



CITY COUNCIL
Tuesday, March 4, 2025, 7:30 PM
301 SYCAMORE STREET, BROOKVILLE, OHIO 45309
937-833-2135
www.brookvilleohio.com

Agenda

I. Opening of Regular Council Meeting

- a. Call to Order
- b. Pledge of Allegiance
- c. Roll Call

II. Adoption of Agenda

III. Approval of Minutes

- a. Approval of February 18, 2025 Regular Meeting Minutes

IV. Fire Department Awards

V. Reports of Municipal Officers

- a. City Manager
- b. Finance Director
- c. Fire Chief
- d. Police Chief
- e. Law Director
- f. Mayor Chuck Letner

VI. Old Business

- a. Third reading of proposed Resolution No. 25-01 entitled "A RESOLUTION TO CONTINUE PARTICIPATION IN A MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN IN CONJUNCTION WITH THE MONTGOMERY COUNTY OFFICE OF EMERGENCY MANAGEMENT."
- b. Second reading of proposed Ordinance No. 2025-05 entitled "AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY OF BROOKVILLE, OHIO."

VII. New Business

Mayor Chuck Letner • Vice Mayor James Zimmerlin
Council Members: Stephen Crane • JD Fowler • Dennis Piper • Curt Schreier • Kim Wilder



- a. First reading of proposed Ordinance No. 2025-06 entitled "AN ORDINANCE AMENDING CHAPTER 1141 COMMUNITY CENTER DISTRICT OF THE CITY OF BROOKVILLE, OHIO."
- b. First reading of proposed Ordinance No. 2025-07 entitled "AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF LOTS 2798, 2799 AND 2800 OF THE CITY OF BROOKVILLE, OHIO. "

VIII. Public Comments (5 minutes per speaker)

IX. Council Comments

X. Motion for Adjournment

Please note: We welcome comments which are important to us. Anyone who is interested in speaking, please stand, if you are able, and give your name and address for the public record. Each speaker will be given 5 minutes to provide your comments. Comments are welcome on general board business or specific agenda items. You may not donate your time to another speaker. Note, this time is for public comment, and we will not be entering into dialogue at this time. The purpose of this agenda item is for you, the public, to inform us the board about your views. If you have specific factual questions or complaints, please check in with our staff after the meeting. They are seated on the side and will be happy to assist you. We also welcome written questions and comments. We appreciate you attending the meeting and sharing your thoughts with us.

Brookville City Council
Regular Meeting
February 18, 2025

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on February 18, 2025. The meeting was held in the City Council Chambers. The Pledge of Allegiance was recited. Members Crane, Schreier, Wilder and Zimmerlin; Manager Kuntz, Law Director Stephan, Finance Director Brandt, Fire Chief Fletcher, Police Chief Jerome and Clerk Duncan were present. Members Fowler and Piper were absent.

Roll Call by Clerk Duncan.

Motion by Schreier, second by Zimmerlin to accept the Agenda as presented. All yeas, motion carried.

Motion by Zimmerlin, second by Wilder to accept the February 4, 2025 Regular Meeting Minutes as presented. All yeas, motion carried.

Ann Stammen, Brookville Baseball Club President, requested approval of the annual BBC Opening Day Parade on April 26, 2025. Ms. Stammen stated the route was changed last year due to the Wolf Creek Street road reconstruction, and she and Police Chief Jerome have decided that route is the best moving forward. The route begins with the line-up at Brookville Schools, left on Westbrook Road, right on Arlington Road to Upper Lewisburg Salem Road and ending at Golden Gate Park.

Motion by Zimmerlin, second by Wilder to approve the BBC Opening Day Parade on April 26, 2025 at 10:00 a.m. as presented. All yeas, motion carried.

Manager Kuntz reported it has been quite some time since there has been an official review of the City Charter, and there are many items within that governing document which are outdated and should be addressed to more accurately reflect the current operational status of the city. Manager Kuntz requested Council approval of a City of Brookville Charter Review Commission, which would consist of city residents working with city staff to review the Charter. The commission will make recommendations to City Council regarding changes to the Charter. The goal would be for final recommendations to be placed on the November ballot for consideration by the city's residents.

Discussion followed.

Council directed Law Director Stephan to present recommendations for items to update in the City Charter at the next Council meeting.

Manager Kuntz announced that the city will be participating in the Brookville Area Chamber of Commerce's State of the City/Townships event on February 19, from 7:00 p.m. until 9:00 p.m. at the high school auditorium. The public is invited to attend.

Manager Kuntz reminded everyone that the Comprehensive Land Use Plan community survey will remain open until the end of the month. After February 28, the community survey will no longer be available for participation.

Finance Director Brandt presented the Fund Balance for January 31, 2025.

Motion by Zimmerlin, second by Schreier to accept the January 31, 2025 Fund Balance as presented. All yeas, motion carried.

Finance Director Brandt reported the City of Vandalia will provide free city income tax assistance to Brookville residents at the Brookville city office during office hours on March 28 and March 29 from 8 a.m. until noon at the city office.

Finance Director Brandt reminded residents the last day to pay City of Brookville utility bills before shut-off is March 2, 2025.

Fire Chief Fletcher had no report.

Police Chief Jerome stated reportable incidents are up considerably over this time last year. He attributed this to a higher number of information reports, drug offenses and traffic offenses. The Police Department has been busy enforcing the no parking on the interstate ramps.

Law Director Stephan had no report.

Mayor Letner reported the Pack 47 Pinewood Derby was a big success, with the Fire Department winning the race with the Police Department.

Motion by Zimmerlin, second by Wilder to read proposed Resolution No. 25-01. All yeas, motion carried.

Motion by Schreier, second by Wilder to accept the second reading of proposed Resolution No. 25-01. All yeas, motion carried.

Motion by Zimmerlin, second by Schreier to read proposed Ordinance No. 2025-03. All yeas, motion carried.

Motion by Wilder, second by Schreier, to accept the second reading of proposed Ordinance No. 2025-03. All yeas, motion carried.

Motion by Zimmerlin, second by Wilder to read proposed Ordinance No. 2025-04. All yeas, motion carried.

Motion by Wilder, second by Crane to accept the second reading of proposed Ordinance No. 2025-04. All yeas, motion carried.

Motion by Zimmerlin, second by Wilder to read proposed Ordinance No. 2025-05. All yeas, motion carried.

Motion by Schreier, second by Crane to accept the first reading of proposed Ordinance 2025-05. All yeas, motion carried.

Cheri Simon, 12329 Wolf Creek Pike, stated she owns the property south of the Evergreen Trace subdivision and has been working with Manager Kuntz and Law Director Stephan to solve a drainage issue that has resulted from the Evergreen Trace subdivision construction. The developer has come up with three different plans in an attempt to resolve the issue and is now working on a fourth plan. Ms. Simon stated while she is hopeful the situation will be resolved, she wanted to express her reservations to Council that the developer could say the original plan was approved, leaving her with a drainage problem.

Matthew Williamson, 277 Johnsville Brookville Road, complimented the Police Chief for the work the department is doing to keep the semi-trucks from parking on the interstate ramps.

Member Wilder commented she was happy to see the new barrier around the gas line at Albert and Westbrook Roads.

Member Schreier thanked the fire, EMS and police staff for their hard work on Sunday morning during the winter weather event.

Motion by Wilder, second by Zimmerlin to adjourn. All yeas, motion carried.

Kimberly Duncan, Clerk

Charles Letner, Mayor

To: Mayor & Council
From: Jack Kuntz, City Manager
RE: Manager's Report
Date: 02/21/2025

Later in tonight's agenda, Law Director Rod Stephan will be giving some information on two topics. The first topic staff discussed with the City Council at the last meeting, specifically the recommendation City Council create a Charter Review Committee. Mr. Stephan has researched this topic and has some suggestions for the Council to consider in creating this new committee, with the goal of having the committee make final recommendations to the Council no later than the first City Council meeting in July. As discussed at the previous meeting, the recommendation is to create the Charter Review Committee to review the entire governing document and identify any items which are outdated and no longer apply and need to be addressed and/or changed to more accurately reflect the current operational status of the city.

The second item Mr. Stephan is going to present to the Council is the creation of a DORA District in historic downtown Brookville. DORA, which stands for Designated Outdoor Refreshment Area, is seen as an economic and community development attraction for the Market Street area. Staff believes this new designation will not only assist our restaurants that currently have the ability to sell adult beverages, it will also assist our other retail establishments by attracting additional customers to downtown Brookville. We also believe this newly created district will be an added element for traditional and new community outreach programs in this area. Staff's goal is to have this district designated by this summer.

I would like to congratulate all the firefighters and EMS personnel who were recognized this evening for their excellent work with the Brookville Fire Department. Our fire department is staffed with some of the best in the region and we're thankful and lucky to have them serve our community.

