



PLANNING COMMISSION MEETING
Thursday, September 19, 2024, 7:30 PM
CITY HALL
301 SYCAMORE STREET, BROOKVILLE, OHIO 45309
www.brookvilleohio.com

Agenda

- I. Opening**
 - a. Call to Order
 - b. Pledge of Allegiance
 - c. Roll Call
- II. Adoption of Agenda**
- III. Approval of Minutes**
 - a. Correction of attendance on July 18, 2024 Regular Meeting Minutes
 - b. Approval of August 15, 2024 Regular Meeting Minutes
- IV. Arlington Woods II Subdivision Preliminary Plat**
- V. Arlington Woods II Section One Final Subdivision Record Plan**
- VI. Reports**
 - a. Law Director
- VII. Old Business**
- VIII. New Business**
- IX. Adjournment**

Chairperson Ryan Henderson • Mayor Chuck Letner
Members: • Ken Claggett • Tony Ezerski • Damian Kristof • Curt Schreier • Jeff Wright

Brookville Planning Commission
Regular Meeting
August 15, 2024

The Regular Meeting of the Brookville Planning Commission was called to order by Chairperson Henderson at 7:30 p.m. on August 15, 2024. The meeting was held in the City Council Chambers and virtually using Webex. The Pledge of Allegiance was recited. Mayor Letner, Members Claggett, Ezerski, Kristof, Schreier and Wright; Manager Kuntz, Law Director Stephan and Clerk Duncan were present.

Roll call by Clerk Duncan.

Motion by Claggett, second by Kristof to adopt the Agenda as presented. All yeas, motion carried.

Motion by Kristof, second by Ezerski to approve the minutes of the July 18, 2024 Planning Commission Meeting. All yeas, motion carried.

Law Director Stephan reported Green Tokai Co. Ltd. has filed a Special Use application to permit mobile food vendors to come to their business location. The mobile food vendor would be invited by Green Tokai to locate in the Green Tokai parking lot to provide food to employees working at Green Tokai. Under 1163.03(b)(26), mobile food vendors are a special use that may be approved by Planning Commission in the 1-2 zoning district. When the mobile food vendor is located on private property, the owner of the property shall consent in writing to the use of their property by the mobile food vendor, and Green Tokai has consented through the filing of this application. It is requested that Planning Commission approve this Special Use Application.

Motion by Claggett, second by Schreier to approve the Special Use Application for permit mobile food vendors to set up in the parking lot at 55 Robert Wright Drive. All yeas, motion carried.

Law Director Stephan reported Planning Commission has been provided a draft of the new large lot residential district for review. The district is entitled R-1 Rural Residential District, and the zoning district is based on the proposal presented by Member Ezerski at July 2024 Planning Commission meeting. The zoning district would be the first residential district listed in the zoning code. It is being placed at the beginning of the residential districts because our districts are in order from lowest density to highest density, and this newest district will be the lowest density district. Law Director Stephan requested Planning Commission review the proposed text for the zoning district so that the proposed zoning district can be submitted to City Council to start the process of adopting this zoning code. Law Director Stephan advised he has listed all of the special uses from our R-1A zoning. However, Planning Commission may want to reduce some of the special uses as they may not be totally compatible with the goal.

General discussion followed regarding special uses. The consensus is to recommend the proposed zoning district to City Council without any changes to the special uses with the

intention of reviewing the special uses in each of our zoning districts when the Comprehensive Land Use Plan Update is completed to make sure they align with the vision for the city.

Member Claggett inquired if basements should be added to the exclusions from the minimum floor area under structural requirements?

Member Wright inquired if our current R-1A and R-1B zoning districts exclude patios and garages from the minimum floor area?

Law Director Stephan replied that is correct.

Member Schreier commented that basements can only be included in floor area if they have egress.

Law Director Stephan stated the definition of minimum floor area for residential dwellings in each zoning district is calculated excluding basements, attics, garages, carports, other exterior parking spaces, terraces, breezeways and patios, pools and accessory buildings of any kind or any other exterior structure.

Chairperson Henderson recommended removing the “excludes patios and garages” language because the minimum floor area definition includes those and more.

Member Claggett commented residents who build in the proposed district will likely want larger accessory buildings since the lots are bigger.

Law Director Stephan stated we have limits on the size of garages and accessory buildings in our code. This will likely be an issue with this type of zoning.

Chairperson Henderson stated that is true, but they can request a variance to build a bigger outbuilding.

Member Letner inquired how this proposed zoning district compares to other cities?

Law Director Stephan replied compared to other suburban communities in Montgomery County, there are none that have this type of large lot zoning. Our density is lower right now than any other jurisdiction around us. This will be somewhat unique but we are a more rural area. It would provide an option that could be used by Planning Commission in the future.

Discussion followed regarding whether to add allowing a larger outbuilding in this zoning classification or under accessory uses. The consensus is to keep it under accessory uses.

Motion by Wright, second by Claggett to recommend to City Council the R-1 Rural Residential District as proposed with the exception of striking the verbiage in the Structural Requirements that excludes patios and garages under the minimum floor area. All yeas, motion carried.

Manager Kuntz reminded everyone of the Planning Commission training session to be held on September 25, 2024 at 6:00 p.m. in the City Council Chambers.

Motion by Claggett, second by Ezerski to adjourn. All yeas, motion carried.

Kimberly Duncan, Clerk

Ryan Henderson, Chairperson

MEMORANDUM:

DATE: SEPTEMBER 11, 2024

TO: CITY OF BROOKVILLE PLANNING COMMISSION

FROM: RODNEY L. STEPHAN, LAW DIRECTOR

RE: ARLINGTON WOODS II SUBDIVISION PRELIMINARY PLAT

Terra Nova Development Group Inc. has filed a preliminary plat application for Arlington Woods II Subdivision Sections One, Two and Three. A copy of the application and the preliminary plat are submitted to Planning Commission with this Memorandum.

