



Planning Board Meeting
May 20, 2021, 6:00 pm
Agenda

REMOTE TELECONFERENCE MEETING**

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

Comments and/or questions for the Board's consideration may be made by joining the Zoom meeting or by emailing the Clerk of Council at p.timmons@cityofbellbrook.org by 3 p.m. on 5/20/2021.***

1. Call to Order
2. Roll Call
3. Approval of prior minutes of March 18, 2021
4. Old Business
 - Review of changes to Article 14
5. New Business
 - Zoning Verification Letter Fee
6. Open Discussion
7. Adjournment

Webinar ID: 867 1667 2225
Webinar Passcode: **324924**



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BELLBROOK PLANNING BOARD
PUBLIC MEETING MINUTES
March 18, 2021 6:00 PM

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

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

CALL TO ORDER

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

Mr. Bennett made a motion to excuse Mr. Thompson from the meeting.

FORMAL APPROVAL OF MINUTES

Chairman Bennett asked if there were any corrections or additions to the minutes of March 18, 2021. Mr. Bennett made a motion to approve the minutes and it was seconded by Mr. Stangel. All were in favor. The minutes are approved as written.

NEW BUSINESS

- **Replat 21-01 Highview Terrace Lots 53 and 54**

Zoning Administrator Hansen presented the report concerning the Highview Terrace replat of lots 53 and 54 requested by owner Brian Wentzel. Due to the elevations of these lots the owner wishes to build the house in the center. The replat will relocate two easements.

Mr. Harding asked if this might cause any drainage issues. Mrs. Hansen answered that the engineer assures there will not be an issue.

Mr. Stangel made a motion to approve **Replat 21-01 Of Highview Terrace Lots 53 and 54**. Mr. Tuttle seconded the motion. The Clerk called the roll. Mr. Stangel, yes; Mr. Tuttle, yes; Mr. Harding, yes; Mr. Bennett, yes. The replat was approved 4-0.

OLD BUSINESS

- **18.05a Accessory Buildings and 18.05c Breezeways**

Mrs. Hansen explained that she had rearranged this section to make it more understandable. She also added that in the future the code updates will include a report and chart of changes.

Mr. Tuttle asked about 18.05 B Breezeways where it says “the accessory structure and principle structure are no more than 10 feet apart” but in the Definitions it states, “a rough passageway, whether fully enclosed or not, less than 10 feet apart.” Those should be consistent. Mrs. Hansen agreed.

Mr. Stangel asked Mrs. Hansen to explain the section concerning swimming pools that was discussed at the last meeting. Mrs. Hansen stated that a section was added for Hot Tubs requiring a cover that is capable of being locked down. A load capacity equal to 275 pounds was added that is the standard set by the American Home Building Association. The swimming pool definition in the past set the limit as 18 inches or more and it should stay the same.

Mr. Harding made a motion to approve **18.05 A, B, and C with the correction to make the breezeway definition consistent**. Mr. Stangel seconded the motion. The Clerk called the roll. Mr. Harding, yes; Mr. Stangel, yes; Mr. Tuttle, yes; Mr. Bennet, yes. The motion passed 4-0.

OPEN DISCUSSION

Mr. Stangel commented that the property on 725 that had been called San Souci is for sale and he assumes developers will be interested in it. Mrs. Hansen added that a change to the property

zoning could be brought to the Planning Board in the future since at the present time the property is zoned agricultural. A few calls have been received asking about the zoning. Mrs. Hansen explains to them that it would require working within the Bellbrook Comprehensive Plan. The property is 77 acres with an asking price of \$5.2 million.

Mr. Bennett said he had spoken with the owner who had been disappointed when a business idea he had did not receive support.

ADJOURNMENT

Mr. Tuttle moved that the meeting be adjourned, and Mr. Stangel seconded. The meeting adjourned at 6:24 PM.

Mitchell Thompson, Chair Date

Pamela Timmons, Secretary Date

2021 Article 14

Additional and Legal Changes

Section	Title	Page	Old Wording	New Wording/Change
14.01	General	2	<p>This section is intended to create the Bellbrook Downtown Plan and to establish procedures for development and regulation of this district along with design and architectural criteria. These regulations are to be in addition to existing planning and zoning regulations and do not replace the underlying zoning district but are supplemental in nature. Where there is conflict between these regulations and those of the underlying district, the regulations of this section shall prevail.</p>	<p>This section is intended to create the Bellbrook Downtown Plan and to establish two new districts (Downtown District and Active Downtown District). This section will outline procedures for development and regulation of these two districts along with design and architectural criteria. The designation of these two additional districts are to be considered an overlay of existing zoning designations.</p>
14.01	General	2	<p>As such, the intent of this ordinance is to regulate demolition, guide new development and, construction, <i>renovation and new development</i>. In no manner is this ordinance to be interpreted to interfere with the day to day activities and normal periodic maintenance of any home or structure.</p>	<p>As such, the intent of this ordinance is to regulate demolition, construction, renovation and new development.</p>

14.01	General	2	<p>Council shall adopt a resolution containing guidelines (hereinafter referred to as the "Guidelines" for implementing this ordinance and carrying out its intent. A board to be known as the Village Review Board, established in accordance with Article 14.13 hereof, shall administer this ordinance in accordance with the Guidelines as adopted by Council and as amended from time to time. In case of conflict between the guidelines and any provision of this ordinance, the ordinance provision shall prevail.</p>	REMOVE
14.02	Designation of District	1, 2	<p>Furthermore, these regulations shall be differentiated by two separate districts. One being known as the Downtown District with the second being known as the Active Downtown District.</p>	

14.02	Designation of District	2	<p>Intent & Character: The City's intent in creating the Downtown District is to protect the historical structures in the downtown Bellbrook area. Intent & Character: The intent of this district is to protect the historical structures in the downtown Bellbrook area. While recognizing that not every person can maintain a building to the standards that may be required as such. The Downtown District is a minimal regulatory mechanism to protect the structures and promote, where reasonable, a sense of cohesiveness.</p>	<p>Intent & Character: The City's intent in creating the Downtown District is to protect the historical structures in the downtown Bellbrook area.</p>
14.02	Designation of District	2	<p>The Downtown District is characterized by a mixture of uses and building types. There are a number of single family and multi-family dwelling units. It is the intent of this district to maintain property aesthetics without causing undue burden on homeowners. Where applicable, setbacks should be at the zero lot line or zero set back line.</p>	REMOVE
14.03	PERMITTED PRINCIPAL USES	3	PERMITTED PRINCIPAL USES	USES

14.03	USES	4	<p>All uses permitted within the underlying zoning district shall apply in this chapter including permitted principal uses, accessory uses, and conditional uses. In the Active Downtown District, the intent is to allow a mixture of businesses and to recreate a traditional downtown feel. Exceptions to uses shall be determined under the authority of the Zoning Inspector and in abnormal or extreme requests, the Downtown Review Board.</p>	<p>All uses in the underlying zoning district shall apply. This includes permitted principal uses, accessory uses, and conditional uses. Variances for uses shall follow regulations outlined in 20.13 of the Zoning Code.</p>
14.03.01	Non-Conforming Building	4	<p>The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enacting this zoning ordinance or amendment thereto, may be continued, although such use does not conform with the provisions of such ordinance or amendment, but if any such non-conforming use is voluntarily discontinued, any future use of such land shall be in conformity with Article 14 of the Zoning Regulations.</p>	<p>non-conforming use is voluntarily discontinued for a period of 6 months pursuant to O.R.C. 713.15, any future use of such land shall be in conformity with Article 14 of this Zoning Code.</p>
14.04	ACCESSORY USES	5		<p>RENAMED: YARD REQUIREMENTS Refer to Article 12.04</p>
14.06	NON-CONFORMING BUILDINGS	5		<p>Remove info and refer to 18.20B</p>

<p>14.07.1</p>	<p>STRUCTURAL PROPORTIONS</p>	<p>6</p>	<p>Historic Bellbrook architecture is characterized by two-story buildings with tall, narrow doors and traditional building materials with the building façade being near the zero-lot line. New buildings shall conform generally to the structural proportions listed in this ordinance.</p>
<p>Historic Bellbrook architecture is characterized by two-story buildings with tall, narrow doors and traditional building materials with the building façade being at the zero-lot line. New buildings shall conform generally to the proportions of adjoining buildings and all buildings, either new or remodeled shall have windows and doors of proportions like adjoining buildings. Roof slopes shall also be like adjoining buildings.</p>			

