



Planning Board Meeting
November 19, 2020, 6:00 pm
Agenda

REMOTE TELECONFERENCE MEETING**

Due to COVID-19, this meeting will be held via Zoom teleconferencing. Live streaming of the meeting is available on the City's YouTube channel (Bellbrook City Hall).

Should any member of the public wishing to submit comments and/or questions for the Board's consideration may do so by emailing the Clerk of Council at p.timmons@cityofbellbrook.org by 3 p.m. on 11/19/2020.***

1. Call to Order
2. Roll call
3. Approval of prior minutes of October 22, 2020
4. Old Business:
 - Vacant Property Registration
 - Article 14
5. New Business: none
6. Open Discussion
7. Adjournment

Zoom webinar link:

<https://us02web.zoom.us/j/86338450147?pwd=YlQvUy9OazU4MVE5ZXhnbmRGb3k3QT09>



BELLBROOK PLANNING BOARD
PUBLIC MEETING MINUTES
October 22, 2020 6:00 PM

PRESENT: Mr. Tim Tuttle
Mr. Ed Stangel
Mr. Brady Harding
Mr. Denny Bennett
Chair Mitchell Thompson

Jessica Hansen Planning and Zoning Administrative Assistant was also in attendance.

CALL TO ORDER

Acting Chairman Bennett called the meeting of the Planning Board to order at 6:00 PM. The Clerk called the roll. Mr. Tuttle, yes; Mr. Stangel, yes; Mr. Harding, yes; Mr. Bennett, yes; Chair Thompson, yes.

FORMAL APPROVAL OF MINUTES

Chairman Thompson asked if there were any corrections or additions to the minutes of September 19, 2020. Mr. Bennett made a motion to approve the minutes and it was seconded by Mr. Stangel. All were in favor. The minutes are approved as written.

SPECIAL GUESTS

Hope Taft and Bill Schieman, Chair of the Little Miami Watershed Network and Directors of the Ohio Scenic Rivers Association attended the meeting to share a presentation for Stormwater Awareness Week. The presentation included a graph showing the trend over multiple years of rain totals increasing.

The presentation included all of the points that add to the importance of stormwater awareness. There was also a list of ways that our city can combat issues by making updates to our zoning code.

NEW BUSINESS

- **20-141 Rezoning of 2006 Bonniedale Drive from O-1 to R-1a**

Mrs. Hansen presented the case rezone the property back to its original intent of R-1a One Family Residential. The property had been rezoned to O-1 in 2008. Minutes from the Planning Board meetings indicated that the board was not entirely convinced of the desirability of zoning the property as Office. She states that returning the property to residential is beneficial to the community and surrounding neighborhood. Staff is in favor of the request.

Mr. Bennett agreed. He added that he had been on City Council in 2005 when this property was being zoned O-1.

Chair Thompson asked how this request fits with the Comprehensive Plan since that is the mandate to be followed when appropriate? Mrs. Hansen answered the Comprehensive Plan does allow for Mixed Use in much of the city however, this area specifically is primarily residential. The other board members were in agreement.

Mr. Bennett made a motion approve request 20-141 to rezone 2006 Bonniedale Drive from O-1 to R-1a. Mr. Tuttle seconded the motion. The Clerk called the roll. Mr. Bennett, yes; Mr. Tuttle, yes; Mr. Stangel, yes; Mr. Harding, yes; Chair Thompson, yes. The motion passed 5-0.

Mrs. Hansen informed the property owner Jack Boyer that this request will now be heard by City Council at their next meeting. Then there will be a Public Hearing of the proposed ordinance.

OLD BUSINESS

- **Review of Zoning Code Chapter 1454.01 Registration of Abandoned Properties**

Mrs. Hansen explained that the Board had received the proposed changes to this Zoning Code before the last meeting. The topic was tabled for the chance to review.

Mr. Tuttle asked how this affects rental properties. The proposed code states that a property that has not been rented within 60 days would need to be registered. It also states that if it gets rented after that in the first 12 months the owner can receive a refund. He added that 60 days vacant is common. Mrs. Hansen stated that now with COVID-19 we don't want to be too strict but there needs to be rules in place. There are properties in the city claiming to be rental properties but actually are not. The language can be changed to state that owners, especially of residential properties, actively searching for renters through advertisement of some kind can request that the fee be waived or maybe they are given 90 days. A time limit of some length is necessary.

Mr. Thompson asked how we will know if the owner is "actively" searching for renters. Mrs. Hansen suggested adding examples such as having a "for rent" sign on the property or having a listing on a website.

Mr. Tuttle asked if the inspection requirement within 20 days in Section 1454.04 allows enough time for staff to accomplish this. Mrs. Hansen and Mr. Thompson agreed that the time limit should be adjusted.

Mrs. Hansen will make the requested changes and the code will be brought back to the board at the next meeting in November.

- **Zoning Code Article 14**

Mrs. Hansen explained that a significant number of changes were made. A chart of the changes was included to assist the board.

Mr. Harding has additions and improvements to some of language that he is sending to staff to have included.

The Board members will continue to review and send changes to staff.

OPEN DISCUSSION

Mr. Bennett relayed a recent incident he witnessed in downtown. A woman with a stroller was trying to cross Franklin street at a crosswalk. He stopped but traffic from the opposite direction did not. It is dangerous. He asks if the City is looking into increasing the safety of pedestrians downtown. Mrs. Hansen answered that staff is looking into solutions such as signs that sit in the middle of the street to alert drivers to the crosswalks similar to ones that Yellow Springs has. Painting them bright colors is also an innovative idea. The city is planning to add crosswalks. Making them safe is of critical concern and the Service Department is studying ways to do this. The idea of raised crosswalks was mentioned but Mrs. Hansen explained that they are not a good idea on roads that need to be plowed. They are also known to slow down ambulances and fire equipment which is a negative.

Mr. Thompson reported walking over the new culvert on N. Belleview Drive and said it looks very nice.

ADJOURNMENT

Mr. Bennett made a motion to adjourn the meeting at 7:25 PM. Mr. Tuttle seconded the motion and all were in favor. 5-0.

Mitchell Thompson, Chair

Date

Pamela Timmons, Secretary

Date

CHAPTER 1454. - REGISTRATION OF ABANDONED PROPERTIES

Sec. 1454.01. - Purpose.

The purpose of this chapter is to establish an abandoned properties program as a tool to protect and preserve our neighborhoods from becoming blighted through the lack of adequate maintenance and security concerns at abandoned structures. The City believes the presence of abandoned properties can lead to neighborhood decline, create public nuisances, contribute to lower property values, and discourage potential buyers from purchasing a home in neighborhoods with abandoned properties. This will be done through a registration, inspection, and monitoring process. Vacant buildings will be kept weather tight and secure from trespassers, will provide safe entry to police officers and firefighters in times of emergency, will not impeded private and/or public efforts to rehabilitate or maintain surrounding buildings, and will not otherwise present a public hazard so that the health, safety and welfare of the public is served by these regulations.

(1) Obligations

a) No owner or person in control of a vacant commercial, residential, or industrial building shall fail to do any of the following:

(1) Register the vacant commercial, residential, or industrial building with the Planning and Zoning Department in accordance with the requirements of this chapter.

(2) Designate an authorized agent if the owner or person in control of the vacant commercial, residential, or industrial building does not reside within Greene County, Ohio or a contiguous county.