This subdivision is located on Westbrook Rd. west of the Arlington Woods subdivision. A county auditor map of the property is attached to this memorandum. The proposed subdivision is 23.952 acres and includes County Auditor Parcel Numbers are C05 00314 0057 and C05 00314 0063.

The property is zoned R-1B Urban Residential District. The property is part of 78.11 acres that was annexed to the City of Brookville on September 3, 1991. The property was zoned R-1B on December 3, 1991.

The preliminary plat provides for 64 residential lots to be developed in three sections. The lots meet all of the site development regulations for R-1B lots.

The preliminary plat provides for the extension of Meadow Glen Ave. to Westbrook Road. Meadow Glen Ave. currently ends at the north boundary of this property, and it was designed to connect to Westbrook Road when it was constructed as a part of the Sterling Meadows Subdivision.

It is requested that Planning Commission approve the preliminary plat for Arlington Woods II Subdivision.



DISCLAIMER:

This map is a visual presentation of data to be used as a public resource of general information and is provided strictly as a courtesy. The Montgomery County Auditor's Office makes no warranty, representation, or guaranty as to the content, accuracy, timeliness, or completeness of any information provided herein.

Furthermore, The Montgomery County Auditor's Office shall assume no liability for:

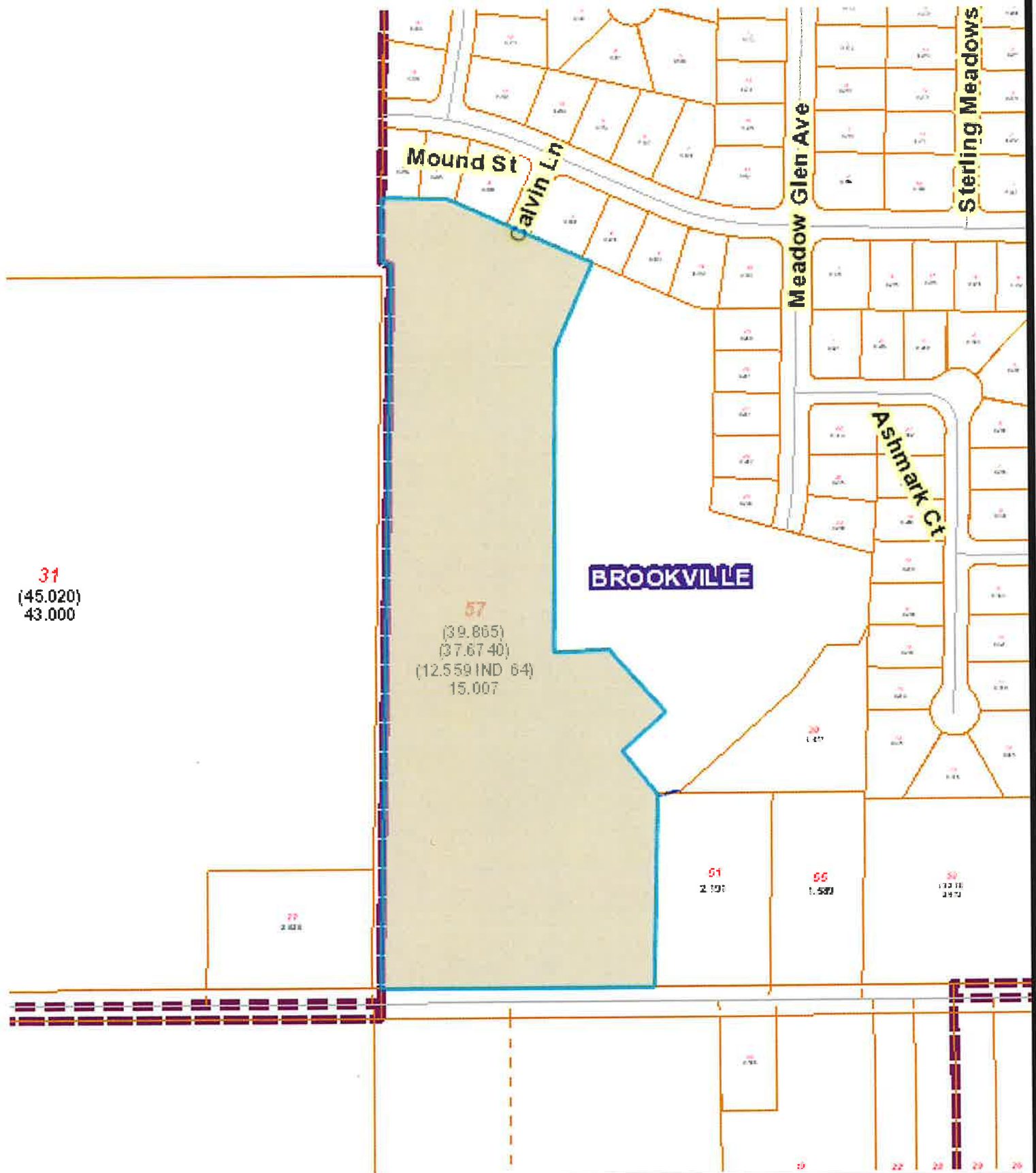
1. Any errors, omissions, or inaccuracies in the information provided regardless of how caused; or
2. Any decision made or action taken or not taken by the reader in reliance upon any information furnished hereunder.

Note: Exact property boundaries must be derived by a legal survey of the property.

