

**AN ORDINANCE AMENDING THE VILLAGE ZONING CODE ORDINANCE
30-1974 WITH THE ADDITION OF CHAPTERS 153.340 THROUGH 153.347
CONCERNING SCREENING AND BUFFERING REGULATIONS**

WHEREAS, the Planning Commission of the Village of Brewster has reviewed a proposed addition to the Village Zoning Code to regulate Screening and Buffering in residential and commercial areas of Brewster; and

WHEREAS, after completing their review and deliberations, the Planning Commission of the Village of Brewster recommends that it is in the best interest of the Village that Brewster Village Council enact Zoning provisions establishing the criteria for Screening and Buffering; and

WHEREAS, Brewster Village Council desires to follow the Village Planning Commission recommendation and adopt an amendment to the Village Zoning Code to regulate Screening and Buffering within the Village of Brewster.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BREWSTER, THAT:

SECTION 1: Brewster Village Council shall amend the Village Zoning Code adopted by Ordinance 30-1974, which has been amended from time to time, by adopting Chapter 153.340 through Chapter 153.347 concerning Screening and Buffering regulations as provided and recommended by the Village Planning Commission. Chapters 153.340 through 153.347 – Screening and Buffering is as follows:

SCREENING AND BUFFERING

153.340 Purpose

The purpose of this Chapter is to provide minimum standards involving the development of land to provide attractive views from roads and adjacent properties; to screen from view visually undesirable uses; to require screening between incompatible land uses and to protect the health, safety and welfare of the community through the reduction of noise, air and visual pollution, and headlight glare.

153.341 Applicability

This Section shall apply to new property development and any collective substantial improvements of existing structures, except for: individual single-family dwellings, two (2) and three (3) family dwellings (duplexes), and parking lots of four (4) spaces or smaller.

153.342 General Requirement for Submission

Any property to which this Section applies shall submit a buffer-yard plan to the Planning Commission as part of a Site Plan Review process. The site plan shall contain the following information:

A. Plans must be at a reasonable scale to indicate all types of proposed landscaping improvements at a minimum of 1" = 20' and shall include the following minimum information:

1. North arrow and scale.
2. The name of applicant/owner.
3. The name, address and phone number of the person or firm responsible for the preparation of the buffering plans.
4. The dates the plans are submitted or revised.
5. All existing and proposed buildings and other structures, paved areas, planted areas, utility poles, fire hydrants, light standards, signs, fences and other permanent features to be added and/or retained on the site.
6. All existing plant material to be removed or retained and all new landscaping materials to be installed.
7. All existing and proposed streets, sidewalks, curbs and gutters, railroad tracks, drainage ditches and other public or semi-public improvements within and immediately adjacent to the site.
8. All property lines and easements.
9. Any other information which is deemed appropriate by the Zoning Commissioner.

B. Details shall be shown for the planting of the types of trees, shrubs and ground cover within the buffer-yard or landscaped area.

153.343 Approval

A. No site or development plan or zoning permit required under this Zoning Code shall receive final approval unless a landscaping plan has been submitted and approved.

B. No Zoning Permit shall be issued unless the following criteria are fully satisfied with regard to the approved landscape plan:

1. That the approved plan shall be fully implemented on the site; or
2. Such plan, because of seasonal conditions, cannot be implemented immediately, but has been guaranteed by a postponed improvement agreement between the developer and the Village.

153.344 Buffer-yard Standards

A. Maintenance of Landscaping and Buffer-yards

All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The Owner of the property shall be responsible for the continued property maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first. Violation of these installation and maintenance provisions shall be grounds for the Village to refuse a Zoning Certificate, require replacement of the landscape material or institute legal proceedings to enforce the provisions of this Section.

B. Buffer-yard Establishment

Once a buffer-yard has been approved by the Planning Commission and established by the owner, it may not be used, disturbed or altered for any other purpose.

C. Quality and Installation

All specifications for the quality of trees and shrubs shall be in accordance with the American Standard for Nursery Stock (ANSI Z60.1). Installation of trees and shrubs shall be in accordance with industry standards

D. Size

1. Canopy Trees shall be deciduous trees with a minimum of fifteen feet (15') overall height and a minimum caliper of 3 inches when installed and have an expected height of at least thirty-five (35') feet at maturity.
2. Evergreen Trees shall be a minimum of ten feet (10') in height when installed.
3. Understory Trees shall be a minimum of fifteen feet (15') in height in clump form or 3 inch caliper in single stem form when installed.
4. Shrubs shall be at least thirty inches (30") in height and twenty-four inches (24") in spread when installed.

