

**ARTICLE 18**

**GENERAL PROVISIONS**

18.01

**GENERAL REGULATIONS:**

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

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

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

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

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

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

18.02

**YARD REQUIRED FOR CORNER AND THROUGH LOTS:**

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

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

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

18.03

**RESERVED**

18.04

**LOTS ADJOINING ALLEYS:**

In calculating the area of a lot that adjoins an alley, for the purpose of applying lot area requirement of this ordinance, one half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.

18.05A

**ACCESSORY BUILDINGS:**

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

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

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

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

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

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

18.05B

**SWIMMING POOLS:**

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

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

18.06

**FENCES & WALLS:**

(1) **Non corner lots:**

(a) **Side and rear yards:**

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

(b) **Front yard:**

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

(2) **Corner and double frontage lots:**

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

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

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

18.07

**REMOVAL OF SOIL, SAND OR OTHER MATERIAL:**

The use of land for the removal of top soil, sand or other material from the land other than materials from basement excavations is not permitted in any zone except under a temporary permit from the Board of Zoning Appeals; this permit may be denied or issued in appropriate cases after the filing of an application

accompanied by a suitable agreement or bond that such removal will not cause stagnant water to collect or leave the surface of the land, at the expiration of such permit, in an unstable condition, or unfit for the growing of turf or for other land uses permitted in the district in which such removal occurs.

18.08

**ESSENTIAL SERVICES:**

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

18.09

**EXTERNAL EFFECTS:**

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

18.10

**OUTDOOR STORAGE AND WASTE DISPOSAL:**

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

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

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

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

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

18.11

**PROJECTIONS INTO REQUIRED YARDS:**

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

(2) **Front yards:**

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

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

18.12

**EXCEPTIONS TO HEIGHT LIMITATIONS:**

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

(1) Public, semi-public or public service buildings, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding ninety (90) feet when the required side and rear yards are each increased by one (1) foot for each foot of additional building height above the height regulations for the

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district in which the building is located, provided, however, that prior to the issuance of a zoning permit for any structure which is planned to exceed thirty-five (35) feet in height, the Planning Board shall make a finding that any such excessive height will not be detrimental to the public safety; to the light, air or privacy of any other structure or use currently existing or approved for construction.

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

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

18.13

**TEMPORARY USES:**

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

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

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

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

(4) **Gatherings under canvas or in open:**

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

18.14

**MAJOR STREET SETBACKS:**

Any building or structure shall hereinafter be constructed in accordance with the required front yard setback in the district in which it is to be located, measured from the required right-of-way line on major streets and secondary streets designated as such on the Major Thoroughfare Plan.

18.15

**OFF STREET LOADING REGULATIONS:**

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

(1) **General Provisions:**

(a) **Screening:**

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

(b) **Entrances and Exits:**

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

(c) **Dimensions:**

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

(d) **Projections into yards:**

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



(2) **Amount of Loading Space Required:**

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

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

18.16

**OFF STREET PARKING REGULATIONS:**

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

(1) **General Provisions:**

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

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

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

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

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

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

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

(h) **Ingress and Egress:**

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

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

(j) **Pavement:**

(1) All parking lots or parking spaces shall be surfaced with a hard dust-free surface in conformance to the standards of the Bellbrook Service Department. For

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zoning purposes, compacted gravel is not considered a dust-free surface;

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

(k) **Lighting:**

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

(l) **Screening:**

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

(m) **Plot Plan to be Filed:**

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

(n) **Restricted Accessory Parking Areas:**

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

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

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

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

(4) No parking shall be permitted between the street line and the building line prevailing in the zone in which the proposed parking area is to be located. The resulting open area shall be planted in grass or otherwise landscaped to create a permanent green area.

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

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

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

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

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

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

individual occupants for whom spaces are reserved.

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

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

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

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

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

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

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

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

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

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

(a) **One Family Dwelling:**

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

(b) **Two Family Dwelling:**

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

(c) **Multiple Family:**

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

(d) **Apartment Hotel:**

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

(e) **Housing for the Elderly:**

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

(f) **Boarding House:**

One (1) parking space for each sleeping room.

(g) **Hotel or Motel:**

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

(h) **Churches:**

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

(i) **Hospitals:**

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

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

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

(k) **Elementary and Junior High Schools:**

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

(l) **Senior High Schools:**

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

(m) **College and Business University:**

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

(n) **Libraries, Museums or Art Galleries:**

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

(o) **Post Office:**

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

(p) **Private Clubs, Lodges:**

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

(q) **Bowling Alleys:**

Five (5) parking spaces for each alley.

(r) **Public Golf Courses:**

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

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

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

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

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

(u) **Professional Offices, Medical Clinics:**

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

(v) **Office Building:**

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

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

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

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

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

(y) **Auto Service Station:**

Six (6) spaces per bay.



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(z) **Automobile Sales and Service Garage:**

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

(aa) **Used Car Lot:**

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

(bb) **Barber Shops and Beauty Parlors:**

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

(cc) **Drive-In Eating Establishments and Fast Food Establishments** ( where food is served directly to customers in parked motor vehicles, or food is served within the structure but may be consumed within the structure or on the premises outside the structure):

Three (3) parking spaces for each one hundred (100) square feet of gross floor area.

(dd) **Furniture and Appliances, Household Equipment, Decorator, Electrician, Shoe Repair:**

One (1) parking space for each eight hundred (800) square feet of floor area plus one (1) space for each two (2) employee.

(ee) **Laundromats:**

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

(ff) **Mortuaries or Funeral Homes:**

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

(gg) **Restaurants, Taverns, and Carry-Outs:**

One (1) parking space for each one hundred (100) square feet of gross floor area.

