



Planning Board Meeting
January 21, 2021, 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).

Comments and/or questions for the Board's consideration may be made by joining the Zoom meeting or by emailing the Clerk of Council at p.timmons@cityofbellbrook.org by 3 p.m. on 1/21/2021.***

1. Call to Order
2. Roll call
3. Approval of prior minutes of December 17, 2020
4. Old Business:
 - Article 14
 - Recreational Vehicles
 - Commercial Vehicles
5. New Business
6. Open Discussion
7. Adjournment

Webinar ID: 885 1730 1353

Webinar Passcode: 362701



BELLBROOK PLANNING BOARD
PUBLIC MEETING MINUTES
December 11, 2020 6:00 PM

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

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

CALL TO ORDER

Chairman Thompson 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. Brady, yes; Mr. Bennett, yes; Mr. Thompson, yes.

FORMAL APPROVAL OF MINUTES

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

OLD BUSINESS

- **Review of Zoning Code Article 14**

Zoning Administrator Jessica Hansen explained that the only update on this version was the addition of the information supplied by Mr. Hardy.

The following suggestions were discussed:

- 14.07.2(a) Building Details - remove “however, it is better for a building to be missing one decorate element than to remove those remaining for the sake of appearances.”
- 14.07.2(f) – Remove “Metal or plastic window frames are generally unacceptable unless they are painted.”
- 14.09 – updates were made to the requirements for Downtown Review Board members

Mr. Bennett asked how many buildings in the downtown district are of historical significance. Mrs. Hansen explained that it could be any building that housed a significant person or activity, or anything built before 1945 according to the Village Review Board. The city has plans to create a list of historically significant buildings with the help of the museum trustees. It is also suggested to look into why 1945 was chosen as the year.

NEW BUSINESS

- **Staff report on Recreational Vehicles and Commercial Vehicles**

Zoning Administrator Jessica Hansen presented the report explaining that this has become an issue in downtown and other parts of the city. The code should be updated to make sure these vehicles are not a nuisance. RVs can be trailers or drivable vehicles as long as they do not exceed 25 feet long. Up to two RVs are allowed to be kept in the rear yard on a paved pad or compacted gravel in residential districts. The downtown district does not specify allowing these at all. The difference between Recreational Vehicle trailers and Commercial trailers is defined by the weight and identified by the kind of license tag.

Mr. Thompson asked how to handle truck caps that have been removed. Mrs. Hansen answered that the code currently classifies these like a trailer and need to follow the same rules.

Mrs. Hansen also discussed commercial trailers that are only allowed in industrial districts. Bellbrook does not have an industrial district. She reports receiving some complaints. Business owners should be able to store them on their property if they can be parked behind the building. We can allow a temporary use to park on the street.

Mr. Thompson suggested updating the definitions of a Recreational Vehicle versus a Commercial Trailer by weight and class.

Mr. Harding suggested allowing them downtown by permit from the Downtown Review Board only.

Mr. Tuttle asked about moving trailers like uhauls being parked on the street. Mrs. Hansen that normally 24 hours are allowed, and she will review the code to make sure that is clear.

Mr. Thompson asked how many multi-family districts (R3) are in downtown. What if a commercial driver lives in an apartment? Mrs. Hansen said she would research that question.

Chairman Thompson commented that 18.26(2)(f) needs more clarification.

- **Fee Comparison**

Mrs. Hansen explained that this is the latest edition of the Fee schedule comparison chart.

Mr. Bennet made a motion to add the Fee Schedule to the agenda and except the staff recommendations. Mr. Tuttle seconded the motion. The Secretary called the roll. Mr. Bennett, yes; Mr. Tuttle, yes; Mr. Stangel, yes; Mr. Harding, yes; Chairman Thompson, yes. The motion passed 5-0.

OPEN DISCUSSION - none

ADJOURNMENT

Mr. Bennet made a motion to adjourn the meeting at 6:45 PM. Mr. Thompson seconded the motion, and all were in favor.

Mitchell Thompson, Chair Date

Pamela Timmons, Secretary Date

2021 Article 14

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. Including intent & character.
14.02	Designation of District	4		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 over arching statement.	
14.03.1/14.06	Non-Conforming Building	4		Added regulations for rezoning in the Active Downton 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 Lintels	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.
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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.