The Service Department has been busy dealing with winter storms over the last several weeks, however, they've also found time to complete other tasks in the community. Below is a list of those items.

- Collected used oil 300 gallons,
- Hauled spoiled dirt to the dump,
- Potholes patched,
- Cut a tree down in the alley at Hay Ave.,
- Plowed snow and salted,
- Repaired watermain breaks,
- Picked up new dump truck,
- Repaired ceiling in mechanic's garage,
- Received new valve turner, and
- Washed and cleaned fleet vehicles



City of
BROOKVILLE
POLICE

Chief Douglas Jerome

djerome@brookvilleohio.com



Council Meeting Agenda
March 4, 2025

Reportable Incidents

01/01/2024 – 02/26/2024 = 49

01/01/2025 – 02/26/2025 = 98

Citations

01/01/2024 – 02/26/2024 = 76

01/01/2025 – 02/26/2025 = 113

Traffic Stops

February 2024 - 166

February 1, 2025 to date - 118

Brookville Police Department

Incident Arrest Blotter

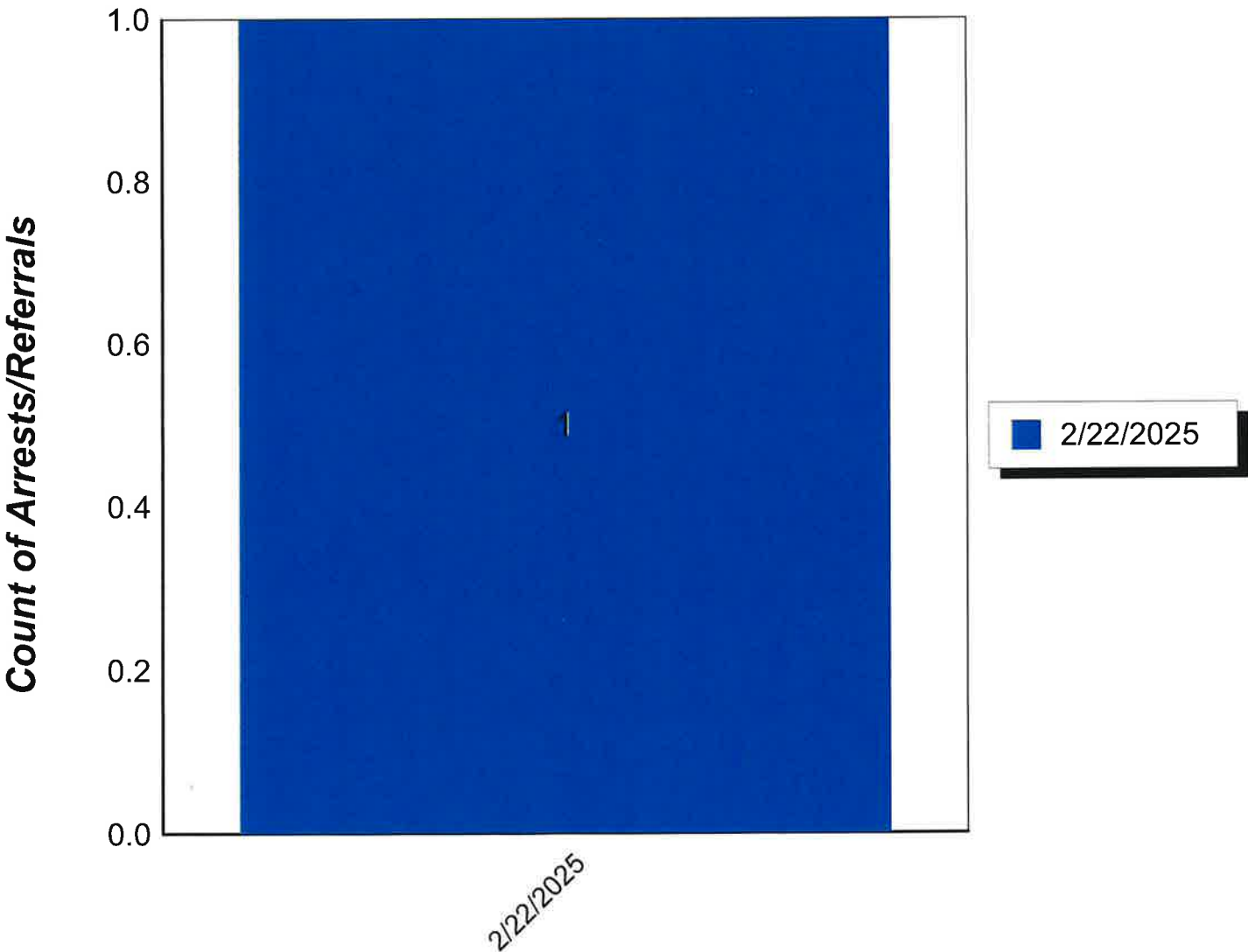
Arrest Date	Time	Suspect's Name	Address, Charges(s)	Incident ID
02/22/2025	07:23 PM	EVELIO PEREZ-MARTII	514 7TH ST, HAMILTON, OH 45011 4513241: WINDOW TINT	2025-00095

Total Selected = 1

Arrest Log by Date

Arrest Date	Total Arrests
February 22, 2025	1
Total Selected = 1	

Arrest Log by Date

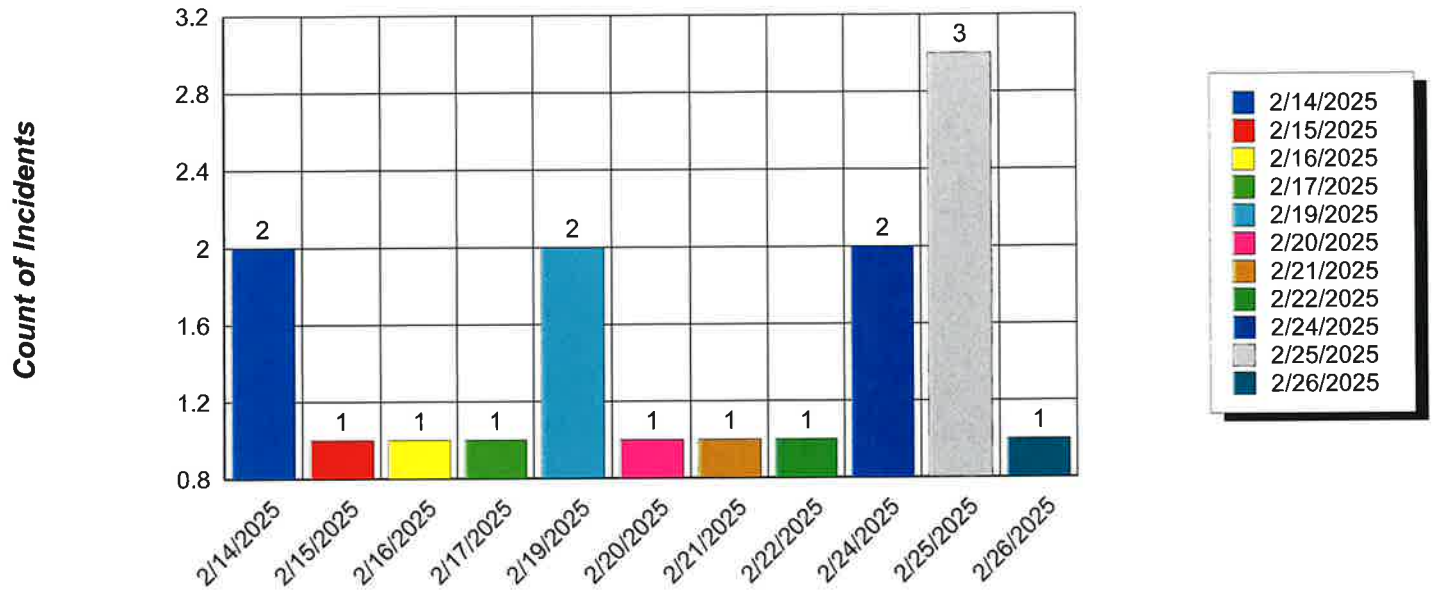


Brookville Police Department

Incident Log by Date Reported

Date Reported	Day of Week	Total Reported
02/14/2025	Friday	2
02/15/2025	Saturday	1
02/16/2025	Sunday	1
02/17/2025	Monday	1
02/19/2025	Wednesday	2
02/20/2025	Thursday	1
02/21/2025	Friday	1
02/22/2025	Saturday	1
02/24/2025	Monday	2
02/25/2025	Tuesday	3
02/26/2025	Wednesday	1
Total Selected = 16		

Incident Log by Date Reported



Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
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February 14, 2025

2025-00086 TERRACE PARK BLVD SIGNAL 55 - TRAFFIC VIOLATION 02/14/2025 02/14/2025
BROOKVILLE PD EXCEPTIONALLY CLEARED

Offenses UCR Offense Description
2 N/A 451139 - FAILURE TO SIGNAL
N/A 451011 - DRIVING UNDER SUSPENSION