(3) Submit a Vacant Building Plan which shall be approved by the Code Enforcement Officer in accordance with chapter 1453.10 of this chapter.

(4) Maintain the property at all times in accordance with the City of Bellbrook Property Maintenance, Zoning Ordinance, and this ordinance.

(5) Acquire or otherwise maintain general liability insurance covering the vacant commercial or industrial building and property in an amount of not less than one million dollars (\$1,000,000). The insurance policy shall provide for written notice to the Code Enforcement Officer within 30 days of any lapse, cancellation, or change in coverage. Residential properties shall maintain homeownershomeowner's insurance.

(Ord. 2012-7, passed 8-13-12)

Sec. 1454.02. - Definitions.

For the purpose of this chapter, certain words and phrases used in this chapter are defined as follows:

Abandoned means a property that is vacant ([see Vacant](#)) or is under a current notice of default with any foreclosing entity and/or notice of trustee's sale, is subject to a current foreclosing action, a finding of foreclosure has been issued relative to the property, properties that have been subject of a foreclosure where the title was retained by the beneficiary of a deed of trust involved in the foreclosure, is pending tax assessor's lien sale, has been sold at a sheriff sale, is owned by a foreclosing entity, has been transferred via a deed in lieu of foreclosure, or does not currently and has not for sixty (60) days housed people despite being currently owned by an individual unless the property is currently being sold.

Accessible property means a property that is accessible through a compromised or breached gate, fence, wall, or other opening providing access.

Accessible structure means a house, building or other structure that is unsecured or breached in such a way as to allow access to the interior space by unauthorized persons.

Approved means to be approved by the code official or by the Property Review Commission.

Boarding means a method of securing an opening to prevent entry.

Buyer means any person, partnership, co-partnership, association, corporation, fiduciary or other entity that agrees to transfer anything of value in consideration for property.

Deed in lieu of foreclosure means a recorded document that transfers ownership of a property from the mortgagor to the mortgagee.

Default means the failure to fulfill a contractual obligation, whether monetary or conditional.

Distressed means a property that is the subject of a pending foreclosure suit, has been foreclosed upon by the foreclosing entity, is set for sheriff's sale, has been sold at a sheriff's sale or has been conveyed to the mortgagee via a deed in lieu of foreclosure.

Evidence of vacancy means any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, overgrown or dead vegetation, accumulation of newspapers, circulars, flyers or mail, past due utility notices, disconnection of utilities, accumulation of trash, junk or debris, the absence of window coverings such as curtains, blinds or shutters, the absence of furnishing or personal items, statements based on observations by neighbors, passers-by, delivery agents or government employees that the property is vacant.

Foreclosing entity means an entity holding a note secured by a mortgage, an entity holding a lien recorded with Greene County Recorder's Office, a non-government entity that holds an interest in delinquent property taxes, an entity that takes property via a deed in lieu of foreclosure, an entity that has purchased a property from a sheriff's sale, a government entity that accepts property as a result of a government insured mortgage or loan.

Foreclosure means the process by which a foreclosing entity seeks a decree of foreclosure from the Greene County Common Pleas Court.

Imminent Danger means a condition which could cause serious or life-threatening injury or death at any time.

Mortgage means an agreement between a mortgagor and a mortgagee by which a mortgagee retains an interest in real estate title as collateral for a loan. This definition applies to any and all subsequent mortgages, i.e., second mortgage, third mortgage, etc.

Mortgagee means the person, partnership, co-partnership, association, corporation, lender, fiduciary or any other entity holding a mortgage on a property.

Mortgagor means a borrower under a mortgage.

Owner any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Property means any unimproved or improved real property or portion thereof, situated in the City, including any house, building or other structures that may be located on the property regardless of condition.

Securing means such measures as may be directed by the City Building Inspection Division that assist in rendering the property inaccessible to unauthorized persons, including but not limited to the repairing of fences and walls, chaining or padlocking of gates, the repair or replacement of doors, windows, or other openings.

Vacant means a house, building or other structure shall be deemed to be vacant if no person or persons actually or currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupant(s), or tenant(s).

(Ord. 2012-7, passed 8-13-12)

Sec. 1454.03. - Registration requirements.

For any abandoned real property located within the City, any foreclosing entity that files a foreclosure action, accepts a deed in lieu of foreclosure, buys real property at a Sheriff's Sale, or accepts property as result of a government insured mortgage or loan, within ten days after property becoming vacant, the foreclosing entity shall register the

abandoned property with the Code Official. In addition, any property that meets the definition of abandoned properties in 1454.02 shall register the abandoned property with the code official.

(a) Registration and renewal deadlines. All buildings located within the city that are vacant commercial, residential or industrial buildings shall be registered by the owner or person in control thereof with the Planning and Zoning Department within 60 days after the effective date of this chapter and renewed not later than January 15 of every year thereafter. Every commercial, residential or industrial building that subsequently becomes vacant shall be registered by the owner or person in control thereof with the Planning and Zoning Department within 30 days from the date of the last occupancy, or within 30 days of being notified by the Planning and Zoning Department of the requirement to register based on evidence of vacancy.

(b) Forms. Registration shall be made on forms provided by the Code Enforcement Officer and verified by the owner or person in control of the vacant commercial or industrial building and shall contain all of the following:

(1) The name, address and telephone number of the owner or person in control;

(2) The name, address and telephone number of the authorized agent, if required;

(3) The names, addresses, and telephone numbers of all known lien holders and all other parties with any legal interest in the vacant commercial or industrial building and property;

(4) If the vacant commercial, residential or industrial building is for sale, the name, address and telephone number of the company and the realtor or agent responsible for marketing the property;

(5) The address of the vacant commercial, residential or industrial building and the permanent parcel tax identification number of the land on which the vacant commercial or industrial building is located;

(6) The date on which the building became vacant or will become vacant;

(7) The reason for the vacancy and the estimated length of time the building is expected to remain vacant;

(8) A certificate of general liability insurance in the amount required by City of Bellbrook. Or in the case of residential properties proof of homeowner's insurance.

(9) A Vacant Building Plan in accordance with 1453.10.

Commented [MD1]: This needs finished – a section of code is reference previously in this chapter related to building plans

(c) False information. No person shall furnish false information to the Planning and Zoning Department in the Registration Form.

(d) Period of validity. Registration and renewal shall be valid for one year and will expire on ~~until~~ December 31 of each year, unless a transfer of title to the vacant commercial or industrial building has been completed.

(e) Transfer of property. No person, including but not limited to, an owner, person in control, purchaser, escrow agent, real estate agent, or realtor, shall participate in a transfer of title to, or disburse proceeds from a transfer of title to, a vacant commercial, residential or industrial building without having in escrow with the escrow agent handling the transfer of title to the property, a copy of a registration form completed by the purchaser of the property and the annual registration or renewal fee, if due, in an amount based on the duration of time the building has been vacant. The escrowed documents and the annual registration fee shall be forwarded to the Code Enforcement Officer upon the transfer of title. The annual registration fee shall not be prorated. In the event that the transfer of title is completed within 90 days from the end of the calendar year, the annual registration fee shall be applied to the following calendar year.

(f) Change in registration information. No owner or person in control of a vacant commercial or industrial building shall fail to notify the Planning and Zoning Department and file an amended registration form within seven days of any change in the registration information required by this section.

(g) Exemptions.

(1) A building which has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement for a period of 90 days after the date of the fire or extreme weather event if the property owner or person in control submits a request for exemption in writing to the Planning and Zoning Department.