(hh) **Retail Stores and Shopping Centers:**

Six (6) parking spaces for each one thousand (1000) square feet of gross floor area.

(ii) **Contractor Yards or Plant Storage Yard:**

One (1) space for each three (3) employees.

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(jj) **Warehouses, Wholesale Stores:**

One (1) parking space for each eight hundred (800) square feet of floor area.

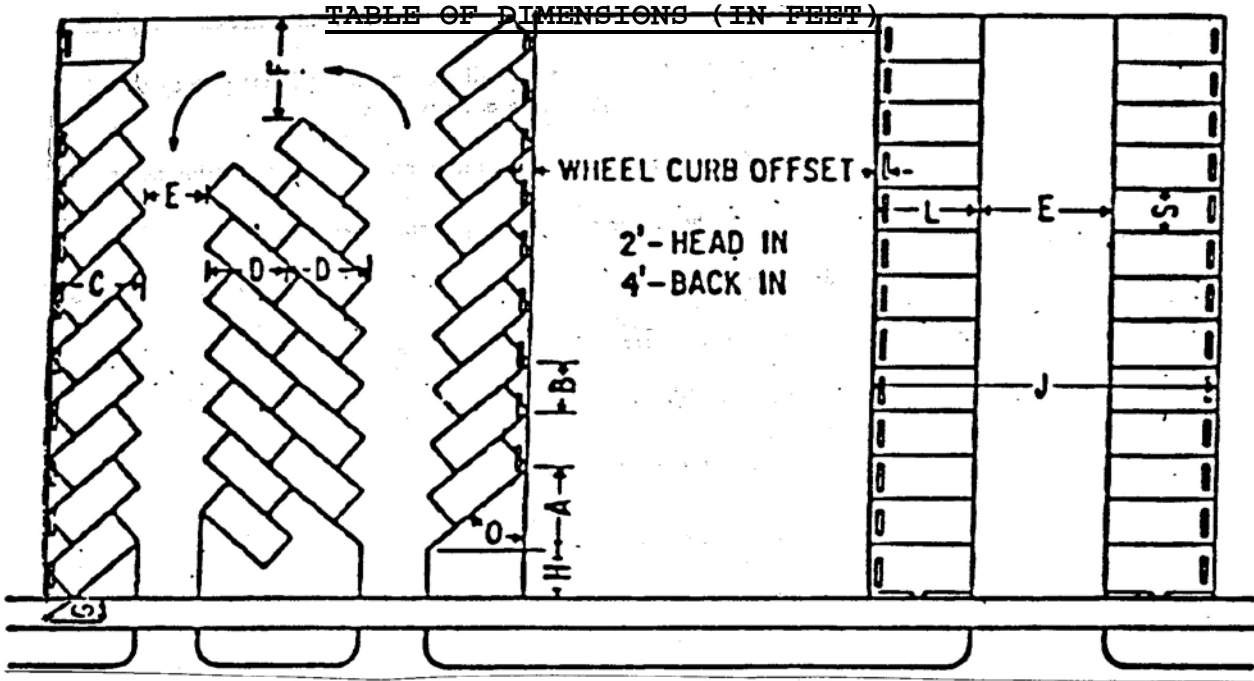
(kk) **Manufacturing Plants or Research Laboratories:**

One (1) space for each one and one half (1 ½ ) employees per largest work shift.

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

(3) OFF STREET PARKING DESIGN REQUIREMENTS:

Off street accessory parking must meet the minimum design requirements described in the table and chart that follows:



O	S	L	A	B	C	D	E	F	G	H	J
0°	9.0	24.0	0.0	24.0	9.0	9.0	11.0		0.0	0.0	29.0
	9.0	26.0	0.0	26.0	9.0	9.0	10.0		0.0	0.0	28.0
30°	9.0	19.0	30.0	18.0	17.3	13.4	9.0		13.5	0.0	43.6
45°	9.0	19.0	19.9	12.7	19.8	16.6	10.0	16.0	6.4	9.0	40.6
	9.5	19.0	20.1	13.4	20.1	16.7	9.5	16.5	6.7	8.5	49.7
	10.0	19.0	20.5	14.1	20.4	16.9	9.0	17.0	7.0	8.0	49.8
60°	9.0	19.0	12.1	10.4	21.0	18.8	17.0	15.0	2.6	12.0	59.0
	9.5	19.0	12.3	11.0	21.3	18.9	15.5	15.0	2.8	11.5	58.1
	10.0	19.0	12.4	11.5	21.5	19.0	14.0	15.0	2.9	11.0	57.0
90°	9.0	19.0	0.0	9.0	19.0	19.0	25.0	20.0	0.0	0.0	63.0
	9.5	19.0	0.0	9.5	19.0	19.0	24.0	20.0	0.0	0.0	62.0
	10.0	19.0	0.0	10.0	19.0	19.0	23.0	20.0	0.0	0.0	61.0

18.17

**SCREENING:**

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

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

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

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

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

**(3) Location of Screening:**

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

**(4) Height of Screening:**

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

(5) Depth or Width of Screening:

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

(6) Protection:

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

18.18 RESERVED

18.19 SEPTIC TANKS OR WELLS:

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

18.20

**PERMITTED SIGNS**

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

18.20A

**PERMITTED SIGNS (GENERAL):**

(1) **PURPOSE:**

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

- (a) Protect each person's Constitutional right to freedom of speech; and
- (b) Protect the public health, safety, convenience, comfort, prosperity and general welfare.

(2) **OBJECTIVES:**

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

(a) **Primary Objectives:**

- (1) Permit non-commercial signs on any property within the city;
- (2) Permit signs, which do not create a potential hazard to the public safety; and
- (3) Permit commercial signs appropriate to the land use and/or zoning classification of each property within the city.

