



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 1083-2007, Version: 1

Rezoning Application # Z07-013

APPLICANT: Plaza-GRB- Hamilton Road LLC; c/o Jackson B. Reynolds III, Atty; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Commercial, fuel sales and car wash.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (7-0) on May 10, 2007.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site was originally zoned in 2003 and included 130.84 acres and included an L-AR-12 component and an L-C-4 component. The request is to modify portions of the 35.59 acres found in the L-C-4 zoned component. The original zoning included a site plan that no longer reflects the proposed layout of the shopping center development and there are setback modifications requested due to the irregular right-of-way dedications and a CPD component is being added within the outlot area to allow for a convenient store, gasoline sales and a car wash. The text and site plan will identify the areas of change and the new development standards for the site. The proposed CPD, Commercial Planned Development District allows gas stations and car washes as well as all C-4 uses in the adjacent L-C-4, Limited Commercial District. The proposed CPD reflects the development standards of the adjacent L-C-4, Limited Commercial District. Due to these factors, Staff finds the requested CPD, Commercial Planned Development and L-C-4, Limited Commercial Districts are consistent with the development and zoning patterns of the area.

To rezone **4001 SOUTH HAMILTON ROAD (43232)**, being 32.2± acres located on the west side of South Hamilton Road, 320± feet south of Winchester Pike, **From:** L-C-4, Limited Commercial District, **To:** CPD, Commercial Planned Development, and L-C-4, Limited Commercial Districts (Rezoning # Z07-013).

WHEREAS, application #Z07-013 is on file with the Building Services Division of the Department of Development requesting rezoning of 31.4± acres from L-C-4, Limited Commercial District to CPD, Commercial Planned Development, and L-C-4, Limited Commercial Districts; and

WHEREAS, the Development Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval of said zoning change because The site was originally zoned in 2003 and included 130.84 acres and included an L-AR-12 component and an L-C-4 component. The request is to modify portions of the 35.59 acres found in the L-C-4 zoned component. The original zoning included a site plan that no longer reflects the proposed layout of the shopping center development and there are setback modifications requested due to the irregular right-of-way dedications and a CPD component is being added within the outlot area to allow for a convenient store, gasoline sales and a car wash. The text and site plan will identify the areas of change and the new development standards for the site. The proposed CPD, Commercial Planned Development District allows gas stations and car washes as well as all C-4 uses in the adjacent L-C-4, Limited Commercial District. The proposed CPD reflects the development standards of the adjacent L-C-4, Limited Commercial District. Due to these factors, Staff finds the requested CPD, Commercial Planned Development and L-C-4, Limited Commercial Districts are consistent with the development and zoning patterns of the area, now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Official Zoning Map of the City of Columbus, as adopted by Ordinance No. 0179-03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

4001 SOUTH HAMILTON ROAD (43232), being 32.2± acres located on the west side of Hamilton Road, 320± south of Winchester Pike, and being more particularly described as follows:

Subarea 1

**ZONING
2.0 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 9, Township 11, Range 21, Congress Lands being out of that original 78.5 acres tract as conveyed to Plaza GRB Hamilton Road, LLC by deed of record in Instrument Number 200401210014510 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly bounded and described as follows:

Beginning, for reference at the centerline intersection of Winchester Pike and Hamilton Road;

thence South 04° 14' 40" West, with the centerline of said Hamilton Road, a distance of 770.35 feet to a point;

thence North 85° 45' 20" West, across the right-of-way of said Hamilton Road, a distance of 60.00 feet to the TRUE POINT OF BEGINNING;

thence with the westerly right-of-way line of Hamilton Road, the following courses and distances:

South 04° 14' 40" West, a distance of 10.35 feet to a point;

South 00° 07' 59" West, a distance of 181.18 feet to a point;

South 05° 03' 20" West, a distance of 209.01 feet to a point;

thence across Grantor's tract, the following courses and distances:

North 85° 28' 23" West, a distance of 222.23 feet to a point;

North 04° 31' 37" East, a distance of 400.00 feet to a point;

South 85° 28' 23" East, a distance of 210.23 feet to the TRUE POINT OF BEGINNING and containing 2.0 acres of land, more or less.