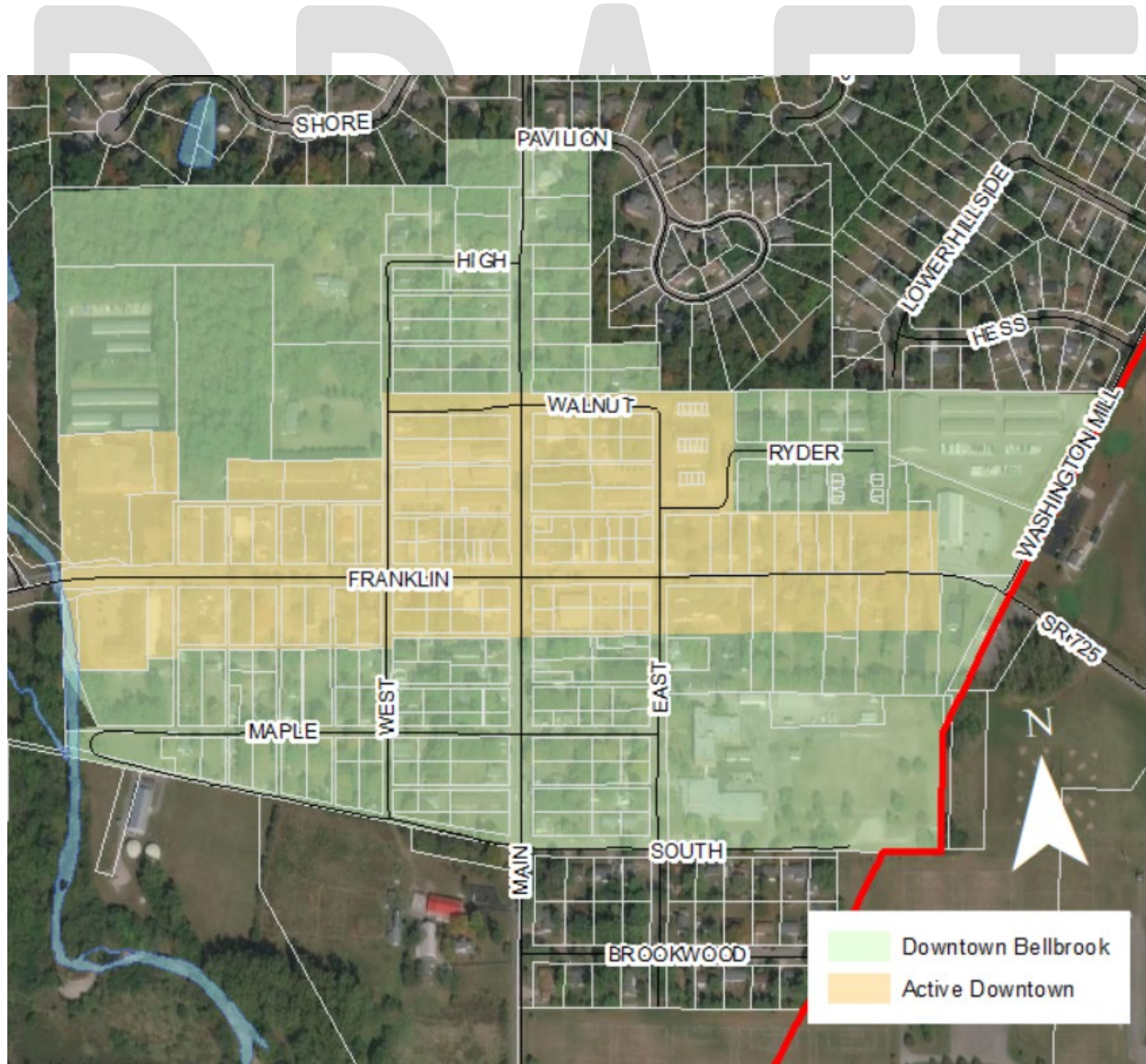
Intent & Character: The intent of this district is to protect the historical structures in the downtown Bellbrook area. While recognizing that not every person can maintain a building to the standards that may be required as such. The Downtown District is a minimal regulatory mechanism to protect the 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 historic downtowns often include three-story buildings found in the Cities of Xenia and Lebanon. Therefore, any new buildings will be permitted 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. 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:**

