

ORDINANCE NO. 2022-17

AN ORDINANCE TO REZONE 60.962 +/- ACRES WITHIN THE VILLAGE OF COMMERCIAL POINT, OHIO FROM EXCEPTIONAL USE (EU) TO PLANNED RESIDENTIAL DISTRICT (PRD) AND ADOPTING THE PRELIMINARY PLAN AND DEVELOPMENT STANDARDS TEXT FOR THE PLANNED DISTRICT CONTINGENT UPON THE ANNEXATION OF SAID PROPERTY INTO THE VILLAGE.

WHEREAS, Ronin Holdings LLC (the "Petitioner") filed a Rezoning Application with the Village of Commercial Point on February 7, 2022 to re-rezone 60.962 +/- acres within the Village of Commercial Point from Exceptional Use (EU) to Planned Residential District (PRD) pursuant to Chapter 1143 of the Zoning Code of the Village of Commercial Point; and

WHEREAS, the Petitioner submitted a Preliminary Plan and Development Standards Text in conjunction with their Planned District request as required by Chapter 1173.04 of the Zoning Code of the Village of Commercial Point; and

WHEREAS, the Village provided the required public notice as described in Chapter 713 of the Ohio Revised Code; and

WHEREAS, the Village of Commercial Point held a public hearing on June 6, 2022 to hear comments on this proposed zoning request pursuant to Ohio Revised Code Section 713.12; and

WHEREAS, the Village Council must approve, disapprove, or adopt the proposed amendment to the Zoning Map of the Village of Commercial Point within forty-five (45) calendar days of the public hearing held on June 6, 2022; and

WHEREAS, the Council of the Village of Commercial Point has determined it to be in the best interest of the Village of Commercial Point that the zoning classification of the property that is the subject of the Petitioner's rezoning application be established as a Planned Residential District (PRD) pursuant to Chapter 1173 of the Zoning Code of the Village of Commercial Point, and that the Preliminary Plan and Development Standards Text for this Planned Residential District be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT, PICKAWAY COUNTY, OHIO, THAT:

SECTION 1. Approval of Re-Zoning Application; Approval Contingent Upon Final Annexation. The Village Council has considered the criteria described in Section 1143.03 of the Zoning Code of the Village of Commercial Point and has determined that those criteria weigh in favor of rezoning the property containing 60.962 +/- acres, which is more particularly described in Exhibit A, incorporated herein by reference, and is hereby designating the property as a Planned Residential District (PRD). Accordingly, the re-zoning application of Petitioner is approved contingent upon the property receiving final approval to be annexed into the Village of Commercial Point.

SECTION 2. Approval of Preliminary Plan and Development Standards Text; Approval Contingent Upon Final Annexation. The Village Council has considered the criteria described in Section 1173.05 of the Zoning Code of the Village of Commercial Point and has determined that those criteria weigh in favor of approving the Preliminary Plan and Development Standards Text, which is more particularly described in Exhibit B, incorporated herein by reference, for this Planned Residential District. The submitted Preliminary Plan and Development Standards Text are hereby approved contingent upon the property receiving final approval to be annexed into the Village of Commercial Point.

SECTION 3. Open Meetings Certification. 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 this Council and that all deliberations of this Council and of any other committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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SECTION 4. Effective Date. This Ordinance shall go into effect and be in force from and after the earliest date allowed by law.

Vote on Passage of the Ordinance:

Motion by: Ross Crego

2nd: Ryan Mitchem

Roll Call:

No Nancy Geiger


Yes Tracy Joiner

No Laura Wolfe

Yes Ross Crego

Yes Ryan Mitchem

Adopted this 1st day of August, 2022.