2025-00087 ARLINGTON & E UPPER SIGNAL 53A - PROPERTY DAMAGE CRASH 02/14/2025 02/14/2025
LEWISBURG SALEM EXCEPTIONALLY CLEARED
BROOKVILLE PD

Offenses UCR Offense Description
1 N/A 33303A - SPEED-UNREASONABLE FOR CONDITIONS/ ACD AHEAD

Total Incidents Reported for Date: 2

February 15, 2025

2025-00088 E. SIGNAL 55 - TRAFFIC VIOLATION 02/15/2025 02/15/2025
UPPERLEWISBURG-SALEM/M EXCEPTIONALLY CLEARED
ARKET ST
BROOKVILLE PD

Offenses UCR Offense Description
2 N/A 451121 - SPEEDING
N/A 450311A - Expired Registration

Total Incidents Reported for Date: 1

February 16, 2025

2025-00089 315 BAKER ST SIGNAL 53A - PROPERTY DAMAGE ACCIDENT 02/16/2025 02/16/2025
BROOKVILLE PD EXCEPTIONALLY CLEARED

Offenses UCR Offense Description
1 03 451138A - IMPROPER BACKING

Total Incidents Reported for Date: 1

February 17, 2025

2025-00090 ARLINGTON & E CAMPUS SIGNAL 53A - PROPERTY DAMAGE CRASH 02/17/2025 02/17/2025
BROOKVILLE PD EXCEPTIONALLY CLEARED

Offenses UCR Offense Description
1 N/A 451143A - FAILED TO STOP AT POSTED STOP SIGN

Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
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Total Incidents Reported for Date: 1

February 19, 2025

2025-00091	95 PARKVIEW DRIVE BROOKVILLE PD	SIGNAL 26I - FOUND PROPERTY	02/19/2025	02/19/2025	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description
1 02 26I - INFORMATION REPORT

2025-00092	301 SYCAMORE STREET BROOKVILLE PD	SIGNAL 26O - MAKING FALSE ALARMS	02/19/2025	02/20/2025	ARREST
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Offenses UCR Offense Description
1 02 291732 - Making false alarms

Total Incidents Reported for Date: 2

February 20, 2025

2025-00093	301 SYCAMORE STREET BROOKVILLE PD	SIGNAL 26I - OHIO HB4 LE NOTIFICATION LETTER	02/20/2025		OPEN CASE
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Offenses UCR Offense Description
1 02 26I - OHIO HB4 LE NOTIFICATION LETTER

Total Incidents Reported for Date: 1

February 21, 2025

2025-00094	536 WESTBROOK BROOKVILLE PD	SIGNAL 55 - TRAFFIC VIOLATION	02/21/2025	02/21/2025	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description
2 N/A 451012 - DRIVING WITHOUT VALID LICENSE
N/A 451016 - FRA SUSPENSION

Total Incidents Reported for Date: 1

February 22, 2025

2025-00095	ARLINGTON & WESTBROOK BROOKVILLE PD	SIGNAL 55 - TRAFFIC VIOLATION	02/22/2025	02/22/2025	ARREST
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Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
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February 22, 2025

Offenses UCR Offense Description
 2 N/A 451012 - DRIVING WITHOUT VALID LICENSE
 N/A 4513241 - WINDOW TINT

Total Incidents Reported for Date: 1

February 24, 2025

2025-00096 WESTBROOK & MOSIER SIGNAL 55 - TRAFFIC VIOLATION 02/24/2025 02/24/2025
 BROOKVILLE PD EXCEPTIONALLY CLEARED

Offenses UCR Offense Description
 3 N/A 451012 - DRIVING WITHOUT VALID LICENSE
 N/A 451121 - SPEEDING
 N/A 4511203 - Wrongful entrustment of a motor vehicle

2025-00097 I70 EXIT 21 SIGNAL 55 - TRAFFIC VIOLATION 02/24/2025 02/24/2025
 BROOKVILLE PD EXCEPTIONALLY CLEARED

Offenses UCR Offense Description
 1 N/A 451139 - FAILURE TO SIGNAL

Total Incidents Reported for Date: 2

February 25, 2025

2025-00098 ARLINGTON ROAD/TRIGGS SIGNAL 53A - PROPERTY DAMAGE ACCIDENT 02/25/2025 02/25/2025
 ROAD
 BROOKVILLE PD EXCEPTIONALLY CLEARED

Offenses UCR Offense Description
 2 N/A 4510.11B - LICENSE RESTRICTION VIOLATION
 N/A 451141 - RIGHT OF WAY AT INTERSECTION

2025-00100 94 CHURCH ST SIGNAL 11 - FRAUD 02/25/2025 02/25/2025
 BROOKVILLE PD EXCEPTIONALLY CLEARED

Offenses UCR Offense Description
 1 01 291342 - Tampering with records

2025-00101 812 SALEM STREET SIGNAL 46 - UNRULY JUVENILE 02/25/2025
 BROOKVILLE PD OPEN CASE

Offenses UCR Offense Description
 1 02 2151022A - Juvenile - incorrigible, habitually disobedient

Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
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Total Incidents Reported for Date: 3

February 26, 2025

2025-00102	301 SYCAMORE BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	02/26/2025		OPEN CASE
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Offenses UCR Offense Description
1 02 26I - INFORMATION REPORT

Total Incidents Reported for Date: 1

Total Selected = 16

MEMORANDUM:

DATE: FEBRUARY 25, 2025

TO: CITY OF BROOKVILLE CITY COUNCIL

FROM: RODNEY L. STEPHAN, LAW DIRECTOR

RE: CHARTER REVIEW COMMISSION

Section 11.02 of the Charter of the City of Brookville provides that the charter may be amended or repealed by the voters as provided by the Constitution of Ohio. Article XVIII, Section 9 of the Ohio Constitution provides that amendments to a charter may be submitted to the electors of a municipality by a two-thirds vote of the legislative authority, and upon petitions signed by ten percent of the electors of the municipality setting forth such proposed amendment.

The Charter does not include a specific provision providing for a charter review commission or committee. Section 7.06 provides that City Council may create boards and commissions as it deems necessary, and may provide for their organization, membership, method of appointment, terms of office of members, and powers, duties, and functions by ordinance or resolution. Under Section 7.07(B), all members of boards or commissions shall be electors of the municipality at the time of their appointment and during their tenure in office.

City Council may by resolution or ordinance create a charter review commission to review the charter, and to make recommendations to City Council regarding proposed charter amendments. Upon receipt of the recommendations of the commission, the proposed charter amendments would then be submitted to the electors of the City if at least two-thirds of the City Council members approved submitting the proposed amendment to the voters.

In terms of the composition of the Charter Review Commission, these boards typically have 5, 7, or 9 members. These commissions typically operate for a period of one year to review the charter and to make

recommendations to City Council for charter amendments. The commission meetings are public meetings that are subject to Ohio sunshine law.

The next step in this process would be to pass a resolution or ordinance establishing the Charter Review Commission and providing bylaws for its operation.

MEMORANDUM:

DATE: FEBRUARY 25, 2025

TO: CITY OF BROOKVILLE CITY COUNCIL

FROM: RODNEY L. STEPHAN, LAW DIRECTOR

RE: DESIGNATED OUTDOOR REFRESHMENT AREA (DORA)

A Designated Outdoor Refreshment Area, or DORA, is a specified area of land that a local legislative authority has designated as exempt from certain open container provisions as set forth in Ohio Revised Code Section 4301.82.

The executive officer of the municipal corporation may file an application with the legislative authority of the municipal corporation to have property within the municipal corporation designated as an outdoor refreshment area or to expand an existing outdoor refreshment area to include additional property within the municipal corporation.

The application shall include all of the following information:

- (1) A map or survey of the proposed outdoor refreshment area in sufficient detail to identify the boundaries of the area, which shall not exceed 320 contiguous acres if the municipal corporation has a population of fifty thousand or less.
- (2) A general statement of the nature and types of establishments that will be located within the proposed outdoor refreshment area.
- (3) A statement that the proposed outdoor refreshment area complies with division (D) of ORC 4301.82 which provides that a municipal corporation of fifty thousand or less shall not create more than three outdoor refreshment areas. Any outdoor door refreshment area in a municipal corporation of fifty thousand or less shall have at least two qualified permit holders located in the area.
- (4) Evidence that the uses of land within the proposed outdoor refreshment area are in accord with the master zoning plan or map of the municipal corporation.

(5) Proposed requirements for the purpose of ensuring public health and safety within the proposed outdoor refreshment area.

Within forty-five after the date the application is filed with the legislative authority, the legislative authority shall publish public notice of the application in one newspaper of general circulation in the municipal corporation. The notice shall state that the application is on file in the office of the clerk of the municipal corporation and is available for inspection by the public during regular business hours. The notice shall also indicate the date and time of any public hearing to be held regarding the application.