(2) If a vacant building is under active construction/renovation and has a valid building permit(s) at the time of initial registration, the building shall be exempt from registration until the expiration of the longest running, currently active building permit. Such permits shall be provided to the city upon request.

(3) Government agencies shall be exempt from the registration requirements of this chapter; however they are not exempt in maintenance and upkeep of their buildings and are held to the same standards of this ordinances as those of private individuals.

(Ord. 2012-7, passed 8-13-12)

Sec. 1454.04. - Inspection requirements.

At the time of registration an exterior property maintenance inspection shall be scheduled with a Code Official to be conducted within 20-45-business days from date of registration unless otherwise notified by the Code Enforcement Officer. Orders to correct shall be issued for any found property maintenance violations.

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(a) If the owner or person in control fails or refuses to consent to and arrange for an inspection, the Code Enforcement Officer the Code Enforcement officer will place the property in violation of this ordinance and the owner will be fined in accordance with 1454.08 of this ordinance.

(Ord. 2012-7, passed 8-13-12)

Sec. 1454.05. - Maintenance requirements for foreclosing entities.

~~While abandoned properties are required to be registered with the City pursuant to this chapter, such properties are required to be maintained in accordance with the City of Bellbrook Codified Ordinances, including but not limited to:~~

~~(a) Being kept free of grass and weeds in excess of eight inches in height, trash, junk, debris, building materials, any accumulation of newspapers, discarded personal items, indoor furniture, appliances or any other items that give the appearance that the property is abandoned.~~

~~(b) Maintained free of graffiti, tagging or similar markings by removing or painting over.~~

~~(c) Pools, spas and decorative ponds shall be maintained in a sanitary condition.~~

Maintenance Standards

(a) Exterior openings, except those prohibited by 1453.10(a)(2)E which cannot be secured by locking an existing door or window shall be boarded, secured, and protected from intrusion by birds, vermin and trespassers. This shall only be used in extreme cases where windows or doors cannot easily be replaced. Windows and doors shall be maintained and kept locked, and a notice of vacancy placed on the front entrance.

(b) A vacant commercial, residential or industrial building shall be maintained, protected from deterioration and kept clean, safe, sanitary and free from public nuisance in accordance with the Property Maintenance Code, Zoning Code, Greene County Building Code and Fire Code.

(c) All pools, ponds or water features shall be kept in a safe, secured, and sanitary condition.

1454.06. - Security requirements for foreclosing entities.

A vacant commercial or industrial building shall display the following signs in a manner which is readily visible and legible from normal access points of the building:

(1) A vacant building placard consistent with Fire Code requirements for identifying unsafe vacant buildings (OAC 1301:7-7-03(K)(5)(311.5)).

(2) A sign which indicates the name, address and telephone number of the owner and the owner's authorized agent for the purpose of service of process. The name, address and telephone number of a person responsible for day-to-day supervision and management of the building, if such person is different from the owner or authorized agent, shall be indicated on the sign as well.

(d) A key box shall be installed on each vacant commercial, residential or industrial building in the city in case immediate access to the interior of the building by Fire Division personnel is necessary for life-saving or firefighting purposes. Each key box shall be of a type that is approved by the Fire Chief or designee. The key box shall be installed in a location approved by the Fire Chief or designee. The cost of purchase and installation of each key box shall be paid by the owner. Each key box shall contain keys to gain access to all areas of the building including the roof and basement. The person in control of the building shall immediately notify the Fire Chief or designee and provide the new key when a lock is changed or rekeyed. The key to such lock shall be secured in the key box.

(Ord. 2012-7, passed 8-13-12)

~~Sec. 1454.06. — Security requirements for foreclosing entities.~~

~~While abandoned properties are required to be registered with the City pursuant to this chapter, such properties are required to be maintained in a secure manner so as not to be accessible to any unauthorized persons. "Secure manner" includes but is not limited to:~~

- ~~(a) Closure and locking of windows, doors, gates and any other opening that may allow access to the interior of the property and/or structure(s).~~
- ~~(b) In the case of damaged or broken windows, doors and other openings, they must be repaired or properly boarded to meet the boarding specifications of this chapter, to prevent entry by unauthorized persons.~~

(Ord. 2012-7, passed 8-13-12)

Sec. 1454.07. - Appeals.

Any person directly affected by a decision of the Code Official, notice or order issued under this Code shall have the right to appeal to the Property Review Commission, provided that a written application for appeal is filed within twenty (20) days after the notice or orders issued to the Code Official.

(Ord. 2012-7, passed 8-13-12)

Sec. 1454.08. - Violation; penalties and notices.

- (a) Whoever violates any provision of this Code has committed a civil offense and is subject to civil penalties.
- (b) When a civil offense has occurred, the following amounts are hereby assessed upon the violator:
 - (1) A first offense shall be twenty-five dollars (\$50.00) per day, per offense, or five hundred dollars (\$500.00) per offense total.
 - (2) A second offense shall be fifty dollars (\$75.00) per day, per offense, or seven hundred and fifty dollars (\$750.00) per offense total.
 - (3) A third offense shall be one hundred dollars per day (\$100.00) per day, per offense, or one thousand dollars (\$1000.00) per offense total.

(c) Notice of Violation

Content. Whenever the Code Enforcement Officer determines that there is a violation of the provisions of this chapter, he or she shall give notice of such violation to the person or persons responsible therefor and order compliance, as herein provided. Such notice and order shall:

- (1) Be in writing;
 - (2) Include a description of the real estate sufficient for identification;
 - (3) Include a statement of the violation or violations and why the notice is being issued;
 - (4) Include a correction order allowing a reasonable time to bring the property into compliance with the provisions of this chapter;
 - (5) Inform the property owner of the right to appeal; and
 - (6) Include a statement that any action taken by the city on such property shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- (b) Service. A notice of violation shall be deemed to be properly served if one or more of the following methods are used:

(1) By personal delivery to the owner or occupant of the property or by leaving the notice at the property with a person of suitable age and discretion; or

(2) If the notice is returned showing that the notice was not delivered, a copy thereof shall be posted in a conspicuous place in or on the property found in violation.

(d) The city will make its best effort in contacting the property owner for payment of fines for violation. The city will attempt three (3) times to contact the property owner using the any address on record from the Greene County Auditor, as well as the property address, and any address that may have been given to our utility billing department. If the owner cannot be located or contacted the city will then access these charges upon the property owner's property taxes.

(Ord. 2012-7, passed 8-13-12; Ord. No. [2017-11](#), § 1, 11-27-2017)

1454.09 REGISTRATION FEES.

(a) Fee required with registration. The owner or person in control of a vacant commercial, residential or industrial building shall pay an initial registration fee and annual renewal fees for consecutive, subsequent years of vacancy as specified in these Codified Ordinances. Fees shall be due at the time of registration and renewal as specified in 1454.03. The first renewal fee shall be prorated if the initial registration due date occurs after June 30. The fee shall be based on the level of maintenance and duration of time the building has been vacant regardless of a change in ownership.

(b) Prerequisite for building permits. The registration shall be paid in full prior to the issuance of any building permits.

(c) Fee rationale. Registration fees shall be reasonably related to the administrative costs of the vacant commercial, residential and industrial building registration process and for the costs incurred by the city in monitoring vacant residential, commercial or industrial properties. Increases in annual registration fee amounts shall be reasonably related to the city's continued administrative costs as well as enforcement and abatement costs associated with vacant buildings that have Property Maintenance, Building or Fire Code violations.

