

RECORD OF ORDINANCES

Ordinance No. 2013-02Passed MARCH 19TH, 2013

AN ORDINANCE AMENDING REGULATIONS FOR ACCESSORY BUILDINGS IN THE CITY OF BROOKVILLE, OHIO.

WHEREAS, the City of Brookville has previously adopted zoning regulations for accessory buildings in the City of Brookville; and

WHEREAS, Council has determined that it is necessary and proper to amend the zoning regulations for accessory buildings in the City of Brookville; and

WHEREAS, after a Public Hearing on this Ordinance as required by Section 4.11 of the Charter of the City of Brookville, and upon recommendation of the Planning Commission, the Council of the City of Brookville hereby amends the following zoning regulations for accessory buildings in the City of Brookville.

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

SECTION I: The Council of the City of Brookville hereby adopts the following amended sections of Chapter 1157 Accessory Uses:

Section 1157.01(b) is hereby amended as follows:

1157.01(b) Storage sheds for storage incidental to a permitted structure, provided that no such storage shed that is accessory to a residential building shall exceed 199 square feet in gross floor area.

Section 1157.03 is hereby amended as follows:

1157.03 STANDARDS FOR ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS

The following standards shall apply to accessory buildings in residential districts:

(a) STORAGE SHEDS:

- (1) One (1) Storage shed shall be permitted on a residential lot.
- (2) Storage sheds shall not exceed 199 square feet in gross floor area.
- (3) Storage sheds shall not exceed fifteen (15) feet in height
- (4) Storage sheds shall be located at least ten (10) feet from any dwelling located on the lot.
- (5) Storage sheds shall be located at least ten (10) feet from any other accessory buildings on the lot.
- (6) Storage sheds shall be located at least three (3) feet from all lot lines.
- (7) Storage sheds shall be located in the rear yard.

(b) DETACHED GARAGES:

- (1) Detached garages for a single family dwelling shall not exceed 768 square feet in gross floor area.
- (2) Detached garages for a multi-family dwelling shall not exceed 600 square feet in gross floor area.
- (3) Detached garages shall have a continuous foundation, and shall not consist of pole barn type construction.
- (4) A concrete, asphalt, or paver driveway leading to the detached garage shall be required.
- (5) Detached garages shall be located in the rear yard, and shall not occupy more than 35% of the rear yard singly or in combination with another accessory building.
- (6) Detached garages shall not exceed fifteen (15) feet in height.
- (7) Detached garages shall be at least ten (10) feet from any dwelling situated on the same lot.
- (8) Detached garages shall be located at least ten (10) feet from any other accessory structure on the lot.

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- (9) When access to a detached garage is from an alley, such garage shall be located not less than ten (10) feet from the alley right-of-way.

(c) ATTACHED GARAGES:

- (1) Attached garages are an integral part of a principal dwelling or may be connected thereto by a breezeway or similar structure.
- (2) Attached garages for a single family dwelling connected by a breezeway or similar structure to the principal dwelling shall not exceed 768 square feet in gross floor area.
- (3) Attached garages for a multi-family dwelling connected by a breezeway or similar structure to the principal dwelling shall not exceed 600 square feet in gross floor area.
- (4) A concrete, asphalt, or paver driveway leading to the attached garage shall be required.
- (5) Attached garages shall have a continuous foundation and shall not consist of pole barn type construction.
- (6) Attached garages be placed to meet all setback and height requirements for the principal dwelling to which it is attached.
- (7) When access to an attached garage is from an alley, such garage shall be located not less than ten (10) feet from the alley right of way.

(d) CORNER LOTS:

- (1) On a corner lot abutting in the rear or the side of a lot in an R district, any accessory building or part thereof within twenty-five (25) feet of the common lot line shall not be closer to the side street lot line than the least depth of the front yard setback required on such other lot fronting the side street, and in no case shall any part of such accessory building be closer to the side street lot line than the least width of the side yard required for the principal building to which it is accessory.
- (2) No accessory use or building in any R district, except an off-street parking, shall be permitted nearer to any front lot line than sixty (60) feet, unless such use or building is contained within or constitutes an integral part of the principal building. However, if the owner of a corner lot, with the approval of the Board of Zoning Appeals, designates the longer street lot line as the front lot line, then the requirements of this section shall apply to establish the permitted distance of an accessory building from only the shorter street lot line.

(e) USE OF ACCESSORY BUILDING:

- (1) No accessory building shall be used as a stable or used for keeping animals or birds.

Section 1157.04 is hereby amended as follows:

1157.04 PATIOS, CARPORTS AND CANOPIES

- (a) Covered porches, patios or decks shall be located no more than twelve (12) feet into the required rear yard setback, shall be open on three sides, and shall not be screened in or enclosed.
- (b) Uncovered rear porches, patios or decks may extend into one-half (½) of the rear yard setback, but shall not exceed thirty-five percent (35%) of the total rear yard, and shall not be screened in or enclosed.
- (c) Carports shall not extend into the required front yard or side yard setbacks, shall be attached to the primary structure, and shall be erected on a cement slab.
- (d) Freestanding canopies shall not exceed 360 square feet, shall be open on four sides, shall be erected in the rear yard on a cement slab, shall not exceed fifteen (15) feet in height, and access to said freestanding canopy shall be provided by a hard surface driveway. Freestanding canopies shall be subject to the provisions of 1157.03 with respect to location of the canopy within the rear yard.

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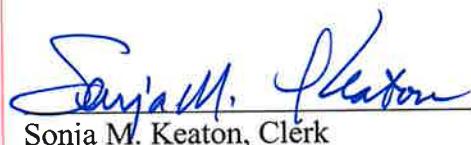
Ordinance No. 2013-02

Passed MARCH 18TH, 2013

SECTION II: This Ordinance shall repeal or rescind any Ordinances or Resolutions in conflict herewith.

SECTION III: This Ordinance shall take effect thirty (30) days after passage by Council pursuant to the Charter of the City of Brookville.

PASSED this 19th day of March 2013.



Sonja M. Keaton

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. 2013-02 passed by the Council of the City of Brookville, Ohio, on the 19th day of March 2013.

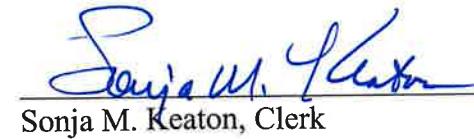


Sonja M. Keaton

Sonja M. Keaton, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2013-02 as 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 March 2013 to the 18th day of April 2013, both days inclusive.



Sonja M. Keaton

Sonja M. Keaton, Clerk