Not earlier than thirty but not more than sixty days after the initial publication of notice, the legislative authority shall approve or disapprove the application by either ordinance or resolution. Upon approval of the application by the legislative authority, the territory described in the application constitutes an outdoor refreshment area. The legislative authority shall provide to the division of liquor control and the investigative unit of the department of public safety notice of approval of the application and a description of the area specified in the application. After review of the DORA to determine that it meets the requirements for a DORA, the division of liquor control shall issue an outdoor refreshment area designation to each qualified permit holder within the refreshment area.

At the time of creation of a designated outdoor refreshment area, the legislative authority shall adopt an ordinance or resolution that establishes requirements the legislative authority determines necessary to ensure public health and safety in the area. The legislative authority shall include in the ordinance or resolution all of the following:

- (a) The specific boundaries of the area, including street addresses;
- (b) The number, spacing, and type of signage designating the area;
- (c) The hours of operation for the area;
- (d) The number of personnel needed to ensure public safety in the area;
- (e) A sanitation plan that will help maintain the appearance and public health of the area;
- (f) The number of personnel needed to execute the sanitation plan;

(g) A requirement that beer and intoxicating liquor be served solely in plastic bottles or other non-glass containers in the area.

Five years after the date of creation of an outdoor refreshment area, the legislative authority shall decide to either approve continued operation of the area or dissolve the area.

I have provided a DORA plan from Troy as an example of the application for DORA. Most DORA plans are similar, but there are variations from jurisdiction to jurisdiction, particularly in the hours of operation of the DORA.

With respect to creating a DORA in Brookville, the staff is recommending creating our first DORA in the Community Center district to help promote the businesses in the Market Street area. The Community Center district extends from the south side of Main Street to the north side of Hay Ave., and from Wolf Creek Street to the Bikeway. The zoning in the area will support the DORA application. There are currently three D permits in the area which is sufficient to qualify for the DORA.

A tentative schedule for establishing the DORA in the Community Center District would be as follows:

- (1) Completion by City Staff of the application and filing the application with City Council-2 to 4 weeks
- (2) Public Notice of the application and date and time of public hearing
- (3) Within 30 to 60 days after publication of the public notice, complete City Council approval of the DORA

In preparing the application, the City Staff would hold meetings with businesses in the proposed DORA area to discuss the proposed DORA and its operation.

**APPLICATION TO THE TROY CITY COUNCIL
DOWNTOWN TROY
DESIGNATED OUTDOOR REFRESHMENT AREA
ORC 4301.82**



The Office of the Director of Public Service and Safety for the City of Troy, Ohio respectfully submits the following application to the Troy City Council to approve and enact a Designated Outdoor Refreshment Area in Downtown Troy in accordance with ORC 4301 .82.

Submitted: February 9, 2021

By: Robin V. Oda Mayor

By: [Signature] Director of Public Service and Safety

I. INTRODUCTION AND SUBMITTAL OF APPLICATION

The Office of the Director of Public Service and Safety of Troy respectfully submits the following application to City Council of Troy, Ohio to approve and establish a Designated Outdoor Refreshment Area (hereinafter "DORA"), pursuant to Ohio Revised Code ("ORC") § 4301.82. The proposed application meets all the state requirements.

Effective April 30, 2017 Section 4301.82 of the Ohio Revised Code authorizes municipalities under 35,000 in population to create Designated Outdoor Refreshment Areas or "DORAs." A DORA is an area where the open carry restrictions do not apply at particular hours, and adults are permitted to possess and consume alcohol in public, with certain restrictions. In order to consider the creation of a DORA, the Director of Public Service and Safety must file an application with City Council which meets certain statutory requirements outlined below. The application filing must be advertised for two consecutive weeks in a newspaper of general circulation. Not earlier than 30 days, but not later than 60 days, after the initial publication of the notice, City Council may approve or disapprove of the application by ordinance or resolution.

The Downtown business community in coordination with Troy Main Street submitted a letter on July 7, 2020 to the Troy City Council proposing the creation of a DORA in Downtown Troy. The creation of a DORA will provide additional economic enhancement for attracting patrons to Downtown Troy and highlight the area as a destination for dining and entertainment. Over the past six months, Troy Main Street and city staff have engaged the downtown community stakeholders for input and feedback on the DORA concept. In addition, the City surveyed 25 DORA communities across the State of Ohio to obtain feedback on their experiences with a DORA. The survey results and community engagement expressed general support for the concept to pursue the creation of DORA.

The purpose of this application is to request that the City Council create and approve a Designated Outdoor Refreshment Area (DORA) in the City of Troy. The application includes the following sections:

SECTION II.	BOUNDARY MAP OF THE PROPOSED DORA
SECTION III.	NATURE AND TYPES OF ESTABLISHMENTS
SECTION IV.	QUALIFIED PERMIT HOLDERS
SECTION V.	LAND USE AND ZONING
SECTION VI.	SAFETY PLAN
SECTION VII.	PUBLIC HEALTH PLAN
SECTION VIII.	SIGNAGE PLAN
SECTION IX.	DORA RULES OF OPERATION

II. BOUNDARY MAP OF THE PROPOSED DORA

In accordance with ORC 4301.82(B)(1)(b), the boundaries of the DORA are depicted in the map provided in **Exhibit A**. The map includes a list of establishments that have the required Class A and D liquor permits within the area. Currently, fourteen (14) establishments have been identified that qualify to be included in the DORA. The proposed DORA boundary encompasses 20.24 acres in size which is below the

requirements of the area being 150 acres or less. The following is the list of street addresses of real property included within the specific boundaries of the DORA.

<u>Street Name</u>	<u>Address Range</u>	<u>Even/Odd</u>
W. Water St.	9-201	Even & Odd
E. Water St.	3-301	Even & Odd
N. Crawford St.	34	Even
W. Main St.	2-220 ½	Even & Odd
E. Main St.	1-124	Even & Odd
W. Franklin St.	1-17	Odd
E. Franklin St.	10-50	Even
N. Cherry St.	20	Even & Odd
S. Cherry St.	5-19	Even & Odd
N. Walnut St.	9-31	Even & Odd
S. Walnut St.	17-21	Even & Odd
N. Market St.	2-113	Even & Odd
S. Market St.	4-235	Even & Odd
NE Public Square	1-201 ½	Odd
NW Public Square	101	Odd
SE Public Square	217-305 ½	Odd
SW Public Square	319-405	Odd

III. NATURE AND TYPES OF ESTABLISHMENTS

In accordance with ORC 4301.82(B)(2), the nature and types of establishments that will be within or adjacent to the DORA are primarily businesses in the retail, restaurant, entertainment and services sectors.

Within the DORA, the majority of the buildings have businesses consisting of retail, restaurants and commercial services on their first floor. The upper-level floors have a mixture of office space and residential units. There are also institutional uses typical of a historic downtown such as the Troy Historic Public Library, Troy City Hall, Troy Police Department, and city-owned park land.

Examples of the retail, restaurant, service, and institutional establishments located in the DORA:

RETAIL	
Establishment	Address
Echo Boutique	101 S. Market St.
Pachamama Market	116 S. Market St.
Poppy Lane Boutique	103 S. Market St.
Three Weird Sisters	15 S. Market St.

FINANCE/SERVICE COMMERCIAL	
Establishment	Address
AllState Insurance	220 W. Main St.
Benefits Analysis Corporation	101 W. Water St.
Carr Insurance Group	115 S. Market St.
Edward Jones	101 Public Square

DINING	
Establishment	Address
Bakehouse Bread & Cookie Company	317 Public Square
Basil's on Market	18 N. Market St.
Submarine House	14 N. Market St.
The Caroline	5 S. Market St.

INSTITUTIONAL/GOVERNMENT	
Establishment	Address
Miami County Safety Building	201 W. Main St.
Troy City Hall	100 S. Market St.
Troy Police Department	124 E. Main St.
Historical Library	100 W. Main St.

Residential housing within the DORA is limited and consists primarily of urban apartments and the Metropolitan Housing Authority units which exists within the Central Business District. There are a limited number of single-family residential units along the periphery of the DORA.

