

**ORDINANCE 2025-07**

**AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF LOTS 2798, 2799, and 2800 OF THE CITY OF BROOKVILLE, OHIO.**

**WHEREAS**, the City of Brookville City Council accepted the annexation of 85.611 acres located in Clay Township to the City of Brookville on January 16, 2024; and

**WHEREAS**, the annexed territory of 85.611 acres is described in the legal description and annexation map attached hereto as Exhibits "A" and "B" and incorporated herein by reference; and

**WHEREAS**, City of Brookville Lot Numbers 2798, 2799, and 2800 were assigned to parcels within the annexation territory; and

**WHEREAS**, Section 1117.04 (c) of the Code of Ordinances provides that within three months after the effective date of an annexation shall recommend the appropriate permanent zoning districts for the annexed land; and

**WHEREAS**, after public hearing on the establishment of a zoning classification of the annexed property as required by Section 4.11 of the Charter, and upon recommendation of Planning Commission, Council of the City of Brookville hereby adopts this Ordinance to establish the zoning classification for the annexed land.

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

**SECTION I:** The zoning classification of the annexed land, being City of Brookville Lots 2798, 2799, and 2800, as set forth and described in the legal description and annexation map attached hereto as Exhibit A and B, shall be designated a Planned Residential District, with specific standards for this Planned Residential District being approved and adopted in this Ordinance, as set forth in Exhibit C.


**SECTION II:** As required by Ohio Revised Code Section 709.023, Council has determined that the owner of the annexed territory shall provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township. The term "buffer" in Ohio Revised Code Section 709.023 includes open space, landscaping, fences, walls, and other structured elements, streets and street right-of-way, and bicycle and pedestrian paths and sidewalks.

**SECTION III:** 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 IV:** 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 20th day of May, 2025.

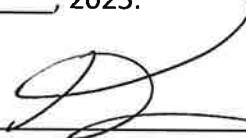
ATTEST:

  
\_\_\_\_\_  
Kimberly Duncan, Clerk

  
\_\_\_\_\_  
Charles Letner, Mayor

**CERTIFICATE**

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2025-07, passed by the Council of the City of Brookville, Ohio, on the 20th day of May, 2025.

  
\_\_\_\_\_  
Kimberly Duncan, Clerk

**CERTIFICATE OF POSTING**

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2025-07 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 21st day of May, 2025 to the 19th day of June, 2025, both days inclusive.


  
\_\_\_\_\_  
Kimberly Duncan, Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

ANNEXATION OF 85.611 ACRES TO THE CITY OF BROOKVILLE, OHIO

SITUATE IN THE NORTHEAST, NORTHWEST AND SOUTHEAST QUARTERS OF SECTION 27 AND THE NORTHEAST QUARTER OF SECTION 34, TOWN 6, RANGE 4 E, CLAY TOWNSHIP, MONTGOMERY COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

Commencing for reference at a monument box with iron pin found at the southwest corner of the southeast corner of Section 27 and being on the centerline of East Upper Lewisburg Salem Road;

thence, North 89°36'11" East, 485.56 feet, along the south line of said Section 27 and centerline of East Upper Lewisburg Salem Road to a Mag nail set at the southeast corner of a 30.00-acre tract of land owned by Beverly J. Shank and David L. Shank as described in D.M.F 94-0139C05;

thence, North 00°38'31" West, 30.00 feet, along the east line of said Shank tract to an iron pin found on the north right-of-way line of East Upper Lewisburg Salem Road and being the principal place of beginning of the tract herein conveyed;

thence, North 00°38'31" West, 2658.74 feet, along the east line of said Shank tract to an iron pin found;

thence, North 89°42'56" West, 485.36 feet, along the north line of said Shank tract to an iron pin with cap set at the northeast corner of Lot 1899 as shown on Record Plat Book 159, Page 43 and being owned by HJW Holdings I, LLC as described in IR Deed 20-031085;

thence, South 89°41'29" West, 248.63 feet, along the north line of said Lot 1899 to an iron pin with cap set at the southeast corner of a 0.75-acre tract of land owned by HJW Holdings I, LLC as described in IR Deed 21-088908;