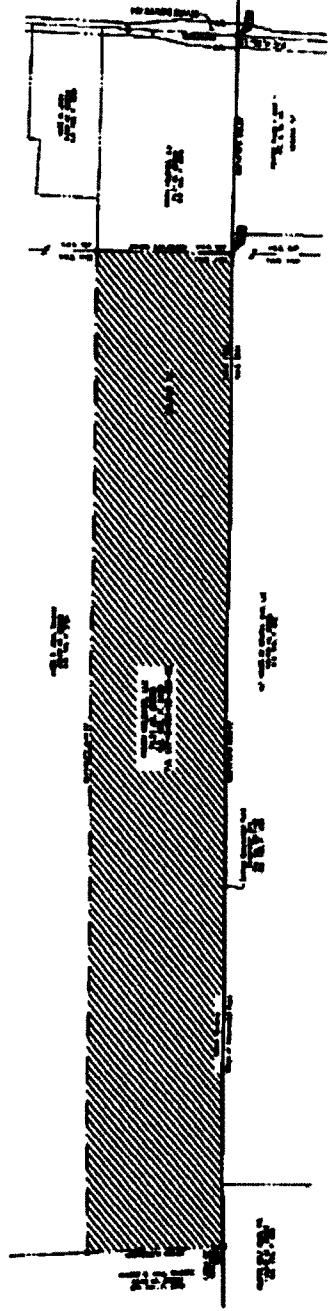
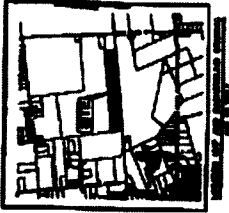

Allan D. Goldhardt, Mayor


Wendy Hastings, Fiscal Officer

Approved as to Form:


Joshua Cartee, Village Solicitor

ANNEXATION PLAT OF 60.962 ACRES
FROM SCHOTO TOWNSHIP TO THE VILLAGE OF COMMERCIAL PORT
VIRGINIA MILITARY SURVEY NUMBER 1189
TOWNSHIP OF SCHOTO, COUNTY OF PICKAWAY, STATE OF OHIO



BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing plat, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.



Recorded	_____
Index	_____
Filed	_____
County	Pickaway
State	Ohio

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Exhibit A (continued)

122 FEB 7 2:15 PM

68.962 ACRES

Situated in the State of Ohio, County of Pickaway, Township of Sebota, in Virginia Military Survey Number 1189, being part of that 74.31 acre tract of land conveyed to Robin Holdings, L.L.C. by deed of record in Official Record 656, Page 2470, also being all of Parcel Number L27-0-001-00-529-00 (a 39.90 acre tract by Auditor), (all references refer to the records of the Recorder's Office, Pickaway County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at a magnetic nail set at the northeasterly corner of the subdivision entitled "Furline Phase 1 Part 1", of record in Plat Cabinet 4, Slide 13, in the existing Village of Commercial Point corporation line, in the centerline of State Route 104;

Thence South 84° 14' 15" West, partly with said corporation line, partly with the northerly line of said "Furline Phase 1 Part 1", and partly with the northerly line of that 138.760 acre tract conveyed to MFI Homes of Central Ohio, LLC by deed of record in Official Record 776, Page 682, a distance of 962.33 feet to an iron pin set at the TRUE POINT OF BEGINNING for this description;

Thence South 84° 14' 15" West, partly with said corporation line, partly with the northerly line of said 138.760 acre tract, and partly with the northerly line of that 113.972 acre tract conveyed to Furline Golf Club, Inc. by deed of record in Official Record 776, Page 685, a distance of 4409.72 feet to a 1.65' x 1.65' concrete post found at the southeasterly corner of that 83.26 acre tract conveyed to Robert G. Hall, Trustee by deed of record in Official Record 721, Page 2323;

Thence North 08° 42' 38" West, with the easterly line of said 83.26 acre tract, a distance of 606.83 feet to an iron pin set at the southeasterly corner of that 265.99 acre tract conveyed to James R. John, Trustee by deed of record in Official Record 739, Page 2124;

Thence North 84° 14' 17" East, with the southerly line of said 265.99 acre tract, a distance of 4441.76 feet to an iron pin set in the common line to Virginia Military Survey Numbers 557 and 1189;

Thence South 03° 39' 13" East, with said VMS line, a distance of 999.99 feet to the TRUE POINT OF BEGINNING, containing 68.962 acres of land, more or less.

