

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2002-28

Passed August 6, YEAR 2002

AN ORDINANCE APPROVING THE FINAL DEVELOPMENT PLAN FOR NEWBURY HOMES, FOR 16.454 ACRES LOCATED ON THE EAST SIDE OF SAWMILL ROAD AND WEST OF LAKES OF POWELL FOR 15 TWO UNIT CONDOMINIUM BUILDINGS (30 UNITS) ON 10.4 ACRES AND AN EXISTING CHURCH ON 6.25 ACRES.

WHEREAS, the Planning and Zoning Commission of the Municipality of Powell has recommended approval of a Final Development Plan for Newbury Homes on June 26, 2002, and;

WHEREAS, Council having determined to accept the recommendation of the Planning and Zoning Commission and finding that the same is in the best interest of the residents of the Municipality of Powell;

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO, AS FOLLOWS:

Section 1: That the Final Development Plan for Newbury Homes, a copy of which is attached hereto and incorporated herein by reference, is approved and adopted by the Municipality of Powell, with conditions as recommended by the Planning and Zoning Commission and amended by the City Council:

1. That the applicant determine the extent of the wetland delineation, provide Staff with a copy of the study, and determine how the applicant intends to mitigate.
2. That Staff approve the layout of underground utilities and that the utilities avoid treed areas.
3. That storm water feasibility calculations be provided to ensure the proposed retention pond is large enough to accommodate the development site, including the church.
4. That the units 3, 10, and 15 be 3-bedrooms units.
5. That the applicant shall have materials and colors approved by Staff.
6. That the zoning of the 1 acre parcel will be effective upon the annexation of the 1 acre parcel.
7. That Staff approve the final condominium association documents to be sure they are consistent with City regulations and this development plan.
8. That assuming that the property owner to the Hwang parcel provides an easement along Zion Drive, that the applicant will be required to install a bikepath to Staff specifications and that the applicant be required to install the bikepath along the frontage of the Hwang property at Sawmill either if the owner provides an easement or if Staff is able to design a bikepath within the existing right-of-way.
9. If the easement is not provided by the owner of the Hwang parcel within a time frame deemed appropriate by the Development Director, but in any event no later than the date of the issuance of the first Certificate of Occupancy, the Development Director shall then at his discretion advise the developer that the easement cannot be obtained and the developer will deliver the sum of fifteen thousand dollars (\$15,000) to the City in lieu of completing the bike path improvement which sum shall be utilized for a bike path or a similar bike path improvement elsewhere in the City.

Section 2: That this approval and adoption constitutes an amendment to the Zoning Map for the Municipality of Powell as it relates to the subject premises and amends its classification to PR, Planned Residence District.

Section 3: That a plat of the subject premises shall be recorded within nine months of the date of adoption of this Ordinance and construction shall commence within two years of adoption of this Ordinance or this plan is null and void and the zoning to said property shall revert to its former district zoning unless an application of a time extension is submitted and approved, which approval may be withheld for good cause.

Section 4: That it is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the Municipality of Powell, Delaware County, Ohio.

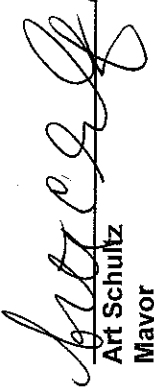
Section 5: That this Ordinance shall take effect on the earliest possible date permitted by law.

VOTE ON RULE SUSPENSION:

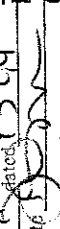
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VOTE ON ORDINANCE NO. 2002-28

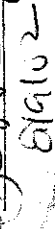
Y 5 N 1 (Lackey)


Art Schultz
Mayor

This ordinance or resolution has been passed in
public places as defined in
Ohio Revised Code, Chapter 153.04
on this date 8/6/02


Dawn Nauman
Clerk of Council

Date


Clerk of Council