

# RECORD OF ORDINANCES

Dayton Legal Blank Co.—10116

Ordinance No. 1994-02

Passed May 17, 1994

AN ORDINANCE AMENDING SECTIONS 502, 503, 505, 819.01, 819.02, 819.04(A), 819.04(B), 819.04(M)(2)(a), 902.01(C)(1), AND ADDING IN ARTICLE XVI THE DEFINITION OF THE TERM "HARD SURFACE", OF THE OFFICIAL ZONING ORDINANCE OF THE MUNICIPALITY OF BROOKVILLE, OHIO.

WHEREAS, the Planning Commission of the Municipality of Brookville has conducted a review of the Official Zoning Ordinance of the Municipality of Brookville pursuant to its authority under Section 1503 of the Official Zoning Ordinance and the Charter of the Municipality of Brookville; and

WHEREAS, the Planning Commission has proposed amending the above mentioned sections of the Official Zoning Ordinance, having determined that said amendments are in the best interest of the public of the Municipality of Brookville; and

WHEREAS, the Council of the Municipality of Brookville, upon review of the proposed amendments, has found said amendments to be in the best interest of the public of the Municipality of Brookville.

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

## SECTION I:

Section 502 of the Official Zoning Ordinance shall be amended to read as follows:

### Section 502 CONTENTS OF APPLICATION FOR ZONING PERMITS

The application for a zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within six (6) months or completed within eighteen (18) months. At a minimum, the application shall contain the following information:

- A. Name, address, and phone number of applicant;
- B. Description of property;
- C. Existing use;

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D. Proposed use;

E. Zoning District;

F. Plans in duplicate, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration;

G. Building heights;

H. Number of off-street parking spaces or loading berths;

I. Number of dwelling units;

J. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance.

(See application form in Appendix)

## SECTION II:

Section 503 of the Official Zoning Ordinance shall be amended to read as follows:

### Section 503 APPROVAL OF ZONING PERMIT

All zoning permits shall, however, be conditional upon the commencement of work within six (6) months. One copy of the plans shall be returned to the applicant by the Zoning Enforcement Officer, after the Zoning Enforcement Officer shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of the plans, similarly marked, shall be retained by the Zoning Enforcement Officer. The Zoning Enforcement Officer shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Ordinance.

## SECTION III:

Section 505 of the Official Zoning Ordinance shall be amended to read as follows:

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## SECTION 505 EXPIRATION OF ZONING PERMIT

If the work described in any zoning permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Enforcement Officer; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within eighteen (18) months of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Enforcement Officer and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

## SECTION IV:

Section 819.01(A) and (H) of the Official Zoning Ordinance shall be amended to read as follows:

### SECTION 819 ACCESSORY USES

#### 819.01 Permitted Accessory Uses- Residential and Office- Residential Districts

The following accessory uses are permitted in each Residential District, and the Residential Office District.

- A. Private garages not to exceed the following area:
  - 1. For a single-family dwelling: 768 sq. ft.
  - 2. For multiple-family dwellings: 600 sq. ft.
  - 3. A hard surface driveway leading to detached garage shall be required.

- H. A child's playhouse.

Section 819.01(L) of the Official Zoning Ordinance shall be repealed and rescinded, and of no further force and effect.

Section 819.01(M) of the Official Zoning Ordinance shall be redesignated as Section 819.01(L).

Subsections B through G and I through K of Section 819.01 are not being amended and shall remain in full force and effect as previously adopted by this Council.

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## SECTION V:

Section 819.02 of the Official Zoning Ordinance shall be amended to read as follows:

### 819.02 ACCESSORY USES NOT PERMITTED-RESIDENTIAL DISTRICTS

A. Over twenty-four (24) hour parking or outdoor storage of trucks over one (1) ton rated capacity, buses, or mobile homes.

B. Outdoor storage, such as but not limited to: junk, wood, lumber, building materials, parking of inoperative or unlicensed motor vehicles or similar items of property.

C. Housing or keeping of:

(1) Farm or Agricultural Animal, whether the animal is housed as a pet or for an agricultural purpose.