<p>14.07.02</p>	<p>Materials & Building Standards</p>	<p>6</p>	<p>Building materials should be of similar detailing, texture, scale, and appearance to those used historically within the District. Most of the District's buildings are wood frame with wooden siding. The use of such natural materials is preferred and should be encouraged however, where natural appearing materials, such as vinyl or aluminum siding, are the only prudent alternative for the landowner the Zoning Administrator has the authority to approve exceptions within reason. Any extreme or abnormal cases shall go before of the Downtown Review Board for approval. If the materials appear to be synthetic or are highly reflective, they are inappropriate in the District. When possible, masonry/brick colors should be matched to that existing on a building. Buildings in the Downtown District are partially exempt from these standards in 14.9.8 but improvements must be cohesive with the surrounding buildings in the district.</p>	<p>Building materials should be of similar detailing, texture, scale, and appearance to those found historically within the Downtown Districts. Most of the Downtown District's buildings are wood frame with wooden siding. The use of such natural materials is preferred and should be encouraged. If use of natural materials is fiscally prohibitive to the property owner, use of alternative materials may be used if closely matched. It is the intent of this section to encourage the use of aesthetically cohesive materials.</p>
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<p>14.07.02 f</p>	<p>Windows, Doors & Lintels</p>	<p>7</p>	<p>Possibly the most important features of any building are the doors and windows. Original lintels were stone, wood, or brick. Where feasible, lintels shall be restored or compatible stone, brick, or wood shall be used in remodeling, additions or new construction(s). The size and location of openings are an essential part of the overall design and an important element of architectural styling. Original openings should not be altered. Original doors and window sashes should be repaired rather than replaced, whenever possible. When replacement is necessary, the new door or window should match the original in size and style as closely as possible. Screens and storm windows should be as inconspicuous as possible.</p>
		<p>Possibly the most important features of any building are the doors and windows. Original lintels were stone, wood, or brick. Where feasible, lintels shall be restored or compatible stone, brick, or wood shall be used in remodeling, additions or new construction(s). The size and location of openings are an essential part of the overall design and an important element of architectural styling. Original openings should not be altered. Original doors and window sashes should be repaired rather than replaced, whenever possible. When replacement is necessary, the new door or window should match the original in size and style as closely as possible. If the replacement cannot be made to match the original, exceptions may be made as determined by the Zoning Administrator. Screens and storm windows should be as inconspicuous as possible. Metal storm windows or doors are not appropriate unless they are in the Downtown District, as this area is less restrictive than the Active Downtown District.</p>	

	<p>10</p> <p>Preferred Building Materials Example</p>	<p>As previously stated, buildings in the residential areas or the Downtown District are partially exempt, being that they will not be required to maintain the building to the historical standard as those in the Active Downtown District, unless that building has been registered as a historical site of significance.</p>	<p>REMOVE</p>
<p>14.07.6</p> <p>Fences</p>	<p>10</p>	<p>The Downtown Districts are characterized by open space and landscaping. Constricting the open space by erecting fences is discouraged. Privacy fences are not characteristic of the Downtown Districts. If a privacy fence is necessary, it shall be contained to the rear of the principal building on the property. All new fences should not extend beyond the front edge of the principal building. Existing retaining walls and fences should be repaired and retained whenever possible. All fences should consider style, color, massing, and the other considerations listed above. Historically, Bellbrook was not developed as or with “gated” properties.</p>	<p>REMOVE: The complete enclosure of a property or grouping of properties should be avoided.</p>

14.07.8	Setback and Lot Lines	11	<p>New buildings and significant redevelopment shall be built to a near zero setback and near zero side lot lines where reasonable to ensure cohesiveness with a traditional downtown feel. Parking will be maintained in the rear of the site. New construction and redevelopment shall redirect vehicular access to the back of the building where possible to minimize access points. Rehabilitation or significant remodeling of the exterior of a property on a site without a near zero setback shall attempt to be done in such a way so as to minimize setback and lot lines.</p>	<p>New buildings and significant redevelopment shall be built to a near zero-setback and near zero side lot lines where reasonable to ensure cohesiveness with a traditional downtown feel. Parking will be maintained in the rear of the site. New construction and redevelopment shall redirect vehicular access to the back of the building where possible to minimize access points. Rehabilitation or significant remodeling of the exterior of a property on a site without a near zero setback shall attempt to be done in such a way so as to minimize setback and lot lines.</p>
14.08		12	PARKING REQUIREMENTS	EXCLUSIONS AND CONTROLS NOT APPROPRIATE
14.09		12	OFF-STREET PARKING	DOWNTOWN REVIEW BOARD
14.09	DOWNTOWN REVIEW BOARD	12	<p>The Manager shall retain the services of a registered architect to advise the Downtown Review Board. The Manager shall confer with the Downtown Review Board and obtain the approval of Council before making the appointment.</p>	REMOVE

14.09	DOWNTOWN REVIEW BOARD	12	<p>The terms shall be three years. However, the first members appointed shall serve respectively for the following terms: Three for two years and two for three years. For a maximum of two terms.</p>	<p>The term of each Board member shall be three years. However, the Downtown Review Board's first members appointed shall serve respectively for the following terms: The Board's first resident and business members shall serve for a two-year term, and the Board's first at-large members shall serve for a three-year term. Each member of this Board may serve a maximum of two three-year terms.</p>
14.09	DOWNTOWN REVIEW BOARD		<p>The Board Members must at all times make decisions based on what is in the best interests of ALL of the residents of the City of Bellbrook, not just those in the downtown, but must also pay close attention as to not cause any undue hardship on the residents of the downtown districts. While we want to protect our history, we also do not want to single out any owners and make them not feel like a part of our community.</p>	REMOVE
14.10	SIGNS	13	SIGNS	PERMIT REQUIRED - Certificate of Appropriateness
14.10		13	A permit and a Certificate of Appropriateness is needed	REMOVE the permit requirement.

14.10.1	Additional Information	14		<p>In addition to any other information required by the Zoning Code, a scale drawing in duplicate of all affected exterior elevations accompanied by a written description setting forth details of work to be done, materials to be used, brick or accurate color photographs to be used in the modifications, and an appropriate presentation showing such proposed details as door and window designs shall accompany all applications.</p>
				<p>The permit application documents described above, as amended and accepted, shall be part of the official records of the City. Any deviation without written permission by the Zoning Administrator or Downtown Review Board shall be cause for revocation of all permits including any building permit.</p>
14.12 and 14.13	Demolition and Request to Construct a new Building			Added new section

14.15.2.1	Hearing	20	<p>The Downtown Village Review Board shall notify the applicant of a time and place of a hearing on the application not less than ten (10) days before the date scheduled for hearing. The hearing shall be held within thirty (30) fourteen (14) days after delivery of a complete application with supportive materials to the Zoning inspector Administrator. Public notice to properties within a 300 square foot radius of the property being reviewed shall be required to be sent not less than ten (10) days before the date scheduled for hearing.</p>	<p>The Downtown Review Board shall notify the applicant of a time and place of a hearing on the application not less than ten (10) days before the date scheduled for hearing. The hearing shall be held within thirty (30) days after delivery of a complete application with supportive materials to the Zoning Administrator. Public notice to properties within a 300 square foot radius of the property being reviewed shall be required to be sent not less than ten (10) days before the date scheduled for hearing.</p>
	Hearing	20	<p>Action on Application: The Board shall consider at the time of the hearing whether to approve, approve with modifications, or disapprove the application.</p>	<p>New section added.</p>
14.14.3				<p>NEW Requests for a Variance.</p>
14.14.4	Appeals Procedure	22		<p>Add reference to Ohio Revised Code 2506</p>
14.15	Appeals Procedure 1	23		<p>Appeals will go to the Board of Zoning Appeals.</p>

LEGAL and STAFF REVISIONS

ARTICLE 14 HISTORIC BELLBROOK VILLAGE DOWNTOWN PLAN

14.01 GENERAL

This section is intended to create the Bellbrook Village *Downtown* Plan and to establish and to establish two new districts (Downtown District and Active Downtown District). This section will outline procedures for ~~control~~ development and regulation of these two districts along with ~~a master design plan and architectural controls~~ *design and architectural criteria*. The designation of these two additional districts are to be considered an overlay of existing zoning ~~controls~~ *designations*.

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

As such, the intent of this ordinance is to regulate demolition, ~~guide new development and, construction,~~ construction, *renovation and new development*. In no manner is this ordinance to be interpreted to interfere with the day to day activities and normal periodic maintenance of any home or structure.

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

~~Council shall adopt a resolution containing guidelines (hereinafter referred to as the "Guidelines" for implementing this ordinance and carrying out its intent. A board to be known as the Village Review Board, established in accordance with Article 14.13 hereof, shall administer this ordinance in accordance with the Guidelines as adopted by Council and as amended from time to time. In case of conflict between the guidelines and any provision of this ordinance, the ordinance provision shall prevail.~~

14.02 DESIGNATION OF DISTRICTS²

*These regulations shall be differentiated by two separate districts. One being known as the **Downtown District** with the second being known as the **Active Downtown District**. Both the **Downtown District** and the **Active Downtown District** are collectively referred to herein as "the **Downtown Districts**".*

*The **Downtown District** boundaries are generally described as follows: bounded on the west by Little Sugarcreek Road, the south by the centerline of West South Street and East South Street, the east by the existing*

² I have no idea about conditional uses in this District (except for a few they mentioned).

corporate line and the north by a line running along the southern and western boundary of Bellbrook Farms Subdivision just south of Upper Hillside Drive, extending across Main Street approximately 1300 feet west of Main Street then south to a point approximately 500 feet north of the centerline of Franklin Street, then west to the Little Sugarcreek.

Intent & Character: *The City's intent in creating the Downtown District is to protect the historical structures in the downtown Bellbrook area*

The **Active Downtown District** boundaries are contained within the Downtown District and concentrated along the main thoroughfares of Franklin and Main Streets. This area is generally described as follows: bounded on the west by Little Sugarcreek Road and east by Washington Mill Road and on the north by Walnut Street and the south by Maple Street. The Active Downtown District is where mixed-uses are more common and encouraged..

