



## City of Powell, Ohio

ORDINANCE 2008-23

Adopted August 19, 2008

AN ORDINANCE ENACTING SECTION 1147.16 TO PART ELEVEN, TITLE FIVE OF THE CODIFIED ORDINANCES OF POWELL, OHIO (ZONING ORDINANCE OF THE MUNICIPALITY OF POWELL) TO PROHIBIT LARGE NON-RESIDENTIAL RETAIL ESTABLISHMENTS WITHIN THE SAWMILL PARKWAY CORRIDOR.

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

**Section 1:** That Section 1147.16 of the Codified Ordinances of Powell, Ohio, be, and the same is hereby, enacted to be numbered and read as follows:

### **"1147.16 LARGE NON-RESIDENTIAL RETAIL ESTABLISHMENTS WITHIN THE SAWMILL PARKWAY CORRIDOR.**

- (a) Purpose. The purpose of this Section is to promote and protect the public health, safety, and welfare by prohibiting Large Non-Residential Retail Establishments in the City of Powell within the Sawmill Parkway Corridor including without limitation, all property described in the CEDA (Cooperative Economic Development Agreement) between Liberty Township and the City of Powell that has been heretofore annexed into the City of Powell within the Sawmill Parkway Corridor and any land hereafter annexed into the City of Powell within the Sawmill Parkway Corridor. Due to the substantial and adverse effects that Large Non-Residential Retail Establishments can have based upon their size, bulk, scale, use, noise and traffic generation it is the intent of this regulation to prohibit Large Non-Residential Retail Establishments within the Sawmill Parkway Corridor so as to prevent the erosion of the residential character of the City of Powell and to promote the small greenbelt community character of the City and its surroundings as described in the Comprehensive Plan and encourage Pedestrian Scale buildings for pedestrian friendliness.
- (b) Definitions. The following definitions shall apply in the interpretation of this section of the Zoning Ordinance:
- (1) "Large Non-Residential Retail Establishment" means any building containing a single retail establishment that is larger than ten thousand (10,000) square feet or any building with multiple uses or users containing any retail establishments that is larger than sixty-five thousand (65,000) square feet for the entire building.
  - (2) "Pedestrian Scale" means any building containing a single retail establishment being ten thousand (10,000) square feet or less and any building containing multiple uses or users containing any retail establishments being less than sixty-five thousand (65,000) square feet for the entire building.
  - (3) "Sawmill Parkway Corridor" means all land adjacent to the existing and proposed extension of Sawmill Parkway and all land situated within one-half (1/2) mile along either side of said Parkway.
- (c) Prohibition. No Large Non-Residential Retail Establishment shall be erected, constructed, or developed in the Sawmill Parkway Corridor, and no existing building shall be reconstructed, remodeled, arranged, added to or enlarged to become a Large Non-Residential Retail


Establishment in the Sawmill Parkway Corridor after the effective date of this Ordinance. If any Large Non-Residential Retail Establishment exists in the Sawmill Parkway Corridor prior to the effective date of this Ordinance, said Establishment shall not be reconstructed, enlarged or added to after such effective date. All existing and future zoning regulations applicable to the Sawmill Parkway Corridor as defined in this Section shall be in effect, except to the extent they conflict with this Section, in which event this Section shall control."

**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 City of Powell which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

**Section 3:** This Ordinance shall take effect and be in full force at the earliest time permitted by law.

VOTE ON RULES SUSPENSION: Y 7 N 0

VOTE ON ORDINANCE 2008-23: Y 7 N 0



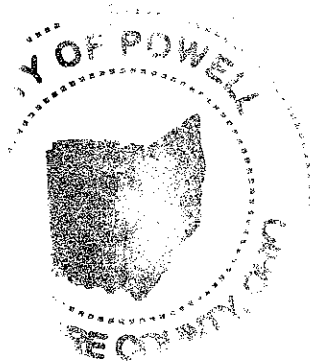
Tom Counts  
Mayor

9/11/08  
Date



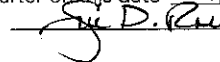
Susie Ross  
City Clerk

9/2/08  
Date



**EFFECTIVE DATE: September 18, 2008**

This legislation has been posted in accordance with the City Charter on this date 9/3/08

 City Clerk

**City Council**

Tom Counts, Mayor

Richard Cline

Don Grubbs

Jim Hrivnak

Elmer Meider

Art Schultz

Dan Wiencek