1 inch = 289 ft

GIS DEPARTMENT





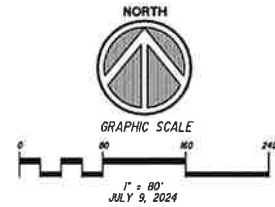
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DEVELOPER:

TERRA NOVA DEVELOPMENT GROUP, LLC
TIM SHELLABARGER ET AL.
7824 ALT. ST. RT. 49
ARCANUM, OH 45304
PH. 937-692-6330

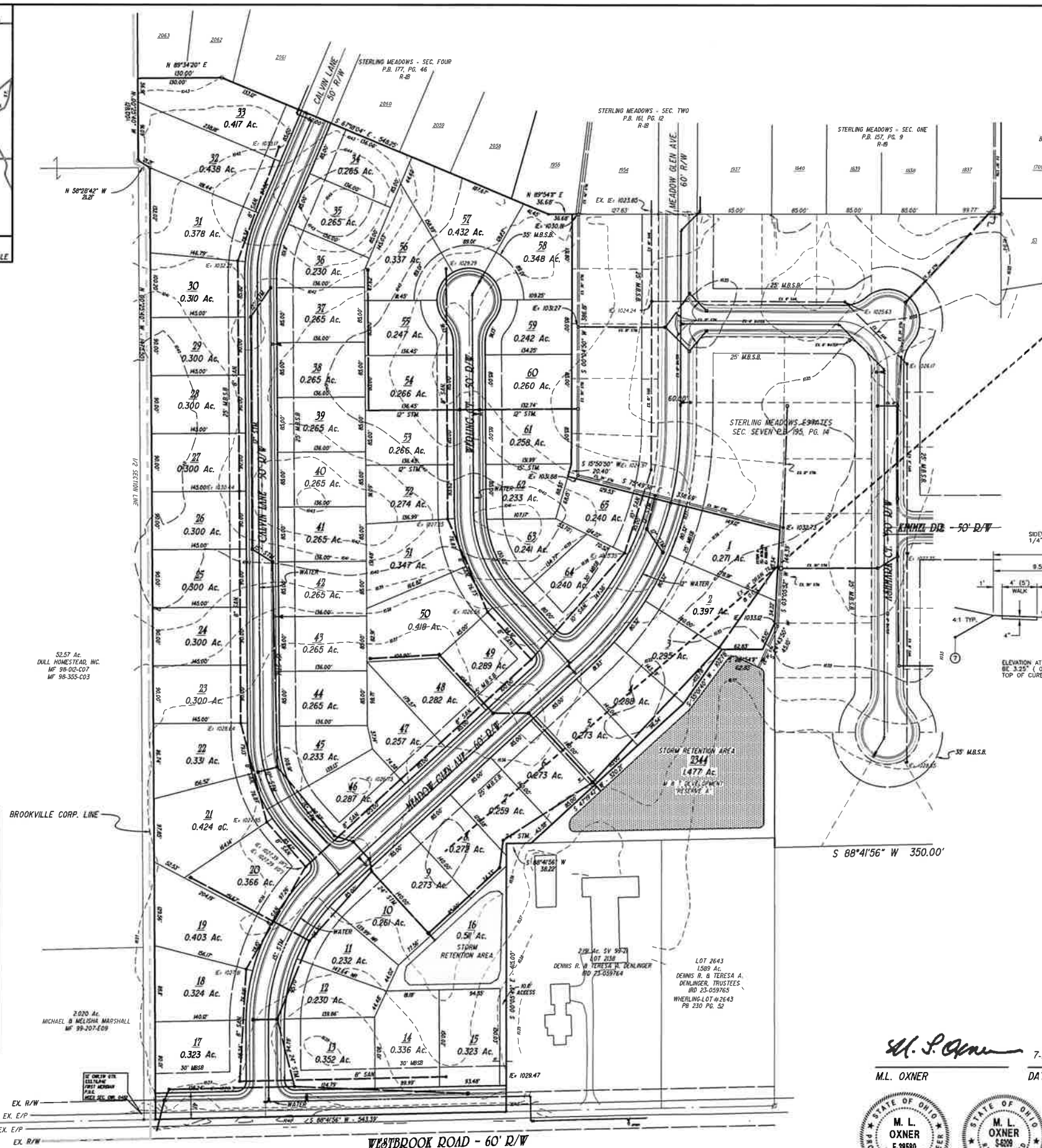
OWNER:

DENNIS R. & TERESA A. DENLINGER
15377 LITTLE RICHMOND RD.
NEW LEBANON, OH 45345
PH. 937-371-8047
dennis.denlinger@rcis.com

PROJECT DATA:

EXISTING ZONING R-B
MIN. LOT AREA 10,000 S.F.
MIN. LOT WIDTH 85'
MIN. FRONT YARD 25'
MIN. SIDE YARD 10'
MIN. REAR YARD 40'
PROJECT AREA 23.952 Ac.
TOTAL RES. LOTS 94
STORM RETENTION AREA ... 0.482 Ac.

LOT BREAKDOWN BY SECTION:



23.952 AC. - 64 RES. LOTS

PRELIMINARY PLAN

OF:

ARLINGTON WOODS II SUBDIVISION

SECTIONS ONE-TWO-THREE

FOR:

TERRA NOVA DEVELOPMENT GROUP, LLC

LOCATED IN:

S.E. QUARTER, SECTION 33, TOWN 6, RANGE 4 EAST
CITY OF BROOKVILLE
MONTGOMERY COUNTY, OHIO

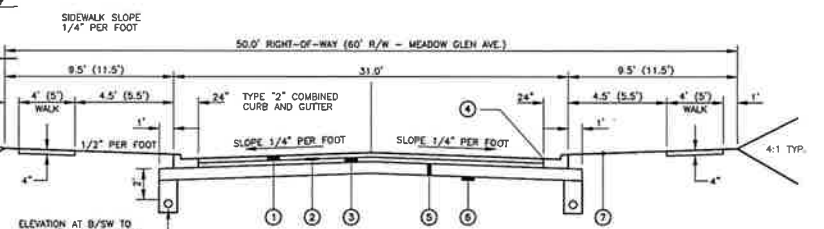
APPROVALS:

CITY OF BROOKVILLE

PLANNING COMMISSION:

CHAIRPERSON: _____

DATE: _____



- ITEM 441 TYPE 1: ASPHALT CONCRETE (1-1/4" SURFACE COURSE) TO BE APPLIED 9 MONTHS AFTER 441 COURSE IS APPLIED.
- ITEM 407: TACK COAT @ 0.1 GAL/S.Y.
- ITEM 441 TYPE 2: ASPHALTIC CONCRETE (1-3/4" LEVELING COURSE) AT END OF 5 DAYS AFTER 408 (2-3/4" - REQ'D FOR MEADOW GLEN AVE.)
- ASPHALT CEMENT ON FACE OF CURB PRIOR TO ASPHALT PLACEMENT AND SEAL BETWEEN CURB AND PAVEMENT AFTER PLACEMENT OF ITEM 441 ASPHALT.
- ITEM 304: AGGREGATE BASE (2-5" COURSES)
- ITEM 203: SUBGRADE (COMPACTED)
- ITEM 609: SEEDING AND MULCHING - CLASS 1
- ITEM 605: 6" PIPE UNDERDRAIN NON-PERFORATED

NOTES:

- ITEM 441 ASPHALT CONCRETE SURFACE COURSE SHALL NOT BE APPLIED UNTIL LEVELING COURSE HAS BEEN IN PLACE AT LEAST 9 MONTHS. ANY ITEM 441 DETERIORATION OR SETTLEMENT THAT HAS DEVELOPED DURING THIS PERIOD SHALL BE REMOVED AND REPLACE BEFORE THE ITEM 404 COURSE IS APPLIED.
- ALL CONSTRUCTION METHODS AND MATERIALS SHALL BE IN CONFORMANCE WITH THE CURRENT EDITION OF THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION, CONSTRUCTION AND MATERIAL SPEC.
- ALL TRENCHES WITHIN THE RIGHT-OF-WAY MUST BE BACKFILLED WITH COMPACTED GRANULAR MATERIAL ODOT 703.11 TYP. OR 3.
- ALL 441 ASPHALT CONCRETE SHALL CONTAIN ALL NEW MATERIALS.

TYPICAL STREET SECTIONS

PROJECT BENCHMARK:

Montgomery County GPS Benchmark No. 1029, located @ the NE corner of the intersection of Westbrook and Arlington roads.
ELEVATION: 1034.94

M. L. Oxner
M. L. OXNER

7-10-2024

DATE:



PREPARED BY:

PROFESSIONAL ASSOCIATES INC.
ENGINEERS, PLANNERS & SURVEYORS

516 PATRICIA FAYE CT. BROOKVILLE OH 45309

PH. 937-288-1677

MEMORANDUM:

DATE: SEPTEMBER 11, 2024

TO: CITY OF BROOKVILLE PLANNING COMMISSION

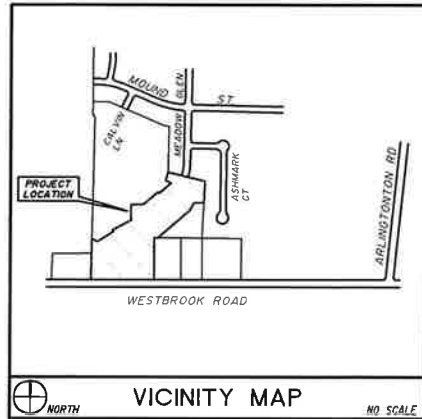
FROM: RODNEY L. STEPHAN, LAW DIRECTOR

RE: ARLINGTON WOODS II SECTION ONE FINAL SUBDIVISION RECORD PLAN

Terra Nova Development Group Inc. has filed a final subdivision record plan for Arlington Woods II Section One. Arlington Woods II Section One record plan contains 25 lots for single family housing that will be built in the first phase of this project. The Arlington Wood II Section One record plan also provides for the completion of the extension of Meadow Glen Ave. to Westbrook Rd. The record plan is consistent with the preliminary plat for this subdivision that has also been submitted to Planning Commission for approval.

The builder in this subdivision will be Arcon Builders located in Arcanum, Ohio. They will be building single family homes that will have a minimum of 1800 sq. ft. of living area. The covenants and restrictions on the subdivision will be substantially the same as those covenants and restrictions in the original Arlington Woods subdivision that abuts the east side of this new subdivision.

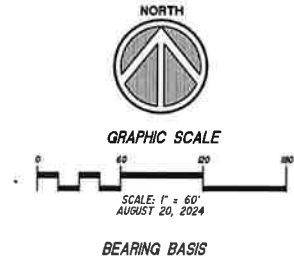
It is requested that Planning Commission approve the final subdivision record plan for Arlington Woods II Section One.



- LEGEND:**
- IRON PIN FOUND - SIZE INDICATED
 - IRON PIN SET W/ID. CAP - 5/8"
 - IRON PIPE FOUND - SIZE INDICATED
 - R/W SPIKE FOUND
 - R/W SPIKE SET
 - P.K. NAIL SET
 - STONE FOUND
 - MONUMENT FOUND
 - MONUMENT SET
 - CORNER NOT MONUMENTED

OCCUPATION STATEMENT
OCCUPATION LINES ARE IN GENERAL
AGREEMENT WITH TITLE LINES.

SUPERIMPOSED
NOTE:
ALL LANDS OF THE DEDICATOR
ARE SHOWN ON PG. 2 OF THIS PLAT.



