

ARTICLE 21

AMENDMENT

The Council may amend, supplement, change or repeal this ordinance in the manner prescribed by Section 5.03 and 5.04 of the Bellbrook Charter after receiving the recommendation from the Planning Board.

21.01

Right of Petition - Referral to Planning Board

A proposed amendment, supplement, change or repeal may be originated by the Council, the Planning Board or the owner of the affected property. All such proposals except those originating with the Planning Board shall be referred to that Board for a recommendation thereon. Proposals originating by Council shall be referred to the Planning Board by resolution stating the date, not less than sixty days from the next regularly scheduled meeting of the Planning Board, as to when the Planning Board recommendation is required. Upon its request, the Planning Board shall be granted a thirty day extension by which its recommendation shall be due. At its discretion, Council may, upon satisfactory petition by the Planning Board, grant a further extension. The Council shall take no final action on any amendment, supplement, change or repeal until it has received and studied the recommendation of the Planning Board; provided, however, if the Planning Board shall fail to forward its recommendation on any Council initiated proposal within the time specified by the resolution proposing the same, then Council may act thereon as though it had received a negative recommendation from the Planning Board.

The Planning Board shall study the proposed amendment, supplement, change or repeal. If the Board decides the proposal has merit it shall hold a public hearing thereon. At least ten (10) days notice of the time and place of such hearing shall be mailed to the petitioner, and all property owners within three (300) hundred feet of the property included in petitions for rezoning. Public notices of hearings on proposed amendments to Articles of the Zoning Regulations shall be posted in five (5) public places as determined by Council. The Planning Board shall make a report of its findings and a recommendation to the Council.

21.02

Contents of Application:

Applications for amendments to the Official Zoning Map adopted as part of this ordinance by Section 4.02 shall contain at least the following information:

Article # 21, Amendment

- (1) Name, address and phone number of applicant;
- (2) Proposed amending ordinance, approved as to form by the City Legal Advisor;
- (3) Present use;
- (4) Present zoning district;
- (5) Proposed use;
- (6) Proposed zoning district;
- (7) A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning and such other items as the Zoning Inspector may require;
- (8) A list of all property owners, and their mailing addresses, who are within three hundred(300) feet of the property proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
- (9) A statement on how the proposed amendment relates to the Comprehensive Plan; (See Comprehensive Plan map in Zoning Inspector's office).
- (10) A fee as established by Council (See Section 19.15)

21.03

Reviews by Officials and Agencies:

Prior to acceptance, the Board may request and review recommendations for each proposed amendment from the Miami Valley Regional Planning Commission, the Transportation Coordinating Committee, the Regional Planning and Coordinating Commission of Greene County, City Law Director, and other city officials, agencies and adjacent local governments to ascertain the nature of highway plans, drainage and flooding problems, utility plans and other factors relevant to the proposal.

21.04

Council Action on Recommendation:

When the Council receives an adverse recommendation on a proposed amendment, supplement, change or repeal it may concur with the Planning Board and, by a motion of Council stop further action, or if the Council does not agree with the recommendation of the Planning Board, it shall hold a public hearing prior to taking final action on the ordinance.

When the Council receives an affirmative recommendation from the Planning Board on a proposed amendment the Council shall hold a public hearing thereon. When such hearing is held, notice shall be given as prescribed by the Bellbrook Charter, for an ordinance. In addition to such notice the enforcing officer shall, upon notification by the Clerk, place upon the involved premises in a prominent position a printed sign bearing the words "rezoning pending from ... classification to ... classification" and the time, date and place of hearing. Said sign shall be located within ten (10) feet of the right-of-way of a public road or street. The sign shall be placed on the property at three hundred (300) foot intervals. One sign shall suffice for lesser distances. The size of the letters on the sign shall be a minimum of two and one-half inches in height. Such sign shall be posted ten (10) days before the date of the hearing. The Council may adopt such amendment, supplement, change or repeal without further reference to the Planning Board. If the Planning Board recommended disapproval of the change, however, such amendment shall not be passed except by an affirmative vote of four (4) Council members.

Whenever a written protest against a proposed amendment, supplement, change or repeal is presented duly signed by the owners of twenty percent (20%) or more of the frontage of the block proposed to be altered, or by the owners of twenty percent (20%) or more of the frontage of the block immediately in the rear thereof, or by the owners of twenty percent (20%) of the frontage of the block directly opposite the frontage proposed to be altered, such amendment shall not be passed except by a concurring vote of four (4) Council members.

21.05 **Scheduling Public Hearing by Council:**

Council shall schedule a public hearing not more than forty (40) days from the receipt of the recommendation from the Planning Board.

21.06 **Notice to Property Owners:**

If the proposed amendment is intended to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at least ten (10) days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by Council. The failure to deliver the notification, as provided in this section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers and/or posted in public places as required for hearings on ordinances.

21.07 **Amendment Limitation:**

Petitions for zoning amendment, conditional use permit or variances concerning any parcel of, portion thereof, or use thereon shall not be accepted for consideration more than once during any consecutive twelve (12) month period.

21.08 **Annexation:**

All land annexed to the City subsequent to the adoption of this ordinance shall remain subject to the previous Township zoning district until such time as the Official Zoning Map is amended according to the provisions of this Article. All land annexed to the City which, prior to annexation, is not subject to Township zoning shall remain un-zoned until the Official Zoning Map is amended according to the provisions of this Article.

21.09 **Fees:**

Fees will be determined by ordinance of the Municipality of Bellbrook. (See Section 19.15).

ARTICLE 22 VALIDITY AND SEVERABILITY

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE 23 INTERPRETATION AND CONFLICT

In its interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety and the general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or Ordinances, the most restrictive, or that imposing the high standards, shall govern.

