

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2006-05 Passed September 19, 2006

**AN ORDINANCE ADOPTING SECTION 1151.15-PLANNED DEVELOPMENT OVERLAY DISTRICT IN THE CITY OF BROOKVILLE, OHIO.**

**WHEREAS**, the Planning Commission and the City Council of the City of Brookville desire to amend the zoning regulations of the City of Brookville to establish Planned Development Overlay Districts to provide for superior design and control of developments in the district that are consistent with the underlying zoning of the district; and

**WHEREAS**, upon recommendation of Planning Commission, and after public hearing on this Ordinance, the City Council hereby deems it necessary and proper to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO, THAT:

SECTION I: Section 1151.15 is hereby enacted and adopted as follows:

**1151.15 PLANNED DEVELOPMENT OVERLAY DISTRICT**

(a) **Policies Underlying Use of Zone:** The provisions of this district are designed to provide superior design and control of developments in the district that are consistent with the existing zoning of the district upon which the planned development overlay district is imposed.

(b) **Permitted Uses:** All permitted uses within underlying zoning district shall continue to be permitted within the Planned Development Overlay District. Special Uses within the underlying zoning district shall continue to require special use approval as required by Chapter 1163.

(c) **Designation on Zoning Map:** A Planned Development Overlay District shall be designated on the official Zoning Map and shall apply to property that has been designated with the abbreviation "PD" appended to the base zoning district on the official Zoning Map and enclosed with parentheses. For example, a Suburban Residential District, or R-1A, would be designated on the official zoning map as R-1A(PD).

(d) **Site Development Regulations:** In zoning districts where a planned development overlay district has been adopted, the site development regulations of the underlying zoning district shall remain in full force and effect, and shall be applied to all proposed developments within the district unless specifically modified or waived by Planning Commission and City Council for that proposed development.

(e) **Planned Development Review:** Any proposed development of a permitted or special use within a Planned Development Overlay District shall require planned development review. Any planned development proposal shall comply with the provisions of 1151.16 for submission requirements for planned development proposals. Any Planned Development proposal in a planned development overlay district shall follow the procedure for approval set forth in 1151.04, except that the designation of a planned development district in 1151.04(b)(6) shall be inapplicable if the planned development overlay district has already been established prior to the planned development proposal.

(f) **Findings for Approval:** Approval of a Planned Development in a Planned Development Overlay District shall require that the Planning Commission make the specific findings of facts set forth in Section 1151.03 and the following findings:

(1) That the proposed planned development is a permitted use within the underlying zoning district, or is a special use within the underlying zoning district and has been approved as a special use pursuant to the requirements for special use approval set forth in Chapter 1163;

(2) That the proposed planned development complies with the site development regulations for the underlying zoning district, unless specifically modified or waived by Planning Commission and City Council for the proposed planned development;

(3) That the proposed planned development is compatible with the surrounding neighborhood and adjacent properties;

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(4) That the proposed planned development demonstrates superior architecture and use of high quality building materials, building fixtures, and architectural treatments and amenities;

(5) That the proposed planned development demonstrates that a diversity of building designs will be employed to avoid monotony in the design of structures within the planned development;

(6) That the proposed planned development has open space that is designed in a manner where the open space is functional and is grouped in a manner that maximizes the appearance and use of open space;

(7) That the proposed planned development provides a plan for landscaping and maintenance of common areas, including maintenance of storm detention areas and any required buffers, and that the long term care of common areas shall be addressed through establishment of a homeowners association or other organization within the planned development.

(8) That the proposed planned development provides for restrictions and covenants on the subdivision plat or by separate dedication that will provide for control of land use and buildings within the planned development and promote consistent and unified development.


(9) That the proposed planned development complies with all applicable subdivision requirements of the City of Brookville, and the construction of public improvements in the proposed planned development are consistent with the Design Criteria and Construction Standards and Drawings of the City of Brookville.

**SECTION II:** The present Section 1151.15 of the Code of Ordinances of the City of Brookville is hereby renumbered Section 1151.16, and said renumbered Section 1151.16 shall remain in full force and effect as set forth in the Code of Ordinances of the City of Brookville.

**SECTION III:** This Ordinance shall revoke and rescind all Ordinances, parts of Ordinances, Resolutions, and parts of Resolutions that are in conflict herewith and shall be enforced from and after the earliest period allowed by law.


PASSED this 19th day of September 2006.

  
Sonja M. Keaton, Clerk

  
David E. Seagraves, Mayor


## **CERTIFICATE**

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2006-05, passed by the Council of the City of Brookville, Ohio, on the 19th day of September 2006.

  
Sonja M. Keaton, Clerk

## **CERTIFICATE OF POSTING**

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2006-05 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 20th day of September 2006 to the 20th day of October 2006, both days inclusive.

  
Sonja M. Keaton, Clerk