RECORD PLAN OF ARLINGTON WOODS II SECTION ONE

BEING A REPLAT OF PT. LOT 1713 OF THE CONSECUTIVE LOT NUMBER OF THE CITY OF BROOKVILLE
SE QUARTER SECTION 33, TOWN 6, RANGE 4 EAST
MONTGOMERY COUNTY, OHIO

10.366 AC

PREPARED BY:

PROFESSIONAL ASSOCIATES, INC.
516 PATRICIA FAYE CT., BROOKVILLE, OHIO 45309
PH: (937) 238-1677 (c)



CURVE DATA TABLE:					
NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD DIRECTION
C-1	47°45'22"	300.00'	250.05'	132.80'	N 23°27'01" E
C-2	33°09'19"	475.55'	275.19'	141.51'	N 30°45'02" E
C-3	12°40'43"	200.00'	44.26'	22.22'	N 36°19'57" W
C-4	04°07'30"	225.00'	16.20'	15.00'	N 32°03'21" W
C-5	01°58'12"	270.00'	9.28'	4.64'	N 00°33'26" E
C-6	30°52'24"	15.00'	23.79'	15.23'	N 45°15'52" W
C-7	20°18'26"	270.00'	95.70'	48.36'	N 8°48'45" E
C-8	20°18'27"	270.00'	95.70'	48.36'	N 32°00'18" E
C-9	05°10'17"	270.00'	24.37'	12.19'	N 44°44'33" E
C-10	05°54'45"	505.55'	59.73'	25.89'	N 44°23'49" E
C-11	09°06'12"	505.55'	80.32'	40.25'	N 36°54'34" E
C-12	09°06'12"	505.55'	80.32'	40.25'	N 27°48'40" E
C-13	09°05'12"	505.55'	80.18'	40.17'	N 18°42'59" E
C-14	47°45'22"	270.00'	225.05'	119.52'	N 23°27'01" E
C-15	33°09'19"	505.55'	292.55'	150.50'	N 30°45'02" E
C-16	89°07'36"	15.00'	23.33'	14.77'	N 44°08'08" E
C-17	01°27'10"	330.00'	6.37'	4.18'	N 00°17'42" E
C-18	13°21'57"	330.00'	76.38'	38.67'	N 07°42'28" E
C-19	13°33'35"	330.00'	78.10'	39.23'	N 27°01'15" E
C-20	16°53'09"	330.00'	97.26'	48.98'	N 36°23'37" E
C-21	87°30'29"	15.00'	22.91'	6.15'	N 01°04'57" E
C-22	08°53'12"	225.00'	33.59'	38.81'	N 38°23'42" W
C-23	12°40'42"	175.00'	38.72'	38.74'	S 36°19'57" E
C-24	30°00'00"	15.00'	23.56'	15.00'	S 87°40'18" E
C-25	30°00'00"	15.00'	23.56'	15.00'	N 02°19'42" E
C-26	88°07'16"	15.00'	24.05'	14.52'	S 88°36'40" E
C-27	19°02'13"	445.55'	148.04'	74.71'	N 55°55'51" E
C-28	12°14'23"	445.55'	95.18'	47.77'	N 20°13'35" E
C-29	45°10'52"	330.00'	260.71'	137.58'	N 22°12'15" E
C-30	3°16'35"	445.55'	243.22'	124.72'	N 29°48'40" E

ACREAGE SUMMARY
TOTAL PROJECT AREA: 10.366 AC
TOTAL ACREAGE IN LOTS: 7.464 AC
TOTAL ACREAGE IN R/W: 2.359 AC
RESERVE AREAS: 0.543 AC

APPROVALS:
APPROVED FOR DESCRIPTION
BY: _____
MONTGOMERY COUNTY ENGINEER
DATE _____ FILE NO. _____

DESCRIPTION:

THE WITHIN PLAT IS A SUBDIVISION OF 10.366 ACRES LOCATED IN THE COUNTY OF MONTGOMERY, STATE OF OHIO, CITY OF BROOKVILLE, AND BEING A REPLAT OF PART LOT NO. 1713 OF THE CONSECUTIVE NUMBERED LOTS OF THE CITY OF BROOKVILLE, AND BEING PART OF LANDS HERETOFORE CONVEYED TO TERRA NOVA DEVELOPMENT GROUP, LLC BY DEED RECORDED IN I.R. DEED 24-

DEDICATION:

WE, THE UNDERSIGNED, BEING ALL OF THE OWNERS AND LIENHOLDERS OF THE LAND HEREIN SUBDIVIDED, DO HEREBY ACKNOWLEDGE AND VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO HEREBY RESERVE THE EASEMENTS AS SHOWN, AND DEDICATE THE STREETS AND ROADS TO THE PUBLIC USE.

EASEMENTS SHOWN ON THIS PLAT ARE FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, OR REMOVAL OF WATER, GAS, ELECTRIC, TELEPHONE, OR OTHER UTILITY LINES OR SERVICES, AND FOR THE EXPRESS PRIVILEGE OF REMOVING ANY AND ALL TREES, SHRUBS OR OTHER OBSTRUCTIONS TO THE FREE USE OF SAID UTILITIES, AND FOR PROVIDING OF INGRESS TO AND EGRESS FROM THE PROPERTY FOR SAID PURPOSES, AND ARE TO BE MAINTAINED AS SUCH FOREVER.