To Rezone From: L-C-4, Limited Commercial District,

To: CPD, Commercial Planned Development District.

Subarea 2

**ZONING
30.2 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 9, Township 11, Range 21, Congress Lands being out of that original 78.5 acres tract as conveyed to Plaza GRB Hamilton Road, LLC by deed of record in Instrument Number 200401210014510 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly bounded and described as follows:

Beginning, for reference at the centerline intersection of Winchester Pike and Hamilton Road;

thence with the centerline of Winchester Pike, the following courses and distances:

with the arc of a curve to the left, having a central angle of $03^{\circ} 11' 09''$, a radius of 3819.72 feet, an arc length of 212.39 feet, a chord bearing and distance of North $68^{\circ} 43' 27''$ West, 212.37 feet to a point; and

North $70^{\circ} 19' 02''$ West, a distance of 150.60 feet to a point;

thence South $19^{\circ} 40' 58''$ West, across the right-of-way of Winchester Pike, a distance of 90.00 feet to the TRUE POINT OF BEGINNING;

thence across said 78.5 acre tract, the following courses and distances;

South $04^{\circ} 49' 37''$ West, a distance of 395.90 feet to a point; and

South $85^{\circ} 10' 23''$ East, a distance of 306.22 feet to a point on the westerly right-of-way line of Hamilton Road;

thence South $04^{\circ} 14' 40''$ West, with said westerly right-of-way line, a distance of 195.89 feet to a point;

thence across said 78.5 acre tract, the following courses and distances:

North $85^{\circ} 28' 23''$ West, a distance of 209.29 feet to a point;

South $04^{\circ} 31' 37''$ West, a distance of 191.00 feet to a point;

South $04^{\circ} 32' 37''$ West, a distance of 402.24 feet to a point; and

South $85^{\circ} 28' 23''$ East, a distance of 222.33 feet to a point on the westerly right-of-way line of Hamilton Road;

thence with said westerly right-of-way line, the following courses and distances:

South $04^{\circ} 14' 40''$ West, a distance of 208.06 feet to a point;

South $00^{\circ} 19' 47''$ East, a distance of 100.32 feet to a point;

South 26° 39' 38" West, a distance of 86.54 feet to a point;

South 04° 14' 40" West, a distance of 22.53 feet to a point;

South 01° 14' 35" West, a distance of 33.34 feet to a point; and

South 01° 14' 35" West, a distance of 348.41 feet to a point on the southerly line of said 78.5 acre tract;

thence North 85° 34' 36" West, with said southerly line, a distance of 794.99 feet to a corner thereof;

thence with the westerly perimeter of said 78.5 acre tract, the following courses and distances:

North 04° 08' 51" East, a distance of 353.50 feet to a point;

North 04° 08' 51" East, a distance of 808.47 feet to a point;

South 85° 10' 23" East, a distance of 35.46 feet to a point;

North 04° 49' 37" East, a distance of 78.46 feet to a point; and

North 04° 49' 37" East, a distance of 862.14 feet to a point on the southerly right-of-way line of Winchester Pike;

thence with said southerly right-of-way line, the following courses and distances:

with the arc of a curve to the left, having a central angle of 01° 43' 01", a radius of 3909.72 feet, an arc length of 117.16 feet, a chord bearing and distance of South 69° 27' 32" East, 117.15 feet to a point; and

South 70° 19' 02" East, a distance of 344.74 feet to the TRUE POINT OF BEGINNING and containing 30.2 acres of land, more or less.

EVANS, MECHWART, HAMBLETON, & TILTON, INC.

To Rezone From: L-C-4, Limited Commercial District,

To: L-C-4, Limited Commercial District.

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the CPD, Commercial Planned Development, and L-C-4, Limited Commercial Districts on this property.