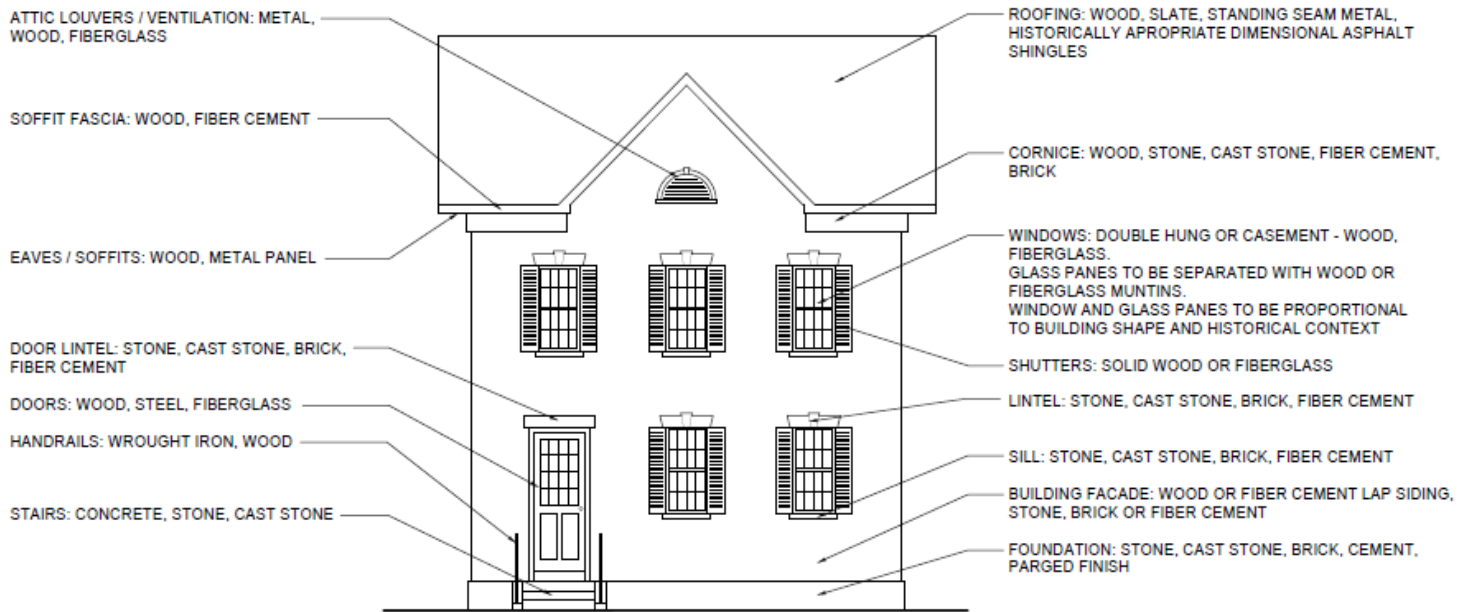
Possibly the most important features of any building are the doors and windows. Original lintels were stone, wood, or brick. Where feasible, lintels shall be restored or compatible stone, brick, or wood shall be used in remodeling, additions or new construction(s). The size and location of openings are 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. **If the replacement cannot be made to match the original, exceptions may be made as determined by the Zoning Administrator.** 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 groundswells. 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.

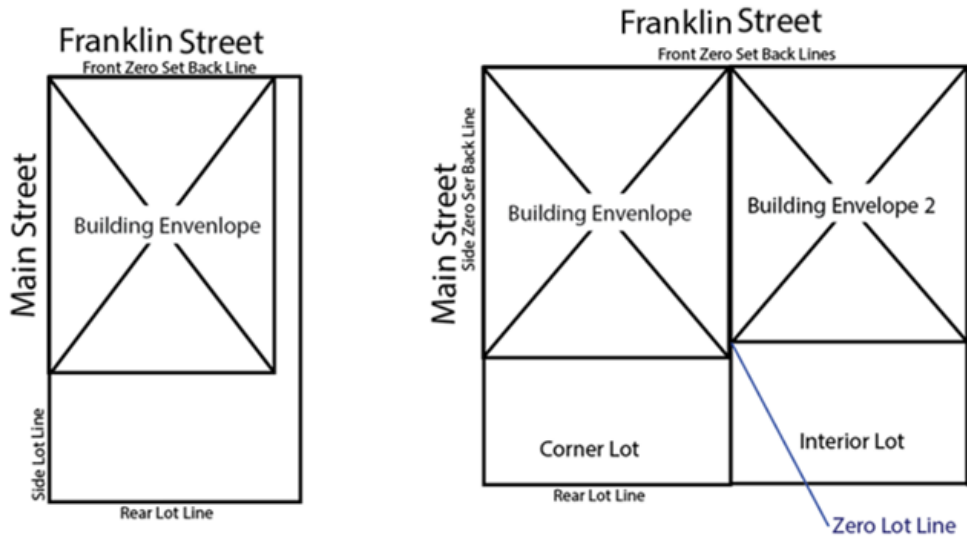
14.07.8 Utility Installation

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. This member may serve more than the allowed term limit if a replacement cannot be found when their term expires.
- One member shall operate a business of said district. This member need not be a City resident.
- **Two** 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.