Intent & Character: The City's intent in creating this district is to protect historical structures, and enhance the traditional downtown identity with zero setbacks and lot lines, proper access management, on street and offsite parking, and an overall walkable community that people want to be a part of for generations to come. This district is characterized by active, pedestrian-oriented mixed-use area in multi-story buildings. Mixed use is typically comprised of retail, restaurant and service occupying ground floor spaces with offices and housing/apartments on upper floors.

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



~~Where any question arises as to exact location of the district boundaries, the City Council shall interpret the district boundaries.~~

14.03

PERMITTED PRINCIPAL USES

All uses permitted within the underlying zoning district.

All uses in the underlying zoning district shall apply. This includes permitted principal uses, accessory uses, and conditional uses. Variances for uses shall follow regulations outlined in 20.13 of the Zoning Code.

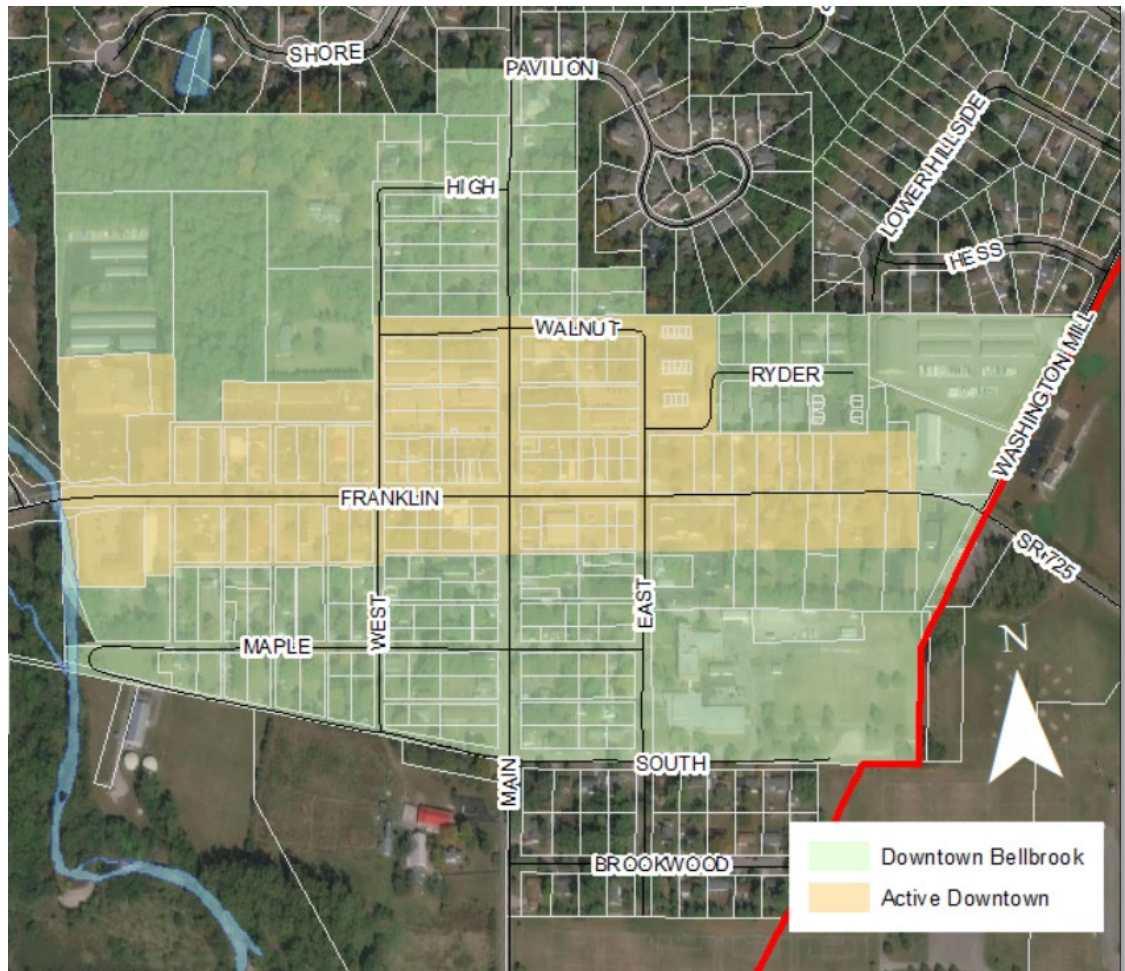
14.03.1 **Non-Conforming Building**

The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enacting this zoning ordinance or amendment thereto, may be continued, although such use does not conform with the provisions of such ordinance or amendment, but if any such non-conforming use is voluntarily discontinued for a period of _____ 6 months pursuant to O.R.C. 713.15], any future use of such land shall be in conformity with Article 14 of this Zoning Code.

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

14.04

ACCESSORY USES YARD REQUIREMENTS





Refer to Article 12.04 of this Zoning Code.

~~All accessory uses allowed in the underlying zoning district.~~

14.05
LOADING

~~CONDITIONAL USES~~ **ACTIVE DOWNTOWN DISTRICT OFF-STREET**

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

~~All conditional uses allowed in the underlying zoning districts are permitted.~~

14.06

~~NON-CONFORMING BUILDING~~ **SIGNS**

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

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

14.07

~~YARD REQUIREMENTS~~ **ARCHITECTURAL AND HISTORIC STANDARDS**

~~The regulations of the underlying zoning district shall apply.~~

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

14.07.1 **Structural Proportion**

Historic Bellbrook architecture is characterized by two-story buildings with tall, narrow doors and traditional building materials with the building façade being near the zero-lot line. New buildings shall conform generally to the structural proportions listed in this ordinance.. - See Fig. 14.07



Fig.14.07

14.07.2 **Materials & Buildings Standards:**

Building materials should be of similar detailing, texture, scale, and appearance to those found historically within the Downtown Districts. Most of the Downtown District's buildings are wood frame with wooden siding. The use of such natural materials is preferred and should be encouraged. . If use of natural materials is fiscally prohibitive to the property owner, use of alternative materials may be used if closely matched. It is the intent of this section to encourage the use of aesthetically cohesive materials.

a. Building Details

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

b. Foundations

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

c.  *Exterior Walls*

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

d. *Roof Materials*

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

Alterations—Roofs

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

e. *Chimneys*

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

f. *Windows, Doors and Door Lintels*

Possibly the most important features of any building are the doors and windows. Original lintels were stone, wood, or brick. Where feasible, lintels shall be restored or compatible stone, brick, or wood shall be used in remodeling, additions or new construction(s). The size and location of openings are an essential part of the overall design and an important element

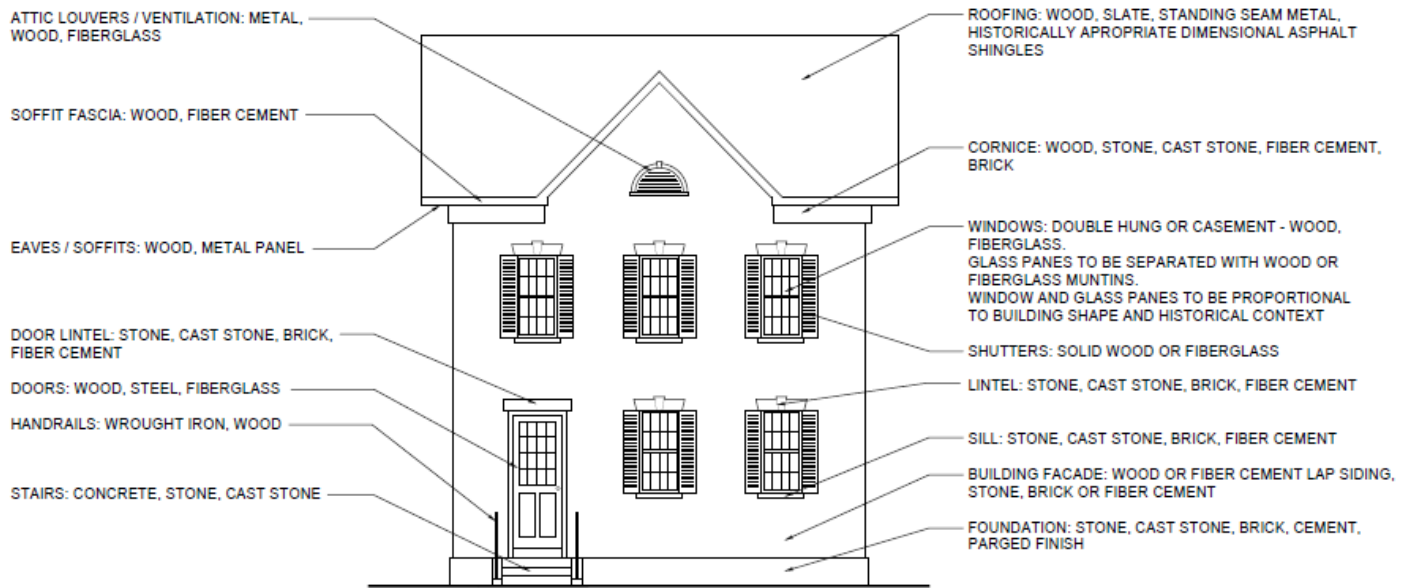
of architectural styling. Original openings should not be altered. Original doors and window sashes should be repaired rather than replaced, whenever possible. When replacement is necessary, the new door or window should match the original in size and style as closely as possible. Screens and storm windows should be as inconspicuous as possible.