SECTION 3. That the Director of the Department of Development be, and he is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Building Services Division and shall register a copy of the approved CPD,

Commercial Planned Development District and Application among the records of the Building Services Division as required by Sections 3311.12 and 3370.03 of the Columbus City Codes; said plans being titled, "GETGO CONCEPTUAL LAYOUT PLAN," and " CONCEPTUAL LAYOUT PLAN," and text titled, "COMMERCIAL PLANNED DISTRICT AND LIMITED REGIONAL SCALE COMMERCIAL DISTRICT TEXT," all signed by Jackson B. Reynolds III, Attorney for the Applicant, dated May 22, 2007, and the text reading as follows:

**COMMERCIAL PLANNED DISTRICT AND
LIMITED REGIONAL SCALE COMMERCIAL DISTRICT TEXT**

PROPOSED DISTRICT: CPD - Commercial Planned District and L-C-4 - Limited Commercial District

PROPERTY ADDRESS: 4001 South Hamilton Road

OWNER: Plaza - GRB - Hamilton Road LLC

APPLICANT: Plaza - GRB - Hamilton Road LLC

DATE OF TEXT: 5/22/07

APPLICATION NUMBER: Z07-013

1. INTRODUCTION: The site was originally zoned in 2003 and included 130.84 acres and included an L-AR-12 component and an L-C-4 component. The request is to modify portions of the 35.59 acres found in the L-C-4 zoned component. The original zoning included a site plan that no longer reflects the proposed layout of the shopping center development and there are setback modifications requested due to the irregular right-of-way dedications and a CPD component is being added within the outlot area to allow for a convenient store, gasoline sales and a car wash. The text and site plan will identify the areas of change and the new development standards for the site.

Subarea 1 (CPD District)

1. INTRODUCTION: The site consists of approximately 32.26 acres of a 35.59 acre tract that was zoned L-C-4 under Z02-009 in 2003. This rezoning is to provide for one outlot within the 32.26 acre to be used for gasoline sales location, convenience store and a carwash.

2. PERMITTED USES: The area included in this CPD district consists of 2.0 acres and shall allow gasoline sales and carwashes and all C-4 uses permitted under Section 3356 of the Columbus Zoning Code, except as provided herein after. The following shall not be permitted on the Property: motor bus terminal, new and used automobile sales, drive-in theater, funeral home, pawn shop, billboards, crematory, motorcycle, boat and other motor vehicle dealers, recreational vehicle dealers, auto body shops, farm equipment and supply stores.

3. DEVELOPMENT STANDARDS:

A. Density, Lot, and/or Setback Commitments.

N/A

B. Access, Loading, Parking and/or Other Traffic Related Commitments.

1. The site was approved as a part of the rezoning of the shopping center that was approved in Z02-009. The curb cuts were approved by the Transportation Division and no curb cuts shall be provided on to Winchester Pike for this parcel.

A traffic signal has previously been installed at the full service curb cut from the Property onto Hamilton Road. The warrants for said signal were met prior to the development of the Property. Applicant will pay on an on-going basis, twenty-five percent (25%) of the maintenance costs relative to said signal, and Applicant shall pay one hundred percent (100%) of the costs incurred to install new control cabinets on the west side of Hamilton Road, to accommodate signalization changes necessitated by the development of the Property.

C. Buffering, Landscaping, Open Space, and/or Screening Commitments.

1. Street trees shall be planted evenly spaced along Hamilton Road and Winchester Pike at a ration of not less than one tree per thirty (30) feet of frontage.

2. All trees and landscaping shall be well maintained. Dead items shall be replaced within six months or the next planting season, whichever occurs first.

3. All trees shall meet the following minimum size at the time of planting: Shade trees - 2 ½ " caliper; Ornamental trees - 1 ½ " caliper; Evergreen trees - 5 feet in height. Tree caliper is measured six inches (6") from the ground.

D. Building Design and/or Interior-Exterior Treatment Commitments.

1. Rooftop Mechanicals Screening. Any mechanical equipment or utility hardware on the roof of a building shall be screened from view to prevent the equipment from being visible from the property line of the parcel. Ground mounted mechanical or utility equipment shall be fully screened from ground level by landscaping or any view fence or wall utilizing comparable and compatible materials as the building materials.

