

CITY OF VANDALIA

MONTGOMERY COUNTY, OHIO

ORDINANCE 12-02

AN ORDINANCE APPROVING A PLANNED UNIT DEVELOPMENT ("PUD") OVERLAY AND PUD PRELIMINARY PLAN FOR THE "FOLEY DRIVE AND NATIONAL ROAD AREA" BEING THE PROPERTIES LOCATED AT 771, 775, 777, 819, 845 AND 865 EAST NATIONAL ROAD AND 22, 35, 50, AND 55 FOLEY DRIVE

WHEREAS, pursuant to section 1230.06 of the Vandalia Planning and Zoning Code, whenever the public necessity, convenience, general welfare or good zoning practice requires, Council may amend or change the regulations, district boundaries or classifications of property in the City; and

WHEREAS, Council has determined that it is in the best interest of the City and good zoning practice to provide a Planned Unit Development (PUD) overlay in the National Road/Foley Drive area; and

WHEREAS, Council has determined that the provisions relating to Site 2 of the Comprehensive Plan Supplement previously adopted by council should, a copy of which is available for inspection in the City Manager's Office shall serve as the Preliminary PUD Plan for this area; and

WHEREAS, Council has referred these proposed zoning changes to the Planning Commission for review and consideration; and

WHEREAS, Planning Commission has reviewed the matter and has held a public hearing and has recommended approval of the PUD overlay and adoption of the PUD preliminary plan.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VANDALIA, MONTGOMERY COUNTY, OHIO THAT:

Section 1. The Planned Unit Development Overlay for the Foley Drive and National Road Area being the properties located at 771, 775, 777, 819, 845 and 865 East National Road and 22, 35, 50, and 55 Foley Drive is hereby approved and shall be known as the "Foley Drive and National Road Area Planned Unit Development".

Section 2. The Planned Unit Development Preliminary Plan (being the plan for Site Two in the City of Vandalia Comprehensive Plan Supplement dated June 2011) is hereby approved with respect to the properties located at 771, 775, 777, 819, 845 and 865 East National Road and 22, 35, 50, and 55 Foley Drive.

Section 3. Pursuant to the City's home rule powers as set forth in the Constitution of the State of Ohio, the laws of the State of Ohio, and Article I of the City of Vandalia Charter, Council hereby expressly waives any procedural deficiencies relative to Preliminary Plan application set forth in section 1273.06.

Section 4. Approval of the Planned Unit Development Preliminary Plan shall not effect the status of any current zoning code violations or status of any existing variances or conditional use permits. No non conforming uses or structures within the Foley Drive and National Road Area Planned Unit Development shall be deemed to be conforming by virtue of the adoption of the Planned Unit Development Preliminary Plan herein.

Section 5. This ordinance shall take full force and effect from and after the earliest period allowed by law.

Passed this 6th day of February, 2012.

APPROVED:

Arlene J. Setzer, Mayor

ATTEST:

Robert L. Anderson
Clerk of Council