

ARTICLE [X]

COMMUNITY CONSENT

Working revision 7.1, August 29, 2026. Base text: V7 as filed August 25, 2026.

SECTION [X].01 PURPOSE.

The people of Grove City find that certain developments are large enough that their effects on the water system, electrical supply and neighborhoods should be decided by the electors as well as the Council. This Article provides that an ordinance authorizing development at or above the levels stated in Section [X].02 of this Charter, after passage by the Council, does not take effect unless approved by the electors, and requires that any such ordinance state the limits it grants.

This Article does not regulate the quantity of electricity or water that any facility may use. It adds the approval of the electors to the approval of the Council for zoning decisions at that scale, and does not diminish any authority of the Council.

SECTION [X].02 HIGH IMPACT DEVELOPMENT.

A development is a High Impact Development if it meets the threshold stated in Section [X].02.1, Section [X].02.2 or Section [X].02.3 of this Charter. Each of those Sections states a separate and independent threshold, and a development meeting any one (1) of them is a High Impact Development without regard to the others.

[X].02.1 ELECTRICAL THRESHOLD

A development meets this threshold where it has electrical capacity of twenty (20) megawatts or more, from all sources combined, including utility service, on-site generation and behind-the-meter generation.

[X].02.2 WATER THRESHOLD

A development meets this threshold where it has water capacity of five hundred thousand (500,000) gallons or more per day, from all sources combined, including City service, private wells and surface withdrawal.

[X].02.3 FLOOR AREA THRESHOLD

A development meets this threshold where it comprises seven hundred fifty thousand (750,000) square feet or more of gross floor area.

Gross floor area means the total area of all floors of all buildings on the development, measured from the exterior faces of exterior walls, including mezzanines, basements and any floor level used for storage, processing, equipment or occupancy, and excluding structures used solely for the parking of motor vehicles.

[X].02.4 MEASUREMENT

For the purpose of determining whether a development meets a threshold stated in Section [X].02 of this Charter, capacity and gross floor area are the maximums for which authorization is sought or granted.

For the purpose of determining whether a limit stated under Section [X].05 of this Charter has been exceeded, capacity is the capacity installed, together with any capacity for which the electrical or water infrastructure serving the development has been designed or built out, and gross floor area is the gross floor area constructed.

Capacity shall never be measured by the quantity used, projected or expected. Nothing in this subsection shall reduce a limit stated under Section [X].05 of this Charter.

[X].02.5 CONSTRUCTION

Whether a development is a High Impact Development is determined solely by the thresholds stated in Section [X].02 of this Charter. A development meeting a threshold is a High Impact Development whether or not its effects are considered significant, and a development meeting no threshold is not a High Impact Development whether or not its effects are considered significant. The words "High Impact Development" are a label for the thresholds stated in Section [X].02 of this Charter and have no other meaning in this Charter.

SECTION [X].03 STATEMENT OF LIMITS SOUGHT.

An applicant seeking a zoning classification, a use approval or any other City authorization permitting development upon a parcel may state the maximum electrical capacity, the maximum daily water capacity and the maximum gross floor area for which authorization is sought. Where a figure is not stated, any authorization granted is limited to less than the level stated in Section [X].02 of this Charter for that figure.

The Development Director shall prescribe the form and manner of stating the figures and whether any may be left unstated. Where a figure may be left unstated, the form shall state the effect of doing so above the applicant's signature.

This Section imposes no condition upon the issuance of any permit or approval and requires no applicant to state any figure.

SECTION [X].04 APPROVAL OF THE ELECTORS.

An ordinance authorizing a High Impact Development shall first be considered and passed by the Council. Having been passed by the Council, the ordinance shall not take effect unless approved by a majority of the electors voting thereon at the next regularly scheduled election for which the question may lawfully be certified.

Where the Council rejects the ordinance, or where the ordinance otherwise fails to pass, no question shall be certified and no election shall be held upon it. Nothing in this Article shall require the Council to pass any ordinance, or limit the authority of the Council to consider, amend or reject any ordinance.

Where a City authorization would permit development at or above any level stated in Section [X].02 of this Charter, it may be granted only by ordinance. This paragraph does not apply to a development exempt under Section [X].10 of this Charter, and does not apply to a building permit, zoning certificate or other approval for work within the limits in effect upon the parcel.

No zoning classification shall authorize a High Impact Development as of right. No zoning certificate, use approval or other zoning authorization shall be issued for a High Impact Development upon a

parcel unless an ordinance approved by the electors and effective under this Section authorizes it upon that parcel, or the development is exempt under Section [X].10 of this Charter.

The applicant shall deposit with the City the estimated cost of the election as determined by the Board of Elections, together with the costs of notice and publication, before the question is certified. If the deposit is not made within thirty (30) days of passage, the ordinance shall not take effect. Any unexpended balance shall be returned to the applicant within sixty (60) days following the election, the failure of the ordinance or the withdrawal of the application, whichever occurs first.