2. Building Height. Buildings constructed on the Property shall not exceed thirty-five feet (35') in height as measured from finish grade at the base of the building, excluding parapets or other roof or wall extensions the purpose of which are to add architectural detail or screening of rooftop mechanical equipment.

3. Sidewalks. Applicant agrees to construct sidewalks as required by the Columbus City Code.

4. Building Materials. Buildings shall be constructed of a combination of glass, brick, synthetic stucco, and standing seam roofs. Awnings at entries are permitted.

E. Lighting, Outdoor Display Areas, and/or other Environmental Commitments.

1. Light standard shall not exceed twenty-five feet (25') in height.

2. Lights shall have fully shielded, recessed lamps directed downward to prevent glare and shine above the horizontal plane.

3. For aesthetic compatibility, lights shall be from the same or similar type and color.

4. Use shall be subject to the following standards:

Display areas are limited to in front of the building along the sidewalk, four feet in depth and twelve feet in width with a 4'X4' area at the ends of the pump islands.

The maximum height for any outside display area shall be three feet.

The outdoor display area shall contain only those items normally and customarily sold by a convenience store and other seasonal items and products, including but not limited to, firewood, mulch, flowers, Christmas wreaths.

F. Graphics and/or Signage Commitments.

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code, and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous Commitments.

1. Site Plan Revisions Allowance. The property shall be developed in general conformance with the Site Plan, titled the "Get Go Conceptual Layout Plan", however, the Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data established at the time of development and engineering plans are completed. The Director of the Department of Development or the Director's designee may approve any slight adjustment to the Site Plan and Landscape Plan upon submission of the appropriate data regarding the proposed adjustment.

2. The following shall apply if the gasoline station is abandoned in the future. An abandoned service station is defined as a station which has ceased operations or is closed to the public for at least six (6) months in any twelve (12) month period. The owner or lessee shall within seven (7) days of the closure period referred to herein:

- a. Install wheel blocks, firmly attached, across the driveway entrance to the service station to prohibit unauthorized vehicle parking or abandonment of motor vehicles;
- b. Shall remove all signs and pumps;
- c. Shall board up all windows, garage doors and entrances to prevent the breakage of glass and the unauthorized entrance therein;
- d. Take appropriate action as required by the City of Columbus Fire Code to treat abandoned underground tanks; and
- e. Shall during the closure period cut all grass, remove all rubbish and weeds and continue such maintenance as may be necessary to prevent the building or structure from deteriorating into a state of disrepair.

1. CPD Criteria

- A. NATURAL ENVIRONMENT: The site is currently vacant.
- B. EXISTING LAND USES: The property is surrounded by the larger tract zoned L-C-4, north is zoned L-C-4 and to the east is L-C-4.
- C. TRANSPORTATION AND CIRCULATION: Access points shall remain the same as they are located on the shopping center site to serve the 2.0" acre site as approved by the City Transportation Department.
- D. VISUAL FORM OF THE ENVIRONMENT: The design of the buildings for this site have not been submitted.
- E. VIEW AND VISIBILITY: In the development of the subject property and in the location of the buildings and access points, consideration will be given to the visibility and safety of the motorist and pedestrian.
- F. PROPOSED DEVELOPMENT: Convenience store with gas and a car wash.
- G. EMISSIONS: No adverse affects from emissions shall result from the proposed development.
- H. BEHAVIOR PATTERNS: The proposed development should not change the behavior patterns other than to attract customers to purchase gasoline, convenient store products or get their cars cleaned.

2. Variances

N/A

Subarea 2 (L-C-4 District)

1. INTRODUCTION: The proposal is to amend the original site plan approved under Z02-009 as the layout of the shopping center has changed since that time and a need to alter the parking setback along South Hamilton Road due to the irregular right-of-way created by various roadway dedications. The proposed uses within the site nor the access points will not change as a result of the rezoning request. A new site plan is submitted with the associated text to detail the various development elements created for the property. Areas of the shopping center are being left blank as the development pattern of those areas are not known at this time and those areas will be developed with the standards found in the C-4 district and those included in the limitation text.

