

## ORDINANCE C-08-02

### AN ORDINANCE TO AMEND SECTION 1135.14(a) 1 – 5 and (e) OF THE CODIFIED ORDINANCES TITLED PLANNED UNIT DEVELOPMENT DISTRICT

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**WHEREAS**, it is necessary from time to time to amend the Codified Ordinances of the City of Grove City; and

**WHEREAS**, it is vested in City Council the duty to regulate legislation regarding the zoning Code of Grove City; and

**WHEREAS**, it is necessary to clarify the intent of Planned Unit Development (PUD) zoning distinction to protect and preserve the character of the City of Grove City and enhance the unique high quality offered to those who live or work in our community by providing the vision, leadership, and performance standards which allow for quality managed growth and development.

**NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO THAT:**

**SECTION 1.** Section 1135.14(a)(1), which reads:

1135.14(a)(1) The owner of the land shall submit eighteen (18) copies of a Preliminary Development Plan to the Planning Commission Fourteen (14) days prior to the date of the Planning Commission meeting. (C94-98; 12-21-98)

**IS HEREBY AMENDED TO READ:**

1135.14(a)(1) ~~For the submission of an application for a rezoning to accordance with Section 1139.04 of the submission of a Development Plan in accordance with Section 1135.14(a) the~~ owner ~~applicant~~ of the land shall submit eighteen (18) copies of a Preliminary Development Plan to the Planning Commission fourteen (14) days prior to the date of the Planning Commission meeting. (C94-98; 12-21-98)

**SECTION 2.** Section 1135.14(a)(2), which reads:

1135.14(a)(2) The Planning Commission shall review the Preliminary Development Plan with the owner. The Planning Commission shall prepare recommendations with regard to the Preliminary Development Plan and if applicable, the proposed change in the zoning district.

**IS HEREBY AMENDED TO READ:**

1135.14(a)(2) The Planning Commission shall review the Preliminary Development Plan with the owner ~~applicant~~. The Planning Commission shall prepare recommendations with regard to the Preliminary Development Plan ~~and apply the zoning code loading requirements as per Section 1135.14(a) and if applicable, the proposed change in the zoning district.~~

**SECTION 3.** Section 1135.14(a)(3), which reads:

1135.14(a)(3) Upon approval in principle, the Planning Commission shall forward the Preliminary Development Plan to Council for its review, recommendations and approval in principle, or its disapproval. The Clerk of Council shall send copies of the recommendations of the Planning Commission and Council to the owner indicating their approval or disapproval.

**IS HEREBY AMENDED TO READ:**

1135.14(a)(3) Upon approval in principle, the Planning Commission shall forward the Preliminary Development Plan to Council for its review, recommendations and approval in principle, or its disapproval. The Clerk of Council shall send copies of the recommendations of ~~the Planning Commission and~~ Council to the owner/██████████ indicating their approval or disapproval.

**SECTION 4.** Section 1135.14(a)(4), which reads:

1135.14(a)(4) Upon receipt of the City's comments the owner may resubmit a Preliminary Development Plan if the prior submission was disapproved or submit a Development Plan along with an application for rezoning as provided for in Section 1139.03. The Development Plan shall be submitted in eighteen copies fourteen days prior to the Planning Commission meeting. (Ord. C94-87. Passed 12-7-87. C94-98: 12-21-98)

**IS HEREBY AMENDED TO READ:**

1135.14(a)(4) Upon receipt of City Council's comments the owner/██████████ shall either resubmit a Preliminary Development Plan in accordance with 1135.14(a)(3) if the prior submission was disapproved, ~~or if the Preliminary Development Plan was approved, submit a Development Plan an application for rezoning as provided per~~ in accordance with Section 1139.03 ~~of the Code of Ordinances. The owner applicant may, if it so desires, submit a Development Plan in accordance with Section 1135.14(a)(3) along with its submission of the application for rezoning.~~ (Ord. C94-87. Passed 12-7-87. C94-98: 12-21-98)

