

ORDINANCE 2000-03

AN ORDINANCE AMENDING SECTION 1157.06(a) OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF BROOKVILLE, OHIO.

WHEREAS, Section 1157.06(a) of the Codified Ordinances of the Municipality of Brookville, Ohio provides for the regulation of accessory fences, walls and hedges in front yards.

WHEREAS, upon due consideration pursuant to the standards of the municipal zoning ordinances, and upon the recommendation of the Planning Commission, Council hereby deems it appropriate to amend Section 1157.06(a).

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

SECTION 1: Section 1157.06(a) is hereby amended and approved as follows:

(a) Front Yards.

- (1) Hedges not to exceed three (3) feet in height may be located in any front yard, but shall be subject to the traffic visibility requirements of Section 1153.03, Visibility at Intersections for a corner lot.
- (2) An ornamental fence or retaining wall may be located in any front yard or court as follows:
 - A. The height of any iron, wood, or vinyl ornamental fence, retaining wall, or combination of a fence and retaining wall, may not exceed three (3) feet at any point, except for decorative posts which may not exceed 42 inches.
 - B. Any ornamental fence or wall, as permitted in this subsection, shall be so constructed as to provide a ratio of solid portion to open portion not to exceed one to one.
 - C. Such fence or wall may not be located closer than one (1) foot to rear edge of sidewalk; however, no fence or wall shall be constructed within the designated right of way.

D. Front yard fence may extend along the entire frontage of the property, or a portion of said frontage; however, the front yard fence must have an opening accessible to public sidewalk, and may have an optional "in swing" gate at the opening. The front yard fence shall not cross or encompass driveways, nor shall driveways be permitted to be gated.

E. No wire type fence or solid fence may be used.

F. Such ornamental fence or wall on a corner lot shall be subject to the traffic visibility requirements of Section 1153.03.

SECTION 2: All other provisions of Section 1157.06 other than subsection (a) are not effected by this amendment and shall remain in full force and effect.

SECTION 3: This Ordinance shall revoke and rescind all Ordinances, parts of Ordinances, all Resolutions, and parts of Resolutions that are in conflict herewith, and shall be enforced from and after the passage of this Ordinance by this Council pursuant to the Charter of the Municipality of Brookville, Ohio.

PASSED this 16th day of May, 2000.

ATTEST:


SONJA M. KEATON, CLERK


THOMAS L. DAFLER, MAYOR

CERTIFICATE

The undersigned, Clerk of the Municipality of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2000-03, passed by the Council of the Municipality of Brookville, Ohio, on the 16th day of May, 2000.


SONJA M. KEATON, CLERK

CERTIFICATE OF POSTING

The undersigned, Clerk of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2000-03 was posted at the Municipal Building, U.S. Post Office, and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 17th day of May, 2000, to the 17th day of June, 2000, both days inclusive.


SONJA M. KEATON, CLERK