The ballot question shall state the maximum electrical capacity in megawatts, the maximum daily water capacity in gallons per day and the maximum gross floor area in square feet that the ordinance would authorize.

SECTION [X].05 LIMITS STATED IN THE ORDINANCE.

Every ordinance passed after the effective date of this Article that applies a zoning classification to a parcel, or that otherwise authorizes development upon a parcel, shall state the maximum electrical capacity, the maximum daily water capacity and the maximum gross floor area authorized. Where the applicant declined to state a figure, the ordinance shall state the limit resulting under Section [X].03 of this Charter. Where any such ordinance omits a figure, the limit is the level resulting under Section [X].03 as though the applicant had declined to state it.

The figures stated in the ordinance, or resulting under the preceding paragraph, are the limits upon the parcel. They run with the land and bind every subsequent owner.

An ordinance that creates or amends a zoning district within the codified ordinances without applying it to a parcel need not state limits and confers no authorization, but shall be subject to Section [X].04 of this Charter if it would authorize a High Impact Development.

SECTION [X].06 EXCEEDING THE LIMITS.

Exceeding any limit in effect upon a parcel under Section [X].05 of this Charter shall require an amending ordinance, which shall be subject to Section [X].04 in the same manner as the original. The amending ordinance shall amend the ordinance that applied the zoning classification to the parcel and shall state the limits as amended in full, and those limits shall replace the limits previously in effect upon the parcel.

Installing capacity, or constructing gross floor area, above a limit in effect upon a parcel without an effective amending ordinance shall be a violation. The violation occurs when the capacity is installed or the floor area is constructed, whether or not it is used.

No zoning certificate, use approval or other zoning authorization shall be issued for work that would result in capacity or gross floor area above a limit in effect upon the parcel unless an amending ordinance authorizing it has taken effect. Every application for a zoning certificate or building permit for the construction or expansion of a building, or for the installation or expansion of electrical or water service, shall state the capacity and the gross floor area that will result from the work.

Records supporting any statement of capacity or gross floor area made under this Section shall be retained for six (6) years and produced to the Director of Law within ten (10) days of a written request.

Failure to produce shall establish the statement as incomplete.

SECTION [X].07 ENFORCEMENT.

Within fifteen (15) days of a report or written complaint disclosing facts that would constitute a violation, the Director of Law shall determine in writing whether a violation occurred and file the determination with the Clerk of Council. A copy of the report or complaint shall be served upon the owner of the parcel when it is filed.

Where no determination is filed in that period, any person may bring an action under this Section upon the facts stated in the report or complaint, and the failure to determine shall not be a defense. The court shall decide whether a violation occurred.

Upon determining that a violation occurred, the Director of Law shall within fifteen (15) days order the owner to bring the parcel into compliance and set a date for compliance. The order may require the owner to remove or disable capacity or floor area above the limit.

Fines shall accrue for each day the violation continues, in the amount stated in the Schedule, from the date the violation began.

All City approvals for the parcel shall be suspended thirty (30) days after written notice of the determination, or of a judgment of the court finding a violation, is served upon the owner, and shall remain suspended until compliance is achieved. Where the suspension runs from a determination of the Director of Law and the owner within that period files a written response with the Clerk of Council and requests a hearing, suspension shall take effect upon the Council's decision or upon the expiration of the period for deciding the appeal, whichever occurs first. Suspension running from a judgment of the court shall not be deferred under this paragraph.

Where it is finally determined that no violation occurred, no fine shall be collected, any fine paid shall be refunded, and any suspension shall be lifted. No determination of the Director of Law shall bind or be entitled to deference from any court.

Any resident of the City may sue in the Court of Common Pleas of Franklin County to enforce this Article. A determination that no violation occurred shall not bar the action. A prevailing plaintiff shall recover reasonable attorneys' fees and costs from the owner of the parcel.

Any zoning certificate, use approval or other zoning authorization issued for a High Impact Development without an effective ordinance under Section [X].04 of this Charter shall be void.

SECTION [X].08 APPEALS AND COMPUTATION OF TIME.

Any person may ask the Development Director in writing whether a City authorization would permit development at or above a level stated in Section [X].02 of this Charter. The request shall state the facts on which the person relies. The Development Director may also make the determination upon their own initiative.

Where such a request is filed with the Clerk of Council, the Development Director shall determine the question in writing within twenty (20) days and shall file the determination with the Clerk of Council. Where no determination is filed in that period, the authorization shall be treated as permitting development at or above the level.

Where a request presents a question already determined under this Section, the Development Director shall advise the requester in writing within twenty (20) days, identifying that determination and the date it was filed. This does not apply where the request states facts that have changed since the determination. A response under this paragraph is not a determination and does not extend or renew any period for appeal.