(b) **Secondary Objectives:**

- (1) To create a more aesthetically pleasing city; and
- (2) To eliminate visual clutter within the city.

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

(3) **DEFINITIONS:**

(a) **Building Frontage:**

Building frontage shall mean the maximum horizontal width of the ground floor of a building that approximately parallels and faces an adjacent public right-of-way of at least fifty (50) feet in width. In the case of a building with multiple occupants, the maximum horizontal width of the portion of the building where each occupant's main entrance is located shall be considered that occupant's separate and

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distinct building frontage. In the case where the ground floor of a building is occupied by two (2) or more different tenants, the portion of the building frontage occupied by each tenant shall be considered a separate and distinct building frontage. Corner lots and through lots shall be considered to have only one (1) distinct and separate building frontage.

(b) **Commercial Message:**

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

(c) **Legible:**

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

(d) **Localized Background:**

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

(e) **Sign:**

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

- (1) A person within a public right-of-way; and/or
- (2) A person not on the premises on which the visual communication device is located.

The term "sign" shall specifically include the following:

- (1) Any localized background which is a part of or is placed in conjunction with a sign for the purpose of improving the visibility of the sign; and,
- (2) Any artificial illumination device whose major function is to provide illumination of the visual information conveyed by a sign.

The following are types of signs:

(1) **Ground Signs:**

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

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(2) **Projecting Sign:**

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

(3) **Roof Sign:**

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

(4) **Wall-Sign:**

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

(5) **Portable Sign (prohibited):**

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

(f) **Sign Area:**

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

(g) **Sign-Height:**

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

(h) **Sign - Permanent:**

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



(i) **Sign-Sandwich Board:**

A temporary sign with two (2) hinged boards which can be placed on the ground. A sandwich board sign is not considered a portable sign under this ordinance.

(j) **Sign - Temporary:**

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

(4) **SIGNS EXEMPT FROM ORDINANCE:**

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

(a) **Signs Inside Buildings:**

Any sign located inside or behind a window shall not be subject to any provision of the Ordinance, except the Prohibited Signs and Sign Characteristics contained in this Ordinance.

(b) **Other Signs:**

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

(5) **SIGNS PARTIALLY EXEMPT FROM ORDINANCE:**

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

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

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

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

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

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

(f) Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial

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message other than such message as necessary to identify the use; and

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

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

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

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

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

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

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

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

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

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

(7) **SIGNS ALLOWED WITHOUT A PERMIT:**

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

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

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

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

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

(8) PROHIBITED SIGNS AND SIGN CHARACTERISTICS:

The following signs are prohibited in the city:

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

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

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

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

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

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

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

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

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

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

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

(j) Any portable sign.

(9) **GENERAL PROVISIONS:**

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

(a) **Permits Required:**

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

(b) **Non-Conforming Signs:**

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

(c) **Maintenance of Signs:**

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

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

(d) **Dangerous or Defective Signs:**

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

(e) **Location of Signs:**

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

(f) **Duration of a Permanent-Sign:**

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

(g) **Sign Location with Respect to Frontages:**

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

(h) **Non-Commercial Messages:**

Any sign allowed under this ordinance or a predecessor ordinance, by sign permit, by conditional use permit, or by variance, may contain, in lieu of any other message or copy, any non-commercial message that does not direct attention to a business operated for profit, or to a product, commodity, or service for sale or lease, or to any other commercial interest or activity, so long as said sign complies with the size, height, area, and other requirements of this ordinance. The substitution of a non-commercial message may be made without any additional approval or permitting.

(i) **Commercial Messages:**

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

(j) **Ground Sign:**

(1) **Setback:**

Unless otherwise stated in this ordinance, any temporary or permanent ground sign or any part thereof shall be set back a minimum distance of ten (10) feet from any right-of-way.

(2) **Lot Frontage:**

A ground sign shall be allowed only on a lot which has lot frontage on a public right-of-way. Corner lots and through lots shall have only one (1) lot frontage.

(3) **Landscaping Requirements:**

A permanent ground sign shall require a single continuous landscaped area to be maintained beneath the sign in accordance with the following standards:

(A) The minimum size of landscaped area shall be equal to the total area of the sign; and

(B) The landscaped area shall include living plantings aesthetically located and maintained. The use of concrete, asphalt, or any other paved surface inside the required landscaped area beneath the sign shall be prohibited.

(k) **Projecting Signs:**

Where projecting signs are allowed, they shall conform with the following standards. A projecting sign:

(1) Shall have vertical clearance of at least ten (10) feet above a sidewalk and fifteen (15) feet above a driveway;

(2) Shall be attached to the building wall at an angle of ninety (90) degrees and no part of the sign shall project more than four (4) feet from the wall; and

(3) Shall not extend higher on the wall than the bottom height of any second story window.

(l) **Wall Signs:**

Where wall signs are allowed, they shall conform with the following standards. A wall sign:

(1) Shall not extend more than twelve (12) inches from the wall of the building upon which it is mounted;

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- (2) Shall be inclined from the vertical only to the extent necessary for conformity to the general contour of the wall to which the sign is mounted;
- (3) Shall not extend above the top of the wall and shall not extend beyond the limits of any wall to which they are attached;
- (4) Shall not obscure an architectural feature, such as but not limited to doors, windows or trim; and
- (5) Shall have hidden structural supports.

(m) **Temporary Signs:**

The illumination of a temporary sign shall be prohibited.

