

RECORD OF ORDINANCES

2004-06
Ordinance No. _____ Passed _____ August 3, 2004
YEAR

AN ORDINANCE ESTABLISHING CHAPTER 1167 SITE DEVELOPMENT PLANS OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE.

WHEREAS, Planning Commission of the City of Brookville has recommended that the Council of the City of Brookville adopt certain regulations requiring site development plans for certain developments; and

WHEREAS, Council has determined that the adoption of these regulations will assist in the orderly development of certain projects within the City of Brookville.

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

SECTION I: Council hereby adopts the following site development regulations to be entitled Chapter 1167-Site Development Plans:

CHAPTER 1167 SITE DEVELOPMENT PLANS

1167.01 PURPOSE OF SITE DEVELOPMENT PLAN REVIEW

Site development plan review and approval is required to ensure that the use and development of land as authorized under this Ordinance is undertaken in an orderly and proper manner to: further the public health, safety and welfare of our community; assure the availability of appropriate public and private services and amenities; and, for minimizing the adverse effects of such development.

The design, orientation and location of open spaces, buildings, structures, signs and other improvements visible from public streets, places and ways has a material and substantial relationship to property values in the City, and the cost of municipal services provided thereto. Further, neighborhoods and commercial areas in other urban and suburban communities have deteriorated in the past by reason of the lack of planning, neglect of proper maintenance standards, and the erection of buildings and structures unsuitable to and incompatible with the character of adjoining areas, resulting in a reduction in property values.

Therefore, it is the policy of the City of Brookville that these regulations be adopted to avoid and prevent deterioration of the function, character and appearance of the City and provide a favorable environment for residents and businesses, and to preserve and enhance property values and the general public value.

1167.02 AUTHORITY FOR REVIEW OF SITE DEVELOPMENT PLANS

The Planning Commission has the authority to approve or disapprove site development plans submitted for approval under this section.

1167.03 APPROVED PLAN-WHEN REQUIRED

Site development plan approval shall be required for multi-family development in R-3 districts, and nonresidential development when specifically required by the provisions of the zoning district where the development is located, in the following intended situations:

- A. Any new principal structure intended and designed for multi-family occupancy or nonresidential development (or complete redevelopment of any site for multi-family or nonresidential use) or the use of land for multi-family or nonresidential use. This provision includes properties for which a zoning district amendment is sought for multi-family or nonresidential use.

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- B. Where an existing multi-family residential or nonresidential structure erected prior to the date of adoption of this Ordinance is proposed to be expanded, for which the sum of floor area expansion(s) since the date of this Ordinance are equal to or greater than twenty-five (25%) percent of the total floor area of said structure.
- C. Any new or modified building and/or site improvements for a zoning lot which has previously received site development plan approval under this Ordinance, re-approval of the plan is required for components of the plan which depart from the approved site development plan. The extent of the changes to be incorporated in the submittal for re-approval shall be determined by the City Manager.

1167.04 PROCEDURE FOR INITIATION OF SITE DEVELOPMENT PLAN APPROVAL

- A. The owner of the property for which a zoning district amendment or a Special Use Permit is sought(requiring site development plan approval under Section 1167.03, above) and which development has not been approved under the requirements of this section, must file an application for site development plan approval along with such application for a zoning district amendment or Special Use Permit.
- B. The owner of the property for which a building permit is sought(requiring site development plan approval under Section 1167.03, above) and which development has not been approved under the requirements of this section, must file an application for site development plan approval along with an application for a zoning certificate or building permit.
- C. The owner of the property, or a duly authorized representative of the owner, must file an application for site development plan approval along with an application for site development plan approval with the Zoning Enforcement Officer. It shall be accompanied by a nonrefundable fee established pursuant to Section 1107.12 and must contain the following information:
 1. Name, address and telephone number of the applicant including the name and address of each person or entity owning an interest in the property, and the extent of such ownership interest unless any of such entities is a corporation or a partnership, in which case only those persons owning an interest in excess of ten (10%) percent in such corporation or partnership need be identified by name, address and extent of interest. For purposes of this section, the term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application. The application shall include the signature of the owner(s).
 2. A site development plan of the size and containing the information required by Section 1167.05 of this Ordinance, below.

1167.05 CONTENTS OF SITE DEVELOPMENT APPLICATION

The application shall include the following information and material for sites and development projects. Except, however, the Zoning Enforcement Officer is authorized to waive requirements in this section which are not affected by or do not apply to the proposed project:

A. Site Development Plan Application

1. A completed application form provided by the Zoning Enforcement Officer.

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2. A plat plan of the parcel, lots, or parts or portions thereof, drawn to scale showing dimensions, as certified by a registered surveyor or a registered professional engineer, registered with the State of Ohio, as a true copy of the parcel, lots, or portions thereof, according to the registered or recorded plat of such land, also by proof that the property has been surveyed and that the corners have been marked in a permanent manner so as to be located easily. However, the Zoning Enforcement Officer may waive the certified plat if in his opinion such information is unnecessary for proper review and identification.