(d) Fee reductions and waivers. The Code Enforcement Officer may reduce or waive registration or renewal fees as follows:

(1) The renewal fee may be reduced by 50% if, at the time of renewal, the building has no outstanding notices or orders regarding violation of Property Maintenance, Building or Fire Codes; and has been placarded as having normal structural conditions per 1454.05.

(2) The Code Enforcement Officer shall refund the registration or renewal fee paid if the subject building is brought into compliance with standards of the Building Code and reoccupied within one year of payment of the registration or renewal fee. The refund shall be for the amount of the registration or renewal fee paid during the year in which the building was approved for re-occupancy. Registration or renewal fees paid in previous years shall not be refunded.

(3) The initial registration fee may be waived for up to twelve months from the time a building is required to be registered if a building is being actively marketed for sale or lease, based upon proof submitted by the owner or person in control. **Property owners actively seeking sale or lease of the property shall find tenants/residents in a reasonable time frame or will be required to register the property. Reasonable timeframe shall be 90 days or as determined by the Code Enforcement Officer or Zoning Administrator.** Actively marketing shall be defined as placement of a "for sale" or "for lease" sign on the property with accurate contact information, which is also provided to the Planning and Zoning Department, as well as at least one of the following activities:

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A. Listing of the building with a licensed State of Ohio Realtor in the Multiple Listing Service (MLS) with the name, address, and telephone number of the realtor provided to the Planning and Zoning Department.

B. Placement of weekly advertisements in a newspaper or online listing.

(e) Delinquent fees. If a registration or renewal fee is not paid by the due date specified in 1454.03 the fee shall be increased by 50% or \$1,000, whichever is less. The Code Enforcement Officer shall pursue collection of delinquent fees pursuant # All delinquent registration or renewal fees shall be paid by the owner prior to any transfer of an ownership interest in the vacant commercial or industrial building.

(f) The property must be maintained according to the City of Bellbrook Property Maintenance and Zoning Ordinances.

<u>City of Bellbrook</u>	<u>Registration of Vacant Commercial, Residential and Industrial Buildings</u>	<u>Fee</u>
<u>(A)</u>	<u>Initial registration fee</u>	<u>\$200, subject to 50% increase if delinquent</u>
<u>(B)</u>	<u>Annual registration renewal fee</u>	<u>\$400 for first renewal; \$800 for second renewal; \$1600 for third renewal; \$3600 for fourth and all subsequent, consecutive renewals; subject to 50% increase if delinquent; may be reduced or waived pursuant to the City of Bellbrook Vacant Property Registration Ordinance.</u>

1453.10 Vacant Building Plan

The owner or person in control of the vacant commercial, residential or industrial building shall submit a Vacant Building Plan that shall be reviewed for acceptance by the Code Enforcement Officer. The Vacant Building Plan shall be selected from and include the minimum requirements from one of the following three categories:

(1) **Demolition.** If the vacant commercial, residential or industrial building is to be demolished, the Vacant Building Plan shall include a proposed time frame for demolition which shall include a commencement date within 30 days of approval of the proposed demolition time frame and shall not exceed one year in duration and shall conform to ordinance 2019-15.

(2) **Secured structure.** If the vacant commercial or industrial building is to remain vacant, the Vacant Building Plan shall contain all of the following:

A. A plan for fire alarm and fire protection as required by the Fire Chief.

B. A plan of action to remedy any public nuisance existing in the building or on the property.

C. A lighting plan for the exterior of the building and property, walkways adjacent thereto, parking or loading areas and nighttime illumination of areas and walkways of the building and property which may be vulnerable to vandalism and vagrancy as determined by the Police Chief.

D. A regular maintenance plan for all exterior lighting and illumination fixtures.

E. A plan for the maintenance of all structural openings, such as windows, doors, areaways and other openings to avoid the necessity of boarding up. Windows, doors, areaways and other openings that are located on the first floor and facing the street shall not be papered, soaped, blacked out or boarded up, and to avoid the appearance of vacancy, a form of display shall be set up that shall be approved by the Code Enforcement Officer.

F. A plan of action to maintain the vacant commercial, residential, or industrial building and property in compliance with the Vacant Building Maintenance Standards set forth in # of this chapter.

(3) **Rehabilitation.** If the vacant commercial, residential, or industrial building is to be returned to lawful occupancy or use, the Vacant Building Plan shall include a rehabilitation time frame for the building and property. The rehabilitation time frame shall not exceed 12 months. The Code Enforcement Officer may grant an extension of time upon receipt of a written statement from the owner detailing the reasons for the extension. All applicable laws shall be complied with and all required permits shall be obtained. The building shall be kept secured and in compliance with the Vacant Building

Maintenance Standards as provided in 1454.05 of this chapter at all times during rehabilitation.

Section	Title	Page	General Change	Specific Change
Guidelines	Consolidated Guidelines	All	Consolidated Guidelines into different parts of Article 14, to remove redundancy and improve readability	
14.01	General	2		Listed the Zoning Administrator (in addition to the board) as an authority on administering the regulations.
14.01	General	2		Removed the verbiage on the guidelines ordinance.
14.02	Designation of District	2		Established 2 Districts the Active Downtown District and the Downtown District.
14.02	Designation of District	4		Including intent & character.
				Included Map of Districts
14.03	Uses	4	Removed language on specific uses broken down by section and consolidated into one section 14.03. Before the text simply repeated itself in saying the underlying district would prevail, this could be said with one overarching statement.	
14.03.1/14.06	Non-Conforming Building	4		Added regulations for rezoning in the Active Downtown District.
14.04/14.07	Yard Requirements	4	Changed language to refer to the specific section of text rather than a generic statement.	
14.07/14.11	Architectural & Historic Standards	6 thru 8		Rearranged the flow of text, with some text removal for better flow. Inclusion of images and diagrams to better assist the reader.
14.07	Architectural & Historic Standards		Gave the zoning Administrator authority to grant building material exemptions in extreme cases.	
14.07(d)	Roof Materials	7		Added more specific regulations for roofs and additions to them.
14.07(f)	Windows, Doors and Door Linels	7	Exemptions for doors in downtown district.	
14.07(g)	Porches and Outbuildings	8	Added text to clarify that porches and outbuildings that significantly detract from the main building are prohibited.	
14.07.4/14.08	Parking	9		Clarified that parking is to be in the rear of the buildings, and that there is no minimum off-street parking requirements for the Active Downtown District as this would limit development and hinder the nature of downtown.
14.07.08	Setback	11		Added language on Zero-setbacks which is what downtowns historically had before the development of the automobile.
14.07.08	Setback	11		Added a zero-setback diagram
14.09	Downtown Review Board	12		Added a clause for complaints against members which would be made to the Community Affairs Committee.
14.09	Downtown Review Board	12		Set term limit to three years
14.10/14.16	Permit Required	13	Rearranged and modified for readability.	
14.13/14.18	Special Procedure for Demolition Applications	14	Included new text on demolitions from ordinance 2019-15	
14.14	Process for Request to Construct a New Main Building in the District	15		Added text to align buildings that are built to be more in line with the historical and architectural character of Downtown.

Article 14 Historic Downtown Bellbrook Plan

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Article 14 Historic Bellbrook Downtown Plan

14.01 GENERAL

This section is intended to create the Bellbrook Downtown Plan and to establish procedures for development and regulation of this district along with design and architectural criteria. These regulations are to be in addition to existing planning and zoning regulations and do not replace the underlying zoning district but are supplemental in nature. Where there is conflict between these regulations and those of the underlying district, the regulations of this section shall prevail.

