

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2009-10 Passed SEPTEMBER 15, 2009

AN ORDINANCE ADOPTING REGULATIONS ON USE OF PORTABLE ON-DEMAND STORAGE UNITS IN THE CITY OF BROOKVILLE, OHIO.

WHEREAS, the Council of the City of Brookville desires to adopt certain zoning regulations for use of portable on-demand storage units 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 adopts the following zoning regulations regarding the use of portable on-demand storage units in the City of Brookville.

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

SECTION I: The Council hereby enacts and adopts the following regulations regarding portable on-demand storage units in the City of Brookville, Ohio.

1157.09 PORTABLE ON-DEMAND STORAGE UNITS

(a) The term “portable on-demand storage” unit shall be defined as any container, storage unit, shed-like container or other portable structure that can be used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building and is not an approved permanent accessory building or shed.

(b) Portable on-demand storage units may be located as a temporary structure on a property within the city for a period of seventy-two (72) hours in duration from time of delivery to time of removal and shall not require a zoning permit.

(c) Portable on-demand storage units may be located as a temporary structure on a property within the city for a period exceeding seventy-two (72) hours in duration from time of delivery to time of removal only upon application for a temporary accessory use permit. The Zoning Enforcement Officer may approve the temporary accessory use permit for a period of time that shall not exceed thirty (30) days upon demonstrated need by the property owner for location of a portable on-demand storage unit on the property for a period of time exceeding seventy-two hours. The Planning Commission shall review the temporary accessory use permit issued by the Zoning Enforcement Officer at its next regularly scheduled meeting, and may modify, extend or terminate said temporary accessory use permit after review of the application and evidence regarding the reasons for the continued location of the portable on-demand storage unit on a property for a period exceeding seventy-two (72) hours.

(d) Portable on-demand storage units shall not be located closer than three (3) feet from any side or rear property line, and shall be located behind the sidewalk in the front yard between the sidewalk and the principal structure. If there is no sidewalk, the portable on-demand storage unit shall be located behind the front setback for the zoning district in which the property is located. Portable on-demand storage units shall be located on the property on a hard surface, as defined in 1103.03 of the Code of Ordinances.

(e) The Zoning Enforcement Officer may approve the location of more than one portable on-demand storage unit on a property upon demonstrated need by the property owner, subject to review by Planning Commission at its next regularly scheduled meeting.

(f) Portable on-demand storage units shall not exceed eight (8) feet six (6) inches in height, ten (10) feet in width or twenty (20) feet in length.

(g) Portable on-demand storage units shall not be located on a property more than two (2) times in a calendar year.

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(h) It shall be the responsibility of the property owner to secure a portable on-demand storage unit so that it does not endanger the safety of persons or property in the vicinity of the portable on-demand storage unit. The Zoning Enforcement Officer may order the immediate removal of a portable on-demand storage unit that is not properly secured and is a danger to the safety of persons or property in the vicinity of the portable on-demand storage unit.


(i) Any portable on-demand storage unit which is not removed at the end of the time for which it may lawfully remain in place, or immediately upon the order of the Zoning Enforcement Officer for removal of the portable on-demand storage unit for safety reasons, may be removed by the City immediately, without notice, and the cost of such removal, together with the cost of administration of its removal, may be assessed against the property on which the portable on-demand storage unit was located and may be certified to the County Auditor as an assessment against the property.

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 15th day of September 2009.


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. 2009-10 passed by the Council of the City of Brookville, Ohio, on the 15th day of September 2009.


Sonja M. Keaton, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2009-10 as posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 16th day of September 2009 to the 15th day of October 2009, both days inclusive.


Sonja M. Keaton, Clerk