(10) **SIGNS PERMITTED FOR AGRICULTURAL ZONES:**

(a) **Permanent Signs, Generally:**

- (1) Permanent signs requiring a permit shall be prohibited on vacant or undeveloped land in agricultural zoning districts; and
- (2) Permanent signs shall be allowed on a premises with a permanent building designed for human use or occupancy (not including storage or equipment sheds) in accordance with the further provisions of this sub-section.

(b) **Occupied Land:**

(1) **Permanent Signs:**

One (1) permanent ground sign shall be allowed for each occupied premises in the agricultural zoning district, subject to the following standards:

(A) The permitted sign area shall not exceed one (1) square foot of sign area per ten (10) linear feet of lot frontage and shall not exceed thirty-two (32) square feet per side or sixty-four (64) square feet total sign area;

(B) The sign shall not exceed six (6) feet in height;

(C) The sign shall be subject to the setback standards applicable to ground signs in other zoning districts, as set forth under "General Provisions"; and

(D) The sign may bear any non-commercial message or a commercial message related to agricultural activity actually conducted or agricultural products sold on the premises.

(2) **Temporary Signs:**

Temporary signs shall be allowed in the agricultural zoning district subject to the following:

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(A) Temporary signs shall be ground signs and shall not be attached to buildings, fences or walls;

(B) Such temporary signs shall not exceed twelve (12) square feet in area per side, or twenty-four (24) square feet total sign area, and shall not exceed six (6) feet in height;

(C) One (1) temporary sign bearing a commercial message related to the sale, lease or rental of the premises is allowed per frontage at any time;

(D) On occupied property, one (1) temporary sign may bear a commercial message related to temporary commercial activities lawfully conducted on the premises, including the occasional sale of personal property through a garage or yard sale, but no premises shall have a temporary sign bearing a commercial message (other than one related to the sale or lease of the property) for more than ninety (90) days per calendar year; and

(E) Any temporary sign may bear a non-commercial message. If the non-commercial message relates to an election or other event, such sign shall be removed within ten (10) days following the conclusion of the event; and

(F) The sign shall be located outside any public right-of-way but shall not be subject to the general ground sign setback provision.

(11) **SIGNS PERMITTED FOR RESIDENTIAL ZONES:**

(a) **Permanent Signs Generally:**

(1) Permanent signs, other than neighborhood entrance signs that conform to Section 11(f), requiring a permit shall be prohibited on vacant or undeveloped land in residential zoning districts; and

(2) Permanent ground signs are prohibited in all residential districts with the exception of permanent neighborhood entrance signs (f) and churches, schools or institutions (d); permanent wall signs are allowed in such districts in accordance with the further provisions of this section (11).

(b) **Occupied Lots in Single or Two Family Residential Zones:**

(1) **Generally:**

(A) No sign may be directly illuminated;

(B) Projecting signs shall be prohibited; and

(C) The provisions of this sub-section (b) apply to individual occupied residential lots in these districts; sub-section(d), (e) and (f) of this section apply to signs in other locations in these districts.



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**(2) Temporary Ground Signs:**

No permanent ground signs shall be allowed. The following rules apply to temporary ground signs:

(A) Temporary signs shall be ground signs and shall not be attached to buildings, fences or walls;

(B) Such temporary signs shall not exceed six (6) square feet per side, or twelve (12) square feet total sign area, and shall not exceed four (4) feet in height;

(C) One (1) temporary sign bearing a commercial message related to the sale, lease or rental of the premises is allowed per frontage per premises at any time;

(D) One (1) temporary sign may bear a commercial message related to temporary commercial activities lawfully conducted on the premises, including the occasional sale of personal property through a garage or yard sale, but no premises shall have a temporary sign bearing a commercial message (other than one related to the sale or lease of the property) for more than thirty (30) days per calendar year;

(E) Any temporary sign may bear a non-commercial message. If the non-commercial message relates to an election or other event, such sign shall be removed within ten (10) days following the conclusion of the event; and

(F) The sign shall be located outside any public right-of-way but shall not be subject to the general ground sign setback provision.

**(3) Wall Sign:**

Only one (1) wall sign shall be permitted on each dwelling unit and each sign shall not exceed one (1) square foot. The wall sign may bear any non-commercial message or a commercial message pertaining to a commercial activity lawfully conducted on the premises.

**(c) Multi-Family Residential Zones:**

**(1) Generally:**

(A) No sign may be directly illuminated;

(B) Projecting signs shall be prohibited; and

(C) The provisions of this sub-section (c) apply to individual occupied residential premises in these districts; sub-sections (e), (e) and (f) of this section apply to signs in other locations in these districts.

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(2) **Temporary Ground Signs:**

No permanent ground signs shall be allowed. The following rules apply to temporary ground signs:

(A) Temporary signs shall be ground signs and shall not be attached to buildings, fences or walls;

(B) Such temporary signs shall not exceed six (6) square feet per side, or twelve (12) square feet total sign area, and shall not exceed four (4) feet in height;

(C) One (1) temporary sign bearing a commercial message related to the sale, lease or rental of the premises is allowed per frontage per premises at any time;

(D) One (1) temporary sign may bear a commercial message related to temporary commercial activities lawfully conducted on the premises, including the occasional sale of personal property through a garage or yard sale, but no premises shall have a temporary sign bearing a commercial message (other than one related to the sale or lease of the property) for more than thirty (30) days per calendar year;

(E) Any temporary sign may bear a non-commercial message. If the non-commercial message relates to an election or other event, such sign shall be removed within ten (10) days following the conclusion of the event; and

(F) The sign shall be located outside any public right-of-way but shall not be subject to the general ground sign setback provision.

(3) **Wall Sign:**

Only one (1) wall sign shall be permitted on each dwelling unit and each sign shall not exceed one (1) square foot. The wall sign may bear any non-commercial message or a commercial message pertaining to a commercial activity lawfully conducted on the premises.