B. An existing conditions map shall show the location, dimensions, size and height of the following, as applicable:

1. Sidewalks, streets, alleys, easements and utilities, including street lighting.
2. Buildings and structures.
3. Septic fields, wells and public sewer and water systems.
4. Slopes, particularly slopes specifically in excess of fifteen (15) percent, and terraces and retaining walls.
5. Driveways, entrances, exits, parking areas and sidewalks.
6. Water mains and fire hydrants.
7. Natural and artificial watercourses and bodies of water and wetlands
8. Limits of flood plains
9. Areas that can reasonably be expected to or which do contain soils or materials contaminated with but not limited to heavy metals, petroleum products, PCB's, pesticides, or other toxic or hazardous materials.
10. Underground storage tanks, if any.
11. The topography of existing ground and paved areas, and elevations of streets, alleys, utilities, sanitary and storm sewers, buildings and structures. Topography is to be shown by dashed lines illustrating two (2) foot standard contour intervals and/or spot elevations where necessary to indicate flat areas, as appropriate.
12. General alignment and lengths of all streets and all property lines.
13. All fences and walls
14. All building restriction lines, highway setback lines, easements, covenants, reservations and rights-of-way.
15. Date, scale and north arrow
16. Existing development on the site including principal and accessory buildings, off-street parking and loading areas, and other improvements, as applicable.

C. A separate site development plan shall be prepared to show the general location, dimensions, size and height of the following regarding the proposed development:

1. For a site development plan which includes any existing structures or other improvements, an indication of those improvements that are to remain and those which will be removed.
2. Sidewalks, streets, alleys, easements and utilities, including street lighting and underground conduits for street lighting.
3. Building and structures with entrances and exits identified.
4. Utility plan for water and sewage disposal.
5. Driveways, entrances, exits, parking areas and sidewalks.
6. Water mains and fire hydrants.
7. Methods to control erosion on slopes of fifteen (15) percent or more.
8. Proposed recreation areas.
9. Calculations of the following, as applicable:
 - a. number of dwelling units or square footage of non-residential uses;
 - b. number of parking spaces;
 - c. number of loading spaces;
 - d. total land area;
 - e. total landscaped area;
 - f. total open space; and
 - g. total impervious surface.

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10. Tentative plans for collecting and depositing storm water and the method of treatment of natural and artificial watercourses, including a delineation of proposed limits of floodplains, if any.
11. A general indication of proposed grading, surface drainage, terraces, retaining wall heights, grades on paved areas and ground floor elevations of proposed buildings and structures, shown by two (2) foot contours and approximate elevations.
12. A landscape plan showing the location, names and area coverage of trees, shrubs and ground cover to be planted and the areas to be retained in natural vegetation.
13. Plans for minimizing the impact on existing wetlands.
14. A light plan indicating all exterior building mounted and free-standing lights and structures including overall height, type of lamp and luminaries.
15. Exterior building elevations of all proposed structures and exterior elevations of existing buildings when existing buildings are proposed to be structurally altered. Elevations must indicate the materials to be used in the design of the structure and the proposed color scheme.
16. Elevations of proposed signage as well as the intended sign message/display and the materials and colors intended for the sign.
17. A location map locating the site in relation to the nearest intersection of two more streets at a scale that can be easily traced.

D. Combining Existing Conditions Map and Site Plan

The requirements for each the Existing Conditions Map and Site Plan under Subsections B and C above may be combined in a single map upon approval of the Zoning Enforcement Officer.

E. Traffic Study

The Planning Commission or the City Manager may require the Applicant to provide a traffic study to be prepared by a professional traffic engineer that provides recommendations for traffic generated by the development, and evaluates the impact of traffic generated by the development on the existing public streets of the City of Brookville, and also assesses the need for additional improvements to the existing public streets to address increased traffic created by the development.

1167.06 AGREEMENT OF OWNER

All documents and information submitted as part of an application for site development plan approval constitute a statement by the applicant that he/she intends and agrees to be bound to develop in accord with such information upon approval.

1167.07 PROCEDURE FOR DECISION

Within ninety (90) days of the date the site development plan first appears on the agenda of the Planning Commission for action, the Planning Commission shall vote to approve, deny or approve the Plan with conditions by a majority of those Planning Commissioners present and voting. If the Planning Commission fails to vote within ninety (90) days after the item has first appeared on the Planning Commission's agenda, the Planning Commission shall be deemed to deny the application for approval, unless such date is extended as mutually agreed upon by the applicant and the Planning Commission.

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1167.08 CRITERIA FOR PLANS

In reviewing and determining whether to approve or disapprove a plan, the Planning Commission shall consider those factors listed below which it determines to be applicable to a given plan.