Any person may appeal to the Council a determination of the Development Director under this Section, a determination of the Director of Law under Section [X].07 of this Charter, or a failure to make either, within thirty (30) days of the determination or of the expiration of the period for making it. A response under the preceding paragraph is not appealable. The Council shall hear the appeal within thirty (30) days and shall issue a written decision within twenty (20) days of hearing it. Where the appeal is from a determination, the decision shall state findings on the figures stated or authorized, the levels or limits applicable, and whether the figures meet or exceed them, and the Council shall decide upon the record before the officer and may reverse only where the determination is not supported by that record. Where the appeal is from a failure to determine, the question is whether the period expired without a determination being filed.

If the Council does not hear or decide within those periods, the failure constitutes a final decision of the Council denying the appeal for purposes of Chapter 2506 of the Revised Code, and the appellant may proceed under that Chapter. Where a court determines that Chapter 2506 does not apply, the appellant may bring an action for declaratory judgment in the Court of Common Pleas of Franklin County.

The Council's failure to hear or decide shall not leave in effect a determination that an authorization would not permit development at or above a level, or that no violation occurred. Such a determination is vacated, and the result stated in this Section or in Section [X].07 of this Charter for a failure to determine shall follow. Any other appeal is denied and the determination appealed from remains in effect.

Nothing in this Section shall be construed to validate any ordinance or authorization that is void under this Article.

No period stated in this Article may be extended, tolled or waived by any person or by agreement, except that a period for taking an appeal may be extended by the Council or by a court for good cause shown. Where an officer does not act within a stated period, the stated result shall follow without further action.

All periods stated in this Article are calendar days.

SECTION [X].09 GENERAL PROVISIONS.

The three (3) thresholds stated in Section [X].02 of this Charter are independent, and the electors declare that they would have adopted each of them without the others. If any one (1) or two (2) are held invalid, the rest remain in full force and this Article applies to developments meeting them without further amendment. Every reference in this Article to a level or threshold means those that remain valid and in effect.

If any provision of this Article is held invalid, the remainder shall not be affected and the invalid provision shall be severed. This Article shall be applied to the fullest extent that remains lawful.

Nothing in this Article shall delay, condition or impose any requirement upon annexation. Where territory is annexed, the zoning classification shall be applied by a separate ordinance, which shall be subject to Section [X].04 of this Charter.

The Council may by ordinance tighten the requirements of this Article. Tightening includes setting any level stated in Section [X].02 of this Charter so that more developments are High Impact Developments, shortening any period other than a period for taking or hearing an appeal, and increasing the fine stated in the Schedule.

The Council shall not loosen the requirements of this Article except upon approval by the electors. Loosening includes setting any level so that fewer developments are High Impact Developments, lengthening any period, reducing that fine, narrowing the scope of this Article and creating any exemption.

Nothing in this Article limits the authority of the Council to adopt by ordinance additional standards applicable to High Impact Developments, including standards governing noise, light, vibration, traffic, screening, setbacks or hours of operation, and including standards recommended by any task force or commission the Council has established for that purpose. Such standards are in addition to the requirements of this Article and shall not reduce, waive or substitute for any of them.

Where this Article conflicts with any ordinance, this Article shall control.

SECTION [X].10 DEVELOPMENT EXISTING ON THE EFFECTIVE DATE.

[X].10.1 EXISTING DEVELOPMENT

This Article does not apply to any development lawfully in operation on the effective date of this Article, or to its continuation. The exemption applies only to the parcels that development occupied on that date.

The exemption extends to any subsequent increase in the capacity or gross floor area of the exempt development upon those parcels. No limit arises under Section [X].05 upon those parcels by reason of any such increase, and Section [X].06 does not apply to any such increase. Ordinary repair and maintenance are permitted and do not affect the exemption.

Where the owner or operator of an exempt development proposes development upon any other parcel, this Article applies to that development, and the exemption does not extend to it.

Where the development is destroyed or damaged by fire, storm or other casualty not caused by the owner, the exemption continues if reconstruction begins within twenty-four (24) months of the casualty and does not increase the capacity or gross floor area beyond that existing immediately before the casualty.

Where the development is voluntarily demolished, the exemption ends, and this Article applies to development thereafter upon those parcels.

[X].10.2 PENDING APPLICATIONS

A complete application for a building permit or zoning certificate filed on or before the effective date of this Article is not subject to Section [X].04 of this Charter. The exemption extends only to the capacity

and gross floor area described in that application, and those figures become the limits under Section [X].05.

SCHEDULE

Fines shall accrue in the amount of one thousand dollars (\$1,000) per day for each day the violation continues. Fines under this Article are in addition to any penalty provided by the codified ordinances of the City for the same conduct.