(d) **Signs for Institutional Uses:**

Any school, house of worship, recreation center or other institutional use, including the Old Village District, may have the same signage allowed for any other use in the same zoning district in which it is located or the signs listed in paragraphs (1), (2) and (3), in this sub-section:

(1) One (1) detached ground sign, not to exceed thirty-six (36) square feet per side or seventy-two (72) square feet total sign area, or six (6) feet in height. Such signs may be illuminated;

(2) The number of wall signs shall be limited to one per each wall of the building and the total combined area of all wall signs shall not exceed one

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(1) square foot of sign area per linear foot of building frontage; and

(3) Signs conforming to the *Manual of Uniform Traffic Control Devices* and containing no commercial message are permitted in required off-street parking areas.

(e) **Temporary Subdivision Signs:**

As a temporary use accessory to the permitted activity of lawful subdivision development, one temporary sign per subdivision is permitted. There shall in no case be more than one (1) such sign for each fifty (50) lots in a proposed subdivision. Such sign shall not be illuminated and shall not exceed thirty-two (32) square feet per side, or sixty-four (64) square feet total sign area. Such signs shall be removed upon the sale of ninety percent (90%) of the lots in the subdivision.

(f) **Permanent Neighborhood Entrance Signs:**

Permanent neighborhood or multi-family monument signs, either illuminated or non-illuminated, are permitted. Such signs may include a masonry wall, landscaping or other similar materials or features. Such signs shall be located at the principal entrance(s) to the neighborhood on private property and not in the public right-of-way. Such signs may not exceed thirty-two (32) square feet per side or sixty-four (64) square feet total sign area, and six (6) feet in height.

**(12) SIGNS PERMITTED FOR BUSINESS, INDUSTRIAL, OR OTHER NON-RESIDENTIAL ZONES (EXCLUDING THE OLD VILLAGE DISTRICT):**

(a) **General-Provisions:**

(1) All permanent signs may be illuminated. Temporary signs shall not be illuminated; and

(2) Signs for business, industrial, or other non-residential uses which are lawfully located in a residential zoning district shall be subject to the standards of this subsection (12).

(b) **Ground or Projecting Signs:**

(1) Only one (1) ground or projecting sign per street frontage shall be permitted on a premises;

(2) The ground or projecting sign shall not exceed one (1) square foot of sign area per one (1) linear foot of lot frontage not to exceed thirty-two (32) square feet per side or sixty-four (64) square feet total sign area; and

(3) Ground signs shall be a maximum height of six (6) feet at the minimum sign setback line and for every additional five (5) feet of sign setback, two (2) feet may be added to the sign height not to exceed a total sign height of sixteen (16) feet.

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(4) See (e), "Directional Signs".

(c) **Wall Signs:**

(1) The number of wall signs shall be limited to one (1) per each wall of the building and the total combined area of all wall signs shall not exceed one (1) square foot of sign area per linear foot of building frontage; and

(2) In the case of a building with a pitched roof that overhangs a wall at the ground floor level in a manner that precludes the practical placement of a wall sign on any part of the wall of the building, that portion of the roof surface that overhangs the wall shall be considered part of the wall and a wall sign may be located on that overhanging roof surface provided that no part of the sign extends more than three (3) feet from the roof surface and that the sign height does not exceed two (2) feet. An application for a permit for a sign under this paragraph shall include a detailed drawing by a licensed architect or engineer showing how the sign will be placed and showing sufficient dimensional details to indicate that such placement will conform with the requirements of this paragraph.

(d) **Temporary Signs:**

(1) Temporary ground or wall signs shall be permitted.

(A) The sign area shall not exceed sixteen (16) square feet per side or thirty-two (32) square feet total sign area;

(B) The sign height shall not exceed six (6) feet;

(C) Only one temporary sign bearing a commercial message shall be allowed for each business address at one time;

(D) Temporary ground or wall signs with commercial messages are permitted for four (4) separate occurrences per business for a total of thirty (30) days per quarter of a calendar year; and

(E) Temporary ground or wall signs with non-commercial messages shall be allowed for an unlimited time, but shall be removed within ten (10) days after the occurrence of any specific election or other event to which a sign refers.

(e) Directional Signs:

In addition to any other permanent or temporary sign permitted elsewhere in this Ordinance, permanent or temporary sign(s) which convey information which pertains to way-finding onto or within a premises shall be permitted provided that:

- (1) The sign area shall not exceed two (2) square feet per side or four (4) square feet total sign area;
- (2) Sign height shall not exceed three (3) feet if located within twenty-five (25) feet of a public right-of-way or six (6) feet in height in any other location;
- (3) The sign shall be located outside any public right-of-way but shall not be subject to the general ground sign setback provision;
- (4) No commercial message on such a sign shall be legible from the public right-of-way or from private property other than the premises on which the sign is located;
- (5) Any commercial message, including the name or logo of a business establishment, shall pertain to the premises on which it is located;
- (6) For purposes of the previous two paragraphs, in the case of a shopping center or other multi-tenant property with a single site plan, the entire area under one site plan shall be considered a single premises, regardless of the fact that some occupants of the center may own their individual sites or spaces; and
- (7) When located in the Old Village District, the sign shall comply with all the general design standards and general provisions applicable to signs located within the Old Village District.

18.20.B

PERMITTED SIGNS (OLD VILLAGE-DISTRICT):

(1) SCOPE-OF-REGULATIONS:

The intent of this section is to modify sign requirements and to delineate special standards for signs in the Old Village District as defined in Appendix H of the Comprehensive Plan of Bellbrook (adopted by Ordinance No. 74-32) to ensure that such signs are compatible with the general architectural character of the Old Village. These regulations are in addition to regulations contained in Section 18.20.A, but where there is conflict with Section 18.20.A, the regulations contained herein shall take precedence. A Review Board named Village Review Board shall be established by City Council to administer this section of the Zoning Regulations.