IV. QUALIFIED PERMIT HOLDERS

In accordance with ORC 4301.82(B)(3), the DORA will encompass not fewer than four qualified permit holders as defined by ORC § 4301.82 (A). The City of Troy has identified 14 qualified permit holders that will likely be included in the DORA, which are identified as follows:

PERMIT NO.	PERMIT HOLDER	DBA	ADDRESS	PERMIT CLASS
6548218	111 W Water LLC	Brewery 1st & 2nd Fl Westside Only	111 W. Water St.	D5
6551088	116 West Main LLC	Tavern	116 W. Main St.	D1, D2, D3, D3A
08984010833	Bpoe Lodge0833 Troy	Elks	17 W. Franklin St.	D4
41529790222	Iorm Tribe0222 Tonquas	Redmen	103 1/2 E. Main St.	D4
90782710005	Troy Meat Shop LLC	Harens Market 1st & 2nd Fl & Bsmt	2 E. Main St.	D1, D2
6083150	Mojo Enterprises LLC	Mojos Bar & Grill 1st Fl & Bsmt	107-109 E. Main St.	D5
0006177	Agave & Rye Troy LLC	Agave & Rye	2 N Market St.	D1, D2, D3, D3A, D6
6253015	Music & Spirits LLC	Leaf & Vine 1st Fl Bsmt & Mezzanine & Patio	108 W. Main St.	D1, D2, D3, D3A
8311412	Steve & Melanie Smith LLC	The Caroline 1st Fl Patio & Mezzanine	5 S. Market St.	D1, D2, D3, D6
8652655	Studio 14 Creative Arts Center LLC	Studio 14 Creative Arts Center	8 N. Market St.	D2
86730300006	Submarine Tyme LLC	Submarine House No 6	14 N. Market St.	D5, D6
8774977	Tabernacle Brewing Company LLC	Moeller Brew Barn	214 W. Main St.	A1A, A1C
9138509	Todd M Uhlir	Basils on Market	18 N. Market St.	D5, D6
89587650005	Tokyo Peking Restaurant INC	Tokyo Peking Restaurant 1st Fl & Bsmt	3 N. Market St.	D5

V. LAND USE AND ZONING

In accordance with ORC 4301.82(B)(4), the land uses within the DORA are zoned B-3 Central Business District (CBD), B-1 Local Retail District, B-2 General Business District, OR-1 Office-Residential District, R-7 Multiple Family District and M-2 Light Industrial District and are in accordance with the City of Troy Comprehensive Plan as provided for in **Exhibit B**.

The Troy Comprehensive Plan designates the CBD as the Downtown District with the primary focus to preserve and enrich Downtown Troy. This designation's objective is to maintain, enhance, and grow the Downtown District as a vibrant, mixed-use gathering place and cultural center with an emphasis on retail, arts, and entertainment uses. The Downtown District maintains a highly urban, pedestrian-focused environment through building and streetscape.

The 2017 Troy Downtown Riverfront Strategic Development Study identifies key initiatives to maintain and enhance the special character of Troy's downtown and riverfront corridor, protect its sense of place, encourage investments, and create a dynamic commercial and residential district by attracting residents and visitors to enjoy downtown by creating additional programs to enhance local businesses and existing events. The properties within the proposed DORA are located within, or surround, the Central Business District which exemplifies the mixed-use development pattern within Downtown Troy.

The creation of a DORA in downtown Troy aligns with the City's Comprehensive Plan and objective to define this area as a popular destination for dining and entertainment within the City. The DORA is focused around the Central Business District wherein restaurants, bars, taverns, brewpubs and microbreweries are permitted uses and may operate under the current regulations.

VI. SAFETY PLAN

In accordance with ORC § 4301.82 (B)(5) and (F)(l)(d), a Safety Plan has been developed to ensure public safety in the DORA, off-street parking requirements will be enforced a copy of which is attached hereto as **Exhibit C**. The Safety Plan can be executed with existing staff per **Exhibit C**.

VII. SANITATION PLAN

In accordance with ORC § 4301.82 (B)(5), (F)(l)(e), and (F)(l)(f), a Sanitation Plan has been developed that will help maintain the appearance and public health of the area within the DORA. A copy is attached hereto as **Exhibit E**. The Sanitation Plan can be executed with existing staff.

VIII. SIGNAGE PLAN

In accordance with the ORC § 4301.82 (F)(l)(b), a minimum of twenty-four (24) signs will be displayed throughout the boundary of the DORA as depicted on attached **Exhibit D**. Boundary signs will be located at street intersections along the boundary of the DORA. The location and spacing of the signs are shown on attached **Exhibit E**.

Each establishment that is not a qualified permit holder will display a green or red sign that either accepts or prohibits DORA drinks. The signs are depicted on attached **Exhibit D**.

IX. RULES OF OPERATION

A. Hours of Operation

In accordance with ORC § 4301.82 (F)(1)(c), the hours of operation for the DORA will be Thursday, Friday, and Saturday from 12:00 p.m. (noon) to 10:00 p.m.

The applicant requests that City Council reserve the right to temporarily suspend DORA operations in order to accommodate the permitting of special events that may occur within the boundaries of the DORA.

B. Official DORA Cup

In accordance with ORC § 4301.82 (F)(1)(g), beer, wine, and intoxicating liquor shall only be consumed within the DORA as follows:

Beer, wine, and intoxicating liquor shall only be served and consumed within the DORA in the specifically designated plastic cup approved by the City (the "Official Cup"). The Official Cup will be distinctly marked, as on attached **Exhibit D**. No other container will be permitted. Used cups must be empty or disposed of before entering any establishment of a qualified permit holder.

C. Additional Requirements

In accordance with ORC § 4301.82 (B)(5), and in conjunction with other rules, standards and requirements set forth in this application, additional rules and requirements for the purpose of ensuring public safety and health within the DORA are as follows:

1. A person may have in the person's possession an open container of beer, wine, or intoxicating liquor at an outdoor location within the DORA if the open container of beer, wine, or intoxicating liquor was purchased from a qualified permit holder to which following applies:

- a. The permit holder's premise is located within the DORA; and
- b. The permit held by the permit holder has an outdoor refreshment area designation; and
- c. The open container consists of an official DORA cup.

2. No person shall do any of the following:

- a. Enter the premises of an establishment of a qualified permit holder within the DORA while possessing an open container of beer, wine, or intoxicating liquor acquired elsewhere, or
- b. Possess an open container of beer, wine, or intoxicating liquor while being in or on a motor vehicle within the DORA, unless the possession is otherwise authorized under division (D) or (E) of ORC § 4301.62.