thence, North 00°40'43" West, 196.34 feet, along the east line of said 0.75-acre HJW Holdings tract to an iron pin with cap set on the south limited access right-of-way line of Interstate 70;

thence, along a curve to the right, with a radius of 5529.58 feet, a curve length of 884.50 feet, a delta angle of 09°09'54" and a chord bearing North 60°03'07" East, 883.56 feet, along the south limited access right-of-way line of Interstate 70 to an iron pin with cap set;

thence, North 62°23'22" East, 513.56 feet, along the south limited access right-of-way line of Interstate 70 to an iron pin with cap set at the northwest corner of a tract of land owned by Alexander J. Clericus and Jennifer M. Clericus as described in IR Deed 19-036540;

thence, South 00°40'40" East, 879.02 feet, along the west line of said Clericus tract to an iron pin with cap set;

thence, South 89°42'56" East, 666.37 feet, along the south line of said Clericus tract to an iron pin found at the northwest corner of Lot 2749 as shown on Plat Book 240, Page 4 and being owned by WLW, LLC as described in IR Deed 09-038959;

thence, South 00°04'26" West, 2705.00 feet, along the west line of said WLW tract to an iron pin found;

thence, South 89°36'11" West, 252.92 feet, to a Mag nail set;

thence, North 00°28'32" East, 60.01 feet, to an iron pin with cap set on the north right-of-way line of East Upper Lewisburg Salem Road;

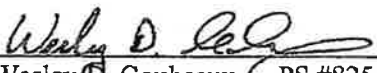
thence, South 89°36'11" West, 875.45 feet, along the north right-of-way line of East Upper Lewisburg Salem Road to the principal place of beginning.

Containing 85.611 acres more or less and all being subject to any legal highways and easements of record. With 85.434 acres being within Section 27 and 0.174 acres being within Section 34.

The bearing of North 89°-36'-11" East along the centerline of East Upper Lewisburg Salem Road was based on NAD 83 CORS 2011 adjustment, Ohio South Zone, ODOT VRS CORS Network.

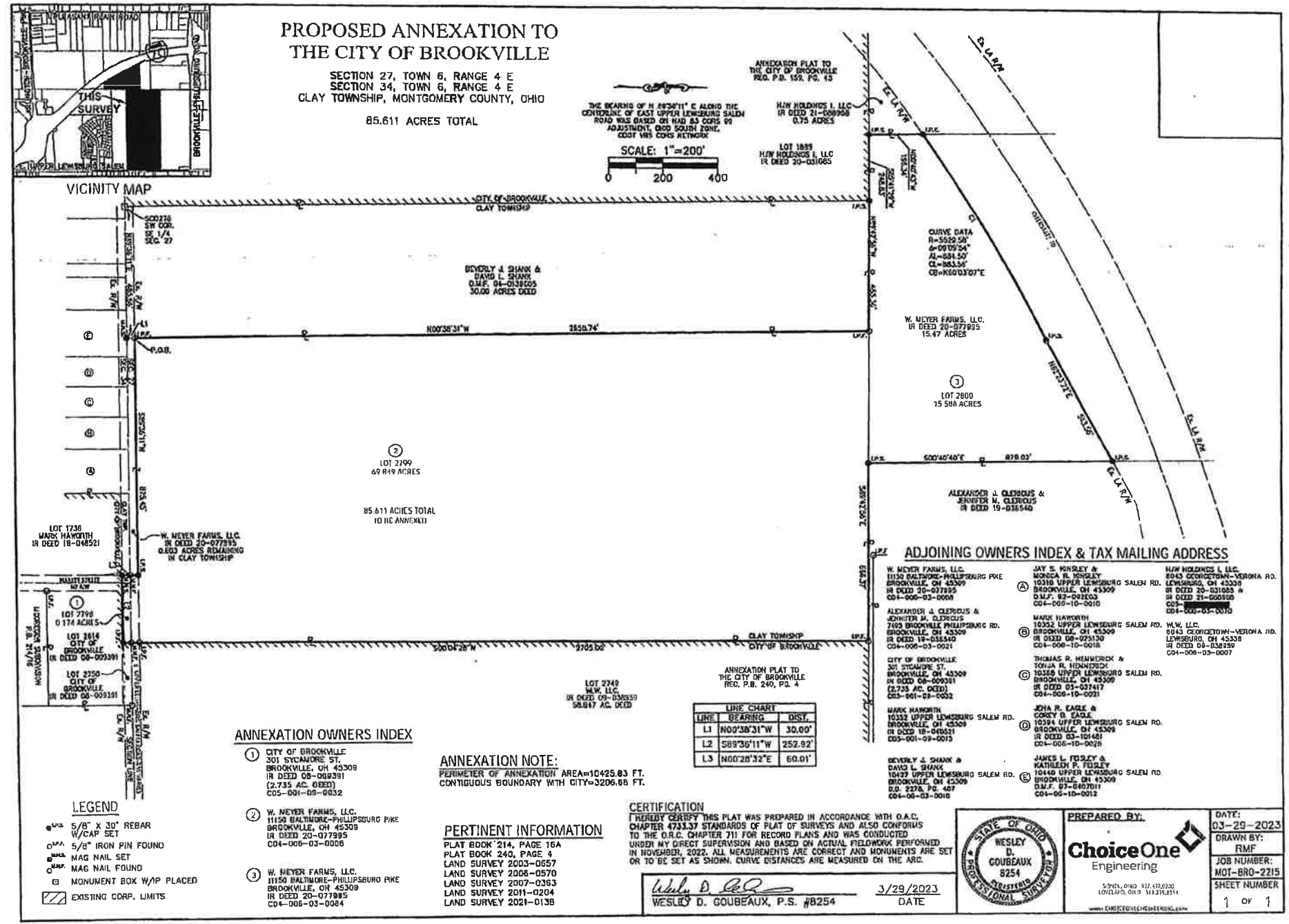
The above description was prepared by Wesley D. Goubeaux, Ohio Professional Surveyor Number 8254, based on a field survey performed under his direct supervision and dated March 29, 2023.

