign shall be posted ten (10) days before the date of the hearing. The Council may adopt such amendment, supplement, change or repeal without further reference to the Planning Board. If the Planning Board recommended disapproval of the change, however, such amendment shall not be passed except by an affirmative vote of four (4) Council members.

Whenever a written protest against a proposed amendment, supplement, change or repeal is presented duly signed by the owners of twenty percent (20%) or more of the frontage of the block proposed to be altered, or by the owners of twenty percent (20%) or more of the frontage of the block immediately in the rear thereof, or by the owners of twenty percent (20%) of the frontage of the block directly opposite the frontage proposed to be altered, such amendment shall not be passed except by a concurring vote of four (4) Council members.

21.05 **Scheduling Public Hearing by Council:**

Council shall schedule a public hearing not more than forty (40) days from the receipt of the recommendation from the Planning Board.

21.06 **Notice to Property Owners:**

If the proposed amendment is intended 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 Clerk of Council, by first class mail, at least ten (10) days before the day of the public hearing to all owners of property within, 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 the Treasurer's mailing list and to such other list or lists that may be specified by Council. The failure to deliver the notification, as provided in this section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers and/or posted in public places as required for hearings on ordinances.

21.07

Amendment Limitation:

Petitions for zoning amendment, conditional use permit or variances concerning any parcel of, portion thereof, or use thereon shall not be accepted for consideration more than once during any consecutive twelve (12) month period.

21.08

Annexation:

All land annexed to the City subsequent to the adoption of this ordinance shall remain subject to the previous Township zoning district until such time as the Official Zoning Map is amended according to the provisions of this Article. All land annexed to the City which, prior to annexation, is not subject to Township zoning shall remain un-zoned until the Official Zoning Map is amended according to the provisions of this Article.

21.09

Fees:

Fees will be determined by ordinance of the Municipality of Bellbrook. (See Section 19.15).

ARTICLE 22

VALIDITY AND SEVERABILITY

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE 23

INTERPRETATION AND CONFLICT

In its interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, and the general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or Ordinances, the most restrictive, or that imposing the high standards, shall govern.

ARTICLE 24

REPEAL OF CONFLICTING ORDINANCES

All ordinances, or parts of ordinances in conflict with this ordinance or inconsistent with the provisions of this ordinance are hereby repealed and declared null and void and of no effect.

ARTICLE 25

EFFECTIVE DATE

(1) Date of public hearing _____

(2) Date of Publication _____

(3) Date of Adoption by the Village Council: January 24, 1972

(4) Date and time this Ordinance shall take effect _____

REGULATIONS GOVERNING ESTABLISHMENT OF A MOBILE HOME DEVELOPMENT

Wherever a Mobile Home Development is permitted, after public hearing and approval by the Board of Zoning Appeals, the following regulations, in addition or supplement to regulations 260-290, inclusive, of the Ohio Sanitary Code relative to the location, layout, construction, drainage, sanitation, safety and operation of house trailer parks, shall apply.

- (1) Wherever the word “should” appears in the above referred to Regulations 260-290 or their explanation, it shall be interpreted to mean “shall”.
- (2) Mobile Home in this instance shall not include self-propelled vehicles.
- (3) The minimum acreage of the Mobile Home Development shall be not less than ten (10) acres and the minimum number of mobile home spaces shall be not less than fifty (50).
- (4) All mobile home developments shall be located along a major or secondary street with sufficient frontage to provide at least two (2) means of ingress and egress.
- (5) Screening shall be provided along all outside property lines of a mobile home development except street frontage lines where the screening shall be along the set-back line. Such screening shall be not less than six (6) feet or more than eight (8) feet in height.
- (6) At least ten percent (10%) of the mobile home development shall consist of greenbelts and open recreation areas.
- (7) The minimum roadway width of interior one-way streets with parking permitted on one (1) side shall be twenty (20) feet. The minimum roadway width of two-way streets with parking permitted on one (1) side shall be thirty (30) feet. The minimum of twoway streets without parking permitted shall be twenty (20) feet. All roadways shall be paved and maintained.
- (8) A three (3) foot concrete walk shall be provided along one (1) side of all streets.
- (9) Appropriate lighting shall be required along all interior streets and walkways and shall be so positioned and shaded to avoid a glare on adjoining properties.
- (10) Mobile home spaces shall be so arranged to provide an average of five thousand (5000) square feet per space exclusive of roadways, parkways, laundry facilities or other park service Buildings.
- (11) No mobile home shall be located nearer than fifty (50) feet from a side or back yard of a residentially zoned property.

(12) No mobile home shall be located nearer than thirty (30) feet from a major thoroughfare and shall have no direct access thereto.

(13) No mobile home shall be positioned nearer than fifteen (15) feet from an interior roadway.

(14) Mobile homes shall be so positioned on each space so that there will be at least a twenty-five (25) foot clearance between mobile homes, provided that where mobile homes are parked end to end, the end-to-end clearance shall be at least ten (10) feet.

(15) Each mobile home space shall provide a paved stand under each mobile home equal to the dimensions of the mobile home at least four (4) inches deep, with adequate footing at the jacking points, positioned at an angle in relation to the access street to make placement and removal of the mobile home practical.

(16) Each mobile home stand shall be provided with anchors and tiedowns such as eyelets imbedded in the concrete at least at each corner of the mobile home stand to secure the stability of the mobile home.

(17) A paved patio at least one hundred eighty (180) square feet in size to provide appropriate outdoor living space conveniently located to the entrance of the mobile home and appropriately related to open areas of lot shall be provided on each mobile home space.

(18) Each mobile home space shall provide two (2) paved parking spaces off the roadway. Each parking space shall have an area of not less than two hundred (200) square feet either on the mobile home site behind the front setback area or in a common parking area within the mobile home development.

(19) Each mobile home space shall be so constructed to provide adequate storm water drainage from ramps, patios, walls, and foundations of the mobile home to the roadway.

(20) The space between outside walls of mobile homes and their foundation pads shall be enclosed with aluminum or equivalent solid material.

(21) Where heating and cooking fuel is stored in outdoor storage tanks, they shall be supported by a concrete base and screened from the view of surrounding mobile home spaces.

(22) All refuse containers shall be screened from view of surrounding mobile home spaces and the street.

(23) All utilities in a mobile home development shall be constructed underground.

(24) All areas of the mobile home space not covered by the mobile home or a paved area should be covered and maintained by grass or other landscaping material and suitably maintained.

(25) No mobile home development permit shall be issued to any person until plans have been submitted and approved by the Board of Zoning Appeals and plat recorded, all in accordance with the procedures set forth in Section 17.03, 17.042 and 17.043 of the Planned Development Article #17 of the Bellbrook Zoning Ordinance.

(26) Rules and regulations of the mobile home development shall be satisfactory to the Board of Zoning Appeals.

(27) Signs within the mobile homes development shall be limited to a name plate not more than one (1) square foot in area attached to each mobile home, necessary traffic control signs, and directional signs indicating the location of utility buildings, including management office, parking areas and common recreation areas.

(28) Commercial sale of mobile home units shall be prohibited in the mobile homes development.

Screening where required shall consist of a dense evergreen planting or solidly constructed decorative fence, louvered fence, or chain link fence with interwoven redwood slats five (5) feet high.

Should any section or provision of the Ordinance be declared invalid by any competent court of jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

Any person violating any of the provisions of this Ordinance shall upon conviction, be fined not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200) for each offense. Payment of a fine shall not constitute compliance with this Ordinance.

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