

RECORD OF ORDINANCES

Ordinance No. 2016-1

February 8, 2016

City of Bellbrook

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An Ordinance Amending Certain Sections of the City of Bellbrook Zoning Code.

WHEREAS, the City of Bellbrook Zoning staff routinely identifies sections of the Zoning Code that should be clarified, updated and/or completely changed; and

WHEREAS, the City staff recommended a series of such amendments to the Bellbrook Planning Board which then conducted a public hearing on those amendments on January 13, 2016; and

WHEREAS, the Bellbrook Planning Board unanimously approved the amendments and recommended adoption by City Council; and

WHEREAS, all amendments to the Zoning Code must be approved by ordinance.

Now, Therefore, the City of Bellbrook Hereby Ordains:

Section 1. That the following amendments to the Bellbrook Zoning Code be approved with deletions shown by brackets and strikethrough and additions shown by italics and underlined:

Article 3 Construction of Language and Definitions

3.02 Definitions

Block: Is [~~the property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, un-subdivided acreage, river or live stream or between any of the foregoing and any other barrier to the continuity of development, or corporate lines of the municipality.~~] *a parcel of land bound on all sides by a street or streets.*

Article 14 Bellbrook Village Plan

Guidelines for the Old Village Bellbrook, Ohio

4.1 Demolition (paragraph 3)

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

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to the posting of a bond in such amount as the Village Review Board deems adequate for insuring that the conversion will occur.

Article 17 Planned Development

17.05 PD-1 Planned Residential Development

(8) Height:

The height of any residential structure within a Planned Development shall not exceed thirty-~~five~~ [(30)] (35) feet or 2 ½ stories. However, the Planning Board may grant an exception if it is demonstrated that additional height can be achieved with concurrent expansion of suitable open space to protect adjacent structures from adverse reduction of light and air.

Article 18 General Provisions

18.12 Exceptions to Height Limitations:

- (3) [~~Radio towers for licensed amateur radio stations which exceed the allowable height of structures in the residentially zoned districts shall be limited in height from their base to the distance from the base to the nearest property line.~~] 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

(4) [~~Gatherings under canvas or in open:~~

~~(a) Religious services, shows, meetings, exhibitions, bazaars, carnivals or circuses except that if located within four hundred (400) feet of any residential area, no permit will be issued unless there is first filed with the Enforcing Officer the written consent of the owners of sixty percent (60%) of all residentially used property within four hundred (400) feet from the place of such meeting.~~

~~(b) Temporary tents for special events are permitted in residential districts for a maximum of one week per event. A zoning permit is required for [all] temporary tents measuring 400 square feet or larger. [and is considered an "other" permit for zoning fee purposes.]~~

18.16 Off Street Parking Regulations

(1) General Provisions

(j) Pavement

(1) All parking lots or parking spaces shall be surfaced with a hard, [~~or semi-hard~~] dust-free surface in conformance to the standards of the Bellbrook Service

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

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

18.18 [~~Minimum Floor Elevation~~] Reserved

~~[In any zone, no structure intended or used for residential purposes or human occupancy may hereafter be constructed or moved to a site unless the minimum floor elevation is not less than two (2) feet above the base flood elevation level as indicated on the Flood Insurance Rate Map.]~~

Article 19 Enforcement and Penalties

19.12 Penalties

Violation of any provision of this ordinance or any amendment or supplement thereto, or failure to comply with any of the requirements of this ordinance [~~shall constitute a minor misdemeanor~~] may be enforced either through:

- 1) Filing of a misdemeanor complaint; or
- 2) Assessment of a civil penalty; or
- 3) Both.

Prior to filing a misdemeanor complaint or assessment of a civil penalty, the Zoning Inspector shall issue a written notice of the violation to the offending person. The notice shall include:

- 1) The street address of the property subject to the notice of violation;
- 2) A description of the violation and the section(s) of the ordinance violated;
- 3) Corrective action that will eliminate or correct the violations; and
- 4) A reasonable time frame required to correct the violation.

If the offending party fails to remedy the zoning violation within a reasonable time, the Zoning Inspector may pursue enforcement as set forth in this section.

Except as otherwise provided herein, any person, firm or corporation violating any of the provisions of this ordinance, or any amendment or supplement thereto, shall upon conviction of a minor misdemeanor be fined not more than one hundred dollars (\$100). Except as otherwise provided herein, any person, firm or corporation violating any of the provisions of this ordinance, or any amendment or supplement thereto, may be assessed a civil penalty. The City Council shall establish a schedule of assessed penalties based upon the severity of the violation. The maximum civil penalty shall not exceed fifty dollars (\$50) per day, per offense, or five hundred dollars (\$500) per offense total.

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Those who erect signs contrary to the provision of this ordinance shall be fined upon conviction or assessed by civil penalty not more than ten dollars (\$10) per offense, up to a maximum of four (4) offenses in any twelve (12) month period. Illegal signs are subject to confiscation by the City and will not be returned to the owners until all penalties are satisfied; unclaimed signs shall be held for thirty (30) days and then disposed of as surplus property. Convictions or civil penalties for sign violations in excess of ~~[that maximum shall be punishable by fines of not more than twenty-five dollars (\$25) per offense.]~~ four (4) offenses in a twelve month period shall be fined, upon conviction, or assessed a civil penalty an amount not to exceed twenty-five dollars (\$25) per offense. ~~[Each day of continuation of any violation under this ordinance shall be a separate offense.]~~

Section 2. This ordinance shall take effect and be in force from and after the earliest period provided by law.

PASSED this ____ day of _____, 2016.

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council

APPROVED AS TO FORM:

Patricia N. Campbell, Municipal Attorney