EXHIBIT A: DORA BOUNDARY

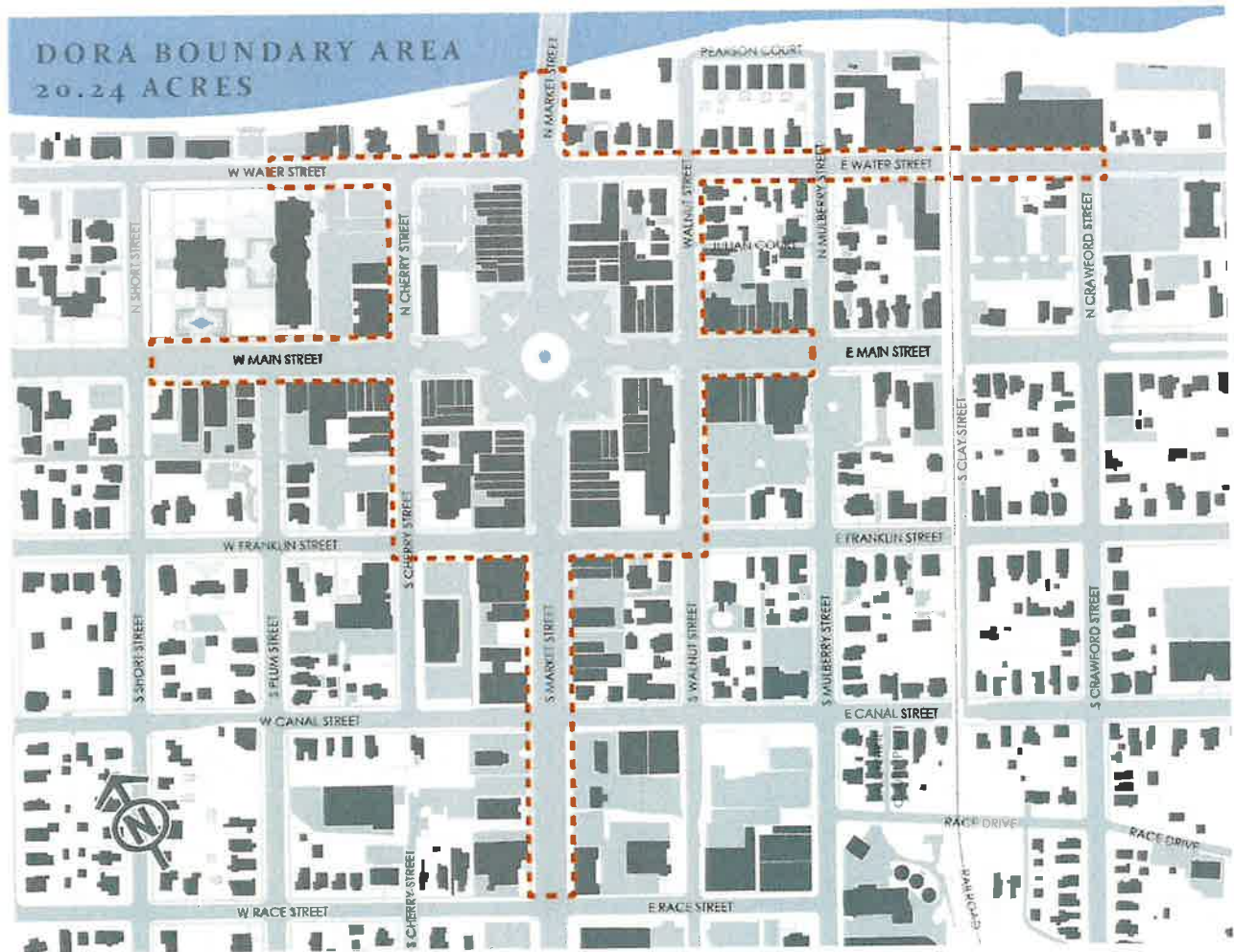


EXHIBIT B: OFFICIAL ZONING MAP OF DORA

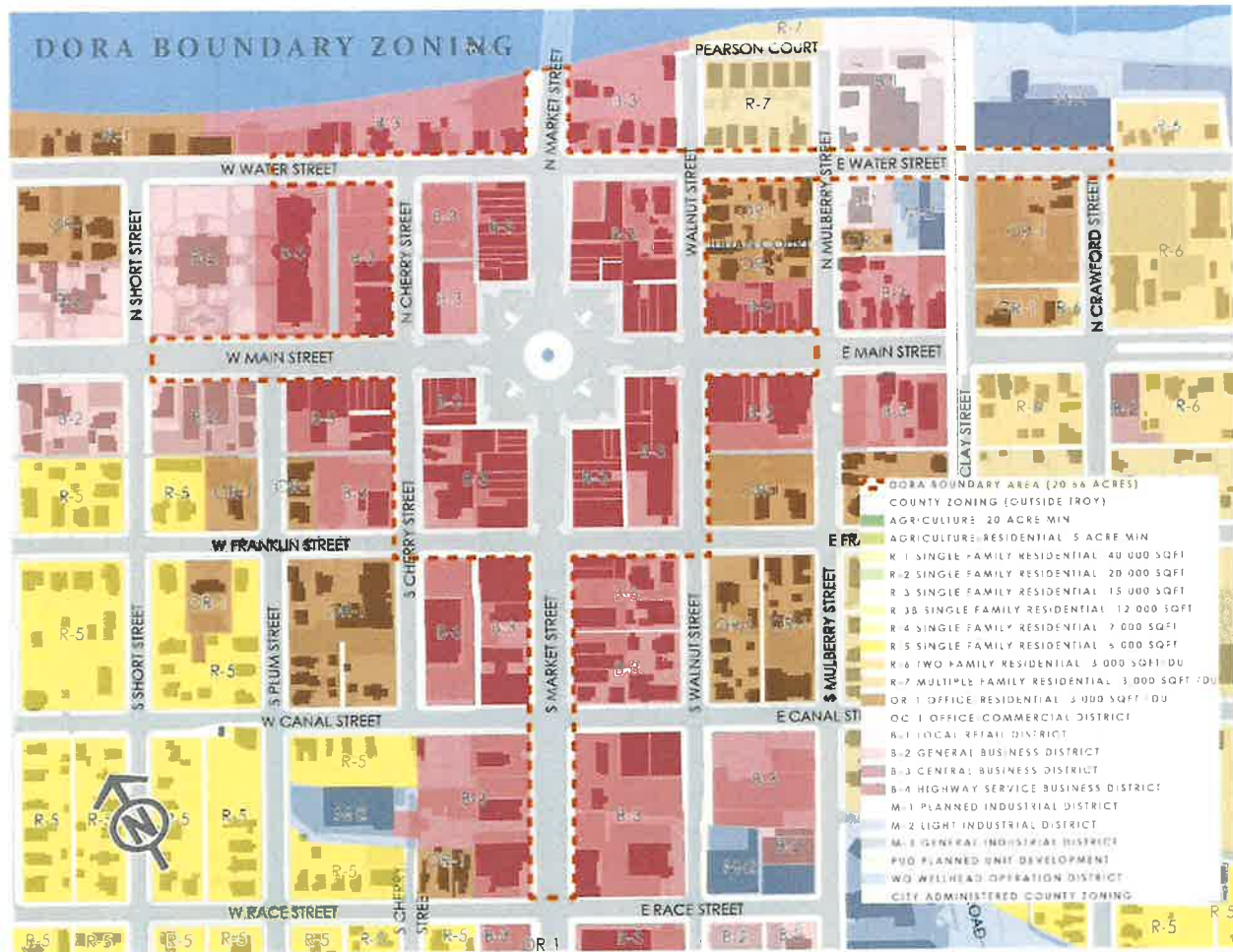


EXHIBIT B: COMPREHENSIVE PLAN (APPENDIX L): 2017 TROY DOWNTOWN RIVERFRONT STRATEGIC DEVELOPMENT STUDY

0-2 YEARS INFILL DEVELOPMENT & KEY PUBLIC SPACES



The priorities laid out by the City of Troy and its public stakeholders were clear: address the negative perception of Troy as a dead city, improve connections to transit, and take advantage of key development sites such as those near the new Luma Building and the former Habitat 67 site on West Main Street.

Over the next five years, the City of Troy will focus on commercial and residential infill development to build off momentum being created by the Luma development, the Kettering Hospital expansion, and the proposed redevelopment of the Columbus-Sanderson (CASS) Building. Effort will be made to build off momentum being created by the Luma development, the Kettering Hospital expansion, and the proposed redevelopment of the Columbus-Sanderson (CASS) Building. Effort will be made to build off momentum being created by the Luma development, the Kettering Hospital expansion, and the proposed redevelopment of the Columbus-Sanderson (CASS) Building.

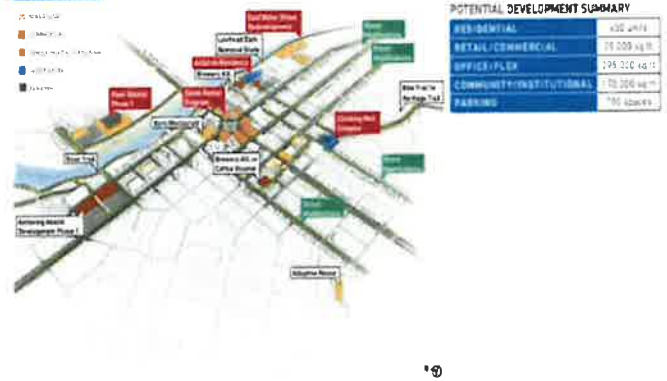
One of the key priorities of the City of Troy is to create a structure that allows for adaptive reuse of existing structures to be considered. New structures, both residential and commercial, will be built to accommodate a number of uses and reflect the character of the downtown area. Potential opportunities along River Street and Canal Street present the largest critical mass of this type of development through other opportunities throughout Downtown Troy.

While many opportunities are available, investments in public space can be made by both public and private interests. A community garden, open to the public, is a key opportunity to create a sense of community and provide a space for residents to connect with each other.

POTENTIAL DEVELOPMENT SUMMARY

RESIDENTIAL	250 units
RETAIL/COMMERCIAL	10,000 sq ft

2-5 YEARS RECOUNT & ATTRACT AMENITIES AND ANCHORS



The second investment horizon for Downtown Troy is in the two to five year time frame. The work accomplished in the first phase will drive the second phase of development. This work will focus on recount and attract amenities and anchors that will drive up Troy's ability to retain and attract residents, a talented and creative workforce, and employers.

Around this time, the new Kettering Health Network will have its first phase of development complete. This will anchor Downtown's medical side with the proposed Kettering Health Network's new C-12 plant, connecting it through the downtown core and eastward to the former Habitat 67 site where the Troy Truck Yard and City Street Arts Park are planned. See 0-2 years.

This period of initial investment will attract two to five year investments along and adjacent to it. This includes a mixed-use development in the former Habitat 67 site, a potential redevelopment of the Columbus-Sanderson (CASS) Building, and development of the Kettering Health Network's new C-12 plant. This work will focus on recount and attract amenities and anchors that will drive up Troy's ability to retain and attract residents, a talented and creative workforce, and employers.

5-10 YEARS INVEST AT EDGES, GROW AT HEART



POTENTIAL DEVELOPMENT SUMMARY

RESIDENTIAL	275 units
RETAIL/COMMERCIAL	5,000 sq ft
COMMUNITY/INSTITUTIONAL	30,000 sq ft
PARKING	300 spaces

Years zero-to-five set the stage for larger investment in the five-to-ten year window. These investments will be focused on growing the heart of Downtown while bringing online initiatives at the periphery of Downtown to expand the level of connectivity from surrounding neighborhoods to and from a growing downtown core.

