

ORDINANCE NO. 23-2019

AN ORDINANCE APPROVING AN AMENDED PLANNED RESIDENTIAL DISTRICT (PRD) ZONING TEXT FOR MI HOMES OF CENTRAL OHIO LLC AND DECLARING AN EMERGENCY

WHEREAS, the Planning and Zoning Commission of the Village of Minerva Park has recommended approval of an Amended Planned Residential District (PRD) Zoning Text (the “Amended Zoning Text”) for MI Homes of Central Ohio LLC for 102 +/- acres located at 2955 Minerva Park Road; and

WHEREAS, the Amended Zoning Text has been submitted to Village Council by the Planning and Zoning Commission pursuant to the provisions of Section 1253.05(b)(2) of the Codified Ordinances of Minerva Park; and

WHEREAS, Village Council has determined that the implementation and approval of the Amended Zoning Text is in the best interest of the residents of the Village of Minerva Park;

NOW, THEREOFRE, BE IT ORDAINED BY COUNCIL OF THE VILLAGE OF MINERVA PARK, FRANKLIN COUNTY, STATE OF OHIO, THAT:

Section 2. That the Amended Zoning Text for MI Homes of Central Ohio LLC for 102 +/- acres located at 2955 Minerva Lake Road, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, is accepted and approved by the Council of the Village of Minerva Park.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in open meeting of this Council and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Section 4. Council declares this to be an emergency measure necessary for the health, safety and welfare of the residents of Minerva Park, such emergency arising out of the immediate need for approval so that construction can proceed. Wherefore, this Ordinance shall take effect and shall be in force immediately upon passage by Council

/S/ Lynn Eisentrout
Lynn Eisentrout, Mayor

First Reading: November 11, 2019
Second Reading: Waived
Third Reading: Waived
Passed: November 11, 2019

ATTEST

/S/ Kim Pulley

Kim Pulley, Fiscal Officer

APPROVED AS TO FORM

/S/ Gene Hollins

Gene Hollins, Solicitor

MINERVA PARK

PLANNED RESIDENTIAL DISTRICT (PRD) ZONING TEXT

Original Approved Jan 29th, 2016.

Amendment submitted by Minerva Park Council, November 11th, 2019

I. Introduction and Summary.

The property that is the subject of this PRD zoning text consists of 103.4± acres that presently comprise the Minerva Lake Golf Course. The property enjoys many natural features that create the perfect setting for a residential community. This application seeks to provide the framework for the development of a single-family residential community that is integrated into and is complimentary to the existing neighborhood that is the Village of Minerva Park. Approximately 99.2 acres of the property that is the subject of this application are being annexed to the Village, while the remainder is already located within its boundaries. Final action by the Village Council to approve this zoning will not be taken until it passes legislation to accept the annexation of the unincorporated portion of the site.

This new residential community will consist of 250 to 253 single-family homes (2.81± units/acre – 2.85+/- units/acre when not including with acreage within the school site mentioned below) to be developed in accordance with the development standards contained in this text and as further provided in detailed development plans and supporting documents that accompany this application. The development plan will provide for 26.8+/- acres of open space and parkland (not including the school site). Additional public space consisting of 14.6± acres located in the northeastern portion of the property that will be dedicated to the Westerville City School District for the purpose of allowing the district to construct a new elementary school in the future. The dedication will occur in exchange for the school district's agreement to dedicate a much smaller amount of acreage for use as a public street serving as an extension of Far View Road to State Route 161. At the time that a new elementary school is constructed by the district, it is anticipated that Hawthorne Elementary School will be converted to use as a middle school. Students in this new community will have easy pedestrian access between their neighborhood and their schools. The new elementary school site is likely to provide many recreational opportunities for residents of Minerva Park.

