

ORDINANCE 2004-03  
Passed January 20, 2004

AN ORDINANCE TO APPROVE AN AMENDMENT TO AN APPROVED DEVELOPMENT PLAN FOR RUTHERFORD ESTATES, FOR 59 SINGLE FAMILY HOMES ON 43.47 ACRES LOCATED ON THE SOUTH SIDE OF RUTHERFORD ROAD WEST OF THE CSX RAILROAD AND AMENDING THE ZONING CLASSIFICATION TO PR, PLANNED RESIDENCE DISTRICT.

WHEREAS, Ordinance 2003-23 approved a Final Development Plan for Rutherford Estates subdivision, and

WHEREAS, the Ordinance included a condition that the applicant add this property to the Liberty Community Infrastructure Financing Authority prior to the engineering plans being signed.

WHEREAS, it has been determined that such time limit is no longer desirable due to the lengthy process involved in adding this property to the Liberty Community Infrastructure Financing Authority.

WHEREAS, Section 1143.11 (r) (1) of the Powell Planning and Zoning Code requires that this amendment is a substantial change from the previously approved development plan and requires City Council to approve such amendment, and

WHEREAS, on January 14, 2004, the Planning and Zoning Commission reviewed this amendment to the approved development plan and recommended approval.

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

Section 1: That condition 14 identified in Section 1 of Ordinance 2003-23, which approved the Final Development Plan for Rutherford Estates is hereby amended as follows:

14. That the applicant add this property to the Liberty Community Infrastructure Financing Authority and any conveyance of real property shall contain a restrictive covenant that requires all owners to approve this land being added to the Liberty Community Infrastructure Financing Authority at the first legal opportunity.

Section 2: That 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 the Council and that all deliberations of the Council and any of the decision making bodies of the Municipality of Powell 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.

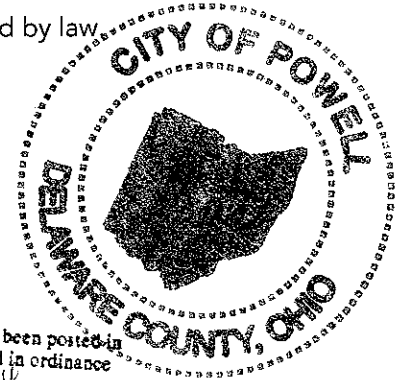
Section 3: That this Ordinance shall take effect at the earliest period allowed by law

VOTE OF RULES SUSPENSION: Y 7 N 0

VOTE ON ORDINANCE 2004-03: Y 7 N 0

Dan Wiencek 2/7/03  
Dan Wiencek Date  
Mayor

Dawn Nauman 2/12/04  
Dawn Nauman Date  
Clerk of Council



This ordinance or resolution has been posted in three (3) public places as defined in ordinance 411 dated 4-2-04 on this date 2/15/04  
Maerson  
Clerk of Council