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

g. Porches and Outbuildings

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

Preferred Building Materials Example



14.07.3 Additions

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

14.07.4 Parking

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

14.07.5 Site Improvement - Landscaping

The Downtown Districts are characterized by landscaping and green space. Green space should not be reduced unless the overall improvement warrants such, as determined by the Downtown Review Board (section 14.09). Landscaping design should be compatible with the surrounding buildings and landscape elements. Landscaping, special lighting, seating, and decorative paving should be designed to be simple and complimentary to the Downtown Districts. Antique or historic reproductions may be used with discretion. Mature trees should be retained as should other significant features, such as large rocks or groundswells. Window planter boxes are highly encouraged and do not require permitting or approval.

14.07.6 Fences

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

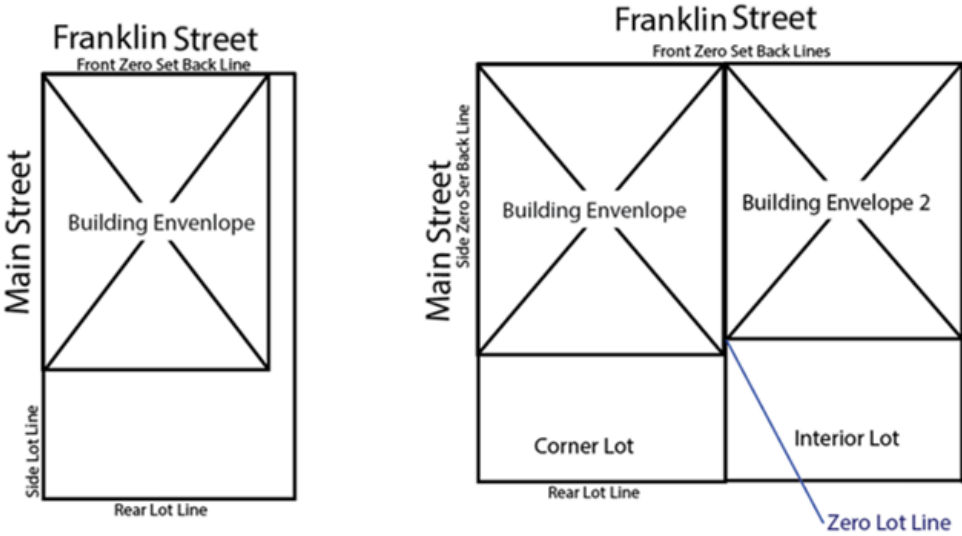
14.07.7 Utility Installation

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

14.07.8 Setback and Lot Lines:

New buildings and significant redevelopment shall be built to a near zero-setback and near zero side lot lines where reasonable to ensure cohesiveness with a traditional downtown feel. Parking will be maintained in the rear of the site. New construction and redevelopment shall redirect vehicular access to the back of the building where possible to minimize access points.

Rehabilitation or significant remodeling of the exterior of a property on a site without a near zero setback shall attempt to be done in such a way so as to minimize setback and lot lines..



The main entrance of a building should front and open onto the main thoroughfare. Historically, buildings were accessed from the streets,

therefore, buildings which cannot be oriented to the main street are discouraged.

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



14.08 **PARKING REQUIREMENTS EXCLUSIONS AND CONTROLS NOT APPROPRIATE**

~~Space shall be provided in accordance with the provisions of Section 18.16.~~

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

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

14.09 **OFF-STREET LOADING DOWNTOWN REVIEW BOARD**

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

The Downtown Review Board (the "Board") shall consist of five members to be appointed by Council.

- *One member shall be a resident of the Downtown District and the Active Downtown District. This member may serve more than the allowed term limit if a replacement cannot be found when their term expires.*
- *One member shall operate a business within the Downtown Districts. This member need not be a City resident.*
- *Three members shall be residents of the City who shall serve in at-large positions. They need not live in the Downtown Districts.*

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

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

The term of each Board member shall be three years. However, the Downtown Review Board's first members appointed shall serve respectively for the following terms: The Board's first resident and business members shall serve for a two-year term, and the Board's first at-large members shall serve for a three-year term. Each member of this Board may serve a maximum of two three-year terms.

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

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

14.10

SIGNS PERMIT REQUIRED – Certificate of Appropriateness

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

The issuance of Certificate of Appropriateness is required prior to undertaking certain types of activities within the Downtown Districts. The Zoning Administrator makes an initial determination of the necessity for a Certificate of Appropriateness at the time that an application is made for a zoning permit. If the Zoning Administrator believes that a Certificate of Appropriateness is required, then he/she will direct the applicant to complete the permit request. The Downtown Review Board will review the case and make decision to approve or deny.

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

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

14.10.1 Additional Information

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

The permit application documents described above, as amended and accepted, shall be part of the official records of the City. Any deviation without written permission by the Zoning Administrator or Downtown Review Board shall be cause for revocation of all permits including any building permit.

14.11 Conditional Use

A conditional use permit must be submitted to the Zoning Administrator for:

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



~~The significant architecture of the Bellbrook Village District is generally classified as a simple Victorian with modifications.~~

~~There are numerous buildings that do not fall within this broad description, but the general architectural character of Bellbrook is Victorian in nature and the standards are aimed at preserving existing examples and establishing perimeters which will allow acceptable and pleasing contemporary interpretation of the standards.~~

(1) **Structural Proportion:**

~~Bellbrook architecture is characterized by two story buildings with tall, narrow doors and windows and in earlier examples, slightly squatter proportions. New buildings shall conform generally to the proportions of adjoining buildings and all buildings, either new or remodeled shall have windows and doors of proportions similar to adjoining buildings. Roof slopes shall also be similar to adjoining buildings.~~

(2) **Foundations:**

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

(3) Exterior Walls:

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

(4) Roof Materials:

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

(5) Chimneys:

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

(6) Windows and Door Lintels:

~~Original lintels were stone, wood or brick. Where feasible, lintels shall be restored or compatible stone, brick or wood shall be used in remodeling, additions or new construction(s).~~

(7) Porches and Outbuildings:

~~The construction of porches or outbuildings which do not conform to these standards or to the character of the main building is prohibited.~~

~~Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any property, area or object within the Village District. For the purposes of this ordinance, a modification of a window or door which causes the area of the opening to vary by no more than ten percent from its original size shall be considered to be ordinary maintenance or repair, and is not regulated.~~

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

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

- ~~(1) One member shall be a resident of said district.~~
- ~~(2) One member shall own real property at a location within the district and operate a business at that location. This member need not be a City resident. If a qualified person cannot be found to fill this position, then Council may fill the position by appointing any City resident who has the requisite interest and skill.~~
- ~~(3) Three members shall be residents of the City who shall serve in at-large positions. They need not live in the district.~~

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

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

~~The terms shall be three years. _____ However, the first members appointed shall serve respectively for the following terms: two for one year; two for two years and two for three years.~~

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

~~In the event a Board member ceases to meet his designated qualifications of his appointment, his membership on the Board is automatically terminated and a successor member meeting those qualifications shall be appointed by the Council. Board members serve at the pleasure of Council.~~

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

In its deliberations upon an application for demolition of all or part of a main building within the Downtown Districts that is determined to be a historically significant property based on its historical value and/or architectural

features, the Downtown Review Board shall consider alternatives to demolition. If the Downtown Review Board finds cause to believe that there are feasible and prudent alternatives to demolition, then the Certificate of Appropriateness shall be denied. Otherwise, the application shall be approved.

In order to determine the feasibility of alternatives to demolition, the applicant must provide relevant information submitted by an appraiser, a building contractor and/or other professional person, for information required in making a determination. For example, if information supplied indicates that the property could be repaired and leased at an annual rent which would produce a gross return of ten percent on the owner's investment, then the Downtown Review Board may conclude that there is at least one feasible and prudent alternative to demolition.

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

14.13

~~**APPLICATION FOR VILLAGE DISTRICT PERMIT AND INFORMATION REQUIRED PROCESS FOR REQUEST TO CONSTRUCT A NEW MAIN BUILDING IN THE DISTRICT**~~

~~(1) Application for Village District Permit:~~

~~Village District permits are required as set forth in~~

~~Section 14.16 hereof. This~~

~~Village _____ District _____ permit shall be obtained by application to the Zoning Inspector prior to commencement of construction and is required in addition to any other required zoning permit or building permit.~~

~~(2) In addition to any other information required by the Zoning Regulations, a scale drawing in duplicate of all affected exterior elevations accompanied by a written description setting forth details of work to be done, materials to be used, brick or accurate color photographs or facsimilies to be used in the modifications and an~~

~~appropriate presentation showing such proposed details as door and window designs shall accompany the applications.~~

~~These documents as amended and accepted shall be official. Any deviation without written permission by the Village Review Board shall be cause for revocation of all permits including any building permit. _____ Such presentation of material shall be no larger than 18" X 24" but may contain any number of such sized units as deemed necessary by the applicant.~~

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

Upon receipt of a request for construction of a new main building in the Downtown Districts, the Zoning Administrator will furnish the applicant with an application for a certificate of appropriateness a copy of this ordinance and any additional permits required in Article 19 of the Zoning Code. The applicant will be advised regarding the mandatory standards of Article 14 of the Bellbrook Zoning Code. The application will then be forwarded to the Downtown Review Board for a hearing, review, approval, and if appropriate, the issuance of the Certificate of Appropriateness.

