

AMENDED ORDINANCE NO. 17-84

By: James H. Goss

An ordinance to amend Amended Ordinance No. 28-80 which had provided for the rezoning of certain property, now known as the Columbia Place property, to a zoning classification of Planned Unit Residential (PUR), and had preliminarily approved a detailed development plan for the property, which included and incorporated certain architectural criteria as part of the overall design concept of the plan, by changing said architectural criteria.

WHEREAS, the City of Bexley adopted Amended Ordinance No. 28-80 on or about June 10, 1980, which rezoned property on Bryden Road, now known as the Columbia Place property, to a classification of Planned Unit Residential (PUR); and

WHEREAS, as part of such rezoning the City of Bexley gave preliminary approval to a detailed development plan for said property, which plan included certain specific architectural criteria for the design, construction and development of the property; and

WHEREAS, pursuant to such architectural criteria, a first phase of such development was submitted to the Bexley City Council and approved by said Council by Resolution No. 15-80 on November 25, 1980; and

WHEREAS, the first phase of the development has never been completed as originally proposed and approved by said Resolution, or by subsequent Resolutions providing various alterations and modifications, and that said first phase is only now in the process of finalization; and

WHEREAS, the developer now desires to complete, not only the first phase, but the second phase, which includes all remaining undeveloped property, as well, and desires various changes in the architectural criteria to expedite and facilitate the accomplishment of these objectives; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1 That Amended Ordinance No. 28-80, should be and it is hereby amended by changing the architectural criteria, incorporated and included therein as part of the development plan, as follows:

(A) That the first sentence of paragraph (A), STREETS be amended to provide for a maximum density of no more than seven (7) single-family detached houses and that further, the cul-de-sac, which had originally been proposed and approved by Resolution as part of the private street, be shortened by 12 feet in accordance with the revised plan submitted by the developer.

(B) That the requirement of paragraph (H) PHASES, that the development be constructed in no more than two phases be eliminated, in as much as the developer has not complied with the requirement in the past and it is unrealistic to believe that it will be effective or serve any useful purpose in the future. This will permit the remaining houses to be built on a basis of one at a time; however, all such houses will be subject to all other requirements and obligations imposed by said paragraph.

(C) That the first sentence of paragraph (I) entitled ARCHITECTURE be amended to provide and allow for more than one architect and more than one builder (as distinguished from developer) for all homes. The requirement that there shall be a single developer remains in force and unchanged.

(D) That a new paragraph (K) be added as follows: (K) COMMON AREAS: So long as the developer retains title to the common areas fronting Bryden Road, it will not permit the construction, erection and/or maintenance thereon of decks, patios, porches, children's play equipment, picnic tables, outdoor grills, furniture or other structures, facilities or fixtures except with the prior written approval of City Council. Upon transfer of such common areas to the homeowners' association or any other persons, the developer shall include in the deed to such areas appropriate restrictions with respect to the foregoing items, which restrictions shall be approved in writing by Council.

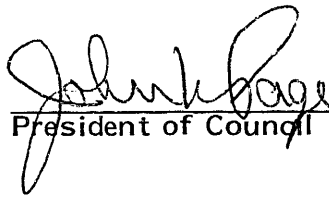
(E) That paragraph (K) PROCEDURES be relettered as paragraph (L) and amended by adding to it the following requirement:

"Applicant, Bexley Properties, (the Developer) understands and agrees to the changes in the architectural criteria, many of which were specifically requested by them, or necessitated by the inability to complete the development as planned, and applicant further reaffirms their original waiver of objections to the procedures and requirements set forth in the architectural criteria, and agrees to confirm such waiver and understanding in writing to the Bexley City Council as part of the approval of the amended criteria of the development plan."

Section 2. That this Ordinance is a zoning ordinance and that notice has been given to all parties and that publication has been made as provided by law.