2. PERMITTED USES: Within Subarea 1, the permitted uses shall consist of all C-4 uses permitted under Section 3356 of the Columbus Zoning Code, except as provided herein after. The following uses shall not be permitted on the Property: new and used automobile sales, drive-in theater, funeral home, pawn shop, storage garage and billboards, crematory, motorcycle, boat and other motor vehicle dealers, recreational vehicle dealers, auto body shops, farm equipment and supply stores. An existing monopole telecommunication antenna shall remain on site, the landscaping around which shall be upgraded to meet the current code requirement of five foot (5') tall screening to achieve 75% opacity.

3. DEVELOPMENT STANDARDS:

- A. Density, Lot, and/or Setback Commitments.

N/A

B. Access, Loading, Parking and/or Other Traffic Related Commitments.

1. Access to the Property from Hamilton Road is proposed to be by means of not more than (1) full service curb cut, located toward the south end of the Property's Hamilton Road frontage, a left-in, right-in, and right-out curb cut, and by not more than one (1) right-in-right-out curb cuts along said frontage. Access from Winchester Pike is proposed to be by means of one (1) full service curb cut and by not more than one (1) right-in-right-out curb cut, which is to be located not less than three hundred feet (300') from the Hamilton Road Winchester Pike intersection, and not less than three hundred feet (300') from the full service curb cut. The full service curb cut located along Winchester Pike shall be shared with the multi-family component which abuts the site to the west for ingress and egress to the commercial site. All streets to be constructed on the Property, and all parking areas and drive aisles on the Property, shall be privately owned, and shall be maintained by the owner(s) of the parcels on which located, or by an association of owners formed for such purpose.

2. Applicant has submitted a traffic study analyzing whether improvements to Hamilton Road and/or Winchester Pike are necessitated by this proposed development, and has met with development staff. Based on the report and meetings with staff, applicant has agreed to construct a southbound right turn lane on Hamilton Road at the main (full movement) entrance to the development; and all improvements associated with the left-in, right-in and right-out curb cut; and to construct a 270' westbound left turn lane and a 175' eastbound right turn lane on Winchester Pike at the full movement entry located along the boundary between the residential and commercial uses on the Property and which will be paid for by the respective residential and commercial developers. Additionally, applicant has agreed to pay for the restriping of the westbound lanes of traffic on Winchester Pike at Hamilton Road, to result in two left turn lanes, one through traffic lane, and a right turn lane. Applicant (either together or alone, the residential or commercial developers) acknowledges that it will be responsible, once relevant warrants are met, for the installation of a traffic signal at the full service curb cut on Winchester Pike. The commercial developer shall be responsible for those improvements along Winchester Pike (excluding the intersection of Winchester Pike and Hamilton Road) for those items committed to above at the time of development of the property which abuts the right of way. All circulation, curb cuts and access points shall be subject to the approvals of the City of Columbus Transportation Division in consultation with the Franklin County Engineer's Office.

3. A traffic signal has previously been installed at the full service curb cut from the Property onto Hamilton Road. The warrants for said signal were met prior to the development of the Property. Applicant will pay on an on-going basis, twenty-five percent (25%) of the maintenance costs relative to the said signal, and applicant shall pay one hundred percent (100%) of the costs incurred to install new control cabinets on the west side of Hamilton Road, to accommodate the signalization changes necessitated by the development of the Property.

C. Buffering, Landscaping, Open Space, and/or Screening Commitments.

1. Street trees shall be planted evenly spaced along Hamilton Road and Winchester Pike at a ratio of not less than one tree per thirty (30) feet of frontage.