In this window of time, the Kettering Health Network hospital campus is planned to be complete. The balance of the River District north of the Great Miami could be completed. Large infill development sites around the Public Square and near the hospital might be realized, and a dedicated, iconic pedestrian bridge may be built to connect Downtown directly to its new River District.

EXHIBIT C

In accordance with ORC 4301.82(B)(5), the proposed requirements for the purpose of ensuring public safety within the Designated Outdoor Refreshment Area (DORA) are as follows:

PUBLIC SAFETY PLAN

City of Troy Police Department and Fire Department will be responsible for providing public safety within the DORA through law enforcement and fire/EMS services.

Law Enforcement Responsibilities

The Troy Police Department will be responsible for providing law enforcement services within the DORA. The Police Department Headquarters is located within the DORA boundary. Patrol Supervisors will monitor the DORA area during routine patrols. The safety plan will be analyzed and adjusted as needed.

In the event that an above-average number of people are in the DORA, the on-duty supervisor may assign additional officers and/or assign an officer to specifically patrol the DORA. The use of foot patrol and bicycle patrol will be considered as alternate methods of patrolling in the DORA.

For planned events in the DORA that may draw a larger than normal attendance, the Chief of Police may have additional officers and/or other agency personnel assigned specifically to the DORA.

Fire/EMS Responsibilities

The Troy Fire Department will be responsible for providing Fire, Rescue, and EMS within the DORA. Station One is currently located on the periphery of the DORA boundary. Estimated response time would be between two and three minutes to any area within the DORA.

For planned events in the DORA that may draw larger than normal attendance, the Fire Chief may stage personnel and/or equipment in a location within or near the DORA to allow for an immediate response.

Downtown Public Parking Map



EXHIBIT D



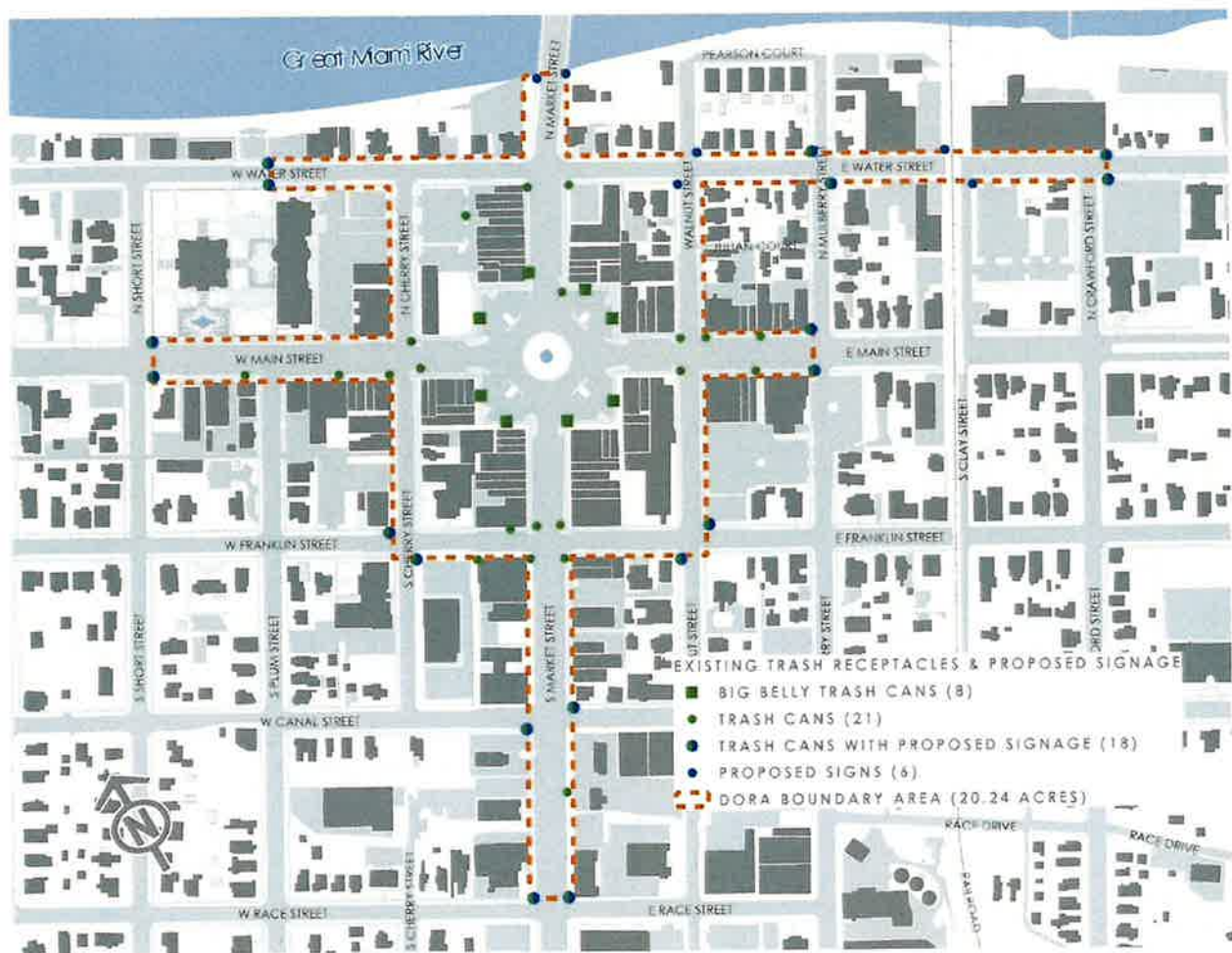
EXHIBIT E

In accordance with ORC 4301.82(B)(5), the proposed requirements for the purpose of ensuring public health within the Designated Outdoor Refreshment Area (DORA) are as follows:

SIGNAGE & SANITATION PLAN

City of Troy Street Department and Park Department personnel will be responsible for maintaining the appearance and public health within the DORA through trash collection, street sweeping, routine maintenance and signage placement.

Exhibit E shows that there are currently forty-seven (47) permanent trash receptacles (shown in green and half-green-half-blue) placed throughout and along the DORA boundary serviced multiple times per week. The City is proposing the installation of eighteen (18) signs on the existing trash receptacles (shown in half-green-half-blue) and an additional six (6) signs throughout the DORA to mark the boundaries (shown in blue). The City's Street and Park Departments will monitor and empty full litter receptacles Friday, Saturday, and Sunday mornings in addition to the regular pick up schedule. The Street Department will coordinate the installation of additional signage if needed.



RESOLUTION 25-01

A RESOLUTION TO CONTINUE PARTICIPATION IN A MULTIJURISDICTIONAL HAZARD MITIGATION PLAN IN CONJUNCTION WITH THE MONTGOMERY COUNTY OFFICE OF EMERGENCY MANAGEMENT.

WHEREAS, there currently exists between the City of Brookville, Ohio and the Board of Commissioners of Montgomery County, Ohio, an agreement that the County, through its Office of Emergency Management, shall provide emergency management for the City in conjunction with a countywide coordinated program; and

WHEREAS, through this countywide coordinated program, the Montgomery County Office of Emergency Management has developed the 2024 Montgomery County Natural Hazard Mitigation Plan that includes all hazards to which Montgomery County and its municipalities are susceptible as per Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

WHEREAS, goals, objectives and strategies to mitigate against the hazards that have been identified in the County, including the City of Brookville, have been developed; and

WHEREAS, mitigation measures for the City and surrounding areas have been analyzed and prioritized; and

WHEREAS, Montgomery County stakeholders have reviewed the 2024 Montgomery County Natural Hazard Mitigation Plan.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BROOKVILLE, STATE OF OHIO:

That this Council hereby adopts and plans to implement the actions prescribed in the 2024 Montgomery County Natural Hazard Mitigation Plan, which is on file in the Office of the Director, Montgomery County Office of Emergency Management.

Section I: This Resolution shall take effect and be in force thirty (30) days after passage as provided by the Charter of the City of Brookville.

PASSED this _____ day of _____, 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 Resolution No. 25-01, passed by the Council of the City of Brookville, Ohio, on the _____ day of _____, 2025.

KIMBERLY DUNCAN, CLERK

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Resolution No. 25-01 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the _____ day of _____, 2025, to the _____ day of _____, 2025, both days inclusive.

KIMBERLY DUNCAN, CLERK

ORDINANCE NO. 2025-05

AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY OF BROOKVILLE, OHIO.

