

RECORD OF ORDINANCES

Dayton Legal Blank Co.—10116

Ordinance No. 1991-08

Passed SEPTEMBER 17, 19 91

AN ORDINANCE AMENDING SECTION 1202.12 OF THE CODE OF ORDINANCES OF THE MUNICIPALITY OF BROOKVILLE, OHIO, RELATING TO THE RESTORATION OF BUILDINGS AND OTHER STRUCTURES WHICH DO NOT CONFORM TO THE PROVISIONS OF THE ZONING CODE OF THE MUNICIPALITY OF BROOKVILLE, OHIO.

WHEREAS, the Code of Ordinances do provide that once a nonconforming structure or a portion of that structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of the Zoning Code of the Municipality of Brookville, Ohio; and

WHEREAS, an exception has been created in the event in case of fire, explosion, or act of God; and

WHEREAS, it has been deemed necessary in the interest of fairness to provide that buildings and other structures torn down for other purposes, such as improvements, may be rebuilt in certain circumstances.

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

SECTION I:

Section 1202.12 of the Official Zoning Ordinances of the Municipality of Brookville, Ohio, shall be amended to read as follows:

Whenever a building, the use of which does not conform to the provisions of this Ordinance is damaged by fire, explosion, or act of God to the extent of sixty (60) percent or more of its replacement value at the time of damage it shall not be restored except in conformity with the district regulations of the district in which it is located. When damaged by less than sixty (60) percent of its replacement value at the time of damage, it may be repaired or reconstructed, and used as before the time of damage, provided such repairs, reconstruction or reuse are started within one (1) year of the date of damage.

In the event that an owner of a nonconforming building or other structure located within the Municipality of Brookville, Ohio desires to replace or improve such nonconforming building or structure, and should it be the owners intention to rebuild or repair or replace the said nonconforming structure or building with a similar type of nonconforming structure or building, such owner must first apply to the Planning Commission

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for permission to do so. The Planning Commission shall be authorized to charge a fee for such an application as is determined by the Planning Commission from time to time. In the event that the Planning Commission should determine that such a replacement of a nonconforming building or other structure is an improvement over what currently has existed on the premises, the Planning Commission may, at its sole discretion, authorize that the nonconforming building or nonconforming structure may be repaired, reconstructed or replaced and used before such repairs, reconstruction, reuse or replacement would have occurred.

SECTION II:

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

SECTION III:

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

PASSED this 17th day of September, 1991.

ATTEST:


E. EUGENE ROESER, Clerk


MICHAEL DUNCAN, 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. 1991-08 passed by the Council of said Municipality on the 17th day of September, 1991.


E. EUGENE ROESER, Clerk

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CERTIFICATION OF POSTING

The undersigned, Clerk of Council of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 1991-08 was posted at the Municipal Building, U. S. Post Office and the Brookville National Bank, Brookville, Ohio on the 20th day of September, 1991 to the 19th day of October 1991, both days inclusive.


E. Eugene Roeser, Clerk