SIGNED AND ACKNOWLEDGED IN THE PRESENCE OF: OWNER: TERRA NOVA DEVELOPMENT GROUP LLC, AN OHIO LIMITED LIABILITY COMPANY

WITNESS: _____

NAME PRINTED: _____

WITNESS: _____

NAME PRINTED: _____

STATE OF OHIO, S.S.:
BE IT REMEMBERED ON THIS _____ DAY OF _____, 2024, BEFORE THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY CAME THE SAID TERRA NOVA DEVELOPMENT GROUP, LLC BY TIM SHELLABARGER, ITS MANAGING MEMBER, TO ME KNOWN, AND ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE WITHIN PLAT TO BE THEIR VOLUNTARY ACT AND DEED INTESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND NOTARIAL SEAL ON THE DAY AND DATE ABOVE WRITTEN.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES: _____



STATE OF OHIO, S.S.:
TIM SHELLABARGER, AS MANAGING MEMBER OF TERRA NOVA DEVELOPMENT GROUP, LLC, BEING DULY SWORN SAYS THAT ALL PERSONS AND CORPORATIONS, TO THE BEST OF HIS KNOWLEDGE INTERESTED IN THIS DEDICATION, EITHER AS OWNERS, OR AS LIENHOLDERS HAVE UNITED IN ITS EXECUTION.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL ON THE DAY AND DATE ABOVE WRITTEN.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES: _____



APPROVALS: CITY OF BROOKVILLE

COUNCIL
DATE: _____

MAYOR: CHUCK LETNER

ACTING CLERK: MICHELLE BRANDT

PLANNING COMMISSION
DATE: _____

CHAIRPERSON: RYAN HENDERSON

ACTING CLERK: MICHELLE BRANDT

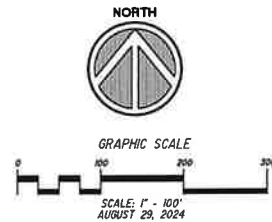
SURVEYOR'S CERTIFICATION:

I, MICHAEL L. OXNER, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF OHIO, THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH O.A.C. CHAPTER 4733-37 STANDARDS FOR PLAT OF SURVEY AND ALSO CONFORMS TO THE O.R.C. CHAPTER 711 STANDARDS FOR RECORD PLANS AND WAS CONDUCTED UNDER MY DIRECT SUPERVISION, BASED ON FIELDWORK IN APRIL 2024. ALL MEASUREMENTS ARE CORRECT AND MONUMENTS ARE TO BE SET AS SHOWN. CURVED DISTANCES ARE MEASURED ON THE ARC. IRON PINS TO BE SET AT ALL CORNERS.



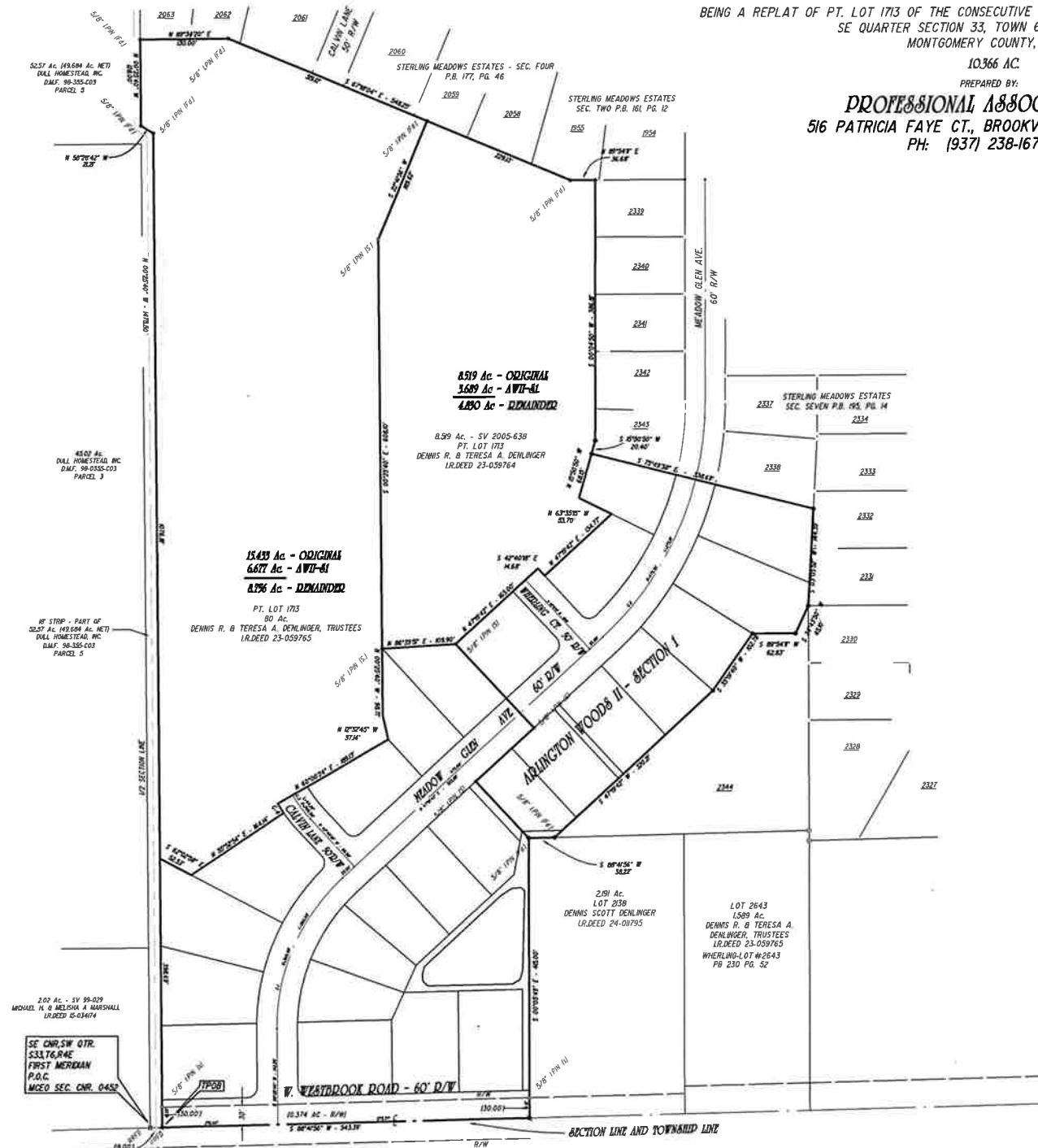
MICHAEL L. OXNER, REG. PROF. SURVEYOR, NO. 6209
STATE OF OHIO
AUGUST 2024

Professional Associates Inc.
CIVIL ENGINEERS, PLANNERS & SURVEYORS
516 PATRICIA FAYE CT. BROOKVILLE, OH 45309
PH: 937-238-1677(c) profassocinc@prodigy.net