**SECTION 5.** Section 1135.14(a)(5), which reads:

1135.14(a)(5) The Planning Commission shall examine and take action on the Preliminary Development Plan or the Development Plan and the rezoning application within forty-five days after it has been filed. After the Commission acts, the Preliminary Development Plan or the Development Plan along with any restrictions or requirements upon which its approval is conditioned and the rezoning application shall be forwarded to Council for action as permitted by law at Council's next regularly scheduled meeting. If Council defeats the Preliminary Development Plan or the Development Plan or attaches restrictions or requirements to its passage, the owner of the land may request that Council act on the rezoning application. If the rezoning application is approved by Council without approval of a Development Plan, the owner shall have six months from the date of the approval of the rezoning application to obtain approval from Council of a Development Plan or the rezoning approval shall be null and void and the property shall revert to its zoning classification in effect prior to approval of the application for rezoning. If construction plans, grading plans and specifications for the first

phase have not been submitted within twelve months and construction started within eighteen months from the date of the rezoning approval, the rezoning approval shall be null and void and the property shall revert to its zoning classification in effect prior to approval of the application for rezoning.

**IS HEREBY AMENDED TO READ:**

1135.14(a)(5) The Planning Commission shall examine and take action on the *Preliminary Development Plan*, ~~the *Preliminary Development Plan*~~, ~~or the *Development Plan*~~ and the ~~application for rezoning application, and the *Development Plan*, if submitted~~ within forty-five days after it has been filed. After the Commission acts, ~~the Planning Commission shall forward to Council~~, the *Preliminary Development Plan*, or ~~if resubmitted, or the application for rezoning, and~~ the *Development Plan*, ~~along with any restrictions or requirements upon which its approval is conditioned and the rezoning application shall be forwarded to Council~~ for action ~~by Council~~ as permitted by law at Council's next regularly scheduled meeting. If Council defeats the *Preliminary Development Plan* or the *Development Plan* or attaches restrictions or requirements to its passage, the owner ~~of the land~~ may request that Council act on the rezoning application. If the rezoning application is approved by Council without approval of a *Development Plan*, the owner ~~shall have six~~ *nine (9)* months from the date of the approval of the rezoning application to obtain approval from Council of a *Development Plan* or the rezoning approval shall be null and void and the property shall revert to its zoning classification in effect prior to the approval of the application for rezoning. If construction plans, grading plans and specifications for the first phase have not been submitted ~~within twelve months and construction started within eighteen months~~ from the date of the rezoning approval, the rezoning approval shall be null and void and the property shall revert to its zoning classification in effect prior to approval of the application for rezoning.

**SECTION 6.** Section 1135.14(e), which reads:

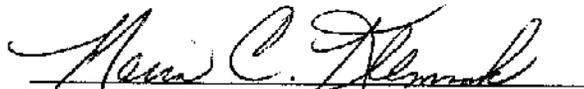
Finding Required. The Planning Commission, after determining that all the requirements of the Zoning Ordinance dealing with Planned Unit Development Districts have been met, shall recommend the approval, approval with modifications or disapproval of the *Development Plan*. The Commission shall enter its reasons for such action in its records. The Commission may recommend the establishment of a Planned Unit Development District provided that they find the facts submitted with the *Development Plan* establish that:

**IS HEREBY AMENDED TO READ:**

1135.14(e) Finding Required. The Planning Commission, after determining that all the requirements of the Zoning Ordinance dealing with Planned Unit Development Districts have been met, shall recommend the approval, approval with modifications or disapproval of the ~~*Preliminary Development Plan* and/or the *Development Plan*~~. The Commission shall enter its reasons for such action in its records. The Commission may recommend the establishment of a Planned Unit Development District provided that they find the facts submitted with the ~~*Preliminary Development Plan* and/or the *Development Plan*~~ establish that:

**SECTION 7.** This Ordinance shall take effect at the earliest opportunity allowed by law.

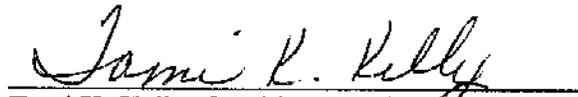
**SECTION 7.** This Ordinance shall take effect at the earliest opportunity allowed by law.

  
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Maria C. Klemack, President of Council

  
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Cheryl D. Grossman, Mayor

Passed: 2-4-02  
Effective: 3-6-02

Attest:

  
\_\_\_\_\_  
Tami K. Kelly, CMC/AAE, Clerk of Council

I Certify that this  
Ordinance is correct as to form.

  
\_\_\_\_\_  
Thomas R. Clark, Director of Law