

**L-SO, LIMITED SUBURBAN OFFICE AND INSTITUTIONAL DISTRICT
THREE CREEKS SENIOR LIVING EXPANSION
LIMITED OVERLAY DISTRICT TEXT**

June 29, 2016

I. Background: The property that is the subject of this limitation text consists of 2.55+/- acres located to the south of and adjacent to Morse Road and generally to the west of the traffic circle at Morse Road and U.S. Route 62 (the "Property"). It is found adjacent to the Three Creeks Senior Living project that is presently being constructed on 8.05+/- acres to the east of the Property (the "Three Creeks Site"). This application and zoning text will facilitate the development of independent living residential units that will become part of the adjacent project. More specifically, this text is intended to accommodate the construction, development, and operation of 4 "cottage" buildings each containing 2 independent living units, for a total of 8 units. The 8 units will be part of the larger project to the west and are not intended to operate separate and apart from it.

II. Uses and Development Standards – Generally: This limitation text is intended to provide further restrictions and limitations with respect to uses and development standards that would otherwise apply to the Property with a zoning designation of SO, Suburban Office and Institutional. To the extent that any provision of this limitation text conflicts with the underlying standards of the City's zoning code, or should the City's zoning code not address a matter or standard that is addressed in a provision of this text, then the provision in this text shall govern. Where this text is silent on any standard set forth in the zoning code, the standard contained in the zoning code will continue to apply to the Property.

III. Permitted and Conditional Uses: The permitted and conditional uses contained in Section 1153.01 of the City of Gahanna Zoning Code shall apply to this zoning district, provided, however, that conditional uses shall be reviewed and approved in accordance with the procedures set forth in the zoning code. The following additional restrictions shall apply in this zoning district:

- a. Independent living units shall be deemed to be a conditional use in this zoning district as part of the "Sanatoria, and convalescent and rest homes" conditional use that is allowed under Section 1153.01(b)(3) of the zoning code. This is the same conditional use category under which development is presently occurring on the Three Creeks Site. As such, independent living units shall be permitted to be developed and operated only in conjunction with and as a part of senior living community or convalescent use located on the Three Creeks Site. The independent living units shall be deemed to be "developed and operated in conjunction with and as a part of" said senior living community or convalescent use if (i) the units and the facilities located on the Three Creeks Site and the Property are leased to tenants by the same operator or owner, and (ii) the independent living units on the Property have the right to use the facilities located on the Three Creeks Site and to obtain the services provided therefrom.

- b. Independent senior living units shall not be permitted to operate or to be rented as a traditional multi-family product that operates independently of the facilities located on the Three Creeks Site.

IV. Additional Development Restrictions: The following additional restrictions shall apply to this zoning district:

- a. No more than 4 buildings with a maximum of 2 units each shall be permitted to be developed and operated on this site as independent senior living units. The restrictions in the immediately preceding sentence shall not apply to any other development or redevelopment of permitted uses on this site.
- b. All buildings containing independent living units shall be located on the same tax parcel.
- c. Prior to obtaining a certificate of occupancy for the first independent living unit on the Property, the owner of the Property shall be required to take one of the following actions as determined in its sole discretion:
 - i. File and diligently pursue to completion a combination of the parcel containing the Property with the parcel that contains the Three Creeks Site so that the uses and improvements on these properties are contained within a single tax parcel; or
 - ii. Execute and record with the Office of the Recorder of Franklin County, Ohio a deed restriction in favor of and that is enforceable by the City of Gahanna (“City”) (and which shall be subject to the prior written approval of the City) which requires any current or future owner of the Property to obtain the prior written approval of the City (to be withheld or provided in the City’s sole discretion) before it shall be permitted to convey title to the Property in a manner that would cause the Property and the Three Creeks Site to be owned by unaffiliated persons or entities. Such restriction shall run in favor of the City only for so long as independent living units are located on the Property. Nothing herein or in the aforementioned deed restriction shall require an owner of the Property to obtain the City’s permission before transferring the Property to a wholly owned third party affiliated business entity of the owner of the Three Creeks Site in order to facilitate the initial financing of the purchase of and improvements to the Property or the future refinancing of the Property, it being the intent that ownership of the Property and the Three Creeks Site by affiliated business entities of common ownership shall not be contrary to the intent of the restriction in favor of the City.
- d. Primary exterior building façade materials shall be natural or natural in appearance and shall include, but not necessarily be limited to, one or more of the following: brick, brick veneer, wood, and cementitious siding (Hardie-plank or equivalent). Vinyl shall be prohibited as a primary exterior building face material.