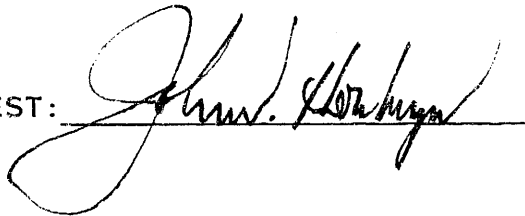
Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: May 22, 1984

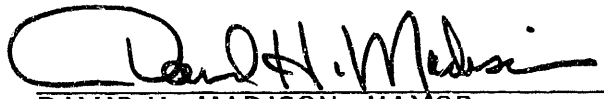


President of Council

ATTEST:



APPROVED: May 22, 1984



DAVID H. MADISON, MAYOR

April 10, 1984: First reading
April 24, 1984: Second reading
May 8, 1984: Public Hearing
Tabled to May 22, 1984
May 22, 1984: Amended and adopted

BODIKER & HOLLAND

ATTORNEYS AT LAW
150 EAST BROAD STREET
COLUMBUS, OHIO 43215
TELEPHONE (614) 224-0343

DAVID H. BODIKER
ROBERT J. HOLLAND

April 5, 1984

JAMES D. OWEN
ROBERT E. PATTERSON CO. LPA
OF COUNSEL

COLUMBUS DISPATCH
34 South Third Street
Columbus, Ohio 43215

Gentlemen:

The City of Bexley will hold a public hearing on May 8, 1984, on an ordinance to amend Amended Ordinance No. 28-80 which had provided for the rezoning of certain property, now known as Columbia Place Property, to a zoning classification of Planned Unit Residential and had preliminarily approved a detailed development plan for said property. Notice of the time and place of this hearing must be given in a newspaper of general circulation in the municipal corporation at least thirty (30) days prior to the hearing.

We would, therefore, appreciate the following notice being published in your newspaper, no later than April 7, 1984.

PUBLIC NOTICE

Notice is hereby given that a Public Hearing will be held on May 8, 1984, at Bexley City Hall, City Council Chambers, 2242 East Main Street, Bexley, Ohio, on the following ordinance which proposes to amend, modify, affect, or regulate the zoning code of the City of Bexley:

Proposed Ordinance 17-84, to amend Amended Ordinance No. 28-80 which rezoned property on Bryden Road, now known as Columbia Place Property, to a classification of Planned Unit Residential and which further, as part of such rezoning, gave preliminary approval to a detailed development plan for said property by changing the architectural criteria for the design, construction and development of such property.

Any person interested in this ordinance may attend and present his views at City Council at that time.

City of Bexley
John W. Hornberger
Auditor, Clerk of Council

COLUMBUS DISPATCH
April 5, 1984
Page 2

The City of Bexley will need a copy of the proof of publication for our records and such proof and the bill for your services should be sent to Jack Hornberger, City Auditor, Bexley City Hall, 2242 East Main Street, Bexley, Ohio 43209.

Thank you for your cooperation.

Yours truly,

David H. Bodiker
David H. Bodiker
City Solicitor
Bexley, Ohio

DHB:jf

**THE COLUMBUS DISPATCH
PROOF OF PUBLICATION**

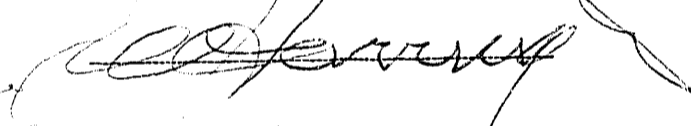
STATE OF OHIO, FRANKLIN COUNTY, ss.:

Lee Harrington
Classified Adv. Manager

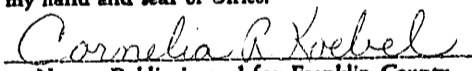
of The Dispatch Printing Company, Publishers of
The Columbus Dispatch, a newspaper published
at Columbus, Franklin County, Ohio, with a daily
paid circulation of more than 25,000 copies, per-
sonally appeared and made oath that the notice of
which a true copy is hereunto attached was pub-

lished in The Columbus Dispatch for 1
time to-wit, on April 7th, 1984

and that the rate charged therefor is the same as
that charged for commercial advertising for like
services.



Subscribed and Sworn to, this 7th
day of April 1984 as
witness my hand and seal of office.


Notary Public in and for Franklin County,
State of Ohio.

CORNELIA R. KOEBEL
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 1-3-89

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City of Bexley
John W. Hornberger
Auditor
47 Clerk of Council

The Columbus Dispatch
Proof of Publication

..... Court
Case No.

vs.

Advertising Fee \$-----
Notary Fee \$-----
Total \$-----