- A. Conformance with Ordinances. The application must comply with the provisions of this Ordinance and other Ordinances of the City and of any other applicable laws.
- B. Comprehensive Plan. The plan must be in reasonably conformity with the Comprehensive Plan and any specific recommendations associated, or related to the subject property.
- C. Land-Use Compatibility and Integration. The overall design integrates neighborhood and site characteristics into a compatible expression of building mass, building scale, circulation and site improvements.
- D. Minimize Impacts to Surrounding Land-Uses. The spatial and functional design minimizes the potential impacts of noise, light, debris, and other undesirable effects of development upon adjoining properties and the area in general.
- E. Architectural Compatibility. The plan is sensitive in the design of structures through appropriate treatment to vertical and horizontal planes of building facades, and makes use of appropriate building materials in establishing overall architectural "theme" for the development.
- F. Signage. Signage is designed compatible in scale and character with the overall development.
- G. Site Access. Access to the site is designed to safely and efficiently facilitate ingress and egress. The use of shared curb-cuts and cross-access easements shall be provided when appropriate.
- H. Vehicle Circulation and Parking. Adequate provision has been made for traffic circulation which is coordinated with, and minimizes impacts to the adjoining street system. The plan shall also demonstrate the provision of safe and convenient off-street parking and loading areas. When appropriate, cross-access easements shall be provided between adjoining properties to allow for expanded on-site circulation of vehicles.
- I. Pedestrian Circulation. Adequate provision has been made to ensure that the development will not create hazards to the safety of pedestrian traffic on or off the site, vehicular or pedestrian circulation paths, or undue interference and inconvenience pedestrian travel.
- J. Utilities and Community Facilities. Reasonable provision has been made to ensure that development will be served by essential public facilities and services such as police and fire protection, drainage structures, refuse disposal, public water supply, wastewater collection, and related facilities.
- K. Screening and Landscaping. The arrangement and selection of landscaping materials shall reinforce functional use areas of the site as well as add natural beauty. Screening in the form of fences, walls and landscaping shall minimize the potential for nuisance impacts to surrounding properties.
- L. Lighting. On-site lighting shall be provided for adequate illumination for vehicle and pedestrian safety. Lighting shall not be permitted to illuminate adjoining properties.
- M. Detention and Retention Facilities. When appropriate, detention and retention facilities shall be designed to provide for shared storage between properties. Detention and retention facilities shall be appropriately landscaped.
- N. Special Uses. The plan is consistent with any applicable special use requirements of Chapter 1163 of the Code of Ordinances.

1167.09 CONDITIONS ON PLANS

The Planning Commission, in consideration of any site development plan may impose certain conditions in granting plan approval to minimize any negative impacts or minimize any adverse impacts due to the development. The Planning Commission may require the Applicant to provide for off-site improvements to public streets adjacent to the site that are needed as a result of increased traffic caused by the development at that site.

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Dayton Legal Blank Co.

Form No. 30043

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1167.10 MODIFICATION OF PLANS

Modifications of site development plans require reconsideration and reapproval by the Planning Commission as provided in this Ordinance.

1167.11 LAPSE OF APPROVAL

Unless the Planning Commission provides otherwise, the term of the site development plan approval shall be one (1) year, and plan approval shall automatically lapse one (1) year after the date of approval of the plan, unless a building permit has been issued and construction commenced.

1167.12 WAIVER OF THE REQUIREMENT OF SITE DEVELOPMENT PLAN

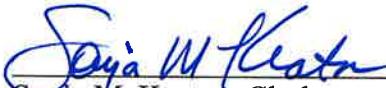
Upon recommendation of the City Manager, the Planning Commission may by motion recommend to the Council of the City of Brookville that the requirements of this Chapter be waived for any site development that the Planning Commission determines a site development plan is not necessary for the orderly development of the site. The Council of the City of Brookville shall review the recommendation of the Planning Commission to waive the requirements of this Chapter and shall by motion accept or reject the recommendation of the Planning Commission within 30 days.

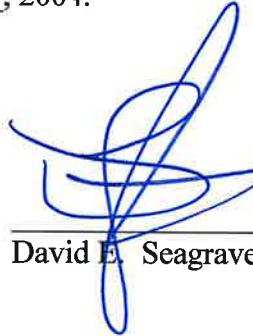
SECTION II:

This Ordinance shall take effect and be in force from and after the earliest period allowed by the Charter of the City of Brookville.

PASSED this 3rd day of August, 2004.

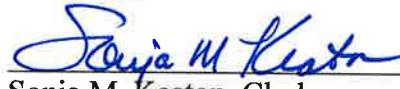
ATTEST:


Sonja M. Keaton, Clerk


David E. Seagraves, Mayor

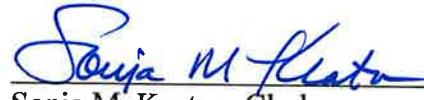
CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2004-06, passed by the Council of the City of Brookville, Ohio, on the 3rd day of August, 2004.


Sonja M. Keaton, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2004-06, was posted at the City Building, U.S. Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 4th day of August, 2004 to the 4th day of September, 2004, both days inclusive.


Sonja M. Keaton, Clerk