The development plan seeks to link the new neighborhood to the existing community by providing sidewalks on each side of the public streets within the subdivision as well as leisure paths within green spaces that will connect to the sidewalk system. At the same time, the extension of Far View Road will provide direct vehicular access between this development and State Route 161 while minimizing the impact on existing homes. The intent is to maintain the existing feel of the Village as a residential enclave while integrating this new community into its fabric. The open space, new school site, and direct vehicular connectivity with State Route 161 will create amenities that will provide a benefit to the entire Village.

II. Development Standards - Generally. The development standards contained within this text and the plans that accompany it are intended to govern the proposed development. In the event of a conflict between the standards in this text and those found within the Village Code, the standards in this text shall govern. To the extent that a development standard is not contained herein, then the provisions of the Village Code shall govern with respect to that standard.

III. Permitted Uses. Permitted uses in this zoning district are as follows:

A. Single-family dwellings only

B. Open space

C. Parks, playgrounds, and related recreational uses

D. Elementary schools operated only by the Westerville City School District, but only in “Reserve I” as delineated on the accompanying development plan. Elementary schools and parkland shall be the only permitted uses in Reserve I.

E. Accessory buildings and uses in association with a permitted use

F. Home occupations associated with a principal use and in accordance with Chapter 1272 of the Village Code.

G. Golf courses and related improvements, but only until such time as the entire existing golf course has ceased operations and all golf course-related improvements have been removed. Any structures found on the golf course on the date when this zoning text is approved by Village Council shall be maintained in good repair until they are demolished.

H. A maximum of three (3) model homes, which may be operated only until such time as homes have been constructed on all lots in this residential subdivision. Notwithstanding anything to the contrary in the Village of Minerva Park Zoning Code, upon approval of a final plat by the Village the developer may commence construction of a model home to be located within the first phase of the development. Model home construction may occur in advance of, or in conjunction with, installation of infrastructure for the subdivision.

I. The Village Council may permit additional uses that are compatible with the character of the proposed development and the intent and purpose of the Planned Residential District.

IV. Specific Development Standards.

A. Density, Lot and Setback Commitments.

1. Single-Family Lots. The following standards shall apply to single-family lots in this zoning district:

a. Number of Units. The maximum number of single-family units shall be 250 to 253, subject to the provisions of this subsection. Lots may be developed and homes may be constructed in phases as detailed in the Phasing Plan that accompanies this text.

Three of the lots shown on the development plan are labeled as “200A”, “199B”, and “198C”. These three lots represent extra lots that have been provided within the subdivision in order to partially accommodate the relocation into the subdivision of up to four property owners whose property will be impacted by the construction of the extension of Far View Road from the subdivision to State Route 161. More specifically, the impacted properties (the “Impacted Parcels”) are the parcels with existing homes located adjacent to and to the northeast, northwest, southeast, and southwest of the intersection of Minerva Lake Road and the extension of Far View Road. Development of Lots 200A, 199B, and 198C shall be permitted as follows:

(i) If all four owners of the Impacted Parcels elect to build a home within this zoning district, or if three of the four owners of the Impacted Parcels elects to build a home within this zoning district, then the maximum density of this zoning district shall remain at 253 single-family units;

(ii) If two of the four owners of the Impacted Parcels elect not to build a home within this zoning district but the other two owners of the Impacted Parcels do so elect, then no home shall be permitted on the lot labeled as 200A and a maximum of 252 single-family units shall be permitted within this zoning district;

(iii) If three of the four owners of the Impacted Parcels elect not to build a home within this zoning district but the other owner of the Impacted Parcels does so elect, then no home shall be permitted on the lots labeled as 200A and 199B on the development plan and a maximum of 251 single-family units shall be permitted within this zoning district; and

(iv) If none of the owners of the Impacted Parcels elect to build a home within this zoning district, then no homes shall be permitted to be constructed on the lots labeled as 200A, 199B, and 198C on the development plan and a maximum of 250 single-family units only shall be permitted within this zoning district.