Subject, however, to all legal rights-of-way and/or encumbrances, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen strands (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (2011). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by positional solutions derived by the National Geodetic Survey's Online Positioning Users Service software using GPS observations and observations of selected CORS base stations in the National Spatial Reference System. A bearing of South 03° 04' 50" East, assigned to the centerline of State Route 104, is designated the basis of bearings for this description.

This description is based on an actual field survey performed by, or under the direct supervision of, Matthew A. Kirk, Professional Surveyor Number 7863, in October, 2021.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

9 Feb 21

Matthew A. Kirk
Professional Surveyor No. 7863

Date



MAK:sp

Survey Plat and LEGAL DESCRIPTION
FORMALLY APPROVED
PICKAWAY COUNTY ENGINEER
BY JAC DATE 11/17/21

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Exhibit B

**M/I HOMES – FOXFIRE NORTH
PLANNED RESIDENTIAL DISTRICT (PRD)**

February 7, 2022

I. Introduction and Summary.

The property that is the subject of this PRD zoning text consists of 60.96± acres located to the north of and adjacent to the Foxfire residential development that M/I Homes is developing to the west of and adjacent to State Route 104. This application seeks to provide the framework for the development of an expansion of that residential community consisting of traditional single-family homes. The development will have a maximum gross density of 2.45 units per acre (yielding a net developable density of 3.1 units/acre).

The development plan seeks to locate lots and homes within close proximity to open spaces and will link homesites to green spaces by providing sidewalks on each side of public streets within the subdivision. Vehicular access to and from the site will occur from the Foxfire development to the south, which will make for a seamless transition between the existing and new neighborhoods.

II. Development Standards - Generally. The development standards contained within this text and the plans that accompany it are intended to govern the proposed development. The R-3, Low Density Residential District is being used as the base zoning category under which development of this PRD is being undertaken. In the event of a conflict between the standards in this text and those found within the Village Code, the standards in this text shall govern. To the extent that a development standard is not contained herein, then the provisions of the Village Code shall govern with respect to that standard. Variances from Village Zoning Code and Subdivision Regulations which are being requested with this zoning are detailed in Exhibit A, which is attached to this text.

III. Permitted Uses. Permitted uses in this zoning district are as follows:

- A. Single-family detached homes.
- B. Open space, parks, playgrounds, and related recreational uses.
- C. Home occupations associated with a principal use and in accordance with Chapter 1187 of the Village of Commercial Point Zoning Code (the "Village Code").
- D. A maximum of two (2) model homes shall be permitted to be operated until such time as homes have been constructed on all lots in this subdivision. The location of each model home shall be approved as part of a final development plan. Notwithstanding anything to the contrary in the Village Code, prior to the approval of a final plat the developer may commence construction of model homes. Model home construction may occur in advance of, or in conjunction with, installation of infrastructure for the subdivision. No occupancy of a model home shall be permitted until the home has been connected to operable public

M/I Homes Foxfire North Planned Residential District – Zoning Text

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Exhibit B (continued)

sanitary sewer lines and public water lines. Temporary paved parking may be provided on any lot which is adjacent to a lot containing a model home, provided that such parking shall be removed by the developer once the model home is no longer being used for marketing and sales purposes. In lieu of or in addition to model homes in this zoning district, the developer may utilize model homes in its original Foxfire residential community that it is developing for purposes of marketing home sales in this zoning district.

- E. Farming/agricultural uses, but only within phases of the subdivision which are not being developed. Once development within this zoning district is complete, these uses shall no longer be permitted.