14.14

REVIEW PROCEDURE

(1)

14.14.1 Application Review by Zoning ~~Inspector~~ Administrator:

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

(2)

14.14.2 Application Review by *Downtown Village* Review Board:

14.15.2.1(a) Hearing

The Downtown Village Review Board shall notify the applicant of a time and place of a hearing on the application not less than ten (10)

days before the date scheduled for hearing. The hearing shall be held within thirty (30) ~~fourteen (14)~~ days after delivery of a complete application with supportive materials to the Zoning Inspector Administrator. Public notice to properties within a 300 square foot radius of the property being reviewed shall be required to be sent not less than ten (10) days before the date scheduled for hearing.

~~(b)~~ Action on Application: The Board shall consider at the time of the hearing whether to approve, approve with modifications, or disapprove the application. Should a decision not be reached during the initial hearing, the Board reserves the right to continue consideration into future meetings. ~~is encouraged to make a decision on the night of the hearing; however, it is required that~~

(a) If the Downtown Review Board finds that the proposed changes conform with this ordinance, then the application shall be approved.

(b) If the Downtown Review Board finds that the proposed changes are not in conformance with this ordinance and that strict application of the ordinance would deprive the applicant of substantially all economically viable use of the property, then the Downtown Review Board shall approve the application with such modifications as will permit reasonable use of the property while conforming as closely with the ordinance as prudence permits.

© If the Board finds that the proposed changes are not in conformance with the ordinance and that full conformance would not cause the applicant to lose substantially all economically viable use of the property, then it shall disapprove the application.

(2) Written notification of such action shall be given to the Zoning Administrator, applicant and Clerk of Council. In the case of approval with modifications, a list of these modifications shall be forwarded to the Zoning Administrator and the Clerk of Council. If the applicant accepts these suggested modifications, he shall revise his application and supportive material accordingly and file them with the Zoning Administrator who shall then issue the necessary permits.

(3) A majority of the decision making members of the Board shall constitute a quorum; however, no application shall

be denied except by the affirmative vote of a majority of the entire Board.



(4) If an application is denied, the w Board shall set forth the reasons for such denial in writing. The Village Review Board shall also make recommendations as to what changes would be required for approval.

(5) If the application is denied, the application may be re-filed upon written certification by the applicant that such resubmission is based upon modification of the proposal with the objective of:

(A) Conforming with Board recommendations, or

(B) Proposing significant change in conditions or other pertinent factors which were not present during the previous reviews.



Such resubmission shall be heard at the earliest convenience by the Board.

14.14.3 Requests for a Variance

The Downtown Review Board shall review all applications for a variance from underlying zoning regulations for properties within the Districts and shall advise the Board of Zoning Appeals regarding the applicability of the Guidelines. The Downtown Review Board shall also give its recommendation regarding disposition of the request. If the request requires a permit under Section 14.10 hereof, then that requirement is cumulative to the requirement for a variance, and work may not proceed until approvals have been received from both the Downtown Review Board and the Board of Zoning Appeals.

14.14.4 Appeals Procedure

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



Council shall attempt to schedule appeal hearings at a time reasonably convenient to the applicant. Unless the applicant shall otherwise request, all

appeals hearings shall be held within thirty (30) days of receipt of the hearing request.

An applicant who is dissatisfied with the action of Council may have further appeals to the courts, as provided by Ohio Revised Code 2506.

14.16 PERMIT REQUIRED

~~Permits are required for the following activities within the Village District:~~

- ~~(1) Demolition of all or part of a main building~~
- ~~(2) Structural modifications which substantially destroy a significant exterior architectural feature of a main building constructed prior to 1945~~
- ~~(3) Construction of a new main building~~
- ~~(4) Erection of any sign regulated by Article 18, Section 18.20B of these Zoning Regulations.~~

14.15 APPEALS PROCEDURE



(1) If the application is denied or approved with modifications, the applicant may request a hearing before the City Council.

The request for a hearing shall be made in writing directly to the Clerk of Council within 45 days of the Downtown Review Board's decision.

The City Council may reverse, affirm or modify the action of the Village Review Board by a simple majority vote of the entire Council.

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



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

14.16 SPECIAL PROCEDURE FOR DEMOLITION APPLICATION

In its deliberations upon an application for demolition of all or part of a main building within the Districts, the Downtown Review Board shall consider alternatives to demolition. If the Downtown Review Board finds cause to believe that there are feasible and prudent alternatives to demolition, then

the Downtown Review Board shall so inform the applicant and delay its decision on the application for no more than 180 days. During the period of the delay, the applicant shall make a good faith investigation of such alternatives and submit a written report to the Downtown Review Board. Thereafter the Downtown Review Board shall consider the entire record and make its decision. If the Downtown Review Board finds that there are feasible and prudent alternatives to demolition and that the proposed demolition would be contrary to the intent of this ordinance, then the application shall be denied. Otherwise, the application shall be approved.

14.17 REVIEW OF REQUESTS FOR A VARIANCE

The Downtown Review Board shall review all applications for a variance from underlying zoning regulations for properties within the Districts and shall advise the Board of Zoning Appeals regarding the applicability of the Guidelines. The Downtown Review Board shall also give its recommendation regarding disposition of the request. If the request requires a permit under Section 14.16 hereof, then that requirement is cumulative to the requirement for a variance, and work may not proceed until approvals have been received from both the Downtown Review Board and the Board of Zoning Appeals.

~~GUIDELINES FOR THE OLD VILLAGE BELLBROOK, OHIO~~

1.0 Introduction

~~The "Old Village of Bellbrook" is one of the most attractive villages in southwestern Ohio, an identity which has been important in attracting new residents and businesses. Facing rapid growth and expansion possibilities, the City of Bellbrook wants to retain that identity while encouraging a strong, healthy economy and a secure, desirable place to live. Through the review process embodied in Article 14 of the Zoning Code and these guidelines, the City accomplishes both goals. Bellbrook has maintained a review process since adopting the 1972 Zoning Code; these guidelines are part of the updating of those original zoning provisions.~~

~~The following guidelines are the interpretive explanation and the decision-making guide for Bellbrook Zoning Code Article 14. They are designed to assist owners, residents, architects, interested citizens, and the Village Review Board determine the appropriateness and the direction of the physical growth in a very special district: the Old Village of Bellbrook District. Important to these goals is the proper maintenance of existing properties, guidance in new construction, and the coherent development of the District.~~

CLEAN COPY

ARTICLE 14 HISTORIC BELLBROOK DOWNTOWN PLAN

14.01 GENERAL

This section is intended to create the Bellbrook Downtown Plan and to establish and to establish two new districts (Downtown District and Active Downtown District). This section will outline procedures for development and regulation of these two districts along with design and architectural criteria. The designation of these two additional districts are to be considered an overlay of existing zoning ~~controls~~ *designations*.

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

As such, the intent of this ordinance is to regulate demolition, construction, *renovation and new development*.

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

14.02 DESIGNATION OF DISTRICTS

These regulations shall be differentiated by two separate districts. One being known as the **Downtown District** with the second being known as the **Active Downtown District**. Both the Downtown District and the Active Downtown District are collectively referred to herein as “the “Downtown Districts”.

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

Intent & Character: The City’s intent in creating the Downtown District is to protect the historical structures in the downtown Bellbrook area.

The **Active Downtown District** boundaries are contained within the Downtown District and concentrated along the main thoroughfares of Franklin and Main Streets. This area is generally described as follows: bounded on the west by Little Sugarcreek Road and east by Washington Mill Road and on the north by Walnut Street and the south by Maple Street. The Active Downtown District is where mixed-uses are more common and encouraged.

Intent & Character: The City’s intent in creating this district is to protect historical structures and enhance the traditional downtown identity with