Evidence that an owner of an Impacted Parcel has elected to construct a home within this zoning district shall be in the form of a written instrument that is signed by the developer and the relevant owner, which acknowledges that the owner has executed a contract with the developer to construct a home within the zoning district. Such written instrument shall be delivered to the attention of the Mayor of the Village, at the Village’s office, prior to 5:00 p.m. on May

9, 2016. If such written instrument is not delivered to the Village within this timeframe, then this shall be deemed to be an election by the relevant owner of the Impacted Parcel not to build a home within this zoning district. For any of Lots 200A, 199B, and 198C which are not permitted to be built upon as provided in this zoning text, ownership of such lots shall be transferred by the developer to the Village at no charge and at the same time that Reserves A-H (as such term is defined in Section IV.D.2 below) are transferred to the Village, and such lots shall be used as parkland or open space by the Village.

b. Minimum Lot Area and Dimensions. There shall be a minimum lot area of 6,600 square feet. There shall be a required minimum lot width of 55 feet as measured at the minimum building setback line. There shall be a minimum lot depth of 120 feet.

c. Setbacks. The minimum front yard setback and rear yard setback shall be 25 feet from the edge of right-of-way, provided, however, that decks, screened porches, and patios shall be permitted to encroach a maximum of 10 feet into the required rear yard setback. Stoops, steps, and porches shall be permitted to encroach a maximum of five (5) feet within the front yard setback line but shall not be permitted encroach within rights-of-way or easements. The minimum side yard setback shall be 5 feet for single family dwellings, provided that in no event shall adjoining side yards be less than 12 feet in total. The only exception to this shall be between Lot 219 and Lot 220, where the minimum adjoining side yard shall not be less than 10 feet. Stoops and steps shall be permitted to encroach a maximum of five (3) feet within the minimum side yard setback but shall not be permitted encroach within rights-of-way or easements.

d. Street Frontage. All lots shall have frontage on and vehicular access to a public street.

2. Future School Site. The following standards shall apply to the 14.6± acre future school site that is labeled as “Reserve I” on the accompanying plans:

a. Setback from Far View Road. The minimum building and pavement setbacks from the right-of-way for Far View Road shall be 50 feet.

b. Perimeter Boundary Setbacks. There shall be a minimum pavement setback of 50 feet and a minimum building setback of 100 feet from all perimeter boundary lines of this Reserve I that are not adjacent to a public street, except that the minimum building and pavement setback from the eastern boundary line of Reserve I shall be 25 feet.

c. Interior Property Lines. There shall be a zero setback requirement from interior parcel lines within Reserve I provided that similar or associated uses are operating on adjacent parcels.

B. Access, Loading, Parking and Other Traffic-Related Commitments.

1. Parking Spaces. All single-family homes shall be required to have a minimum of two (2) off-street parking spaces on the driveway but located outside of street rights-of-way. Parking within garages shall not count toward this requirement. Parking supporting Reserve G shall meet the requirements of the Village Code unless a variance or deviation from such requirements is approved as part of a final development plan approval for Reserve G.

2. On-Street Parking. On-street parking shall be permitted on one side of all other public streets.

3. Public Streets; Private Drives. All streets and access drives within this zoning district shall be public, with the exception that private drives shall be permitted within Reserve I as part of the development of a school or parkland. Prior to the issuance of the first certificate of occupancy for a single-family home in this zoning district, Far View Drive shall be extended from its current terminus to the right-of-way for State Route 161 so that it is open for use by the general public.

4. Street widths and right-of-ways. All public streets within this development shall be of curb and gutter construction and shall be constructed to required public specifications unless otherwise described in this text or approved as part of the plans that accompany this text. The right-of-way for Far View Road shall be 50 feet in width and pavement shall be no less than 27 feet and no more than 32 feet in width as measured from back-of-curb to back-of-curb (excluding designated parking areas), with the final width to be determined as shown in the approved final plat for this street. All other public streets within the development shall have a right-of-way width of 50 feet. Pavement for all other public streets shall be 27 feet in width as measured from back-of-curb to back-of-curb.