It is also the intent of this ordinance to recognize the history of the area as well as human values and basic property rights. No attempt is made to create a situation of undue financial strain upon any business or resident.

As such, the intent of this ordinance is to regulate demolition and renovation and guide new development and construction in the Downtown District.

The **Downtown Review Board** and the Zoning Administrator shall administer these regulations as adopted by Council and as amended from time to time.

14.02 DESIGNATION OF DISTRICTS

Furthermore, these regulations shall be differentiated by two separate districts. One being known as the **Downtown District** with the second being known as the **Active Downtown District**.

The **Downtown District** boundaries are generally described as follows: bounded on the west by Little Sugarcreek, the south by the centerline of West South Street and East South Street, the east by the existing corporate line and the north by a line running along the southern and western boundary of Bellbrook Farms Subdivision just south of Upper Hillside Drive, extending across Main Street approximately 1300 feet west of Main Street then south to a point approximately 500 feet north of the centerline of Franklin Street, then west to the Little Sugarcreek.

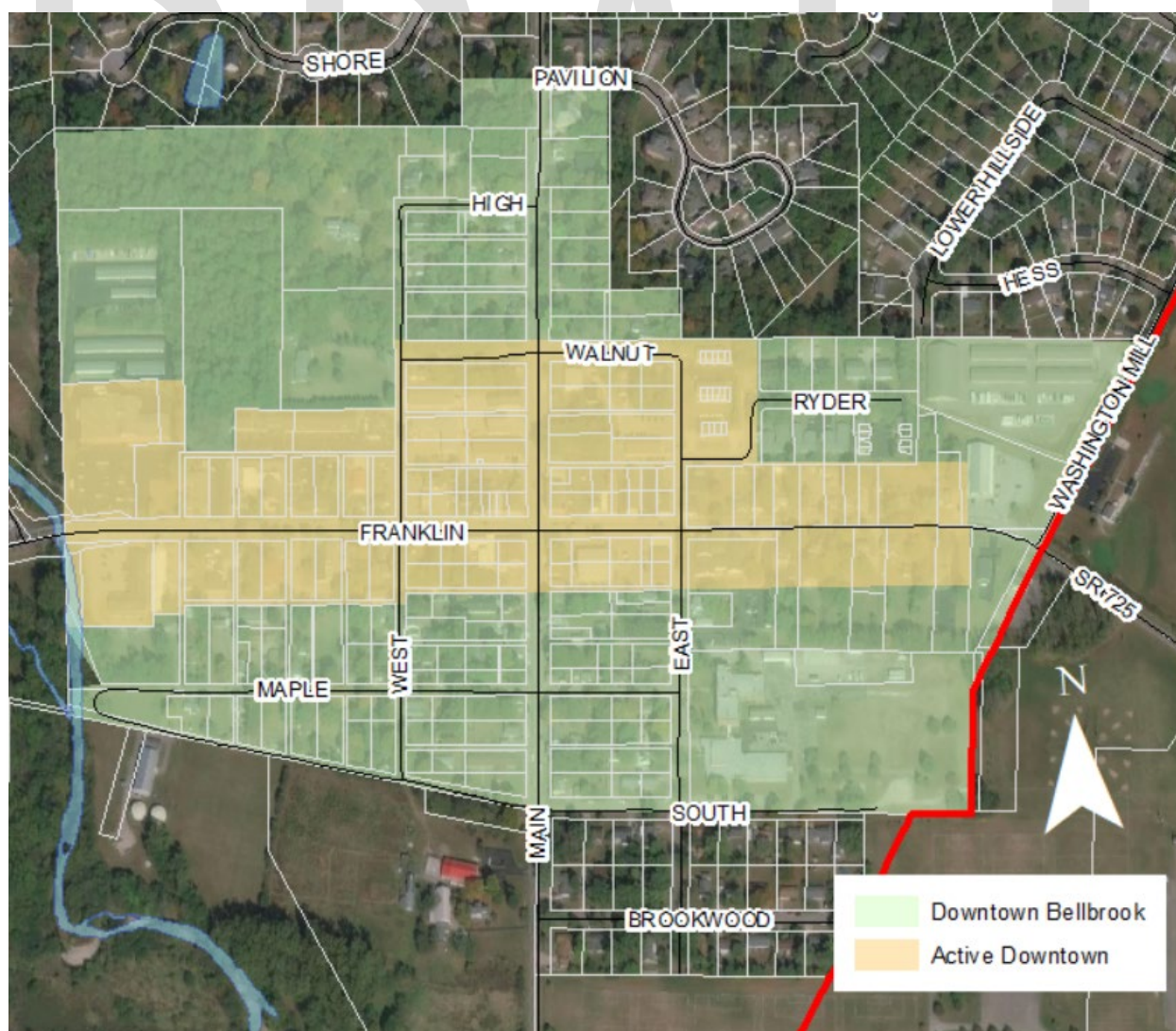
Intent & Character: The intent of this district is to protect the historical structures in the downtown Bellbrook area. While recognizing that not every person can maintain a building to the standards that may be required as such. The Downtown District is a minimal regulatory mechanism to protect the structures and promote, where reasonable, a sense of cohesiveness.

The **Downtown District** is characterized by a mixture of uses and building types. There are a number of single family and multi-family dwelling units. It is the intent of this district to maintain property aesthetics without causing undue burden on homeowners. Where applicable, setbacks should be at the zero-lot line or zero set back line.

The **Active Downtown District** boundaries are contained within the Downtown District and concentrated along the main thoroughfares of Franklin and Main Streets. This area is generally described as follows: bounded on the West by Little Sugarcreek Road and East by Washington Mill Road and on the North by Walnut Street and the South by Maple Street. The Active Downtown District is where mixed-use business will occur and where regulations regarding historical significance shall be stricter, except for the few residential houses that still exist in this

district. Those will be considered to fall under the regulations of the Downtown District until they are converted to business or commercial use, then they will be required to follow the regulations of the Active Downtown District.

Intent & Character: The Intent of this District is to restore the historical significance of **Active Downtown District** by protecting what historical structures are still here, and recreating the feel of our historic downtown with zero setbacks and lot lines, proper access management, on street and offsite parking, and an overall walkable community that people want to be a part of for generations to come. This district should be characterized by active, pedestrian-oriented mixed-use area in multi-story buildings. Mixed use is typically comprised of retail, restaurant and service occupying ground floor spaces with offices and housing/apartments on upper floors. Traditionally Bellbrook has been characterized by two story buildings while most regional historically downtowns often included three-story buildings much like in the City of Xenia or in Downtown Lebanon. Therefore any new buildings will be allowed to have three stories in Downtown Bellbrook but only if they are historic in appearance and at the zero-setback line. No building shall be erected in either of the Downtown districts greater than two stories if it does not meet those criteria.



14.03 USES

All uses permitted within the underlying zoning district shall apply in this chapter including permitted principal uses, accessory uses, and conditional uses. In the Active Downtown District, the intent is to allow a mixture of businesses and to recreate a traditional downtown feel. Exceptions to uses shall be determined under the authority of the Zoning Inspector and in abnormal or extreme requests, the Downtown Review Board.