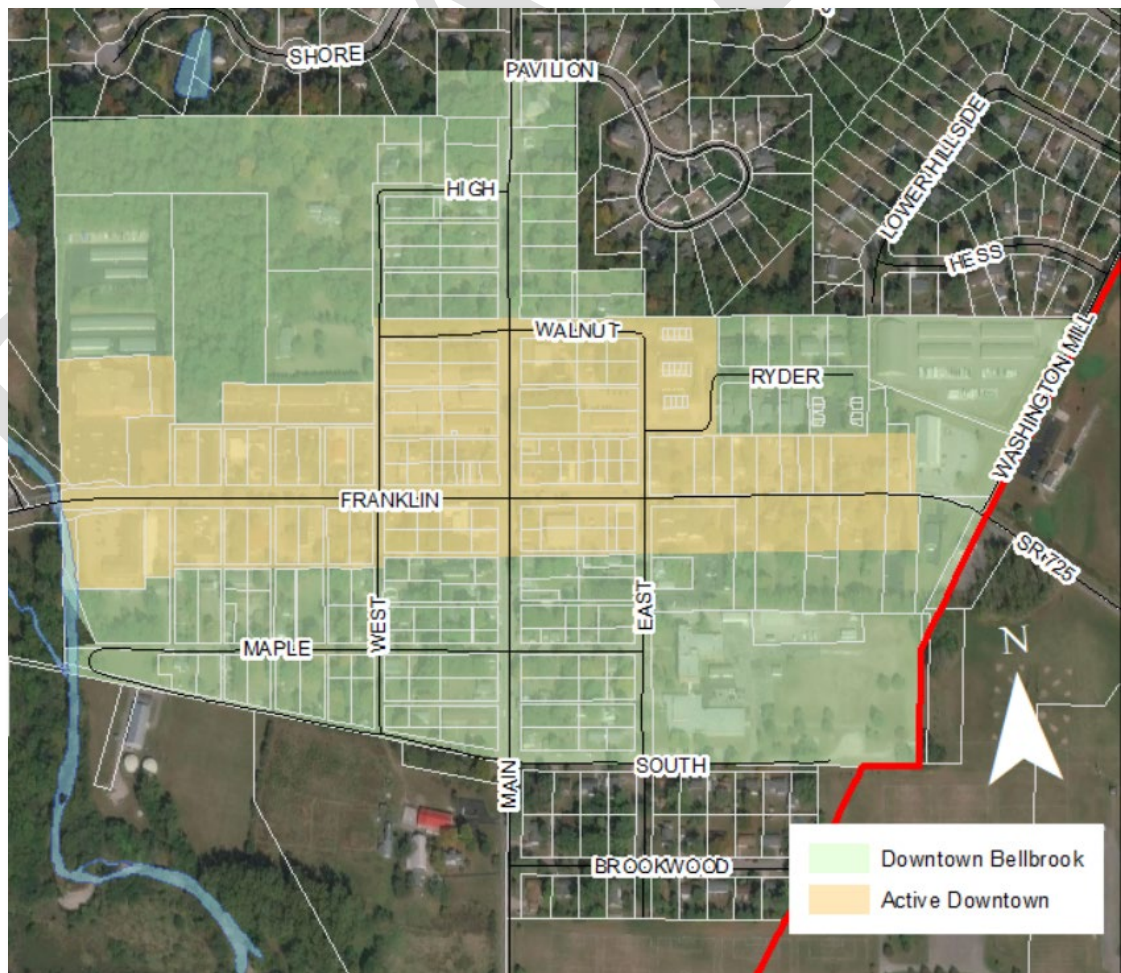
zero setbacks and lot lines, proper access management, on street and offsite parking, and an overall walkable community that people want to be a part of for generations to come. This district is characterized by active, pedestrian-oriented mixed-use area in multi-story buildings. Mixed use is typically comprised of retail, restaurant and service occupying ground floor spaces with offices and housing/apartments on upper floors.

14.03 **USES**

All uses in the underlying zoning district shall apply. This includes permitted principal uses, accessory uses, and conditional uses. Variances for uses shall follow regulations outlined in 20.13 of the Zoning Code.

14.03.1 **Non-Conforming Building**

The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enacting this zoning ordinance or amendment thereto, may be continued, although such use does not conform with the provisions of such ordinance or amendment, but if any such non-conforming use is voluntarily discontinued for a period of 6 months pursuant to O.R.C. 713.15], any future use of such land shall be in conformity with Article



14 of this Zoning Code.

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

14.04 **YARD REQUIREMENTS**

Refer to Article 12.04 of this Zoning Code.

14.05 **ACTIVE DOWNTOWN DISTRICT OFF-STREET LOADING**

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

14.06 **SIGNS**

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

14.07 **ARCHITECTURAL AND HISTORIC STANDARDS**

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

14.07.1 **Structural Proportion**

Historic Bellbrook architecture is characterized by two-story buildings with tall, narrow doors and traditional building materials with the building façade being near the zero-lot line. New buildings shall conform generally to the structural proportions listed in this ordinance. See Fig. 14.07



Fig.14.07

14.07.2 **Materials & Buildings Standards:**

Building materials should be of similar detailing, texture, scale, and appearance to those found historically within the Downtown Districts. Most of the Downtown District's buildings are wood frame with wooden siding. The use of such natural materials is preferred and should be encouraged. If use of natural materials is fiscally prohibitive to the property owner, use of alternative materials may be used if closely matched. It is the intent of this section to encourage the use of aesthetically cohesive materials.

a. **Building Details**

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

b. **Foundations**

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

c. **Exterior Walls**

The exterior walls of the period were of brick or narrow wood siding. Wall surface construction shall employ these materials or a modern construction material which creates the same look and

effect. Cosmetic treatment using such materials as asphalt shingles which simulate brick or stone are prohibited.

d. Roof Materials

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

Alterations—Roofs

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

e. Chimneys

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

f. Windows, Doors and Door Lintels

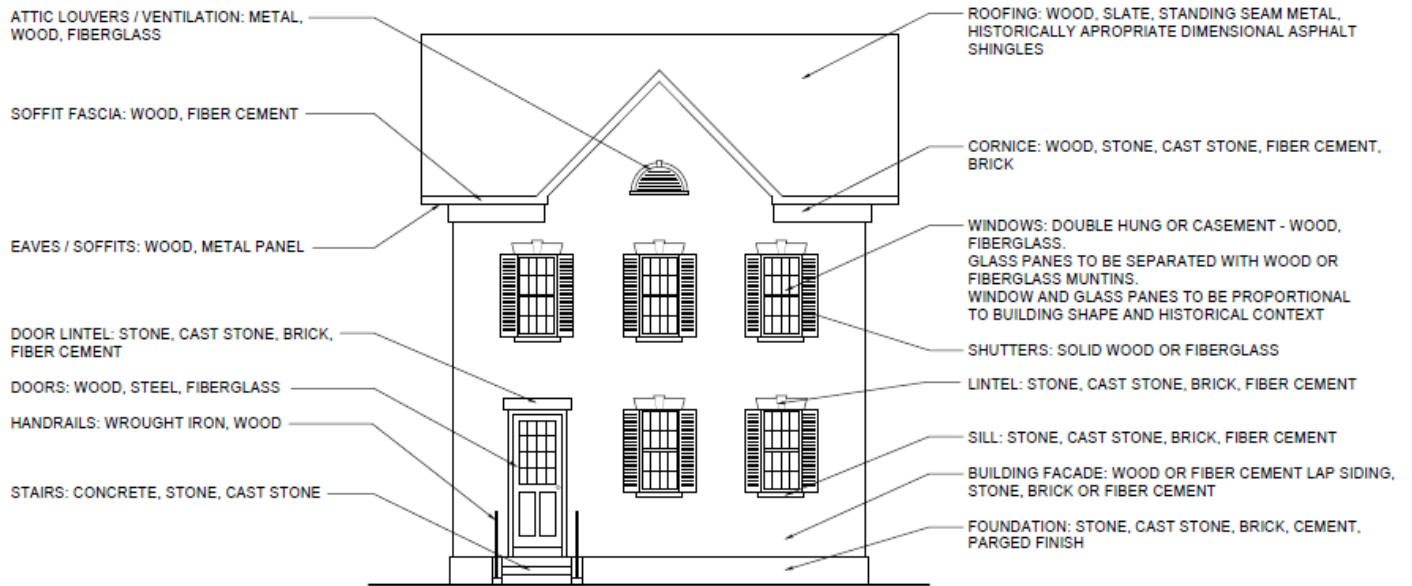
Possibly the most important features of any building are the doors and windows. Original lintels were stone, wood, or brick. Where feasible, lintels shall be restored or compatible stone, brick, or wood shall be used in remodeling, additions or new construction(s). The size and location of openings are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

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

g. Porches and Outbuildings

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

Preferred Building Materials Example



14.07.3 Additions

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

14.07.4 Parking

Parking areas in front and side yard areas are prohibited in the Active Downtown District. Parking shall be in the rear of the lots and where applicable shall share access with drives and alleys to reduce the number of access points onto thoroughfares to ensure good access management and promote walkability. Traditionally downtowns had little to no gaps between the buildings and by placing access and parking to the rear facilitates this. Any redevelopment of a site where parking was previously on the side or front of a building shall reconfigure the site plan to adhere to this provision and redirect access. Business owners are encouraged to have open, shared parking lots. There is no minimum off-street parking requirement for uses other than single-family and two-family residential in the Downtown Districts (refer to Section 18.16 of this Zoning Code for Off-street Parking Regulations). This may be waived by the Downtown Review Board if it is determined that the new

construction or the building in question either historically or aesthetically or functionally should not require the parking requirement for residential districts.

14.07.5 **Site Improvement - Landscaping**

The Downtown Districts are characterized by landscaping and green space. Green space should not be reduced unless the overall improvement warrants such, as determined by the Downtown Review Board (section 14.09). Landscaping design should be compatible with the surrounding buildings and landscape elements. Landscaping, special lighting, seating, and decorative paving should be designed to be simple and complimentary to the Downtown Districts. Antique or historic reproductions may be used with discretion. Mature trees should be retained as should other significant features, such as large rocks or groundswells. Window planter boxes are highly encouraged and do not require permitting or approval.