5. Future Street Connection. The public street and associated right-of-way that is shown on the approved preliminary and final development plans and which connects the internal streets within the new subdivision to Maplewood Drive shall be referred to in this text as "Reserve J". Reserve J is being provided to accommodate a future street connection between the public street system in this zoning district and Maplewood Drive on the west. This street connection shall not be required to be constructed unless Village Council takes action separate and apart from legislation to approve this zoning text that provides its approval of the connection. Until such time as Village Council takes such action (if ever), Reserve J shall serve as an access point for emergency vehicles only. The emergency access area shall remain grassed and free of obstructions and shall contain knockdown bollards to be initially installed by the developer with the relevant phase of development of the subdivision. The approval of this zoning text by Village Council shall not constitute such approval but shall instead constitute a requirement to create Reserve J to accommodate a future street connection should it be determined later to be necessary or appropriate. Should Village Council take such action on or before the

earlier of (a) the fifth anniversary of the date when it passes legislation to approve this zoning text or (b) the date that is 30 days following the date when Village Council receives written notice from the developer that the start of development of the final phase of the subdivision is imminent, then the developer shall construct the street connection at its sole cost and expense at such time as it develops and constructs improvements within the phase of the development project that includes Reserve J. Otherwise, such connection shall be constructed and paid for by the Village if and when it determines that the street connection is necessary or appropriate.

C. Architecture.

1. Single-Family Homes.

- a. Architectural Character. The architectural characteristics of the homes to be constructed in this zoning district are to be reflective of the architectural exhibits that accompany this text. These exhibits are intended to be used as a guide in terms of defining the styles and designs of homes. A number of home designs will be used to meet market demand and to provide diversity in terms of home sizes and exterior appearances and finishes, subject to the requirements of this text. The same home design shall not be constructed on lots that are adjacent to or directly across the street from one another. A lot shall be deemed to be directly across the street from any other lot that is located in whole or in part between two imaginary straight-line extensions of the side lot lines for the first lot which extend to the opposite site of the public right-of-way on which the first lot has frontage.
- b. Exterior Finish Materials. Cementitious siding, vinyl, brick, brick veneer, stone, stone veneer, EIFS, stucco, and wood siding shall be permitted as primary exterior façade materials. Permitted trim materials include wood, PVC, vinyl, EIFS, and aluminum.
- c. Exterior Architectural Articulation. The side and rear facades of each single-family home shall have at least one type of architectural articulation, e.g., multiple windows/doors, horizontal trim at the belt course or connecting two lower points of a gable end, change in finish materials at the floor change (incorporating horizontal trim at the transition) Exterior outputs such as vents, lighting or other substantially similar items are not considered an architectural articulation.
- d. Eaves. Eaves at all soffit and rake locations on all facades of the house shall protrude no less than 12” from the corresponding face of the structure.
- e. Maximum building height: Single-family homes may be one or two stories and shall not exceed 35 feet in height, as measured by Village Code.

f. Basements. Construction of homes on a slab without a basement shall be prohibited. Each home shall have a full or partial basement equal in square footage to no less than ½ of the footprint of the ground level of the structure (exclusive of the garage, porch, stoop or similar item). If a partial basement is constructed, the remainder of the home shall be built over a crawl space of no less than 40 inches in depth.

g. Minimum home sizes. Single-story homes shall have a minimum gross square footage of 1,400 square feet, exclusive of garages and basements. Two-story homes shall have a minimum gross square footage of 1,600 square feet, exclusive of garages and basements.

2. Reserve I (Future School Site). The designs of any future school or other permitted structures within Reserve I shall be reviewed and approved by and through a stand-alone final development plan that is filed for review by the Village by the then-owner of that real property.

D. Buffering, Landscaping, Open Space and Screening Commitments.

1. No Homeowners' Association. The developer shall not create and shall not cause to be created a homeowners association or similar entity that has the right to charge an assessment against property within this zoning district.