(2) NUMBER OF SIGNS PERMISSIBLE:

(a) Single Occupant-Buildings:

Single occupant buildings are permitted one (1) sign of each sign type (free-standing, wall/roof or projecting) no

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larger than the permissible size (see Section (4) below) for each frontage on a public street. One (1) additional sign no greater than one (1) square foot in area is permitted for each entrance, when flush mounted near the entrance for purposes of pedestrian information. No other exterior signs are permitted unless they are identified as a permitted exception in Section (7) "Exceptions."

(b) **Multi-occupant Buildings:**

Signs on buildings having more than one (1) occupant shall be controlled in the following manner:

(1) Each occupancy facing a public street or public access driveway with a door opening directly from the occupancy onto the public street or access shall be allowed one (1) sign of each sign type (free-standing, wall/roof or projecting) of the permitted size, for each street frontage.

(2) One sign of the permissible size (see Section (4) below) is permitted for each shared entrance. On this sign all the building occupants sharing the entrance may be listed.

(3) One (1) additional sign no greater than one (1) square foot in area is permitted for each building entrance, when flush mounted near the entrance for purposes of pedestrian information. No other exterior signs are permitted unless they are identified as a permitted except in Section (7) "Exceptions".

(3) **LOCATION OF SIGNS:**

(a) **Projecting:**

In no case should the sign or its supports extend above the highest point of the building supporting the sign. A sign may project from a building beyond the property line and over a public sidewalk providing:

(1) it does not intrude more than 3/4 of the sidewalk width; and

(2) it clears the sidewalk by ten (10) feet.

(b) **Flat:**

Flat signs may take any shape or any direction across the facade of a building provided it conforms to the general character of the building to which it is attached. No flat sign shall project above the cornice of the building to which it is attached.

(c) **Free Standing:**

No free standing sign shall be mounted on the roof of a building nor shall it reach a greater height than the

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lowest point of the cornice of the building or facility it represents. In no case shall any portion of a free standing sign be located off the property of the facility it represents. All such signs shall be allowed the same area and be subject to the restrictions outlined for projecting signs.

(d) **Roof signs:**

Roof signs are permitted on structures in B-4 zoning districts in the Old Village District where a pitched roof overhangs a wall at the ground floor level in a manner which precludes the practical placement of a sign on any part of the wall of the building. The baseline of the roof sign:

(1) shall be no closer than twelve (12") inches from the gutter line of the roof and the sign, including structure, must be totally contained within the lower fifty percent (50%) of the roof; and

(2) shall not exceed four feet (4') in height and a maximum of four and one half feet (4 ½") from the roof surface as measured vertically from the face of the sign.

In no case shall the roof sign project above the peak of the roof upon which the sign is located.

(4) **PHYSICAL CHARACTERISTICS OF SIGNS:**

(a) **Sign Size:**

(1) **Projecting:**

No projecting sign shall be larger than thirty-six (36) square feet total exposed faces, except at the corner of two (2) public streets. Projecting signs attached to corners of buildings facing two (2) public streets may be of a size equivalent to the total size allowed for projecting signs on the two (2) sides forming the corner (a total 72 square feet), in which case, no other sign shall be permitted. If less than the allowable area is used, the remaining allowable area may be used to establish one (1) other projecting or flat sign on the respective intersecting building faces.

(2) **Flat:**

No sign attached flat against the face of a building or painted thereon, shall be larger than forty (40) square feet and shall not extend more than twelve (12) inches from the building face.

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(3) **Free Standing:**

No free standing sign shall be larger than thirty-six (36) square feet total exposed faces.

(4) **Roof:**

No roof sign shall be larger than twenty four (24) square feet total exposed face.

(5) **Color:**

Sign colors shall be subdued and compatible with building colors.

(6) **Materials:**

Allowable materials are stone, wood and metal. Facsimiles of stone, wood and metal produced from other materials are permissible if deemed acceptable by the Village Review Board.

(7) **Lighting:**

No sign shall be lighted internally nor shall there be rotating beams, beacons, or flashing illumination. All signs shall be lighted by separate light source set so as to not constitute a hazard to pedestrian or vehicular traffic. No back lighting shall be allowed.

(8) **Animation:**

No sign shall be permitted which incorporates physical movement or the illusion of physical movement.

(9) **Design:**

The design (shape, material, colors, lettering) of signs shall in total be compatible with late 19<sup>th</sup> century architecture characteristic of the Old Village.

(5) **ERECTION AND DISPLAY OF SIGNS:**

No exterior sign may be erected or displayed within the Old Village without the prior approval of the Village Review Board.

(6) **MODIFICATION AND REPAIR OF SIGNS:**

(a) **Non-Conforming:**

Existing signs which do not meet the requirements of this ordinance shall be considered nonconforming and shall be subject to the following restriction:

No sign sustaining over fifty percent (50%) damage based on current replacement costs shall be repaired. No change in



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the size, shape, color or content of a non-conforming sign shall be permitted except a change in ownership identification.

(b) **Conforming:**

No new sign shall be erected and no change in size, shape, color or content of an existing conforming sign shall be permitted without prior approval of the Village Review Board.

(7) **EXCEPTIONS:**

(a) **General:**

Certain unique types of identifying signs or emblems shall be allowed on approval of the Village Review Board. Examples are barber poles, physicians caduceus, community bulletin boards, etc., provided they are of a scale suitable for the business they identify and are compatible as to color, materials as otherwise noted herein.