14.07.6 **Fences**

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

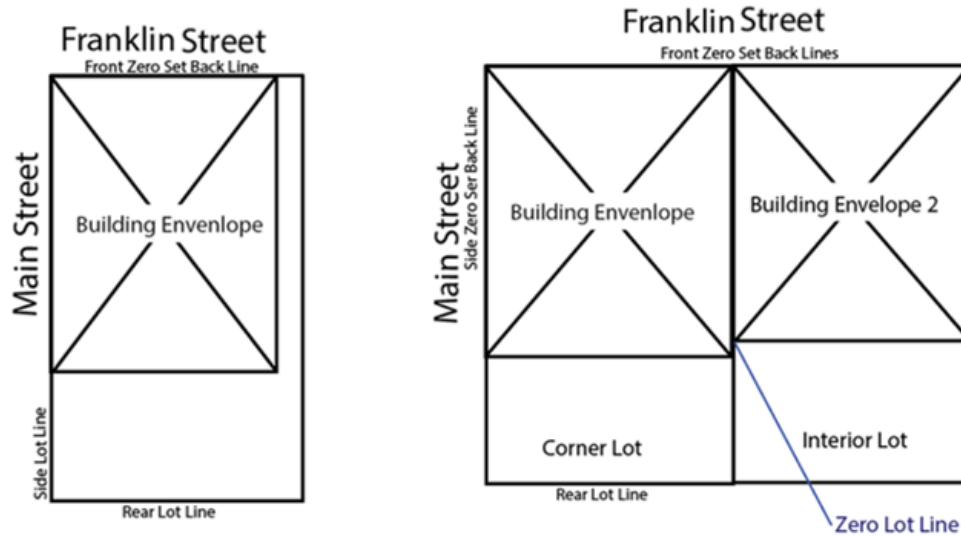
14.07.7 **Utility Installation**

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

14.07.8 **Setback and Lot Lines:**

New buildings and significant redevelopment shall be built to a near zero-setback and near zero side lot lines where reasonable to ensure cohesiveness with a traditional downtown feel. Parking will be maintained in the rear of the site. New construction and redevelopment shall redirect vehicular access to the back of the building where possible to minimize access points.

Rehabilitation or significant remodeling of the exterior of a property on a site without a near zero setback shall attempt to be done in such a way so as to minimize setback and lot lines.



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

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



14.08

EXCLUSIONS AND CONTROLS NOT APPROPRIATE

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

Neither the exterior color nor the interior arrangement of the building shall be considered by the Downtown Review Board in determining whether an

application complies with the provisions of this ordinance, provided such use is permitted by the applicable zoning designation.

14.09 **DOWNTOWN REVIEW BOARD**

The Downtown Review Board (the “Board”) shall consist of five members to be appointed by Council.

- One member shall be a resident of the Downtown District and the Active Downtown District. This member may serve more than the allowed term limit if a replacement cannot be found when their term expires.
- One member shall operate a business within the Downtown District. This member need not be a City resident.
- Three members shall be residents of the City who shall serve in at-large positions. They need not live in the Downtown Districts.

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

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

The term of each Board member shall be three years. However, the Downtown Review Board’s first members appointed shall serve respectively for the following terms: The Board’s first resident and business members shall serve for a two-year term, and the Board’s first at-large members shall serve for a three-year term. Each member of this Board may serve a maximum of two three-year terms.

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

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

14.10 **PERMIT REQUIRED – Certificate of Appropriateness**

The issuance of Certificate of Appropriateness is required prior to undertaking certain types of activities within the Downtown Districts. The Zoning Administrator makes an initial determination of the necessity for a Certificate of Appropriateness at the time that an application is made for a zoning permit. If the Zoning Administrator believes that a Certificate of Appropriateness is required, then he/she will direct the applicant to complete the permit request.

The Downtown Review Board will review the case and make decision to approve or deny.

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

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

14.10.1 **Additional Information**

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

The permit application documents described above, as amended and accepted, shall be part of the official records of the City. Any deviation without written permission by the Zoning Administrator or Downtown Review Board shall be cause for revocation of all permits including any building permit.

14.11 **Conditional Use**

A conditional use permit must be submitted to the Zoning Administrator for:

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

14.12 **SPECIAL PROCEDURE FOR DEMOLITION APPLICATIONS**

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

In its deliberations upon an application for demolition of all or part of a main building within the Downtown Districts that is determined to be a historically significant property based on its historical value and/or architectural features, the Downtown Review Board shall consider alternatives to demolition. If the Downtown Review Board finds cause to believe that there are feasible and prudent alternatives to demolition, then the Certificate of Appropriateness shall be denied. Otherwise, the application shall be approved.

In order to determine the feasibility of alternatives to demolition, the applicant must provide relevant information submitted by an appraiser, a building contractor and/or other professional person, for information required in making a determination. For example, if information supplied indicates that the property could be repaired and leased at an annual rent which would produce a gross return of ten percent on the owner's investment, then the Downtown Review Board may conclude that there is at least one feasible and prudent alternative to demolition.

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

14.13

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

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

Upon receipt of a request for construction of a new main building in the Downtown Districts, the Zoning Administrator will furnish the applicant with an application for a certificate of appropriateness a copy of this ordinance and any additional permits required in Article 19 of the Zoning Code. The applicant will be advised regarding the mandatory standards of Article 14 of the Bellbrook Zoning Code. The application will then be forwarded to the Downtown Review Board for a hearing, review, approval, and if appropriate, the issuance of the Certificate of Appropriateness.

14.14

REVIEW PROCEDURE

14.14.1 **Application Review by Zoning Administrator:**

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

14.14.2 Application Review by Downtown Review Board:

14.15.2.1 Hearing

The Downtown Review Board shall notify the applicant of a time and place of a hearing on the application not less than ten (10) days before the date scheduled for hearing. The hearing shall be held within thirty (30) days after delivery of a complete application with supportive materials to the Zoning Administrator. Public notice to properties within a 300 square foot radius of the property being reviewed shall be required to be sent not less than ten (10) days before the date scheduled for hearing.

Action on Application: The Board shall consider at the time of the hearing whether to approve, approve with modifications, or disapprove the application. Should a decision not be reached during the initial hearing, the Board reserves the right to continue consideration into future meetings.

(a) If the Downtown Review Board finds that the proposed changes conform with this ordinance, then the application shall be approved.

(b) If the Downtown Review Board finds that the proposed changes are not in conformance with this ordinance and that strict application of the ordinance would deprive the applicant of substantially all economically viable use of the property, then the Downtown Review Board shall approve the application with such modifications as will permit reasonable use of the property while conforming as closely with the ordinance as prudence permits.

© If the Board finds that the proposed changes are not in conformance with the ordinance and that full conformance would not cause the applicant to lose substantially all economically viable use of the property, then it shall disapprove the application.

(2) Written notification of such action shall be given to the Zoning Administrator, applicant and Clerk of Council. In the case of approval with modifications, a list of these modifications shall be forwarded to the Zoning Administrator and the Clerk of Council. If the applicant accepts these suggested modifications, he shall revise his application and supportive material accordingly and file them with the Zoning Administrator who shall then issue the necessary permits.

(3) A majority of the decision-making members of the Board shall constitute a quorum; however, no application shall be

denied except by the affirmative vote of a majority of the entire Board.

(4) If an application is denied, the w Board shall set forth the reasons for such denial in writing. The Downtown Review Board shall also make recommendations as to what changes would be required for approval.

(5) If the application is denied, the application may be re-filed upon written certification by the applicant that such resubmission is based upon modification of the proposal with the objective of:

- i. Conforming with Board recommendations, or
- ii. Proposing significant change in conditions or other pertinent factors which were not present during the previous reviews.

Such resubmission shall be heard at the earliest convenience by the Board.

14.14.3 Requests for a Variance

The Downtown Review Board shall review all applications for a variance from underlying zoning regulations for properties within the Districts and shall advise the Board of Zoning Appeals regarding the applicability of the Guidelines. The Downtown Review Board shall also give its recommendation regarding disposition of the request. If the request requires a permit under Section 14.10 hereof, then that requirement is cumulative to the requirement for a variance, and work may not proceed until approvals have been received from both the Downtown Review Board and the Board of Zoning Appeals.

14.14.4 Appeals Procedure

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

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

An applicant who is dissatisfied with the action of Council may have further appeals to the courts, as provided by Ohio Revised Code 2506.

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

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

(3) An applicant who is dissatisfied with the action of the Board of Zoning Appeals may have further appeals to the courts, as provided by the general law of the State of Ohio.

14.16 SPECIAL PROCEDURE FOR DEMOLITION APPLICATION

In its deliberations upon an application for demolition of all or part of a main building within the Districts, the Downtown Review Board shall consider alternatives to demolition. If the Downtown Review Board finds cause to believe that there are feasible and prudent alternatives to demolition, then the Downtown Review Board shall so inform the applicant and delay its decision on the application for no more than 180 days. During the period of the delay, the applicant shall make a good faith investigation of such alternatives and submit a written report to the Downtown Review Board. Thereafter the Downtown Review Board shall consider the entire record and make its decision. If the Downtown Review Board finds that there are feasible and prudent alternatives to demolition and that the proposed demolition would be contrary to the intent of this ordinance, then the application shall be denied. Otherwise, the application shall be approved.

14.17 REVIEW OF REQUESTS FOR A VARIANCE

The Downtown Review Board shall review all applications for a variance from underlying zoning regulations for properties within the Districts and shall advise the Board of Zoning Appeals regarding the applicability of the Guidelines.

The Downtown Review Board shall also give its recommendation regarding disposition of the request. If the request requires a permit under Section 14.16 hereof, then that requirement is cumulative to the requirement for a variance, and work may not proceed until approvals have been received from both the Downtown Review Board and the Board of Zoning Appeals.