No member of the Downtown Review Board shall vote or participate in the discussion of any question before the Downtown Review Board in which he or she has a personal or pecuniary interest.

The terms shall be three years. However, the first members appointed shall serve respectively for the following terms: **Three** 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.

Changes to RV's/Commercial Vehicle Sections of Zoning Code

Section	Change
3.02	Removed the vague definition of RV and replaced with more clearly defined example.
18.26	Removed "if applicable" from statement regarding registration.
18.26(2)	Re-worded opening sentence regarding length of RV's that are permitted for clarity.
18.26(2)(e)	Removed "if applicable" from statement regarding registration.
18.26(2)(f)	Removed compacted gravel and replaced with concrete or brick pavers. Other sections of our Zoning code state driveways must be dust free, compacted gravel is not.
18.26(4)	Added off-street loading and unloading regulations.
18.26(4)(b)	Added exception for emergency.
18.26(4)(c)	Added a limit on number of hours an RV can be used for moving purposes.
18.26(5)	Added a section dedicated to which districts RV's are permitted and prohibited.
18.22	Added section to ensure no commercial vehicle will hinder the movement of pedestrians.
18.22(1)	Added a section dedicated to which district commercial vehicles are permitted and prohibited.

Section 3.02 Definitions:

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: boats, motor homes, travel trailers, campers, jet skis, snowmobiles, off road vehicles, unattached truck caps and trailers of any kind.~~

RECREATIONAL VEHICLE(S). Include the following:

- (1) TRAVEL TRAILER. A vehicle built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses.
- (2) PICK-UP CAMPER. A portable dwelling designed primarily to be mounted on a pick-up truck chassis or in a truck bed and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.
- (3) MOTOR HOME. A portable dwelling designed and constructed as a self-mounted vehicle on wheels and designed for travel, recreational and vacation uses.
- (4) BOAT and BOAT TRAILER. Includes floats, rafts and personal water craft, plus the normal equipment to transport the same on the highway.
- (5) FOLD-OUT TENT TRAILER. Trailers meant to be towed behind smaller suv's and trucks, the top collapse down to reduce overall height to make it easier to tow.
- (6) JET SKIS, SNOWMOBILES, OFF-ROAD VEHICLES – commonly used for recreation examples can include but are not limited to 4-wheelers, side-by-sides, snowmobiles, sand crawlers, jet skis, and autocycles.
- (7) UNATTACHED TRUCK CAPS. An enclosed unit that has windows and a hatch that will typically be mounted over the bed of a pickup truck, but for whatever reason has been removed and stored in a non-enclosed structure.
- (8) CONCESSION TRAILER. Used as a mobile store or used commercially.
- (9) Utility Trailer. Typically used by private cars or trucks to tow with.

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~~ RV's that are greater than 25 feet but no more than 40 feet in length are 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; Article # 18, General Provisions 177 02/08/12

(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 concrete or brick pavers. ~~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.

(4) Off-street loading and/or unloading space shall be designed and constructed so that all maneuvering for loading and or unloading can take place entirely within the property lines of the premises being served. Such off-street loading and/or unloading space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk or street.

(a) 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.

(b) This section does not apply during times of emergency due to acts of nature from which the use of an RV may be necessary. This may be determined by the City Manager or designee.

(c) RV's may also be used accommodation for persons visiting a home for not more than (72) seventy-two hours during which a resident is moving in or out of a home.

(5) Permitted and Prohibited Districts

Permitted Districts:

A-1	Agricultural
R-1AA	One Family Residential District
R-1A	One Family Residential District
R-1B	One Family Residential District
R-2	Two Family Residential District
B-1	Highway Business District
PD-1	Planned Residential Development
PD-2	Planned Business Development
PD-3	Planned Industrial Development
I-1	Industrial District

Prohibited Districts:

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

Section 3.02 Definitions:

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.

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 or other prohibited 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. **No commercial tractor, commercial trailer, semi-trailer or any commercial truck shall be parked as to ~~not~~ hinder the free movement of pedestrians.**

(1) Permitted and Prohibited Districts

Permitted Districts

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B-1	Highway Business District
PD-2	Planned Business Development
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B-3	Neighborhood Business District
B-4	Central Business District
PD-1	Planned Residential Development
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