(b) **Temporary:**

Temporary signs of various types and designs for businesses and public notice shall be allowed provided they are approved by the Village Review Board and are limited to a total of thirty (30) days display time per quarter.

(c) **Awnings Used as Signs:**

Signs shall be permitted on awnings provided the awnings are constructed of frame and cloth. The area of the awning used as sign shall be no larger than eighteen (18) square feet.

(8) **ADMINISTRATION, ENFORCEMENT AND APPEAL:**

(a) Administration of this section of the Zoning Regulations shall be the responsibility of the Village Review Board. See Section 14.13 for the assembly of the Board. It shall also be the duty of the Village Review Board to inform the Zoning Inspector of all approved applications and provide the Zoning Inspector with a copy of the drawings and the description contained in the application. Application for display or modification shall contain the following minimum information:

- (1) Name and address of the applicants;
- (2) Address of the property at which the sign will be displayed;
- (3) Listing of occupants of the buildings on the property where sign is to be displayed;
- (4) A sketch and/or photograph showing the location of the sign on building or property; and

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(5) A written description and sketch of the sign containing the wording, colors, material and dimension of the sign.

(b) **Enforcement:**

Any person, firm or corporation erecting or modifying a sign not in accordance with an approved application will be subject to penalties as specified in Section 19.12 of the Zoning Ordinance.

(c) **Appeal:**

Appeal of the decisions of the Village Review Board or the Zoning Inspector shall be made to the Board of Zoning Appeals.

18.21

**NON CONFORMITIES:**

Within the districts established by this Ordinance or amendments that may later be adopted, there exists lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed but not to encourage their continuance. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved.

It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except by appeal to the Board of Zoning Appeals for approval of specific plans. Expansions of existing non-conforming uses, where allowed by the Board of Zoning Appeals, may be made only on property owned by the applicant as of the effective date of this Ordinance.

A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

(1) **NON-CONFORMING LOTS OF RECORD:**

In any district in which single-family dwellings are permitted, notwithstanding other limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory building may be erected on

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any single lot of record at the effective date of adoption or amendment of this Ordinance subject to the following conditions:

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

(2) **NON-CONFORMING USES OF LAND:**

Where at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

(a) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except as provided.

(b) No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.

(c) If any such non-conforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for this district in which such land is located.

(d) Where a non-conforming use of the land by the nature of the use requires expansion or enlargement of the land are so used in order to continue in operation such as removal of sand, earth, stone, minerals, etc., continuance of such operations following the adoption or amendment of this Ordinance shall be deemed a violation.

(3) **NON-CONFORMING STRUCTURES:**

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reasons of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful.

(4) **NON-CONFORMING USES OF STRUCTURES:**

If a lawful use of a structure or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals in collaboration with the Planning Board may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.

(b) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the non-conforming use may not thereafter be resumed.

(c) When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twenty-four (24) consecutive months or for twenty-seven (27) months during any three (3) year period, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.

(d) When non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the use being conducted at that location and any subsequent use of the lot shall be in

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conformance with the regulations of the district in which it is located.

(5) **REPAIRS AND MAINTENANCE:**

On any building devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs or on repairs or replacement of non-bearing walls, fixtures, wiring or plumbing.

(6) **RESTORING BUILDINGS:**

When a building or structure, the use of which does not conform to the provisions of this ordinance, has been damaged by explosion, fire, act of God, or the public enemy, to the extent of twice its assessed value for tax purposes, it shall not be restored or reconstructed or in any way used except in conformity with the district regulations of the district in which the building is situated. When a non-conforming use qualifies for such reconstruction, a building permit shall be secured for that purpose within one (1) year from the date of occurrence for that damage and such reconstruction shall be diligently prosecuted and completed without delay. Failure to comply as set forth above shall cause such non-conforming uses to lapse and the premises shall conform thereafter to the established district regulations therein.

(7) **VIOLATIONS NOT RENDERED NON-CONFORMING:**

A use, structure or lot which was in violation of the provisions of the ordinance which this ordinance amends shall not be validated or become non-conforming upon the adoption of this ordinance.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charge with protecting the public safety, upon order of such official.

18.22

**TRAILER, COMMERCIAL SEMITRAILER AND TRUCK:**

No section of a commercial tractor, commercial trailer, semi-trailer nor any commercial truck shall be parked in any residential district except for loading or unloading residential goods or furniture; in cases of such loading or unloading, such parking shall not exceed a total of twenty-four (24) hours within any thirty (30) day period beginning with the first instance of commercial semi-trailer or truck parking.

18.23

**DRIVE-IN SERVICE ESTABLISHMENTS:**

Establishments that by their nature create periodic lining up of customers in automobiles waiting to be serviced shall provide off-street waiting areas for these customers. This includes such activities as:

- (1) Drive-in banks;
- (2) Auto wash;
- (3) Drive-in retail outlets;
- (4) Drive-in service and repair drop stations for such items as clothing, appliance equipment, etc.

Those establishments that can normally serve their customers in three (3) minutes or less shall provide at least five (5) off-street waiting spaces per window. Auto wash shall provide at least ten (10) off-street waiting spaces. Where normal customer servicing time is greater than three (3) minutes per car, additional spaces shall be provided on the basis of one (1) additional space per additional minute of service time.

18.24

**BARRIERS TO ENCROACHMENT:**

Hereafter any lot used for parking, storage or display of vehicles for sale or rent including boats, trailers, mobile homes and trucks where such use is permitted to come within three (3) feet of any property line separating said lot from any property held by any other ownership including public land, such property lines shall be protected from encroachment by the installation of wheel stops, bumper guards or fencing so placed and erected as to prevent vehicles from projecting over said lines except at approved points of ingress and egress.