To: Planning Board
From: Jessica Hansen, Planning & Zoning Assistant
Date: May 16, 2021
Subject: PB Staff Report for the establishment of Zoning Verification Letter Fee

Summary

The request is for the Planning Boards' approval to forward onto Council the establishment of a Zoning Verification Letter fee or a modification of Sec. 1244.01 Application Fees of the Zoning Ordinance.

Recently we have received numerous requests for Zoning Verification Letters and no fee was charged as there is not one established.

Background Information:

Definition: A Zoning Verification Letter outlines the zoning district, overlay zones, current legal uses, approved conditional uses, and any outstanding property maintenance violations or complaints. It is typically requested in the process of refinancing by banks or developers.

Staff Time: Zoning Verification Letters often can be time-consuming tasks. They require research into a property, which includes finding out when it was approved in its current state, looking into board minutes, looking into PC files, and in some cases searching old files that aren't digitized. In addition to this, some Organizations request a letter to match a specific format that they provide.

In a hypothetical example, if staff spends 15 minutes communicating with the requestor, 1.5 hours researching into the property, and 45 minutes to write, email, and mail out the Verification Letter, this equates to approximately 2 ½ hours of

staff time. According to ZipRecruiter, the average hourly wage of a Planning and Zoning assistant is \$25.00 per hour.



If we assume that the wage (\$25.00/hr) and multiple that by the hypothetical hours (2.5) spent by staff this equates to around \$62.50 in staff cost, this doesn't include materials and other such items.

Recent Examples of Verification Letters Sent:

Note that both are for the same property but in a different format as different entities requested different items addressed, or a specific format used.

April 9, 2021
Property: 3070 Mill Pond Dr,
Bellbrook, OH 45305

Parcel ID:
L35000200130016300
L35000200130016800

Attn: Chicago Title Company
1 S. Main St. Suite 250
Dayton, OH 45402

Re: Mill Pond Apartments, 3070 Mill Pond Dr., Bellbrook, Ohio (the "Project")

Ladies and Gentlemen:

In response to your request concerning the Project's compliance with applicable codes, regulations and ordinances, please be advised as follows:

(i) the City of Bellbrook is responsible for enforcement of zoning ordinances and similar codes or ordinances related to commercial development in the City of Bellbrook. Greene County is responsible for the issuance of certificates of occupancy and building regulations in the City of Bellbrook.

(ii) the Project is zoned R-3 Multi-Family Residential under the laws or ordinances of the City of Bellbrook, which zoning classification permits the use of the Project and its related amenities as a 296-unit multi-family community to include clubhouse and related amenities and accordingly the Project is:

a conforming use and structure as of right, or
 a legal non-conforming use and/or structure (however, the non-conforming improvements may be rebuilt and used and occupied for such non-conforming use if damaged or destroyed unless otherwise stated in section 18.21 of the City of Bellbrook Zoning Ordinance).

(iii) as a condition to the issuance of the certificates of occupancy in the City of Bellbrook (the "Authority") an apartment project must comply with all applicable codes and ordinances including, but not limited to, building and occupancy codes, any regulations pertaining to signage, fire department codes and regulations, applicable zoning, subdivision and use laws, landscaping and parking requirements, obtaining appropriate curb cut permits and provisions for applicable sanitary sewer, water, storm drainage and other utilities. The Project currently complies with all applicable laws, rules and regulations pertaining to zoning, subdivision, land use and parking, and is in compliance with applicable fire codes, and

(iv) a current search of the Authority's applicable records indicates that there are no pending violations of any applicable laws, codes, rules, regulations or ordinances described in paragraph (iv) above, there are no published or pending rezoning applications, warrants, proposals, hearings, cases, appeals, or other proceedings which could affect the zoning classification of the Project and there are no pending proposals to widen, close (including temporary closings) or change access to abutting roads.

Sincerely,

Name: Jessica Hansen
Title: Planning & Zoning Assistant



City of Bellbrook
15 East Franklin Street
Bellbrook, Ohio 45305
T (937) 848-4666
F (937) 848-5190
www.cityofbellbrook.org

March 17, 2021

Property: 3070 Mill Pond Dr,
Bellbrook, OH 45305

Parcel ID:
L35000200130016300
L35000200130016800

To whom it may concern,

This letter is a written response to a zoning verification request for the property located at 3070 Mill Pond Drive in the City of Bellbrook. The subject property is zoned R-3 Multi-Family Residential District. The property has been zoned as such even before the City annexed the property in the 1970s.

The intent of this district according to the code is to allow for the construction of apartment buildings and condominiums and to regulate transient occupancy within the city/district.

Per section 7.02 of the City of Bellbrook Zoning Ordinance two-family dwellings, apartments, or multiple dwellings are permitted within this district. Additionally, churches, parish houses, public and community centers, and playgrounds are also permitted. Please find article 7 of our Zoning Ordinance included with this letter for additional uses and subsequent conditional uses permitted within this district.



Figure 1 Location Map

Please note that this letter does not represent an assurance that said property will remain zoned as such for any given amount of time. Additionally, for any occupancy or building-related materials, you will need to contact Greene County Building Regulations as they handle such items for the City of Bellbrook.

If you have any questions or concerns please feel free to contact me at (937) 848-4666 or via email at jessica@cityofbellbrook.org

Thank you,

Jessica Hansen
Planning & Zoning



City of Bellbrook
15 East Franklin Street
Bellbrook, Ohio 45305
T (937) 848-4666
F (937) 848-5190
www.cityofbellbrook.org

Other Municipalities:

Municipality	Fee	Additional Info
Bellbrook	\$0	-
Dayton	\$100	\$50 per hour with a minimum fee of \$100.00
Fairborn	\$45	-
Centerville	\$40	-
Beavercreek	\$50	-
Sugarcreek Township	\$50	-
Average	\$57	Not Including Bellbrook

Conclusion:

Staff Suggests that The Planning Board forward their approval of the modification to 1244.01(c) and add the line item number (4) ----- **(4) Zoning Verification Letter Fee \$50.00.**

(c)The following fees and charges shall be paid into the General Fund and are nonrefundable, either in whole or in part:

(1)Application for a variance\$200.00

(2)Application for a conditional use\$200.00

(3)Petition for a change, amendment, supplement, repeal, or modification of the Zoning Code\$250.00

(4) Zoning Verification Letter Fee.....\$50.00

From: [Denny Bennett](#)
To: [Pamela Timmons](#); [Jessica Hansen](#); [Pamela Timmons](#); [Planning Board](#)
Cc: [David Van Veldhuizen](#); [T.J. Hoke](#)
Subject: Bradford Pear trees
Date: Thursday, May 13, 2021 11:27:14 AM

Could you all review this article before next Thursdays Planning board meeting, I will be talking about this.
Denny Bennett

.....
Popularly known by the cultivar name 'Bradford' pear, Callery pear has become an invasive species in natural and disturbed environments.

The introduction of Callery pear (*Pyrus calleryana*) serves as a cautionary tale of how good intentions can sometimes go wrong. This native of southeastern Asia was imported to the United States in the early 20th century for use in breeding programs to increase fire blight resistance in common pears. Before long it became clear that the Callery pear also had incredible potential as a horticultural tree.

With its high degree of tolerance to environmental stresses, rapid growth, and early abundant flowering, Callery pear became a very popular street and landscaping tree. While many cultivated varieties (cultivars) were developed over the years, the 'Bradford' is the best known. In fact, many people call the species by the name Bradford pear.

For many years, Callery pear served its purpose as a useful horticultural species. Problems began to appear, however, that had not been fully expected-problems that today's homeowners and professionals must be aware of and know how to address.

Callery Pear Invasion

Callery pears are rapidly growing trees that can form dense thickets, outcompeting native plants for light, water, and nutrients. The species has proven very successful at invading disturbed areas, open fields (figure 1), unimproved pastures, rights of ways, and forest edges. It is tolerant of partial shade and sites with dry to wet soils. As they continue to spread, it is likely that a greater array of sites will be prone to invasion, including managed pine stands.

The reason for this invasive spread lies with the way the species breeds and the fruit it produces as a result. Callery pear is self-incompatible, which means it requires outcrossing with genetically different plants for successful fruit production. Because all trees within an individual cultivar are genetically the same, they are unable to cross-pollinate.

For years, 'Bradford' was the most planted cultivar, and very little fruit was produced because they could not cross-pollinate. Over time, the Bradford cultivar was found to be structurally weak due to its branching pattern and was replaced with other cultivars. This shift greatly increased the genetic diversity of ornamental plantings and led to opportunities for outcrossing and successful fruiting. In many urban areas, Callery pear trees are now loaded with fruit in the fall where none were previously produced.

Callery pear fruit are eaten by birds and other animals, which spread the seed far and wide. As is seen in apples and other pears, the seed produced by Callery pear cultivars are not true to the parents and often appear more like the wild types from the native range. Furthermore, naturalized plants are often able to cross-pollinate and produce viable seeds. Most are very thorny with sharp spur shoots (figure 2) that persist even on older trees. The thorny spur shoots are sharp enough to puncture tires, which is especially problematic when the trees invade pastures that are mowed or bush hogged. The thorns also make control more challenging to applicators working through infestations.

Pollinators visit Callery pear flowers, but few insects utilize the leaves. This is significant because many bird species depend on leaf-feeding caterpillars and other insects to feed their young. Some birds eat the fruit, but they spread the seeds, which adds to the problem.

Last year, the state of Ohio banned the sale or distribution of Callery pears, effective in 2023.