

**ORDINANCE 2003-42**  
**Passed August 19, 2003**

**AN ORDINANCE APPROVING THE FINAL DEVELOPMENT PLAN FOR THE WOODS OF POWELL SUBDIVISION, FOR 169 SINGLE FAMILY HOMES ON 134.3 ACRES LOCATED ON THE NORTH AND SOUTH SIDE OF RUTHERFORD ROAD, NORTH OF POWELL PLACE, WEST OF MIDDLEBURY ESTATES, EAST OF THE CSX RAILROAD AND SOUTH OF WYANDOT ELEMENTARY SCHOOL AND AMENDING THE ZONING CLASSIFICATION TO PR, PLANNED RESIDENCE DISTRICT.**

**WHEREAS**, the Planning and Zoning Commission of the Municipality of Powell having recommended approval of the Final Development Plan for the Woods of Powell Subdivision and a Zoning Map Amendment amending the Zoning Classification to PR, Planned Residence District, and

**WHEREAS**, the Final Development Plan and Zoning Map Amendment having been submitted to Council by the Planning and Zoning Commission pursuant to the provisions of Section 1143.11 of the Codified Ordinances of Powell, and

**WHEREAS**, Council having determined the implementation and approval of the Final Development Plan and Zoning Map Amendment which is attached hereto and incorporated herein by reference 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 the Woods of Powell Subdivision which is attached hereto and incorporated herein by reference is accepted and approved by the Council of the Municipality of Powell, subject to the following conditions as recommended by the Planning and Zoning Commission and amended by Council:

1. The utility layout will have to be re-designed because in numerous places they are being shown within scenic easement areas.
2. The overall size and location of the retention pond along Liberty Street should be designed to affect the least number of ornamental trees located in the southern portion of that open space area.
3. Landscaping plans should be developed for all open space areas as needed.
4. The pathway to be constructed in the proposed park should be built to the north property line.
5. Coordinate with the school district the location of other pathways coming into the school sites.
6. Install a pathway along Liberty Road as part of the roadway improvement efforts. Investigate possibility of connecting to pathway in front of Middlebury Estates.
7. Install white three rail fence along Liberty Street and where appropriate on Rutherford Road.
8. That the landscaping plan that is ultimately submitted include screening for the homes that currently front Rutherford and along the elementary school.
9. That the developer is responsible for creating an underpass under Rutherford Road connecting bikepaths. Staff will coordinate with the Delaware County Engineer to accomplish this.
10. That lots 103-107 be converted to a cul-de-sac similar to the lots 108-112.
11. That the property proceed through the V.A.P. under terms approved by Staff and by City legal counsel. The developer is required to remove the debris on the site.
12. That the minimum lot size in the Wallingford tract be 80 feet with the exception of the lots that back to the elementary school which shall be a minimum of 90 feet.
13. That at a minimum, the fronts of all houses have at least 50% brick or stone and the designs are to be approved by staff or the Planning and Zoning Commission at the Final Development Plan stage.
14. That cement fiber siding is an approved material subject to the installation requirements submitted to Commission by M/I Homes.
15. That if the city subsequently approves installation standards for cement fiber siding that are more stringent, then this applicant will be required to meet those standards.
16. That the minimum home square footage for the entire development be 1,900 square foot with the additional requirement that any lot greater than 90 feet at the building line on the Wallingford Tract shall have an additional restriction of a minimum home size of 2,100 sq. ft. That lots 3, 4, 11, and 12 on the Cameron Tract will have a minimum home square footage requirement of 2,100 sq. ft

17. That the scenic easements on lots 12-19 shall be subject to review and approval by Staff and finalized prior to the plat. A 70-foot tree preservation setback will be required on the southern edge of lots 12, 13, 14, 15, 16, 17, 18.
18. That the following sentences be removed from the Development Text, Page 2, Sections 3 (a) "These are the straightest studs available in the market." (b) This oriented strand board is wood....necessity of finding studs." (c) This helps to keep the walls dry and straight.
19. That Page 3, paragraph 8 should read that the minimum side yard setback should be 5 feet per side for lots less than 80 feet, 6 feet per side for lots less than 90 feet but greater than 80 feet, and 8 feet for lots greater than 90 feet.
20. That page 2, paragraph c.1. of the Development Text should indicate that 50% of the front façade of all homes shall be brick or stone.

Section 2: 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 so open to the public in compliance with all legal requirements of the Municipality of Powell, Delaware County, Ohio.

Section 3: That this Ordinance shall take effect on the earliest possible date permitted by law.

VOTE ON RULES SUSPENSION: Y \_\_\_\_\_ N \_\_\_\_\_

VOTE ON ORDINANCE 2003-42: Y 6 N 1 (Lackey)

Art Schultz 9/2/03  
 Art Schultz Date  
 Mayor

Dawn Nauman 9/15/03  
 Dawn Nauman Date  
 Clerk of Council

This ordinance or resolution has been posted in  
 three (3) public places as defined in ordinance  
 9/2/03 dated 9-3-04  
 on this date 9/15/03  
Dawn Nauman  
 Clerk of Council