2. Open Space and Parkland. Reserves A, B, C, D, E, F, G, and H (“Reserves A-H”) shall consist of open space, green space, and storm water management facilities. These areas shall be dedicated to the Village at no charge no later than 30 days after the issuance of the last certificate of occupancy for a single-family home that is permitted to be constructed in this zoning district. The developer shall be responsible for maintaining (and paying the costs of maintaining) Reserves A-H until such time as they are transferred into the Village’s ownership. After such time as Reserves A-H are transferred into the Village’s ownership, the Village shall be responsible for maintaining (and paying the costs of maintaining) these areas. On or before the date that Reserves A-H are transferred to the Village, the developer shall donate the sum of \$25,000.00 to the Village to be held in and disbursed from a fund that is to be used solely for the purpose of maintaining Reserves A-H.

Large existing tree masses within Reserves A-H shall be maintained and preserved to the extent reasonably practicable, except as may be affected by the construction of the street that is to be built in a loop configuration generally around Reserve G. Retention and detention areas and associated storm water management infrastructure to serve the zoning district shall be permitted within all Reserves and appropriate easements may be reserved by the developer for these purposes, in addition to easements relating to any utilities that are located within these areas.

Reserves A-H shall allow for active or passive recreation but shall not include any improvements other than leisure trails and bike paths. Any new trees or other plantings within Reserves A-H shall be of a species that is indigenous to Ohio.

On the approved preliminary and final development plans a leisure path is shown outside of Reserve B but near its boundary and within right-of-way that is owned by the Village. The developer shall construct this path during the relevant phase of the subdivision's development and the Village shall provide relevant rights of entry to developer to allow for the leisure path's construction. The leisure path shall be maintained by the developer until such time as Reserve B is dedicated to the Village, at which time maintenance of the leisure path will be the responsibility of the Village.

3. Street Trees. Deciduous street trees shall be required within tree lawns between the backs of curbs and sidewalks on both sides of internal streets. Trees are to be a minimum of 2 inches in caliper at installation and shall be spaced at a maximum distance of 40 feet on center.

4. Individual Lots. Each lot shall have a grassed lawn and shall include at least 2 deciduous trees, one in the front yard, and one in the rear yard. The front yard tree shall be a shade species or an ornamental species, and the rear yard tree shall be a larger shade tree species. These trees shall be a minimum of 2 inches in caliper at installation. Other plant materials may be provided on each lot, and their respective species and sizes will vary based on the preferences of the initial buyer of each lot.

5. Fences. Appropriate fence designs, locations, and heights for Reserve I shall be determined at the time that a final development plan is approved for that portion of real property. Chain link fences shall be prohibited in all portions of this zoning district, excluding Reserve I, along with any Village owned fence. Additionally, no residents may build into an easement where a Village owned fence is located, without approval of a permit. Please see Exhibit W for allowable fence building into the easement. If a Resident wishes to add a privacy enhancement to the Village owned fence along their lot line, they may do so according to the requirements of Exhibit X.

6. Entry Signage/Landscape Feature. A landscape entry feature with signage shall be located at the entrance into the development at the intersection of Far View Road and State Route 161 in the location shown on the accompanying plans. Refer to Exhibit "C" Preliminary Development Plan / Development Plan Site Plan sheets 5 and 6 and Details sheet 12.

