

ORDINANCE 2019-10

AN ORDINANCE ADOPTING THE EXISTING ZONING FOR PARCEL NUMBER L2700010054400 COMPRISED OF 34.026 ACRES ON DURRETT RD (“THE PROPERTY”) AND DECLARING AN EMERGENCY.

Whereas, the Codified Ordinances of the Village of Commercial Point provide for a Planned Unit Development, specifically in chapter 1258.04; and,

Whereas, the Council of the Village of Commercial Point has the authority to approve amendments and changes to the Zoning Map; and

Whereas, the Property was previously zoned in Scioto Township under the Township Zoning Resolution and PRD classification; and

Whereas, D.R. Horton Indiana, LLC, d/b/a Westport Homes (“Westport”) proposes to construct 190 +/- unit single family homes, together with related improvements, including but not limited to streets, drainage, facilities, entry features, open spaces, community amenities, model homes, and signage on the Property in a manner that is substantially similar to the existing approved Scioto Township zoning on the entire development property of 62.2 acres; and

Whereas, Westport and the Village are parties to a Pre-Annexation Agreement, providing that “the parties agree that the Property will annex into the Village with a similar zoning,” referencing the existing PRD approved by the Township. In addition, the Pre-Annexation Agreement included and incorporated Westport’s Scioto Crossing Planned Unit Zoning Text (“the Zoning Text”) and Development Plans, which are similar to the approved development plan under the PRD approved by the Township; and,

Whereas, based on annexation law, Westport was required to annex the 62.2 acres of the development property in two stages, with the 34.026 acres Property being the first stage of annexation and development. Westport now desires to commence the development process and construction of infrastructure and homes on the initial 34.026 acres of Property that has been annexed to the Village based on ongoing housing demand and economic growth, while the balance of development property is pending annexation and rezoning;

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Commercial Point, Pickaway County, Ohio, that;

Section 1: The Zoning Ordinance and Village Zoning Map shall be amended to rezone the 34.026 acre parcel to be owned by D. R. Horton to PRD – Planned Residential District, and to adopt the Zoning Text and Preliminary Development Plans for the Scioto Crossing Planned Unit Development, attached hereto as Exhibit A and incorporated by reference herein as applied to the first 34.026 acres that has been annexed to the Village.

Section 2: This Ordinance is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health and safety of the Village of Commercial Point, such emergency arising from the exigencies of residential development of land within the Village, which provides for the economic and community welfare by providing the creation of jobs in the

Village, requiring infrastructure development to be commenced during the 2019 construction season; wherefore, this Ordinance shall take effect and be in full force immediately upon passage and approval by council and approval by the Mayor.

Vote on Suspension of Readings:

Motion by: _____ 2nd _____

Roll call:

_____ Ben Townsend _____ Scott O'Neil _____ Bruce Moore
_____ Aaron Grassel _____ Laura Wolfe _____ Jason Thompson

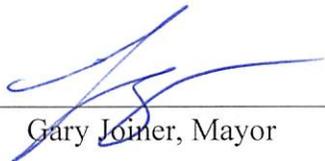
Vote on Passage of the Ordinance:

Motion by: Jason Thompson 2nd Scott O'Neil

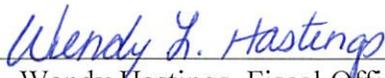
Roll call:

Yes Ben Townsend Yes Scott O'Neil Yes Bruce Moore
Yes Aaron Grassel Yes Laura Wolfe Yes Jason Thompson

PASSED AND ADOPTED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT ON THIS 19th DAY OF AUGUST 2019:

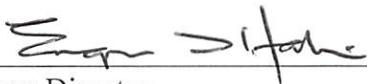


Gary Joiner, Mayor



Wendy Hastings, Fiscal Officer

Approved as to Form:



Law Director

SCIOTO CROSSING PLANNED UNIT ZONING TEXT

62.2 acres Durrett Road, Scioto Township, Pickaway County, OH

Developer: D.R. Horton Indiana, LLC, d/b/a Westport Homes

The property is comprised of parcel L2700010054400 of the annexed territory to the Village of Commercial Point (the "Village") and contains 62.2+/- acres which is more particularly described on the attached Exhibit A, incorporated herein by reference. The property is hereby designated as the Scioto Crossing Planned Unit Development ("PUD") consisting of a single-family subdivision pursuant to this PRD text and the Village's zoning ordinances:

1. Permitted Uses: Permitted uses shall be limited to 190 single-family dwelling units, storm water facilities and ponds, landscaped entry features, open spaces, natural areas and other community amenities consistent with single-family residences and as permitted in the Village zoning ordinance for R-3 districts. Accessory uses and structures shall be allowed as provided in the zoning ordinance for R-3 residential districts, subject also to the limitations contained in private deed restrictions and enforced by a homeowners' association established by the developer.
2. Development Standards
 - a) Height Limit: No building shall be erected or enlarged to exceed two and one-half (2-1/2) stories or thirty-five (35) feet.
 - b) Lot Area, Width and Depth: Every lot for a single-family dwelling shall have a minimum width of sixty-three (63) feet measured at the building line and a minimum depth of one-hundred and twenty (120) feet, with all lots meeting a minimum area of seventy-nine hundred square feet (7,900). Lot depths are typically one-hundred and twenty six (126) feet, or as otherwise depicted on the Preliminary Development Plan. All lot measurements shall be exclusive of road right-of-way, and shall be in addition to any easement of record.
 - c) Front yard, side yard and rear yard: There shall be a front yard of not less than thirty (30) feet. There shall be a side yard of not less than five (5) feet on each side. There shall be a rear yard of not less than twenty-five (25) feet.

- d) Dwelling Bulk: 100% of the single-family dwellings shall have a minimum area of twelve hundred (1,200) square feet. All two story and one and one-half story homes must have greater than 1600 sq. ft. as noted in the Zoning Text for Chestnut Commons. All dwelling bulk requirements are to be determined from outside dimensions, exclusive of porches, garages, cellars, and basements.
- e) Parking Requirements: Parking requirements shall be as regulated in Article IX of the Zoning Ordinance of the Village of Commercial Point, Pickaway County (the "Zoning Code"), provided, however, that each single-family residence shall have a two-car garage and paved driveway for a minimum of two cars.
- f) Open Space: A minimum of approximately 9.8 acres (15.7%) shall be reserved for common open space pursuant to the requirements of the Zoning Code. The location of the open space shall be as identified on the Preliminary Development Plan and other exhibits. The open space shall be maintained by the developer/owner until such time as responsibility for maintenance is transferred to the homeowners' association. In transferring the maintenance responsibility from the developer to the homeowners' association, the developer acknowledges that there are public health, safety, and welfare concerns associated with such development that may be the responsibility of the Village. Developer agrees to notify the Village, upon such time as the responsibility for maintenance is transferred to the homeowners, and the Village shall consent and approve such transfer, provided however, that such consent shall not be unreasonably withheld.
- g) Signs: Signs shall be as regulated in the Zoning Code.
- h) Utilities: All utilities shall be placed underground. Appurtenances to these systems shall, to the extent permitted by the affected utility companies, be screened by plantings, hedges, fences, or walls each of which would enclose any such structure on all sides unless access is frequently required from a side.
- i) Buffer: In order to discourage access to neighboring properties with ongoing agricultural operations, three-rail perimeter fencing backed with a mesh screen will be installed along the rear property line of lots 27-38 and 167-180 prior to these lots being transferred to homebuyers. It is recognized that the developer cannot monitor or ultimately control the access to neighboring properties, but such fence placement is designed to identify the property lines and discourage such access and the known, inherent and obvious dangers of ongoing farming

activity. The developer shall maintain such fencing during the development period, with the homeowner's association being responsible for maintenance upon the turnover as provided in the HOA governing documents.

- j) Density: The maximum density per acre shall be 3.07 dwelling units per gross acre (190 homes and inclusive of open space).
- k) Access: Access for ingress and egress shall be via a boulevard or non-boulevard entrance from Durrett Road and via stub street connections into the existing Southern Point community at Mahogany Lane and Arledge Drive as depicted on the Preliminary Development Plan.
- l) Ponds: All detention/retention ponds must be fenced with fencing materials to be determined and set forth in the final development plan.