

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2021-07 Passed June 15, 2021

AN ORDINANCE AMENDING THE DEFINITION OF BUILDING LINE, SETBACK LINE AND YARD IN SECTION 1103.03 OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO.

WHEREAS, in Section 1103.03 of the Code of Ordinances, which contains definitions for certain terms in the City of Brookville Zoning Code, sets forth definitions for the terms "Building Line", "Setback Line", and "Yard"; and

WHEREAS, the Planning Commission and City Council desire to amend Section 1103.03 of the Code of Ordinances to modify the definition for the terms "Building Line", "Setback Line" and "Yard"; and

WHEREAS, after public hearing on this amendment to the zoning code of the City of Brookville, Ohio as required by Section 4.11 of the Charter, and upon recommendation of the Planning Commission, Council hereby adopts this Ordinance to amend the zoning code.


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

SECTION I: The definition of the terms "Building Line", "Setback Line, and "Yard" in Section 1103.03 of Code of Ordinances of the City of Brookville is hereby amended as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION II: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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

PASSED this 15th day of June 2021.

ATTEST:

Kimberly Duncan, Clerk


Charles Letner, Mayor


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CERTIFICATE


The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2021-07, passed by the Council of the City of Brookville, Ohio, on the 15th day of June 2021.



Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2021-07 was 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 June 2021, to the 15th day of July 2021, both days inclusive.



Kimberly Duncan, Clerk

EXHIBIT "A"

1103.03 BUILDING LINE: A line parallel to the street right-of-way line or, lot line at the foundation of the principal building and representing the distance which the foundation of the principal building is to be set back from the street right-of-way line, or lot line, except as specified in Chapter 1153.

1103.03 SETBACK LINE: The line that is the required minimum distance from the street right-of-way line, or any other lot line and the foundation of the principal building that establishes the area within which the foundation of the principal building must be erected or placed.

1103.03 YARD: A required open space unoccupied and unobstructed by the foundation of a principal building. Other structural elements of a principal building above the foundation at ground level may extend into a yard. Accessory buildings may be located in the yard as permitted in Chapter 1157.

YARD, FRONT:

(a) Front Yard: An open space extending the full width of the lot between the foundation of the principal building at the ground level and the front lot line.

(b) Front Yard (Least Depth): The shortest distance, measured horizontally, between the foundation of the principal building and the front lot line.

(c) Front Yard (Least Depth) The depth shall be measured from the right-of-way line of the existing street or proposed street on which the lot fronts.

YARD, REAR:

(a) Rear Yard: An open space extending the full width of the lot between the foundation of the principal building at the ground level and the rear lot line.

(b) Rear Yard (Least Depth) The average distance measured horizontally between the foundation of the principal building and the nearest rear lot line.

YARD, SIDE

(a) Side Yard: An open space extending from the front yard to the rear yard between the foundation of the principal building and the nearest side lot line.

(b) Side Yard (Least Width): The shortest distance, measured horizontally, between the foundation of the principal building and the nearest side lot line.

(c) Side Yard (Least Width, How Measured): Such width shall be measured from the nearest side lot line and the foundation of the principal building. On a corner lot when the side lot line is a side street lot line, the required side yard shall be the same as the required front yard of the lot adjacent thereto.