

ORDINANCE NO. 1 , 2016

**AN ORDINANCE REZONING PROPERTY AT 9441 ORCHARD CLUB DRIVE,
MONTGOMERY OHIO AND APPROVING AN APPLICATION FOR A
PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT FOR SUCH PROPERTY**

WHEREAS, Bayer Becker as applicant, on behalf of the property owner, Montgomery Swim and Tennis Club, Inc., and the anticipated Developer, Camden Homes, Inc. and/or its subsidiary, has petitioned the City to rezone property at 10627 Montgomery Road, Montgomery, Ohio, currently owned and operated as the Montgomery Swim and Tennis Club to rezone such property as part of the process to approve a Planned Unit Development Overlay District ("PUD") and General Development Plan for such property; and

WHEREAS, the Planning Commission has reviewed the application and recommended the approval of a Planned Unit Development Overlay District with specific conditions, the General Development Plan with an equivalency allowing open area within a conservation easement to satisfy the open space requirements of the PUD, and further rezoning the property to a Residential D-3 District allowing for the development of single-family homes; and

WHEREAS, Council did hold a public hearing on November 18, 2015 to consider the recommendation and findings from the Planning Commission after appropriate public notice was completed as required by the Montgomery Zoning Code; and

WHEREAS, Council did accept the recommendations and findings of the Planning Commission which support rezoning these properties to D-3 Residential as a

part of a Planned Unit Development Overlay District with conditions specific to such PUD district, and Council did accept the General Development Plan September 3, 2015 with the equivalency to meet the open space requirements; and

WHEREAS, Council does find that the zoning amendment, as proposed and accepted at the public hearing, will be consistent with the Comprehensive Community Plan for the City.

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

SECTION 1. Property currently owned by Montgomery Swim and Tennis Club, Inc., being Auditor's parcel number 603-0018-0178, and more commonly known as 9941 Orchard Club Drive, Montgomery, Ohio 45242, as more particularly described on Schedule A attached hereto and incorporated herein by reference, shall be rezoned to the D-3 Residential District.

SECTION 2. The property proposed for development by Camden Homes, Inc. currently owned by the Montgomery Swim and Tennis Club, Inc. encompassing Auditor's Parcel number 603-0018-0178 is hereby approved as a Planned Unit Development Overlay District pursuant to Chapter 150.13 of the Code of Ordinances.

SECTION 3. In addition to the underlying zoning district regulations for a D-3 Residential District, the property in the Planned Unit Development Overlay shall be subject to the general conditions and specific conditions as set forth in Schedule B attached hereto and incorporated herein by reference. To the extent that the general and specific conditions of the Planned Unit Development District as described on

Schedule B are inconsistent with the underlying zoning district regulations, the regulations of the Planned Unit Development District shall supersede.

SECTION 4. The Community Development Director is hereby directed to make a change in the Zoning Map to reflect the new underlying zone, the Planned Unit Development Overlay District, and the boundaries for such zone and District.

SECTION 5. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: February 3, 2016

ATTEST: Connie M. Gaylor
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozi
Christopher P. Dobrozi, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon
Terrence M. Donnellon, Law Director