18.25

**RESERVED**

18.26

**RECREATIONAL VEHICLES**

(1) One recreational vehicle (RV) up to 25 in length is permitted to be parked at any location on a residential lot provided that the vehicle conforms to the following:

(a) RVs parked in front of the principal building line shall be located on a hard surface pad or driveway such as poured concrete, asphalt or brick pavers in a manner so as not to obstruct the view of traffic;

(b) Parked or stored RVs shall not be connected to any utilities other than for maintenance purposes;

(c) No RV shall be used for living, sleeping or commercial purposes while parked in a residential district or in any area not approved for such use;

(d) RVs must be in operable condition and must display a current license and registration, if applicable. There are no restrictions on recreational vehicle storage or parking when the vehicle will be stored or parked inside an enclosed permanent structure on a residential lot.

(2) One RV 25 feet in length or greater but not more than 40 feet in length or a second RV up to 25 feet in length is permitted to be parked on a residential lot provided that it conforms to the following:

(a) RVs must be positioned behind the principal building setback line in a side yard or rear yard;

(b) Parked or stored RVs shall not be connected to any utilities other than for maintenance purposes;

(c) No RV shall be used for living, sleeping or commercial purposes while parked in a residential district, or in any area not approved for such use;



(d) RVs are permitted to be parked in a driveway for loading and/or unloading purposes only not to exceed forty-eight (48) hours per occurrence.

(e) RVs must be in operable condition and must display a current license and registration, if applicable. There are no restrictions on recreational vehicle storage or parking when the vehicle will be stored or parked inside an enclosed permanent structure on a residential lot; and

(f) RVs must be parked on a hard surface, driveway or compacted gravel.

(3) RVs in excess of 40 feet in length are not permitted to be parked in any residential district. No more than two (2) RVs are permitted to be located on the exterior of any residential lot.

**Exception:** The parking of a visiting RV is permitted in a residential zoning district provided that the RV is parked on a hard surface pad or driveway such as poured concrete, asphalt, or brick pavers and the vehicle does not restrict the view of traffic. A property owner may only claim this exception one (1) time per calendar year for a period not to exceed thirty (30) days per calendar year.

18.30

**ADULT ENTERTAINMENT FACILITIES:**

(1) No adult entertainment facility shall be established within a radius of 500 feet of any single family residential zoning district or of any building

used for single family residence purposes, whether in this city or in any other political subdivision.

(2) No adult entertainment facility shall be established within a radius of 500 feet of any school, library or teaching facility, whether public or private, governmental or commercial, which school, library or teaching facility is attended by persons under 18 years of age, whether in this city or in any other political subdivision.

(3) No adult entertainment facility shall be established within a radius of 500 feet of any park or recreational facility attended by persons under 18 years of age, whether in this city or in any other political subdivision.

(4) No adult entertainment facility shall be established within a radius of 500 feet of any church, synagogue, or permanently established place of religious service, which is attended by persons under 18 years of age, or day care center or type A or B family day care home as defined by Ohio law, whether in this city or in any other political subdivision.

(5) No adult entertainment facility shall be established within a radius of 500 feet of any other adult entertainment facility or within a radius of 500 feet of any two (2) of the following establishments (or of any one (1) establishment which combines to any degree any two (2) of the following activities), whether in this city or in any other political subdivision:

(a) Cabarets, clubs, or other establishments which feature topless or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

(b) Establishments for the sale of beer or intoxicating liquor for consumption on the premises.

(c) Pool or billiard halls.

(d) Pinball palaces or halls.

(e) Video arcades or establishments known by other descriptions but which provide video game and/or other games or entertainment attended or participated in by persons under 18 years of age.

(f) Dance halls or discotheques.

(6) For the purposes of this section, distances shall be measured from the property lines of any lot or parcel of land which includes, or which is operated or used in connection with, a building in which an adult entertainment facility is located or in which any activity described or referred to in this section is located.

18.40

**PERSONAL WIRELESS SERVICE SITES:**

(1) Personal Wireless Service Sites shall be screened by a solid wood fence, at least six (6) feet high. This fence shall be surrounded by an evergreen hedge, which shall be continuous, except for an entryway. Any equipment other than a Personal Wireless Service Tower or Personal Wireless Service Antenna, which projects above the fence shall be screened from view by a parapet, wall or screen.

(2) Personal Wireless Service Sites shall be dismantled and all Personal Wireless Service Facilities maintained therein shall be removed within six (6) months after cessation of operations therein.

(3) The Zoning Inspector shall not issue a Zoning Permit for a Personal Wireless Service Site until after the applicant has provided written certification that all required state and federal permits have been obtained and has supplied copies of all such state and federal permits.

(4) If lighting is required by state or federal authorities, it shall be approved only at the minimum number and intensity and shall be shielded from ground view. If not required by those authorities, no lights, beacons or strobes shall be mounted on any Personal Wireless Service Antenna or Personal Wireless Service Tower.

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(5) Personal Wireless Service Sites shall be situated on land parcels having a minimum area of at least twenty-five (25) acres, and the base of any Personal Wireless Service Tower situated thereon shall be set back at the furthest point from property designated for residential use in the city. The setback from the nearest point on the parcel shall be at least two hundred (200) feet or a distance equal to the maximum height of the highest antenna supported thereby, whichever is greater.

(6) No part of any Personal Wireless Service Facility may have a maximum elevation greater than two hundred (200) feet above ground level.

(7) Personal Wireless Service Towers shall be constructed in such a manner as to be suitable for supporting at least two (2) differently dedicated Personal Wireless Service Antennas.