2. Applicant shall provide 30' treed landscape buffering with an opacity of not less than 90% between the Commercial Property and the Residential Property. The planting may be done on the Commercial Property, on the Residential Property, or on a combination of the two. Cross-easements shall be granted to the owners of the Commercial and Residential Properties along the common property line, allowing for the current and future owners of the Properties to install and maintain the landscape buffer. Relative to the City, and any zoning compliance issues that may arise, the owner(s) of the Commercial Property shall have the ultimate responsibility for the installation and maintenance of the landscaped buffer. Nothing contained herein is intended, nor shall it act, as a bar to the right of the Commercial Property owner(s) to enforce, civilly, any cost-sharing agreement entered into with the owner(s) of the Residential Property. The trees comprising the landscape buffer shall be the following species: Shade trees shall be Homestead and/or Pioneer Elm, Green Mountain Sugar Maple and/or Green Spire Linden; Ornamental trees shall be Ohio Pioneer Hawthorn (thornless) or any of the various varieties of Crabapple; and Evergreen trees shall be Colorado Blue Spruce or Norway Spruce.

3. All trees and landscaping shall be well maintained. Dead items shall be replaced within six months or the next planting season, whichever occurs first.

4. All trees shall meet the following minimum size at the time of planting: Shade trees - 2 1/2" caliper; Ornamental trees - 1 1/2" caliper; Evergreen trees - 5 feet in height. Tree caliper is measured six inches (6") from the ground.

D. Building Design and/or Interior-Exterior Treatment Commitments.

1. **Roof Mechanicals Screening.** Any mechanical equipment or utility hardware on the roof of a building shall be screened from view to prevent the equipment from being visible from the property line of the parcel. Ground mounted mechanical or utility equipment shall be fully screened from view from ground level by landscaping or any fence or wall utilizing comparable materials as the building materials.
2. **Building Height.** Buildings constructed on the Property shall not exceed thirty-five feet (35') in height as measured from finish grade at the base of the building, excluding parapets or other roof or wall extensions the purpose of which are to add architectural detail or screening of rooftop mechanical equipment.
3. **Sidewalks.** Applicant agrees to construct sidewalks as required by the Columbus City Code, including but not limited to an east-west oriented sidewalk extending from Hamilton Road, across and through the L-C-4 Property, providing pedestrian access to the L-AR-12 Property. Sidewalks constructed through paved parking areas of the L-C-4 Property shall meet Columbus sidewalk construction standards, and shall not be mere striped or painted sections of the parking pavement. At any commercial location where outdoor displays are to be permitted, the same shall only be permitted on a sidewalk area if that sidewalk has a minimum depth of nine feet (9'). Applicant has contacted the City of Columbus Transportation Department and is processing an application to secure waivers, as necessary to allow the sidewalk configuration shown on the Sidewalk Plan, in lieu of the requirement of sidewalk construction within the right-of-way along Winchester Pike and part of Hamilton Road.
4. **Building Materials.** Buildings shall be constructed of a combination of glass, brick, synthetic stucco, and standing seam roofs. Awnings at entries are permitted.

E. Lighting, Outdoor Display Areas, and/or other Environmental Commitments.

1. Light standards shall not exceed twenty-five feet (25') in height except lights located within 100 feet of a residentially used or zoned property shall not exceed eighteen feet (18') in height.
2. Lights shall have fully shielded, recessed lamps directed downward to prevent glare and shine above the horizontal plane.
3. For aesthetic compatibility, lights shall be from the same or similar type and color.
4. Lighting shall not exceed 0.1 foot-candle, measured horizontally, along the property line of a residentially used or zoned property.
5. Outdoor merchandising is permitted along the fronts of buildings on the Property, provided a minimum unobstructed strip for pedestrian traffic of not less than five feet (5') is maintained.

F. Graphics and/or Signage Commitments.

All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code, and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

G. Miscellaneous Commitments.

Site Plan Revisions Allowance. The property shall be developed in general conformance with the Site Plan, titled "Conceptual Layout Plan," however, the Site Plan may be slightly adjusted to reflect engineering, topographical, or other site data established at the time of development and engineering plans are completed. The Director of the Department of Development or the Director's designee may approve any slight adjustment to the Site Plan and Landscape Plan upon submission of the appropriate data regarding the proposed adjustment.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.