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, Council has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council in the form of replacement pages to the Codified Ordinances;

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

SECTION I: The ordinances of the Municipality of Brookville, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the December 2024 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

SECTION II: The following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

301.35	School Bus. (Amended)
303.01	Compliance with Lawful Order of Police Officer; Fleeing. (Amended)
303.083	Impounding Vehicles on Public Property. (Amended)
303.991	Committing an Offense While Distracted Penalty. (Amended)
331.38	Stopping for School Bus; Discharging Children. (Amended)
331.45	Restrictions on the Operation of School Buses. (Added)
333.03	Maximum Speed Limits; Assured Clear Distance Ahead. (Amended)
333.07	Street Racing, Stunt Driving and Street Takeovers Prohibited. (Amended)
333.09	Electronic Wireless Communication Device Use Prohibited While Driving. (Amended)
337.16	Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights. (Amended)
337.26	Child Restraint System Usage. (Amended)
337.32	Lights and Sign on Transportation for Preschool Children. (Added)
341.04	Commercial Drivers Prohibitions. (Amended)
341.05	Criminal Offenses. (Amended)
351.04	Parking Near Curb; Handicapped Locations on Public and Private Lots and Garages. (Amended)

General Offenses Code

501.01	General Provisions and Penalty Definitions. (Amended)
505.22	Rights of Blind, Deaf or Hearing Impaired, or Mobility Impaired Person, or Trainer with Assistance Dog. (Added)
509.06	Inducing Panic. (Amended)
509.09	Impeding Public Passage of an Emergency Service Responder. (Added)
513.01	Drug Abuse Control Definitions. (Amended)
513.02	Gift of Marihuana. (Amended)
513.16	Adult Use Cannabis Control; Limitations on Conduct by Individuals. (Added)
529.07	Open Container Prohibited. (Amended)
533.03	Unlawful Sexual Conduct with a Minor. (Amended)
533.04	Sexual Imposition. (Amended)
533.08	Procuring; Engagement in Sexual Activity for Hire. (Amended)
537.02	Vehicular Homicide and Manslaughter. (Amended)
537.021	Vehicular Assault in a Construction Zone. (Amended)
537.03	Assault. (Amended)
537.12	Misuse of 9-1-1 System. (Amended)
537.16	Illegal Distribution of Cigarettes, Other Tobacco Products, or Alternative Nicotine Products; Transaction Scans. (Amended)
549.10	Possessing Replica Firearm in School. (Amended)
549.12	Concealed Handgun Licenses; Possession of Revoked or Suspended License; Additional Restrictions; Posting Signs Prohibiting Possession. (Added)

SECTION III: The complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

SECTION IV: This Ordinance will take effect immediately upon passage as provided in Section 4.07(A)(4) of the Charter of the City of Brookville, Ohio.

PASSED this _____ day of _____, 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. 2025-05, passed by the Council of the City of Brookville, Ohio, on the _____ day of _____, 2025.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2025-05 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the _____ day of _____, 2025, to the _____ day of _____, 2025, both days inclusive.

Kimberly Duncan, Clerk

MEMORANDUM:

DATE: FEBRUARY 25, 2025

TO: CITY OF BROOKVILLE CITY COUNCIL

FROM: RODNEY L. STEPHAN, LAW DIRECTOR

RE: ORDINANCE 2025-06-AMENDING CHAPTER 1141 COMMUNITY CENTER DISTRICT

Ordinance 2025-06 is on the March 4, 2025 City Council agenda for a first reading. Ordinance 2025-06 amends the text of Section 1141.02(a)(2) of the Community Center District to remove tobacco shops and pawn shops from the list of permitted uses. The ordinance also amends Section 1141.02(a)(14) to provide that the following uses are expressly prohibited in the Community Center District: Tobacco, smoke and vape shops, check cashing stores, and pawn shops.

Planning Commission reviewed the proposed text amendments to the Community Center District at the February 20, 2025 Planning Commission meeting and made an initial recommendation to City Council to approve these text amendments.

A public hearing on this zoning text amendment will be held on April 1, 2025 at 8:00 pm, as required by Section 4.11 of the Charter of the City of Brookville, to consider public comment on the proposed Ordinance 2025-06 amending the zoning code for the Community Center District.

ORDINANCE 2025-06

AN ORDINANCE AMENDING CHAPTER 1141 COMMUNITY CENTER DISTRICT OF THE CITY OF BROOKVILLE, OHIO.

WHEREAS, Chapter 1141 (CC) Community Center District of the Code of Ordinances provides zoning regulations for the Market Street business district in the City of Brookville.

WHEREAS, the Planning Commission and City Council desire to amend Chapter 1141.02(a) to prohibit certain uses in this district and thereby preserve the historic character of the district.

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: Section 1141.02(a) of the Code of Ordinances is hereby amended and replaced by Section 1141.02(a) 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 _____ day of _____, 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. 2025-06, passed by the Council of the City of Brookville, Ohio, on the _____ day of _____, 2025.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2025-06 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the _____ day of _____, 2025, to the _____ day of _____, 2025, both days inclusive.

Kimberly Duncan, Clerk

EXHIBIT "A"

1141.02 USES.

(a) Permitted Uses.

(1) Department Stores

(2) Establishments engages in the retail trade of drugs, art, book and stationary shops, bicycle stores including rental and repair, apparel stores including specialty shops, florist shops, antique shops, sporting goods stores, coin and stamp stores, jewelry stores, gift shops, food stores, grocery stores, meat market, bakery goods sales, candy and ice cream shops and delicatessens, hobby shops, interior decorating shops, leather goods and luggage stores, second hand stores, shoe stores and repair shops, variety stores, optical goods, furniture, home furnishings and appliance stores.

(3) Eating and drinking-restaurants or other places serving food and/or beverage except drive-ins.

(4) Hardware and related stores such as paint, wallpaper, and similar uses.

(5) Establishments engaged primarily in the field of finance, insurance, and real estate; banks, excluding drive-in type; credit agencies other than banks; investment companies, real estate, insurance companies.

(6) Establishments engaged in providing a variety of personal services to individuals, such as: barber and beauty shops, and shoe repair.

(7) Medical and other health services.

(8) Employment agencies, miscellaneous business services such as advertising, accounting, auditing and bookkeeping services.

(9) Engineering and architectural services.

(10) Non-profit professional, charitable, service and labor organizations.

(11) Schools-music, dance and business, clothing and costume rental stores, photographer's or artist's studio.

(12) Radio and television broadcasting studios.

(13) Travel bureaus and ticket offices.

(14) Other uses, which in the opinion of the Planning Commission are similar to the above uses indicated as being permitted, provided, however, that the following uses are expressly prohibited in the Community Center District: Tobacco, smoke and vape shops, check cashing stores, and pawn shops.

(15) Accessory buildings incidental to the principal use. Regulations governing accessory facilities and uses are specified in Chapter 1157.

MEMORANDUM:

DATE: FEBRUARY 25, 2025

TO: CITY OF BROOKVILLE CITY COUNCIL

FROM: RODNEY L. STEPHAN, LAW DIRECTOR

**RE: ORDINANCE 2025-07 ZONING FOR ANNEXED LAND-85.611 ACRES-
UPPER LEWISBURG-SALEM RD.**

Ordinance 2025-07 to establish the zoning classification of Lots 2798, 2799, and 2780 is before City Council for a first reading. This property is 85.611 acres on Upper Lewisburg-Salem Rd. that was annexed to the City of Brookville in 2024. The property was originally zoned General Business (PD) and R-1(A)(PD) by Ordinance 2024-07, but that zoning ordinance was rejected by the voters in the referendum election in November 2024.

Planning Commission has now made an initial recommendation for the zoning classification of the property as a Planned Residential District with specific standards that are set forth in Exhibit "C" to Ordinance 2025-07.

Attached to this memorandum are comments from Keep It Rural regarding the proposed Planned Residential District. Planning Commission did consider those comments during their discussion and initial recommendation of the proposed zoning on the property.

A public hearing will be scheduled for April 1, 2025 at 8:00pm during the City Council meeting to receive public comment on the proposed zoning ordinance.

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 _____ day of _____, 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 _____ day of _____, 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 _____ day of _____, 2025 to the _____ day of _____, 2025, both days inclusive.

Kimberly Duncan, Clerk

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.

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;

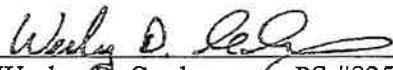
thence, South 89°36'11" West, 875.45 feet, along the north right-of-way line of East Upper Lewisburg Salem Road to the principal place of beginning.

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

Brookville Citizen's for Keep it Rural

Requested Inputs for Proposed Zoning of Lots 2798, 2799, 2800

Unless otherwise noted, the group concurs with the proposal in Exhibit C

1. No general business, no business of any kind
2. 1 acre lot sizes
3. 70% brick or stone, 30% Hardy board, no vinyl siding
4. Lot frontage 125 ft
5. Side yard setback 20 ft
6. 50 ft setback on entire perimeter
 - a. Question: how does this work into lot sizes?
7. 60 ft minimum front yard setback from the center of the street
8. Sidewalk, curbs (curbs stepped, not rolled), gutters paid for by the developer
9. Developer pays for the extension of utilities to the property and in the property