ARTICLE 24 REPEAL OF CONFLICTING ORDINANCES

All ordinances, or parts of ordinances in conflict with this ordinance or inconsistent with the provisions of this ordinance are hereby repealed and declared null and void and of no effect.

ARTICLE 25 EFFECTIVE DATE

(1) Date of public hearing_____

(2) Date of Publication_____

(3) Date of Adoption by the Village Council_____ January 24, 1972

(4) Date and time this Ordinance shall take effect_____

REGULATIONS GOVERNING ESTABLISHMENT OF A MOBILE HOME DEVELOPMENT

Wherever a Mobile Home Development is permitted, after public hearing and approval by the Board of Zoning Appeals, the following regulations, in addition or supplement to regulations 260-290, inclusive, of the Ohio Sanitary Code relative to the location, layout, construction, drainage, sanitation, safety and operation of house trailer parks, shall apply.

(1) Wherever the word "should" appears in the above referred to Regulations 260-290 or their explanation, it shall be interpreted to mean "shall".

(2) Mobile Home in this instance shall not include self-propelled vehicles.

(3) The minimum acreage of the Mobile Home Development shall be not less than ten (10) acres and the minimum number of mobile home spaces shall be not less than fifty (50).

(4) All mobile home developments shall be located along a major or secondary street with sufficient frontage to provide at least two (2) means of ingress and egress.

(5) Screening shall be provided along all outside property lines of a mobile home development except street frontage lines where the screening shall be along the set-back line. Such screening shall be not less than six (6) feet or more than eight (8) feet in height.

(6) At least ten percent (10%) of the mobile home development shall consist of greenbelts and open recreation areas.

(7) The minimum roadway width of interior one-way streets with parking permitted on one (1) side shall be twenty (20) feet. The minimum roadway width of two-way streets with parking permitted on one (1) side shall be thirty (30) feet. The minimum of two-way streets without parking permitted shall be twenty (20) feet. All roadways shall be paved and maintained.

(8) A three (3) foot concrete walk shall be provided along one (1) side of all streets.

(9) Appropriate lighting shall be required along all interior streets and walkways and shall be so positioned and shaded to avoid a glare on adjoining properties.

(10) Mobile home spaces shall be so arranged to provide an average of five thousand (5000) square feet per space exclusive of roadways, parkways, laundry facilities or other park service buildings.

Regulations Governing Establishment of a Mobile Home Development

(11) No mobile home shall be located nearer than fifty (50) feet from a side or back yard of a residentially zoned property.

(12) No mobile home shall be located nearer than thirty (30) feet from a major thoroughfare and shall have no direct access thereto.

(13) No mobile home shall be positioned nearer than fifteen (15) feet from an interior roadway.

(14) Mobile homes shall be so positioned on each space so that there will be at least a twenty-five (25) foot clearance between mobile homes, provided that where mobile homes are parked end to end, the end to end clearance shall be at least ten (10) feet.

(15) Each mobile home space shall provide a paved stand under each mobile home equal to the dimensions of the mobile home at least four (4) inches deep, with adequate footing at the jacking points, positioned at an angle in relation to the access street to make placement and removal of the mobile home practical.

(16) Each mobile home stand shall be provided with anchors and tiedowns such as eyelets imbedded in the concrete at least at each corner of the mobile home stand to secure the stability of the mobile home.

(17) A paved patio at least one hundred eighty (180) square feet in size to provide appropriate outdoor living space conveniently located to the entrance of the mobile home and appropriately related to open areas of lot shall be provided on each mobile home space.

(18) Each mobile home space shall provide two (2) paved parking spaces off the roadway. Each parking space shall have an area of not less than two hundred (200) square feet either on the mobile home site behind the front setback area or in a common parking area within the mobile home development.

(19) Each mobile home space shall be so constructed to provide adequate storm water drainage from ramps, patios, walls and foundations of the mobile home to the roadway.

(20) The space between outside walls of mobile homes and their foundation pads shall be enclosed with aluminum or equivalent solid material.

(21) Where heating and cooking fuel is stored in outdoor storage tanks, they shall be supported by a concrete base and screened from the view of surrounding mobile home spaces.

Regulations Governing Establishment of a Mobile Home Development

(22) All refuse containers shall be screened from view of surrounding mobile home spaces and the street.

(23) All utilities in a mobile home development shall be constructed underground.

(24) All areas of the mobile home space not covered by the mobile home or a paved area should be covered and maintained by grass or other landscaping material and suitably maintained.

(25) No mobile home development permit shall be issued to any person until plans have been submitted and approved by the Board of Zoning Appeals and plat recorded, all in accordance with the procedures set forth in Section 17.03, 17.042 and 17.043 of the Planned Development Article #17 of the Bellbrook Zoning Ordinance.

(26) Rules and regulations of the mobile home development shall be satisfactory to the Board of Zoning Appeals.

(27) Signs within the mobile homes development shall be limited to a name plate not more than one (1) square foot in area attached to each mobile home, necessary traffic control signs, and directional signs indicating the location of utility buildings, including management office, parking areas and common recreation areas.

(28) Commercial sale of mobile home units shall be prohibited in the mobile homes development.

Screening where required shall consist of a dense evergreen planting or solidly constructed decorative fence, louvered fence, or chain link fence with interwoven redwood slats five (5) feet high.

Should any section or provision of the Ordinance be declared invalid by any competent court of jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

Any person violating any of the provisions of this Ordinance shall upon conviction, be fined not less than twenty five dollars (\$25) nor more than two hundred dollars (\$200) for each offense. Payment of a fine shall not constitute in itself compliance with this Ordinance.