14.03.1 Non-Conforming Building

The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enacting this zoning ordinance or amendment thereto, may be continued, although such use does not conform with the provisions of such ordinance or amendment, but if any such non-conforming use is voluntarily discontinued, any future use of such land shall be in conformity with Article 14 of the Zoning Regulations.

When residential structures have been rezoned to a business, commercial, or other related use in the Active Downtown District only, they can no longer convert back to residential structures and must comply with regulations associated with the Active Downtown District.

14.04 YARD REQUIREMENTS

Refer to Article 12.04 of this zoning code.

14.05 OFF-STREET LOADING

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

14.06 SIGNS

Signs shall be regulated in accordance with provisions of Section 18.20B.

14.07 ARCHITECTURAL & HISTORIC STANDARDS

The Downtown District is a mix of historic and more modern structures. The features of the historic properties shall be protected and preserved as to not lose their original character. These standards shall guide any improvements to a structure in the district.

14.07.1 Structural Proportion:

Historic Bellbrook architecture is characterized by two-story buildings with tall, narrow doors and traditional building materials with the building façade being at the zero-lot line. New buildings shall conform generally to the proportions of adjoining buildings and all buildings, either new or remodeled shall have windows and doors of proportions like adjoining buildings. Roof slopes shall also be like adjoining buildings. - See Fig. 14.07



Fig. 14.07

14.07.2 Materials & Building Standards

Building materials should be of similar detailing, texture, scale, and appearance to those used historically within the District. Most of the District's buildings are wood frame with wooden siding. The use of such natural materials is preferred and should be encouraged however, where natural appearing materials, such as vinyl or aluminum siding, are the only prudent alternative for the landowner the Zoning Administrator has the authority to approve exceptions within reason. Any extreme or abnormal cases shall go before of the Downtown Review Board for approval. If the materials appear to be synthetic or are highly reflective, they are inappropriate in the District. When possible, masonry/brick colors should be matched to that existing on a building. Buildings in the Downtown District are partially exempt from these standards in 14.9.8 but improvements must be cohesive with the surrounding buildings in the district.

a. Building Details

Architectural features such as window hoods, cornices, brackets, bay windows, door surrounds (side lights), railings, shutters, porches, and other ornamental elements should be preserved. Porches should not be enclosed in a permanent fashion. Missing materials should be replicated and replaced if possible; however, it is better for a building to be missing one decorative element than to remove those remaining for the sake of appearances. If replacement of an element with new is necessary, every effort should be made to match the original as closely as practicable. These kinds of distinctive features help identify and distinguish the character of Downtown Bellbrook.

b. Foundations:

Foundation walls of the mid-19th century were of local limestone. Acceptable foundation materials shall be limited to limestone, brick, poured concrete or other material which is similar in appearance to the original foundation material.

c. Exterior Walls:

The exterior walls of the period were of brick or narrow wood siding. Wall surface construction shall employ these materials or a modern construction material which creates the same effect. Cosmetic treatment using such materials as asphalt shingles which simulate brick or stone are prohibited.

d. Roof Materials:

Roofing materials may consist of metal, slate, asphaltic shingles, or wood shingles. Prohibited materials include aluminum shingles formed to look like wood, asphalt roll roofing, and simulated cosmetic materials.

Alterations—Roofs

The existing roof line and architectural features which give the building its character (towers, roof shape, dormers, cornices, brackets, and chimneys) should be retained whenever possible. The addition of features such as vents, skylights, decks, and roof-top utilities should be avoided or should be inconspicuously placed and screened where necessary. Generally, rolled roofing, built-up tar and gravel, plastic, or fiberglass roofing material is inappropriate. However, on flat or low-pitched roofs which are not visible from public areas, these roof materials may be considered. Where original roofing materials are existent, efforts should be made to retain as much as possible if repairs will meet the needs of the owner.

e. Chimneys:

Chimneys and flues shall be of brick or stucco masonry or other material which is compatible with the architecture of the period. Metal chimneys simulating masonry construction are prohibited.

f. Windows, Doors and Door Lintels:

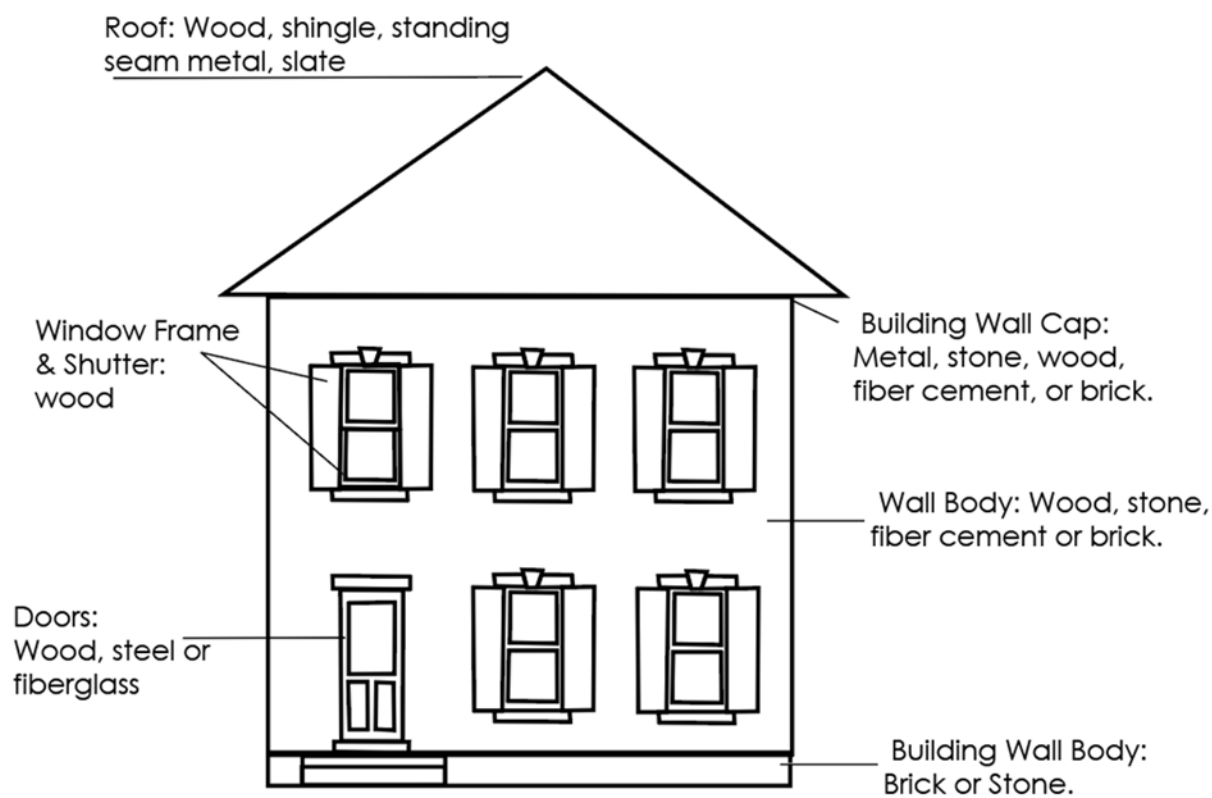
Possibly the most important features of any building are the doors and windows. Original lintels were stone, wood, or brick. Where feasible, lintels shall be restored or compatible stone, brick, or wood shall be used in remodeling, additions or new construction(s). The size and location of openings are an essential part of the overall design and an important element of architectural styling. Original openings should not be altered. Original doors and window sashes should be repaired rather than replaced, whenever possible. When replacement is necessary, the new door or window should match the original in size and style as closely as possible. Metal or plastic window frames are generally unacceptable unless they are painted. Screens and storm windows should be as inconspicuous as possible. Metal storm windows or doors are not appropriate unless they are in the Downtown District, as this area is less restrictive than the Active Downtown District.