E. Signage. The signage that is part of the entry feature described in Section III.D.6 above shall not identify a subdivision name or the developer name in any form (including logos), but instead will serve as a sign that identifies the Village of Minerva Park. It will have a height and dimensions as shown on the plan referenced in that provision. In addition, the developer of the residential portion of this zoning district shall be permitted to install and maintain a temporary marketing sign in the same general vicinity of the permanent entry feature and sign, with final material and design choices (including size, height, and lighting) to be approved by Village

Council prior to installation. The marketing sign shall be removed at such time as the last residential lot has been sold by the developer to a third party. A sign that identifies the school in Reserve I shall be permitted if approved as part of the final development plan associated with that area. If necessary, the Village Council and the developer shall execute an appropriate agreement to allow for the placement of the aforementioned signs and entry features within the public right-of-way for Far View Road if such improvements cannot be located on a stand-alone tax parcel. All landscaping associated with permanent and temporary signage, excluding school signage location, shall be subject to the approval of Village Council prior to installation. The developer shall be responsible for the costs of installing and maintaining the landscape entry feature, the permanent sign, the temporary marketing sign, and the real property on which such features are located, provided that when the developer transfers ownership of Reserves A-H to the Village, it also shall transfer ownership of the entry feature, the permanent sign, and related real property to the Village and, upon such transfer, the Village shall be responsible for maintaining and paying the costs of maintaining the same.

In addition, the Westerville City School District shall be permitted to place one sign on or near the entry feature that identifies the school to be located in Reserve I. Such sign shall have a design that is approved as part of the final development plan for Reserve I.

F. Lighting; Garbage Cans:

1. Light Posts. In lieu of street lights, each lot shall include a light post on the front yard, upon which a light fixture that is dark sky compliant shall be installed. Such lights shall be positioned so that they provide adequate illumination to allow pedestrian usage of public sidewalks during non-daylight hours.
2. Front Exterior Door Lights. Each home shall have a light fixture(s) or light fixtures on its front façade near the front door-adjacent to each exterior door on front, side, and rear facades.
3. Garbage Cans: All garbage cans and other waste containers shall be kept in the garage, permitted storage buildings, or within approved screened areas and not visible from the street. This provision shall remain effective only until such time as the Village Council approves legislation on this subject that becomes legally effective and which applies to all properties within the Village, at which time that legislation shall apply instead.

G. Miscellaneous Standards. The following additional restrictions shall apply to improvements in this zoning district:

1. Pools/Spas. Above-ground swimming pools shall be prohibited. All swimming pools/spas shall be located in the rear yard, within the building setback lines of single-family lots, and shall be completely screened from adjoining properties. This provision shall remain effective only until such time as the Village Council approves legislation on this subject that becomes legally effective and which applies to all properties within the Village, at which time that legislation shall apply instead.

2. Ancillary Structures. . Storage buildings, where permitted, shall include exterior siding and roofing materials that are the same or complimentary to those which are found on the home that is located on the same lot. Ancillary structures on single-family lots such as storage buildings shall be no more than 10 feet in height. Such structures shall be set back a minimum of 5 feet from rear and side lot lines.
3. Equipment Storage: Storage of all maintenance equipment shall be within garages or permitted storage structures. Such items should not be visible from public streets, common open spaces, or adjacent lots. This provision shall remain effective only until such time as the Village Council approves legislation on this subject that becomes legally effective and which applies to all properties within the Village, at which time that legislation shall apply instead.
4. Utilities: All new utilities shall be placed underground.
5. Vehicle Storage: All campers, off-road vehicles (i.e. box trucks), and boats, must be parked within an enclosed garage. No undrivable vehicles or parts of vehicles may be stored outside. This provision shall remain effective only until such time as the Village Council approves legislation on this subject that becomes legally effective and which applies to all properties within the Village, at which time that legislation shall apply instead.
6. Mailboxes: Each residence shall be required to install a standard mailbox near the street curb as detailed in the final development plan for this community. Any mailbox that needs replaced shall be wood and/or metal; and optional masonry pedestals.
7. Waste and Refuse. All homes in this zoning district shall have curbside trash pickup. Dumpsters shall be permitted in Reserve G, provide that they are screened from off-site view in accordance with Village Code. This provision shall remain effective only until such time as the Village Council approves legislation on this subject that becomes legally effective and which applies to all properties within the Village, at which time that legislation shall apply instead.