**ARLINGTON WOODS II SUBDIVISION
PROTECTIVE COVENANTS & RESTRICTIONS**

1. THESE COVENANTS AND RESTRICTIONS ARE FOR THE BENEFIT OF ALL LOT OWNERS AND ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM UNTIL JANUARY 1, 2044, AT WHICH TIME SAID COVENANTS AND RESTRICTIONS SHALL BE EXTENDED FOR SUCCESSIVE PERIODS OF 20 YEARS UNLESS A MAJORITY OF LOT OWNERS AGREE TO CHANGE SAID COVENANTS AND RESTRICTIONS IN WHOLE OR PART.
2. INVALIDATION OF ANY ONE OF THESE COVENANTS AND RESTRICTIONS BY JUDGEMENT OR COURT ORDER SHALL IN NO WAY AFFECT ANY OTHER OF THE OTHER PROVISIONS, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.
3. ALL LOTS IN THIS SUBDIVISION SHALL BE KNOWN AS AND DESCRIBED AS RESIDENTIAL LOTS. NO STRUCTURE SHALL BE ERRECTED, ALTERED, PLACED, OR PERMITTED TO REMAIN ON ANY LOT OTHER THAN ONE SINGLE FAMILY DWELLING NOT TO EXCEED TWO AND ONE-HALF STOREYS IN HEIGHT AND A PRIVATE GARAGE FOR NOT LESS THAN TWO CARS, NOR MORE THAN THREE CARS.
4. ALL BUILDINGS SHALL CONFORM TO ZONING ORDINANCES OF THE CITY OF BROOKVILLE, OHIO.
5. NO NOXIOUS OR OFFENSIVE TRADE SHALL BE CARRIED ON UPON ANY LOT NOR SHALL ANYTHING THEREON WHICH MAY BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.
6. NO FENCE, WALL, OR HEDGE SHALL BE PERMITTED TO EXTEND NEARER TO THE FRONT LOT LINE THAN THE MINIMUM BUILDING SETBACK LINE, EXCEPT ANY FENCE OR HEDGE WHICH DOES NOT EXCEED THREE FEET IN HEIGHT AND WHICH IS AT LEAST 50% OPEN TO LIGHT AND AIR PASSING THROUGH IT. NO DOG RUNS SHALL BE PERMITTED. NO CHAIN LINK FENCES SHALL BE PERMITTED UNLESS APPROVED BY THE DEVELOPER. ALL PROPOSED FENCES TO BE INSTALLED SHALL REQUIRE THE WRITTEN APPROVAL OF THE DEVELOPER. SUCH APPROVAL MUST BE GIVEN IN WRITING AND IN ADVANCE OR ELSE ANY FENCE, WALL, OR HEDGE MUST BE REMOVED BY THE PROPERTY OWNER. A DUTY WHICH MAY BE ENFORCED BY THE ARLINGTON WOODS II HOMEOWNER'S ASSOCIATION HAVING THE RIGHT TO ENTER ON THE PROPERTY TO DO SO AND TO LEVY THE COST OF SUCH REMOVAL AS A SPECIAL INDIVIDUAL LOT ASSESSMENT UNDER THE DECLARATION.
7. NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY LOT EXCEPT A SIGN OF NOT MORE THAN SIX SQUARE FEET IN AREA ADVERTISING THE PROPERTY FOR SALE OR RENT, OR SIGNS USED BY THE BUILDER TO ADVERTISE THE PROPERTY FOR SALE DURING THE CONSTRUCTION AND SALES PERIOD.
8. NO ANIMALS, LIVESTOCK OR POULTRY SHALL BE RAISED, BRED, OR KEPT ON ANY LOT; EXCEPT DOMESTICATED DOGS, CATS OR OTHER HOUSEHOLD PETS MAY BE KEPT PROVIDED THAT THEY ARE NOT ALLOWED OR BY RESOLUTIONS OF THE LOCAL GOVERNMENT AND THAT THEY ARE NOT KEPT, BRED OR MAINTAINED FOR COMMERCIAL PURPOSES.
9. THE TOTAL FLOOR (LIVING) AREA OF THE MAIN STRUCTURE SHALL NOT BE LESS THAN 1800 SQUARE FEET IN THE CASE OF A ONE STORY STRUCTURE NOR LESS THAN 2000 SQUARE FEET IN THE CASE OF A ONE AND ONEHALF OR TWO STORY STRUCTURE, AND 2300 SQUARE FEET IN THE CASE OF A TRI-LEVEL STRUCTURE.
10. EASEMENTS SHOWN ON THE PLAT ARE RESERVED FOR UTILITY INSTALLATION, MAINTENANCE, AND SURFACE WATER DRAINAGE. ANY IMPROVEMENTS MADE ON ANY EASEMENT BY THE LOT OWNER ARE MADE AT HIS/HER OWN RISK.
11. NO TV ANTENNA, RADIO TOWER OR SATELLITE DISH, EXCEPT THOSE PROVIDED BY DIRECT TV, DISH NETWORK AND OTHER SUCH SIMILAR PROVIDER, SHALL BE PERMITTED UNLESS APPROVED BY THE DEVELOPER.
12. THE PARKING OR STORING OF ANY TRAILER, BOAT, RECREATIONAL VEHICLE, MOBILE HOME OR INOPERABLE VEHICLE IS PROHIBITED ON ANY LOT IN THIS SUBDIVISION FOR ANY MORE THAN 21 DAYS IN ANY CALENDAR YEAR WITH PART DAY TO COUNT AGAINST THE TOTAL, UNLESS KEPT IN AN ENCLOSED GARAGE.