IV. Specific Development Standards.

A. Density, Lot and Setback Commitments.

1. Number of Units. The maximum number of single-family units shall be 150.
2. Minimum Floor Areas: The minimum floor area for the ground floor of a dwelling shall be 700 square feet. Each two-story home shall have a minimum total gross floor area of 1,600 square feet, each one and one-half story home shall have a total gross floor area of 1,500 square feet, and each one-story home shall have a minimum total gross floor area of 1,400 square feet.
3. Phasing. Lots will be developed and homes will be constructed in phases as detailed in the Phasing Plan that accompanies this text in Exhibit C-4. Revisions may be made to the phasing plan as part of any final development plan application if necessary or desirable for engineering reasons or based on market conditions.
4. Minimum Lot Dimensions. A minimum of 66 lots shall have a minimum width of 62 feet as measured at the minimum building setback line. The remaining lots shall have a minimum width of 56 feet as measured at the minimum building setback line. There shall be a minimum lot depth of 120 feet for all lots, provided, however, that lot depth may be less than this minimum in limited circumstances where lots are located on a curved portion of a public street if the minimum total lot area requirements of this text are met. The minimum required lot area for lots with a minimum of 56 feet in width shall be 6,720 square feet, and 7,440 square feet for lots with a minimum of 62 feet in width.
5. Setbacks. The following setback requirements shall apply in this zoning district:
 - a. Front Yard. There shall be minimum front yard setback of 25 feet from the edge of right-of-way for all lots. Stoops, steps, and porches shall be permitted to encroach a maximum of six (6) feet within the minimum front yard setback line.

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Exhibit B (continued)

- b. Rear Yard. There shall be a minimum rear yard setback of 25 feet for all lots, provided that decks, screened porches, pools, and patios shall be permitted to encroach a maximum of 10 feet into the required minimum rear yard setback.
 - c. Side Yard. The minimum side yard setback shall be 6 feet. Eaves, overhangs, and window wells shall be permitted to encroach a maximum of 12 inches into the minimum side yard setbacks for each home type.
 - 6. Street Frontage. All lots shall have frontage on and vehicular access to a public street.
 - 7. Lot Coverage: The maximum lot coverage for each lot shall be 45%.
- B. Access, Loading, Parking and Other Traffic-Related Commitments.
 - 1. Off-Street Parking Spaces.
 - a. Homes. Each home shall have either a two-car or three-car garage. Three car garages shall be permitted only on lots with a minimum width of 62 feet as measured at the minimum building setback line. All homes shall be required to have a minimum of two (2) off-street parking spaces on the driveway but located outside of street rights-of-way.
 - b. Reserve A. A minimum of 5 parking spaces shall be provided within a paved parking area in Reserve "A" to serve visitors to this open space.
 - 2. On-Street Parking. Parking shall be prohibited on the same side of the street where fire hydrants are located. On-street parking shall be permitted on all other portions of public streets, except as otherwise prohibited by applicable subdivision regulations.
 - 3. Public Streets. All streets within this zoning district shall be public. All new streets in this zoning district shall be deemed to be "local streets" under the Village Code and shall comply with associated requirements in the Village Code except as modified in this text or shown in accompanying plans. The minimum centerline radius for a public street shall be 200 feet. Public street stubs shall be provided in the northwestern and northeastern portions of the zoning district to provide future connections to property to the north.
 - 4. Street Widths. All public streets within this development shall be of curb and gutter construction and shall be constructed to required public specifications unless otherwise described in this text or approved as part of the plans that accompany this text. The required right-of-way width for all public streets shall be 60 feet in width. The minimum radius for streets shall be as provided in the chart at the end of this text.

