

Ordinance 03-2017

AN ORDINANCE TO AMEND SECTION 1272.05, OF THE CODIFIED ORDINANCES REGARDING ACCESSORY STRUCTURES

WHEREAS, the Council enacted Ordinance 5-2002 specifying the rules and regulations governing accessory structures which became Chapter 1272.05, Accessory Uses and Structures, in the codified ordinances of the Village of Minerva Park.; and

WHEREAS, it is necessary and appropriate to revisit, clarify, and update regulations from time to time; and

WHEREAS, the Planning and Zoning Commission recommended that the ordinance language be clarified regarding accessory structures;

NOW, THEREFORE, be it resolved by the Council of the Village of Minerva Park, Franklin County, State of Ohio, that:

Section 1. Section 1272.05 is hereby amended to read as follows:

1272.05 ACCESSORY USES AND STRUCTURES.

Accessory uses and structures shall be permitted in association with a principal use or structure.

- (a) Accessory Use and Structure Defined. As used in this section, "accessory use and structure" means a subordinate use or structure which is incidental to and in association with a principal use or structure.

Accessory structures used as storage sheds must be over six square feet and allow a person to walk inside, however, they may not be used to store automobiles or contain living quarters.

- (b) Location in Residential Zoning Districts. In a Residential Zoning District, as listed in Section 1238.04, unattached accessory structures shall be located to the rear of the dwelling, four feet or more from the side and rear property lines and no closer than four feet to any other structure.
- (c) Location in Other Zoning Districts. In any zoning district other than a Residential Zoning District, accessory uses or structures shall be on the same lot as the principal use or structure and located subject to the development standards of the zoning district in which it is located.
- (d) Size, Height, and Configuration. The sum total of all accessory structures shall not greater than twenty-five percent of the gross floor area of the principal use structure as listed on the county auditor's website or cover more than 10 percent of the rear yard area of the residence. Maximum size shall be 200 square feet as measured on the outside of the accessory structure walls. Maximum height shall be 12 feet as measured from the natural ground to the highest point. Where an accessory structure is constructed on a mound, or where the ground under the same has been raised to a higher level than the surrounding surface, the permissible height of the structure shall be reduced by the height of such mound or raised surface. No door openings shall be closer than 15 feet to a lot line. Accessory structures used for storage constructed of fabric or plastic tarp-like materials such as temporary garages or canopies are not allowed in any zoned property within the Village. All enclosed accessory structures must have an architectural floor built of wood, metal or concrete.
- (e) Permitting, Inspection and Acceptance. No accessory structures may be installed or constructed without first obtaining a permit from the Code Enforcement Officer and the Mayor or his or her designee. All permits expire six months after issuance and are not transferable between owners. Permit & Fee: A permit filing and a fee shall be collected in accordance with

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the Fee Schedule established by the Council and in force on the date the Permit Filing and Review Fee is due and payable.

If accessory structure construction is not declared complete by the Code Enforcement Officer within six months from permit approval, the property owner must re-apply for a permit. The Code Enforcement Officer or other designee of the Mayor shall inspect the installation of an accessory structure twice: first, upon approving the proposed location indicated by staked-out corners of the accessory structure and second, at the final completion of the accessory structure.

- (f) Repair to accessory structures. Repairs must be equal to or better than the original construction in materials and workmanship as determined by the Code Enforcement Officer or other designee of the Mayor.
- (g) Variances. Variances to the accessory structure ordinance may be granted by Village Council after recommendation by the Planning & Zoning Commission for conditions of hardship. Application for a variance from the requirements of Village Ordinances is defined in Chapter 1232.01.
- (h) Penalty. Violation or failure to comply with any of the provisions of this section shall be considered a minor misdemeanor punishable per day per occurrence. Nothing herein shall prevent the Village from taking corrective action or such other lawful action, including civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, as is necessary to prevent or remedy any violations.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Section 3. All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

Section 4. This Ordinance shall take effect and be in force from and after its passage.

/S/ Lynn Eisentrout

Lynn Eisentrout, Mayor

First Reading: February 13 2017
Second Reading: February 27, 2017
Third Reading: June 19, 2017
Passed: June 19, 2017

ATTEST

APPROVED AS TO FORM

/S/ Kimberly Pulley

Kimberly Pulley, Fiscal Officer

/S/ Eugene Hollins

Solicitor