13. NO SWIMMING POOL THAT EXTENDS ABOVE GRADE LEVEL IS PERMITTED. POOLS MAY NOT BE COVERED WITH AIR INFLATED BUBBLE OR RIGID COVER SO AS TO BE USABLE IN COLD WEATHER.
14. ADE LEVEL?????P ALL APPURTENANCES INCLUDING BUT NOT LIMITED TO SWIMMING POOLS AND TENNIS COURTS WILL NOT BE CONSTRUCTED WITHOUT THE WRITTEN CONSENT OF THE DEVELOPER.
15. NO IMPROVEMENTS OF ANY KIND OR CHARACTER WHATSOEVER SHALL BE ERRECTED OR BEGUN, OR CHANGE MADE IN THE EXTERIOR DESIGN THEREOF AFTER ORIGINAL CONSTRUCTION, ON ANY RESIDENTIAL LOT IN THIS SUBDIVISION UNTIL THE COMPLETE PLANS AND SPECIFICATIONS AND A PLOT PLAN SHOWING THE LOCATION OF THE IMPROVEMENTS HAS BEEN APPROVED BY THE DEVELOPER. THIS APPROVAL AND ALL OTHER APPROVALS OR CONSENTS OF THE DEVELOPER SHALL BE BASED UPON THE FOLLOWING PROCEDURES:
 - A. TWO COMPLETE SETS OF PLANS AND SPECIFICATIONS DEPICTING ALL ASPECTS OF WHATEVER ITEM NEEDS APPROVAL OR CONSENT BY THE DEVELOPER SHALL BE DELIVERED TO THE DEVELOPER. THE APPROVAL OR CONSENT SHALL BE THAT THE FENCE, ANTENNA, APPURTENANCE OR OTHER IMPROVEMENT (INCLUDING ITS QUALITY OF EVERY OTHER ASPECT OF EXTERIOR APPEARANCE) MUST BE IN HARMONY WITH ALL ASPECTS OF EXTERIOR DESIGN AND EXTERIOR APPEARANCE AND LOCATION OF EXISTING OR APPROVED STRUCTURES AND IMPROVEMENTS WITHIN THIS SUBDIVISION.
 - B. IF NO ACTION IS TAKEN ON PLANS AND SPECIFICATIONS WITHIN THIRTY DAYS AFTER THEIR DELIVERY TO THE DEVELOPER, THEY SHALL BE CONSIDERED TO BE APPROVED ON THE THIRTY FIRST DAY AFTER SUCH DELIVERY. WHEN THE LAST LOT IN THIS SUBDIVISION IS CONVEYED BY THE DEVELOPER TO ANOTHER OWNER, ALL REFERENCES TO CONSENT OR APPROVAL OF THE DEVELOPER SHALL THEREAFTER BE DEEMED TO MEAN CONSENT OR APPROVAL OF THE ARLINGTON WOODS II HOMEOWNER'S ASSOCIATION.
 - C. ALL EXTERIOR FINISHES SHALL BE FULLY OR A COMBINATION OF BRICK, EFIS, STONE, OR CEMENT OR COMPOSITE SIDING.
16. NO STORAGE SHED SHALL BE CONSTRUCTED OR PLACED ON ANY LOT.
17. CABANAS, GAZEBOs, SWIMMING POOL HOUSES AND HOT TUB ENCLOSURES MAY BE BUILT WITH THE APPROVAL OF THE DEVELOPER.
18. THE DEVELOPER SHALL ESTABLISH A HOMEOWNERS ASSOCIATION, WHICH SHALL BE RESPONSIBLE TO MAINTAIN AND OPERATE ANY STORMWATER DETENTION BASINS AND ANY UNDEDICATED PARK AND LANDSCAPE AREAS IN THE SUBDIVISION. THIS WILL BE ACCOMPLISHED BY THE CREATION OF PERMANENT EASEMENTS PROVIDED UPON AFFECTED AREAS THROUGHOUT THE SUBDIVISION. THE HOMEOWNERS'S ASSOCIATION SHALL ALSO BE RESPONSIBLE FOR MAINTAINING AND OPERATING THE FOLLOWING IMPROVEMENTS INSTALLED BY THE DEVELOPER IN THE SUBDIVISION: FORMAL ENTRYWAYS, FENCING, LIGHTING, (NOT INCLUDING STREET LIGHTING MAINTAINED AND OPERATED BY THE CITY OF BROOKVILLE), THE LANDSCAPED BUFFER AREA ALONG WESTBROOK ROAD, AND ALL TREES, SHRUBS AND OTHER PLANTINGS TOGETHER WITH ASSOCIATED IRRIGATION SYSTEMS. ALL LOT OWNER SHALL BE REQUIRED TO JOIN SAID HOMEOWNERS ASSOCIATION AND TO PAY AN ANNUAL FEE FOR THE OPERATION AND MAINTENANCE OF THE ABOVE DESCRIBED IMPROVEMENTS.
19. THE WITHIN SUBDIVISION IS FURTHER SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (AND TO THE ARTICLES OF INCORPORATION AND BY-LAWS OF ARLINGTON WOODS II HOMEOWNER'S ASSOCIATION), BOTH OF WHICH ARE ATTACHED AS EXHIBITS TO THAT DECLARATION AS RECORDED IN I.R.DEED NO 24- WITH THE RECORDER OF MONTGOMERY COUNTY, OHIO.



**RECORD PLAN
OF
ARLINGTON WOODS II
SECTION ONE**

BEING A REPLAT OF PT. LOT 1713 OF THE CONSECUTIVE LOT NUMBER OF THE CITY OF BROOKVILLE
SE QUARTER SECTION 33, TOWN 6, RANGE 4 EAST
MONTGOMERY COUNTY, OHIO

10.366 AC

PREPARED BY:

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SUPERIMPOSED AREA

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