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Exhibit B (continued)

C. Architecture.

1. Architectural Character. The architectural characteristics of the homes to be constructed in this zoning district are to be reflective of the architectural exhibits that accompany this text. These exhibits are intended to be used as a guide in terms of defining the styles and designs of homes. A number of home designs will be used to meet market demand and to provide diversity in terms of home sizes and exterior appearances and finishes, subject to the requirements of this text. The same home design shall not be constructed on lots that are adjacent to or directly across the street from one another. A lot shall be deemed to be directly across the street from any other lot that is located in whole or in part between two imaginary straight-line extensions of the side lot lines for the first lot which extend to the opposite site of the public right-of-way on which the first lot has frontage.
2. Exterior Finish Materials. Cementitious siding, vinyl, brick, brick veneer, stone, stone veneer, EIFS, stucco shall be permitted as primary exterior façade materials. Permitted trim materials include wood, PVC, vinyl, EIFS, and aluminum.
3. Maximum building height. Homes may be one, one and one-half, or two stories and shall not exceed 35 feet in height, as measured by Village Code.

D. Buffering, Landscaping, Open Space and Screening Commitments.

1. Homeowners' Association. The developer shall subject the zoning district to the same forced and funded homeowners' association (the "HOA") that was created for the original Foxfire PRD being developed by the applicant by recording (with the Pickaway County Recorder) a supplemental declaration to the Homes at Foxfire Deed Restrictions, which are of record in Official Record Book 782, Pages 2435-2501 (Instrument No. 202100003284). The HOA shall charge assessments no less frequently than annually and shall maintain open spaces and other features of common interest to homeowners in this zoning district. The supplemental declaration shall be recorded before any lots within the community are transferred to third parties.
2. Open Space and Parkland. All reserve areas in this community shall be maintained by the developer and/or the HOA. Reserve areas may be regularly mowed or may be permitted to be maintained in a more natural meadow-like state and may include green space, playgrounds, leisure paths, other recreational elements, and storm water management facilities. Plans for improvements to and maintenance of each reserve area shall be provided for review and approval of each final development plan for the various phases of development of this community.
3. Street Trees. Deciduous street trees shall not be located within tree lawns between the backs of street curbs and sidewalks. Instead, required street trees shall be installed within the front yard of a lot behind the public sidewalk on both sides of internal streets. Trees are to be a minimum of 2 inches in caliper at installation and shall be spaced at a maximum distance of 40 feet on center.

M/I Homes Foxfire North Planned Residential District - Zoning Text

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Exhibit B (continued)

4. Individual Lots. Each lot shall have a grassed lawn and shall include at least one deciduous tree in the front yard. These trees shall be a minimum of 2 inches in caliper at installation. Other plant materials may be provided on each lot, and their respective species and sizes will vary based on the preferences of the initial buyer of each lot.

E. Signage.

1. Model Homes. Signs shall be permitted on each lot where a model home is operated as detailed in Exhibit C-6, which accompanies this text.
2. Marketing. Temporary marketing signs shall be permitted within this zoning district until such time as the last lot/home is sold. The specifications for this signage shall be submitted along with the first final development plan application filed with respect to this community and reviewed and approved as part of the review of the same.

F. Lighting; Garbage Cans:

1. Front Exterior Door Lights. Each home shall have a light fixture(s) or light fixtures on its front façade near the front door and adjacent to each exterior door on side and rear facades.
2. Garbage Cans: Other than on collection days, all garbage cans and other waste containers shall be kept in the garage, permitted storage buildings, or within approved screened areas and not visible from the street.

G. Miscellaneous Standards. The following additional restrictions shall apply to improvements in this zoning district:

1. Pools/Spas. Above-ground swimming pools shall be prohibited. All swimming pools/spas shall be located in the rear yard, within the building setback lines of single-family lots, and shall be completely screened from adjoining properties.
2. Utilities: All new utilities shall be installed underground.
3. Equipment Storage: Storage of all maintenance equipment shall be within garages or permitted storage structures. Such items should not be visible from public streets, common open spaces, or adjacent lots. This provision shall remain effective only until such time as the Village Council approves legislation on this subject that becomes legally effective and which applies to all properties within the Village, at which time that legislation shall apply instead.
4. Mailboxes: Due to applicable federal postal rules and regulations, individual mailboxes are no longer permitted to be located to the front of each lot. Instead,

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cluster mailbox units shall be utilized. The locations of cluster mailbox units shall be proposed and approved as part of a final development plan.