1. Windows in new construction should follow a width to height ratio between 1:1 to 3:4.

g. Porches and Outbuildings:

The construction of porches or outbuildings which do not conform to these standards or to the character of the main building, or significantly detract from the architectural character of the main building are prohibited.

Preferred Building Materials Example



As previously stated, buildings in the residential areas or the Downtown District are partially exempt, being that they will not be required to maintain the building to the historical standard as those in the Active Downtown District, unless that building has been registered as a historical site of significance.

14.07.3 Additions

Additions to any existing structure shall reflect the architectural style of the original building. The additions should respect the original structure and not overpower it in any way. The connection between addition and original should be designed so that it blends appropriately and does not detract. Significant or prominent architectural features of the original building should not be destroyed, removed, or obscured by the addition.

14.07.4 Parking

Parking areas in front and side yard areas are prohibited in this district. Parking shall be in the rear of the lots and where applicable shall share access with drives to reduce the number of access points onto thoroughfares to ensure good access management and promote walkability. Traditionally downtowns had little to no gaps between the buildings and by placing access and parking to the rear facilitates this. Any redevelopment of a site where parking was previously on the side or front of a building shall reconfigure the site plan to adhere to this provision and redirect access. Business owners are encouraged to have open shared parking lots. There is no minimum off-street parking requirement for uses other than single-family and two-family residential in Downtown (please reference Section 18.16 for Off-street Parking Regulations). This may be waived by the Downtown Review Board if it is determined that the new construction or the building in question either historically or aesthetically or functionally should not require the parking requirement for residential districts.

14.07.6 Site Improvement—Landscaping

The Downtown District is characterized by landscaping and green space. Greenspace should not be reduced unless the overall improvement warrants such as determined by the Downtown Review Board. Landscaping design should be compatible with the surrounding buildings and landscape elements. Landscaping, special lighting, seating, and decorative paving should be designed to be simple and complimentary to the District. Antique or historic reproductions may be used with discretion. Mature trees should be retained as should other significant features, such as large rocks or ground-swells. Window planter boxes are highly encouraged and do not require permitting or approval.

14.07.7 Fences

The District is characterized by open space and landscaping. Constricting the open space by erecting fences is discouraged. Privacy fences are not characteristic of the District. If a privacy fence is necessary, it shall be contained to the rear of the principal building on the property. All new fences should not extend beyond the front edge of the principal building. Existing retaining walls and fences should be repaired and retained whenever possible. All fences should consider style, color, massing, and the other considerations listed above. Historically, Bellbrook was not developed as or with “gated” properties. The complete enclosure of a property or grouping of properties should be avoided.

14.07.8 Utility Installation

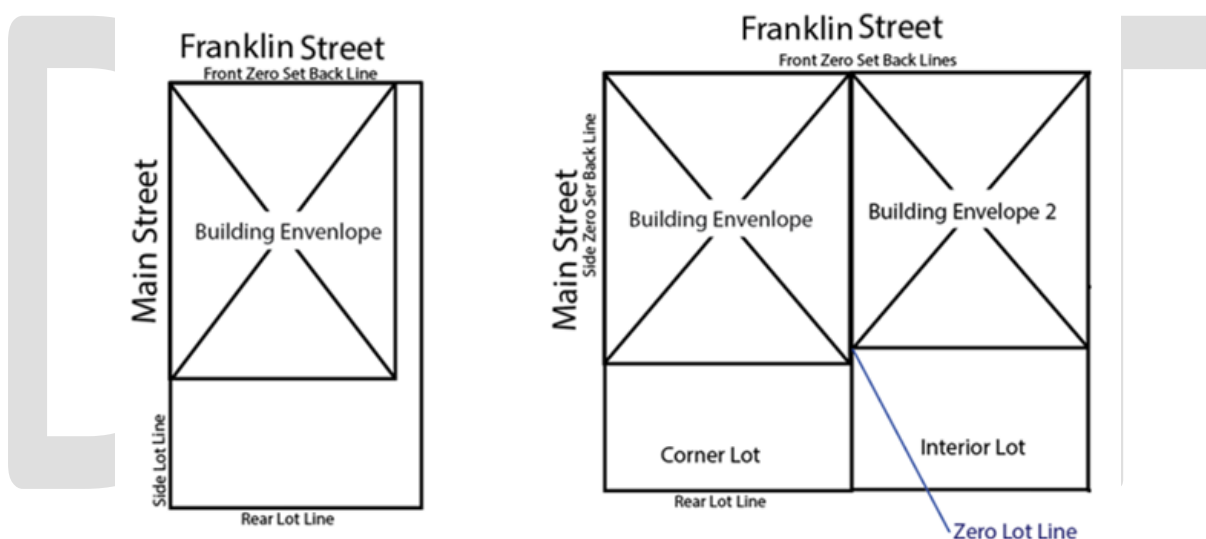
The installation of utility and mechanical systems, such as water or gas meters, antennas and central air conditioning units should be inconspicuously placed, avoiding installation on the street side. Television reception antennas and satellite dishes should be located where they are not visible, on the front façade or other public areas. Mechanical equipment on the ground should be screened with a fence or plant materials or housed in a structure that is in harmony with the surroundings. Mechanical equipment attached to the side or roof of a building should be kept as low as possible and covered, or painted, to blend with the background. Wall or window air conditioning units should not be placed on the street façade if possible. The installation or repair of major utility lines such as power lines and communications, shall be done underground.

to remove these from overhead in the Active Downtown District, in order to promote clear streets and sidewalks and promote walkability.

14.07.9 Setback and Lot Lines

New buildings and significant redevelopment shall be built to a zero-setback and zero side lot lines where reasonable to reestablish Bellbrook's Downtown District. Parking will be maintained in the rear of the site. New construction and redevelopment shall redirect vehicular access to the back of the building where able to minimize access points.

Rehabilitation or significant remodeling of the exterior of a property on a site without a zero setback shall attempt, when feasible, to minimize setback and lot lines.



The main entrance of a building should "face" and open onto the main thoroughfare; historically, buildings were accessed from the streets, therefore, buildings which cannot be oriented to the main street are discouraged.

Building entry should be inset approximately six (6) feet, where possible, to provide shelter from the elements.

14.08 EXCLUSIONS AND CONTROLS NOT APPROPRIATE

Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any property, area or object within the Active Downtown District and the Downtown District. For the purposes of this ordinance, a modification of a window or door which causes the area of the opening to vary by no more than ten percent from its original size shall be considered to be ordinary maintenance or repair, and is not regulated. Unless that door or window uses materials considered to not be cohesive or not mentioned in this ordinance as an approved material.

Neither the exterior color nor the interior arrangement of the building shall be considered by the Downtown Review Board in determining whether an application complies with the provisions of this ordinance, provided such use is permitted by the applicable zoning designation.

14.09 DOWNTOWN REVIEW BOARD

The Board shall consist of five members to be appointed by Council.

- One member shall be a resident of said district.
- One member shall operate a business of said district. This member need not be a City resident.
- Three members shall be residents of the City who shall serve in at-large positions. They need not live in the district.

