ORDINANCE NO. 2 , 2008

AN ORDINANCE EXTENDING THE MONTGOMERY CORRIDOR/SCHOOLHOUSE INTERIM DEVELOPMENT CONTROL OVERLAY DISTRICT

WHEREAS, on October 4, 2006, Council adopted Ordinance No. 17, 2006 establishing the Montgomery Corridor/Schoolhouse Interim Development Control Overlay District (hereinafter "District"); and

WHEREAS, pursuant to Section 3 of that Ordinance, the District was established for a period of one year, but Council is permitted to extend the District for additional time as may be appropriate under Section 151.1319 of the Code of Ordinances; and

WHEREAS, pursuant to Ordinance No. 12, 2007 passed October 3, 2007, Council, upon the recommendation of the Planning Commission, extended the District controls for a period of six months; and

WHEREAS, a recommendation to extend the District controls for an additional six months has been made by the Planning Commission at its regularly scheduled meeting held March 3, 2008; and

WHEREAS, Council has held a public hearing to consider extending such District controls, which hearing was held March 19, 2008 after appropriate notice by publication.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. After considering the recommendations of the staff and Planning Commission, and evidence presented at the public hearing March 19, 2008,

Council hereby finds that a six month extension of the Montgomery Corridor/Schoolhouse Interim Development Control Overlay District regulations are appropriate because:

A. The planning study to consider any amendments to the Land Usage Code governing this mixed use area has proven to be extraordinarily complex because the Planning Commission and Council only recently concluded their update to the Comprehensive Community Plan which provides guidance to the development of any zoning regulations within this District, there was uncertainty about the development of a significant portion of the land in this area as a public park through an Initiative which was defeated at the November election, and changes have been proposed to the approved development plan for a significant portion to the District in question, which require consideration in determining its impact on surrounding uses.

B. These factors have combined to delay the City's consultants and staff in completing their study and making final recommendations to the Planning Commission to consider any changes to the Land Usage Code or zoning map within this District.

C. The prospect of the development of a significant portion of the land in the District as a public park and the development of a portion of the area by Twin Lakes, both of which require study of access management, buffering and transitional zoning in this area, vary the conditions considered by the Planning Commission and the planners in their preliminary findings supporting interim controls in this District. These changes and potential changes impact the consideration of long

range planning within the area and dictate the need for an extension to the Interim Development Control District regulations until these uncertainties are resolved.

SECTION 2. As a result of the findings set forth above, Council does hereby extend for a period of six months, commencing with the adoption of this ordinance, the Montgomery Corridor/Schoolhouse Interim Development Control Overlay District guidelines and procedures as adopted by Ordinance No. 17, 2006.

SECTION 3. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: April 2, 2008

ATTEST: Susan J. Hamm
Susan J. Hamm, Clerk of Council

Gerri Harbison
Gerri Harbison, Mayor

APPROVED AS TO FORM:
Terrence M. Donnellon, Law Director