(2) Any birds or animals that endanger the health, safety or welfare of the public of the Municipality of Brookville, Ohio.

## SECTION VI:

Section 819.04 (A), (B), and (M)(2)(a) of the Official Zoning Ordinance shall be amended to read as follows:

### 819.04 STANDARDS FOR ACCESSORY STRUCTURES IN RESIDENTIAL DISTRICTS

(A) An accessory building may be erected as an integral part of a principal building or it may be connected thereto by a breezeway or other similar structure, provided that no such accessory building may be erected or used as a stable or primarily for the keeping of animals or birds. Accessory addition shall not exceed 768 sq. ft., shall have a continuous foundation, shall not consist of pole barn type construction, and shall be securely attached to primary structure.

(B) An accessory building may be erected detached from the principal building. No detached accessory building or

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buildings shall be erected in any required yard except a rear yard, and shall not occupy singly or in combination more than thirty-five (35) percent of the area of the required rear yard, as required herein, if a detached accessory building is connected to the principal building by a breezeway, the ground area of such breezeway shall be considered as a part of the accessory building and be included in the computation. A limit of two (2) detached accessory buildings, not to exceed a combined total of 240 sq. ft., shall be permitted, or one (1) detached accessory building shall be permitted in conjunction with a detached garage.

(M)(2)(a) The height of the fence, wall or hedge may not exceed six (6) feet above the ground at any point, except when the elevation of the yard is such that the top line of the fence can not be maintained in a continuous slope, but may not exceed seven (7) feet at any point. Posts shall be retained inside the perimeter of the fence.

All other subsections of 819.04 shall remain in full force and effect as previously adopted by Council.

## SECTION VII:

Section 902.01 (C) (1) of the Official Zoning Ordinance shall be amended to read as follows:

### Section 902.01 (C) (1) Required Yards:

Off-street parking spaces, open to the sky, may be located in any yard if the parking facility is located within a Commercial or Industrial Zone, except that when a required non-residential parking lot or parking area designed for ten or more vehicles is situated on a parcel which adjoins a residential district or a residential use, provisions stated in 902.01 (C)(2) shall apply.

Within Residential Districts, it shall be unlawful to use the space between the front setback line and the sidewalk for the parking of trailers, mobile homes, motor homes and recreational vehicles. Vehicles may be parked behind the front setback line on a hard surface, no less than three (3) feet from the property line, and may be parked in a driveway for not more than forty-eight (48) hours in any seven (7) day period.

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Parking facilities in commercial and industrial districts are encouraged to be located behind the front yard setback line whenever possible.

Enclosed buildings containing off-street parking shall be subject to applicable yard requirements of the zone in which located.

All other provisions of Section 902.01 shall remain in full force and effect as previously adopted by this Council.

## SECTION VIII:

The definition of the term "hard surface" shall be incorporated in Article XVI-Definitions of the Official Zoning Ordinance, and shall read as follows:

HARD SURFACE: Any asphalt, concrete, or weed free compacted gravel surface.

## SECTION IX:

This Ordinance shall revoke and rescind any Ordinance that is in conflict herewith.

## SECTION X:

This Ordinance shall take effect upon its passage as provided by the Charter of the Municipality of Brookville, Ohio.

Passed this 17th day of May, 1994.

ATTEST:

  
E. EUGENE ROESER, CLERK

  
MICHAEL A. DUNCAN, MAYOR

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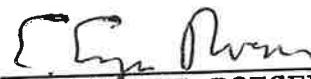
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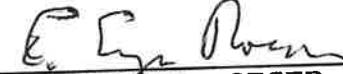
## CERTIFICATE

The undersigned, Clerk of the Municipality of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 1994- 02 passed by the Council of said Municipality on the 17th day of May, 1994.

  
E. EUGENE ROESER, CLERK

## CERTIFICATE OF POSTING

The undersigned, Clerk of Council of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 1994- 02 was posted at the Municipal Building, U.S. Post Office and the Brookville National Bank, Brookville, Ohio on the 19th day of May, 1994 to the 17th day of June, 1994, both days inclusive.

  
E. EUGENE ROESER, CLERK