The Manager shall retain the services of a registered architect to advise the Downtown Review Board. The Manager shall confer with the Downtown Review Board and obtain the approval of Council before making the appointment.

The first members appointed, and each succeeding member shall be appointed to specific capacities on the Board to be designated as: at-large member, resident member, business member.

The terms shall be three years. However, the first members appointed shall serve respectively for the following terms: two for one year; two for two years and two for three years. For a maximum of two terms.

Vacancies on the Downtown Review Board shall be filled for the unexpired terms of the members whose offices have become vacant in the same manner as is provided for the appointment of such members.

All Board members will be required to adhere to Chapter 260 "Guidelines, for members of Boards, Commissions and Committees" of the Municipal Ordinances for the City of Bellbrook.

The Board Members must at all times make decisions based on what is in the best interests of ALL of the residents of the City of Bellbrook, not just those in the downtown, but must also pay close attention as to not cause any undue hardship on the residents of the downtown districts. While we want to protect our history, we also do not want to single out any owners and make them not feel like a part of our community.

14.10 PERMIT REQUIRED – Certificate of Appropriateness

The issuance of a Certificate of Appropriateness is required prior to undertaking certain types of activities within the Downtown District. The Zoning Inspector makes an initial determination of

the necessity for a Certificate of Appropriateness at the time that an application is made for a zoning permit. If the Zoning Inspector believes that a Certificate of Appropriateness is required, then he/she will direct the applicant to complete the permit request. The Downtown Review Board will review the case and make decision to approve or deny.

A Certificate of Appropriateness is required for the following activities within the Downtown District:

- Demolition of all or part of a main building
- Structural modifications which substantially destroy a significant exterior architectural feature of a main building constructed prior to 1945

14.10.2 Conditional Use

A conditional use permit can be submitted to the zoning administrator

- Rental apartments as a secondary use of a commercial building or office on other than a ground-level floor
- Care centers, such as for children or adults, nursing or convalescent centers, including hospice centers but not hospitals

14.11 EXEMPTIONS FROM HEARING

Signs meeting the provisions of Article #18, Section 18.20B, Permitted Signs (Downtown District) shall be exempt from a public hearing and approved by the Zoning Administrator. A zoning permit will be issued within seven (7) days upon approval.

14.12 APPLICATION FOR DOWNTOWN DISTRICT PERMIT AND INFORMATION REQUIRED

Downtown District permits are required as set forth in Section **14.13** hereof. This permit shall be obtained by application to the Zoning Administrator prior to commencement of construction and is required in addition to any other required zoning permit or building permit.

14.12.1 Additional Information

In addition to any other information required by the Zoning Regulations, a scale drawing in duplicate of all affected exterior elevations accompanied by a written description setting forth details of work to be done, materials to be used, brick or accurate color photographs to be used in the modifications and an appropriate presentation showing such proposed details as door and window designs shall accompany the applications.

These documents as amended and accepted shall be official. Any deviation without written permission by the Zoning Administrator or Downtown Review Board shall be cause for revocation of all permits including any building permit.

14.13 SPECIAL PROCEDURE FOR DEMOLITION APPLICATIONS

Under Section 19.01 of the Zoning Code & City Ordinance 2019-15, no demolition is permitted within the City of Bellbrook without a zoning permit. When an application for such a zoning permit indicates that the property is located within the Downtown Districts, the Zoning Inspector will inform the applicant that a Certificate of Appropriateness is required from the Downtown Review Board.

In its deliberations upon an application for demolition of all or part of a main building within the Downtown District that is determined to be a historically significant property based on its historical value and/or architectural features, the Downtown Review Board shall consider alternatives to demolition. If the Downtown Review Board finds cause to believe that there are feasible and prudent alternatives to demolition, then the Certificate of Appropriateness shall be denied. Otherwise, the application shall be approved. The Downtown Review Board may consult with an appraiser, a building contractor and/or other professional person, for information required in making its determination. Information shall be supplied, if available, which indicates that the property could be repaired and leased at an annual rent which would produce a gross return of ten percent on the owner's investment, then the Downtown Review Board may conclude that there is at least one feasible and prudent alternative to demolition.

If the Downtown Review Board determines that there are feasible and prudent alternatives to demolition, it will so inform the applicant and will afford the applicant a period of 180 days to file a written response to that determination. Upon receiving that response, the Downtown Review Board shall reconsider the matter based upon the entire record then on file. If the Downtown Review Board makes a final determination that there are no feasible and prudent alternatives to demolition, then it will inquire into any new use to which the applicant may propose to put the property following demolition. If the Downtown Review Board determines that the objectives of Article 14 of the Zoning Code would be served best by a conversion of the land to the proposed use, then it may approve demolition, subject to the posting of a bond in such amount as the Zoning Administrator deems adequate for insuring that the conversion will occur.

14.14 PROCESS FOR REQUEST TO CONSTRUCT A NEW MAIN BUILDING IN THE DISTRICT

Due to the mix of architectural styles and age of the buildings in the district, it is the goal of the district to maintain, preserve and promote the historic style of its buildings. Any new construction should ensure architectural cohesion in the district, even if the structure being replaced did not contain architecturally historic features. The goal with any renovation or new construction should keep this in mind to create architecturally appropriate structures and features.

When a more modern structure that does not possess any historical value or architectural features as determined by the board, and is requested to be demolished, the board shall work with the property owner to replace the structure with one that is in line architecturally with the historic features of the older buildings in the district. They shall work with the board's architect advisor to accomplish this goal. This intent is to create a more cohesive appearance to the downtown district.

When a structure deemed to possess historical value or architecture is demolished, a similarly architecturally significant structure shall be constructed in its place. The board shall also work with the board's architect advisor to accomplish this goal.

Upon receipt of a request for a zoning permit for construction of a new main building in the Downtown Districts, the Zoning Inspector will furnish the applicant with the appropriate application and a copy of this ordinance. The applicant will be advised regarding the mandatory standards of Article 14 of the Bellbrook Zoning Code. The application will then be forwarded to the Downtown Review Board for a hearing, review, approval, and if appropriate, the issuance of the Certificate of Appropriateness.

14.15 REVIEW PROCEDURE

14.15.1 Application Review by Zoning Administrator:

The Zoning Administrator shall determine whether the subject property meets all other requirements of this ordinance and shall present their findings to the Downtown Review Board.

14.15.2 Application Review by Downtown Review Board:

14.15.2.1 HEARING

The Downtown Review Board shall notify the applicant of a time and place of a hearing on the application not less than ten (10) days before the date of the hearing. The hearing shall be held within thirty (30) days after delivery of the application and supportive materials to the Zoning Administrator. Public notice shall be required.

Action on Application: The Board shall consider at the time of the hearing whether to approve, approve with modifications, or disapprove the application.

14.15.3 APPEALS PROCEDURE

If an application is denied or approved with modifications, the applicant may request a hearing before the City Council. The request for a hearing shall be made in writing directly to the Clerk of Council within 45 days of the Downtown Review Board's decision. The City Council may reverse, affirm, or modify the action of the Downtown Review Board by a simple majority vote of the entire Council.

Council shall attempt to schedule appeal hearings at time reasonably convenient to the applicant. Unless the applicant shall otherwise request, all appeals hearings shall be held within thirty (30) days of receipt of the hearing request.

An applicant who is dissatisfied with the action of Council may have further appeals to the courts, as provided by the general law of the State of Ohio.