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EXHIBIT A TO FOXFIRE PRD DEVELOPMENT STANDARDS TEXT

<u>Commercial Point Zoning Code or Subdivision Regulations Section</u>	<u>Code Requirement</u>	<u>Proposed PRD Development Standards Text</u>
Section 1157.04(a)(1)	Minimum lot area of 12,200 square feet	Minimum lot areas as follows: A minimum of 66 lots shall have a minimum lot area of 7,440 square feet. All other lots shall have a minimum lot area of 6,720 square feet.
Section 1157.04(a)(2)	Maximum lot coverage of 30%	Maximum lot coverage of 45%
Section 1157.04(a)(3)	70 feet of frontage required on improved public right-of-way	A minimum of 66 lots shall have a minimum lot width at the building line of 62 feet. All other lots shall have a minimum lot width at the building line of 56 feet.
Section 1157.04(a)(5)	Minimum front yard setback of 30 feet as measured between the street right-of-way line and the building setback line.	There shall be minimum front yard setback of 25 feet from the edge of right-of-way for all lots. Stoops, steps, and porches shall be permitted to encroach a maximum of six (6) feet within the minimum front yard setback line.
Section 1157.04(a)(6)	Minimum side yard setback of 10 feet on each side of the home as measured from the side property line.	Minimum side yard setback of 6 feet on each side of a home as measured from the side property line.
Section 1157.04(a)(7)	Minimum of thirty (30) feet as measured from the rear property line. Accessory buildings may be located in the rear yard no less than eight (8) feet from the rear property line.	Minimum of 25 feet for all lots, provided that decks, screened porches, pools, and patios shall be permitted to encroach a maximum of 10 feet into the required minimum rear yard setback.

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<p>Section 1157.04(a)(8)</p>	<p>2-story dwellings shall have a minimum ground floor area of 950 square feet and a minimum finished floor area of 1,900 square feet</p> <p>1 and 1/2-story dwellings shall have a minimum ground floor area of 1,250 square feet and a minimum finished floor area of 1,700 square feet</p> <p>1-story dwellings shall have a minimum finished floor area of 1,500 square feet</p>	<p>2-story dwellings shall have a minimum ground floor area of 700 square feet and shall have a minimum finished floor area of 1,600 square feet</p> <p>1 and 1/2-story dwellings shall have a minimum ground floor area of 700 square feet and shall have a minimum finished floor area of 1,500 square feet</p> <p>1-story dwellings shall have a minimum finished floor area of 1,400 square feet</p>
<p>Section 1115.03(F)(1)</p>	<p>Minimum pavement width of a local street shall be 30 feet as measured face-of-curb to face-of-curb</p>	<p>Minimum pavement width of a local street shall be 28 feet as measured face-of-curb to face-of-curb with no parking to be permitted on the side of the street with fire hydrants</p>
<p>Section 1115.03(F)(5)</p>	<p>Minimum centerline radius for a local street shall be 250 feet</p>	<p>Minimum centerline radius for a local street shall be 200 feet, provided that parking shall be prohibited on both sides of the street within the curved portion.</p>

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Exhibit B (continued)**

Developer / Builder:

**M/I Homes of Central Ohio, LLC
3 Easton Oval, Suite 310
Columbus, Ohio 43219
Phone: (614) 418-8608**

Attorney:

**Underhill & Hodge LLC
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054
Phone: (614) 335-9321**

Engineer, Planner & Landscape Architect:

**EMH&T
5500 New Albany Road
Columbus, Ohio 43054
Phone: (614) 775-4500**