

CITY OF CLAYTON, OHIO

ORDINANCE NO. O - 09 - 23 - 21

AN ORDINANCE AFFIRMING ORDINANCE NO. O-05-23-08 AND FURTHER AUTHORIZING AND DIRECTING THE MONTGOMERY COUNTY, OHIO BOARD OF ELECTIONS TO CONDUCT AN ELECTION OF THE ELECTORS OF THE CITY OF CLAYTON, OHIO AT THE PRIMARY ELECTION TO BE HELD ON MARCH 19, 2024 ON THE QUESTION: SHALL ORDINANCE NO. O-05-23-08 WHICH ADOPTED THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE, WITH SPECIFIED CONDITIONS, THE APPLICATION OF CLAYTON PROPERTIES GROUP, INC. DBA ARBOR HOMES, FOR A CHANGE IN ZONING FROM RURAL CONSERVATION DISTRICT- 2 (RCD-2) TO PLANNED DEVELOPMENT DISTRICT (PDD) AND TO FURTHER APPROVE THE PRELIMINARY DEVELOPMENT PLAN FOR 42.99 ACRES OF PROPERTY LOCATED ALONG PHILLIPSBURG-UNION ROAD AND HABER ROAD AND BEARING PARCEL I.D. NO. M60 03006 0009 (TO BE CALLED "SALEM SPRINGS") WITHIN THE CITY OF CLAYTON, OHIO BE APPROVED?

WHEREAS, on or about March 6, 2023, an application was filed by Clayton Properties Group, Inc. dba Arbor Homes, with consent of the property owner, for property located along Phillipsburg-Union Road and Haber Road consisting of Parcel I.D. Number M60 03006 0009 and containing 42.99 acres within the City of Clayton, Ohio ("Subject Property")(to be called "Salem Springs") and requesting a zoning change for same from Rural Conservation District-2 (RCD-2) to Planned Development District (PDD) and further requesting approval of the proposed Preliminary Development Plan for said subject property; and

WHEREAS, the Clayton Planning Commission held a public hearing on March 27, 2023 on said re-zoning and Preliminary Development Plan request at which time any and all persons were given an opportunity to be heard thereon, and the Clayton Planning Commission, at said meeting, *voted to approve as submitted the re-zoning and Preliminary Development Plan request with the following conditions: "(1) That the proposed development has a minimum lot width of 60'; and (2) That the applicant addresses the comments provided in the plan review letter from Planning Staff sent to the applicant on Mach 24, 2023";* and

WHEREAS, the Clayton City Council held a public hearing on May 4, 2023, on the aforesaid re-zoning and Preliminary Development Plan request at which time any and all persons were given an opportunity to be heard thereon; and

WHEREAS, on July 20, 2023, Council adopted Ordinance No. O-05-23-08 (*Exhibit A*) adopting the Planning Commission's *recommendation of approval of the re-zoning and Preliminary Development Plan request for the Subject Property with the following conditions: "(1) That the proposed development has a minimum lot width of 60'; and (2) That the applicant addresses the comments provided in the plan review letter from Planning Staff sent to the applicant on Mach 24, 2023."*

WHEREAS, a Petitioner’s Committee was formed per Clayton Charter Section 10.02 seeking the referendum of Ordinance No. O-05-23-08 and on August 25, 2023, the Montgomery County Board of Elections provided the attached Certification Form (*Exhibit B*) certifying the referendum petition contained a sufficient number of valid signatures to be placed on the ballot; and

WHEREAS, in accordance with Clayton Charter Section 10.04(A), Council hereby determines the aforementioned referendum petition meets all other requirements of Ohio law and the Charter and acknowledges the substantive validity of said referendum petition.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That City Council hereby affirms Ordinance No. O-05-23-08 and, in accordance with Clayton Charter Section 10.04(A), City Council hereby determines the aforementioned referendum petition meets all other requirements of Ohio law and the Charter of Clayton and acknowledges the substantive validity of said referendum petition.
2. It is the legislative determination and order of this Council that an election shall be held within the City of Clayton, Ohio on March 19, 2024, at which election the Board of Elections of Montgomery County, Ohio, is directed and ordered to conduct an election within the City of Clayton, Ohio on the question set forth in Section 2 of this Ordinance. The election shall be conducted by the Board of Elections during the regular hours of voting on such date as prescribed by the laws of Ohio. The purpose of such election shall be to submit to the electors of the City of Clayton, Ohio for their approval or rejection, the question of whether Ordinance No. O-05-23-08 proposing the approval, with specified conditions, of the application of Clayton Properties Group, Inc. dba Arbor Homes, for a change in zoning from Rural Conservation District-2 (RCD-2) to Planned Development District (PDD) and to further approve the Preliminary Development Plan for 42.99 acres of property located along Phillipsburg-Union Road and Haber Road and bearing Parcel I.D. No. M60 03006 0009 (to be called “Salem Springs”) within the City of Clayton, Ohio, be approved?
3. The ballot shall be in the following form:

“Shall Ordinance No. O-05-23-08 proposing the approval, with specified conditions, of the application of Clayton Properties Group, Inc. dba Arbor Homes, for a change in zoning from Rural Conservation District-2 (RCD-2) to Planned Development District (PDD) and to further approve the Preliminary Development Plan for 42.99 acres of property located along Phillipsburg-Union Road and Haber Road and bearing Parcel I.D. No. M60

03006 0009 (to be called "Salem Springs") within the City of Clayton, Ohio, be approved?

A majority affirmative vote is necessary for passage.

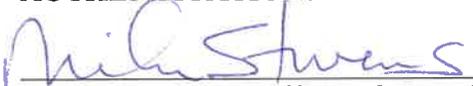
_____ **YES**

_____ **NO**

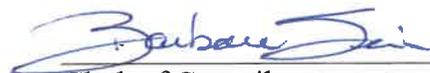
4. The Board of Elections of Montgomery County, Ohio, the Clerk of Council, the City Manager and the Law Director are hereby directed and authorized to take all actions necessary to submit the above question to the electors of the City of Clayton, Ohio at the primary election required by this Ordinance to be held on March 19, 2024.
5. *Upon adoption by Council after second reading, the Clerk of Council is hereby directed forthwith to certify a true copy of this Ordinance to the Board of Elections of Montgomery County, Ohio, immediately upon its passage.*
6. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is complied with by readings on September 7, 2023 and September 21, 2023.
7. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

ADOPTED BY COUNCIL ON SEPTEMBER 21, 2023.

AUTHENTICATION:



Mayor (Presiding Officer of Council)



Clerk of Council

APPROVED AS TO FORM:



Law Director

CERTIFICATION OF PUBLICATION

This shall certify that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper

Register Herald

Date of publication

September 27, 2023

Barbara Sun

Clerk