E. Screens

The objective of providing a screen is to visually hide whatever is behind the screen. The following standards for each screening material shall be required.

1. Planting Requirements.

To be counted towards screening requirements, evergreen trees and evergreen shrubs shall be planted close enough to fulfill the objective as defined in this Section. Recommended spacing to achieve this is as follows:

- a. Spreading evergreen trees should be planted eight feet (8') on center. Narrow evergreen trees should be planted four feet (4') on center. Designations of evergreen trees as spreading or narrow shall be certified by a licensed Landscape Architect or certified Horticulturist.
- b. Evergreen shrubs should be planted at a maximum of three feet (3) on center.

2. Combination of Materials.

Plant material may be used in conjunction with fences, walls and berms but the overall effect shall be a continuous screen at maturity. Plants may be planted in rows or be staggered.

3. Fences.

Fences should be used where appropriate to create an effective screen between incompatible uses. Fences to be used as screens should be approved by the Planning Commission during review of the landscape plan and shall be in conformance with regulations as established in Section 153.019U

153.345 Screening and Buffering Required

In order to provide protective screening and buffers for residential areas adjacent to nonresidential areas, the Planning Commission shall require a wall, fence and/or landscaping to be provided by the nonresidential property owner in accordance with the following:

A. Screening areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development.

B. Where vegetative and/or topographic conditions that provide a natural screening and buffer exist prior to development of properties in question, every effort shall be made to retain such conditions. In such cases, additional screening may not be required, provided that provision is made for maintenance of such areas.

153.346 Bufferyard Requirements WHEN.....	IS PROPOSED TO ABUTTING	A MINIMUM BUFFERYARD OF.....
Any commercial, office, multiple family or institutional land use	Any Residence zone or land use	A buffer-yard as specified in Figure 15 A.
Any industrial land use	Any Residence or commercial zone or land use	A buffer-yard as specified in Figure 15 A.
Any parking lot	Any public right-of-way	A streetscape buffer as specified in Figure 15 B

153.347 Modification

The Planning Commission shall have the authority to modify any of the aforementioned requirements in this Chapter. In considering an individual site with respect to changes in elevation, environmental impact, durability of plant material, aesthetic appeal, and any other factor that will develop a compatible buffer or screen with the surrounding neighborhood at the time of application.

Figure 15A Boundary Bufferyard

Minimum Width Of Buffer	Landscape Material Requirements per 1000 linear feet		
	Evergreen Trees	Canopy Trees	Shrubs
10 feet	12	8	40

Notes:

1. 2 understory trees or 2 evergreen tree may be substituted for 1 canopy tree for up to 50% of the required canopy trees.
2. A fence, wall or mounding 3 ft. to 4 ft. in height with 100% opacity may be used and can be substituted for 50% of the shrub requirements.
3. All landscape material required for the buffer shall be confined to within the required landscape strip.
4. The Planning Commission may modify the required plantings in their review of the Landscape Plan

Figure 15B Streetscape Bufferyard

Minimum Width Of Buffer	Landscape Material Requirements per 1000 linear feet	
	Canopy Trees	Shrubs
10 feet	8	40

Notes:

1. 2 understory trees or 2 evergreen tree may be substituted for 1 canopy tree for up to 50% of the required canopy trees.
2. A fence, wall or mounding 3 ft. to 4 ft. in height with 100% opacity may be used and can be substituted for 50% of the shrub requirements.
3. All landscape material required for the buffer shall be confined to within the required landscape strip.
4. The Planning Commission may modify the required plantings in their review of the Landscape Plan

SECTION 2: This ordinance shall be in full force and effect at the earliest date provided by law.

Mayor Michael E. Schwab

ATTEST:

Village Clerk Treasurer K. Kris King

CERTIFICATE

I, K. Kris King, hereby certify that the above is a true copy of an ordinance passed at a regular meeting of the Brewster Village Council held on June 17, 2019

Clerk K. Kris King

I, K. Kris King, Clerk of the Council of the Village of Brewster, State of Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by Council as follows: Office of Brewster Utilities, Belloni’s IGA, Brewster Federal Credit Union, Post Office and Brewster Laundromat.

Clerk K. Kris King