All iron pins set are 5/8" x 30" rebar with caps reading "CHOICE ONE ENGR-WDG PS 8254."

  
Wesley D. Goubeaux, PS #8254



03/29/2023  
Date



**EXHIBIT "C"**  
**PLANNED RESIDENTIAL DISTRICT**  
**LOTS 2798, 2799, 2800**  
**85.611 ACRES**

The intent of this planned residential district is to provide single family residential housing on large city lots that will be compatible with existing residential properties in adjacent areas of Clay Township and the City of Brookville.

The following standards shall apply in this Planned Residential District:

**(a) Permitted Uses in the Planned Residential District:**

- (1) Single Family Dwellings
- (2) Accessory buildings and uses incidental to the principal use which do not include any activity conducted as a business.

**(b) Special Uses.** The following special uses are subject to review and regulation in accordance with Chapter 1163:

- (1) Governmentally owned and/or operated parks or recreation facilities.

**(c) Site Development Regulations for Permitted Uses:**

**Lot Requirements:**

- (1) Minimum Lot Area: One-half acre (21780 sq. ft.)
- (2) Minimum Lot Frontage: 120 feet

**Yard Requirements:**

- (1) Minimum Front Yard Setback: 40 feet
- (2) Minimum Rear Yard Setback: 40 feet
- (3) Minimum Side Yard Setback: 20 feet on each side

**Structural Requirements:**

- (1) Maximum Building Height: 35 feet
- (2) Minimum floor area: 2000 sq. ft.  
(excludes enclosed patios, garages and basements)

**(d) Required Building Materials:**

(1) The exterior of the Single-Family Dwellings shall be covered by at least Fifty Percent Brick, Masonry or Stone. Vinyl siding shall not be permitted in this Planned Residential District.

(e) Required Common Open Space: A minimum of twenty-five percent (25%) of the land in the planned residential development shall be reserved for permanent common open space and recreational facilities for the residents of the area being developed. Only areas having minimum dimensions of 50 feet by 100 feet shall qualify for computation of usable open spaces.

(f) Setback and screening: A setback of fifty (50) feet shall be provided along the entire perimeter of the development and retained in natural woods or be suitably landscaped with grass and/or ground cover, shrubs, and trees.

Any proposed planned development for this area shall submit a development plan that shall be subject to review and approval by Planning Commission and City Council as set forth in Chapter 1151 of the Code of Ordinances.