

1109.08 PUBLIC AREAS.

(a) Purpose. THE CITY OF GAHANNA RECOGNIZES IT IS ESSENTIAL TO THE HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS OF GAHANNA AND PERSONS WORKING IN GAHANNA, THAT THE CHARACTER AND QUALITY OF THE ENVIRONMENT BE CONSIDERED OF MAJOR IMPORTANCE IN THE PLANNING AND THE DEVELOPMENT OF THE CITY. IN THIS REGARD, THE MANNER IN WHICH LAND IS DEVELOPED AND USED IS OF HIGH PRIORITY. THE PRESERVATION OF LAND FOR PARK, PLAYGROUND, AND PUBLIC OPEN SPACE PURPOSES AS IT RELATES TO THE USE AND DEVELOPMENT OF LAND FOR RESIDENTIAL, COMMERCIAL/INDUSTRIAL PURPOSES IS ESSENTIAL TO MAINTAIN A HEALTHFUL AND DESIRABLE ENVIRONMENT FOR ALL CITIZENS OF THE CITY. THE CITY MUST NOT ONLY PROVIDE THESE NECESSARY AMENITIES FOR OUR CITIZENS TODAY, BUT ALSO BE INSIGHTFUL TO THE NEEDS OF FUTURE CITIZENS.

IT IS RECOGNIZED BY THE CITY OF GAHANNA THAT THE DEMAND FOR PARK, PLAYGROUND, AND PUBLIC OPEN SPACE WITHIN A MUNICIPALITY IS DIRECTLY RELATED TO THE DENSITY AND INTENSITY OF DEVELOPMENT PERMITTED AND ALLOWED WITHIN ANY GIVEN AREA.

THIS SECTION IS PROVIDED TO ASSIST LAND DEVELOPERS IN UNDERSTANDING THE PROCEDURES USED TO ESTABLISH PARK LAND DEDICATION AND/OR FEES.

~~(a) Land Dedication. The basic mandatory land dedication requirement shall be based upon the City residential zoning district under which the subdivider is submitting application for subdivision or plat approval, which creates a new building parcel. A subdivision without plat shall not be required to follow this section. An AR plat application shall be required to meet these requirements during the zoning change application. The amount of land to be set aside for public areas shall be based upon the following:~~

<u>District</u>	<u>Percent of Total Net Site</u>
ER	1.5
SF 1	2.5
SF 2	7.5
SF 3	10
AR 1	15
PRD	20

~~Such area shall constitute ground and locations suitable for City owned and operated parks, recreational facilities and open space, as reviewed and approved by Council and the Planning Commission, upon the recommendation of the Administration, Planning and Zoning Administrator, Parks and Recreation Board and Director of Parks~~

and Recreation, when appropriate.

(b) **Land Dedication.** IN EVERY CASE WHERE LAND IS TO BE DEVELOPED FOR RESIDENTIAL USE, THE DEVELOPER, AS A PREREQUISITE TO THE APPROVAL OF THE FINAL PLAT OR MULTIPLE FAMILY RESIDENTIAL ZONING CHANGE APPLICATION, MUST CONVEY OR DEDICATE TO THE CITY OF GAHANNA A REASONABLE AMOUNT OF THE LAND TO BE SUBDIVIDED FOR PUBLIC USE AS PARKS, RECREATIONAL FACILITIES, TRAILS, OR WETLANDS. A SUBDIVISION WITHOUT PLAT SHALL NOT BE REQUIRED TO FOLLOW THIS SECTION. A MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT SHALL BE REQUIRED TO MEET THESE REQUIREMENTS DURING THE ZONING CHANGE APPLICATION PROCESS. THE AMOUNT AND TYPE OF LAND TO BE DEDICATED IS DETERMINED THROUGH A PROCESS DEFINED BY THIS SECTION OF CODE. THIS IS ONLY A MINIMUM, AND THE GAHANNA CITY COUNCIL HAS THE DISCRETION TO INCREASE THE AMOUNT OF LAND TO BE SO CONVEYED OR DEDICATED BASED ON THE ANTICIPATED NEEDS OF THE CITY THAT THE PROPOSED DEVELOPMENT WILL BRING ABOUT.

THE CITY WILL HAVE THE OPTION TO REQUIRE A DEVELOPER TO CONTRIBUTE AN EQUIVALENT AMOUNT IN CASH BASED ON THE FAIR MARKET VALUE OF THE UNDEVELOPED LAND, WITHIN THE PROPOSED DEVELOPMENT AT THE TIME OF APPROVAL OF THE FINAL PLAT, OR MULTIPLE FAMILY RESIDENTIAL ZONING, AND SUCH CONTRIBUTION WILL BE IN LIEU OF CONVEYANCE OR DEDICATION OF LAND FOR PUBLIC USES. SUCH CASH PAYMENTS WILL BE PLACED IN A SPECIAL FUND BY THE CITY AND USED ONLY FOR THE ACQUISITION OF LAND FOR PARKS, RECREATIONAL FACILITIES, PLAYGROUNDS, TRAILS, WETLANDS, OR DEVELOPMENT OF EXISTING PARK AND PLAYGROUND SITES.

(b) (c) **Staff Evaluation of Land Dedication.** The mandatory land dedication shall be evaluated by the appropriate City staff to determine whether such dedication is acceptable as appropriate sites for open-space, parks and recreational facilities. A three-tier process is to be used by the City in evaluating the proposed land dedication. A written report for each assessment shall be forwarded to the Planning Commission **WITH THE APPLICATION.**

(1) **Needs assessment.** An analysis shall be made to determine the estimated park, **AND** recreation and open-space need that will be created by each proposed subdivision **DEVELOPMENT.** This analysis shall be prepared by the Planning and Zoning Administrator and conducted by the following process:

- A. Estimate the projected population by multiplying the number of proposed dwelling units by 2.99 persons per household;
- B. Divide the projected population by 1,000 to determine the population factor;
- C. Multiply the population factor by the following number for each park service level to determine actual need:
 

Playgrounds	1.5
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Neighborhood Parks	2.0
Playfields	1.5
Community Parks	3.5

D. Compare this estimate of need with the following minimum size for each park service level:

Playgrounds	2.0 acres
Neighborhood Parks	5.0 acres
Playfields	10.0 acres
Community Parks	40.0 acres

E. As a part of this needs assessment, the Planning and Zoning Administrator shall identify areas of open space within the subject property(s) that are appropriate as natural areas due to current physical attributes. The Planning and Zoning Administrator shall prepare a written report, presenting this needs assessment and forward such report to the Planning Commission.

**A. THE AMOUNT OF PUBLIC PARKLAND DEDICATION REQUIRED IN A PROPOSED DEVELOPMENT SHALL BE A MINIMUM OF 0.5 ACRES AND COMPUTED AS FOLLOWS:**

1. RESIDENTIAL POPULATION IN SINGLE FAMILY DETACHED OR ATTACHED UNITS WILL BE ESTIMATED BY MULTIPLYING THE NUMBER OF PROPOSED DWELLING UNITS BY 2.99 PERSONS PER HOUSEHOLD;
2. RESIDENTIAL POPULATION IN MULTI FAMILY UNITS WILL BE ESTIMATED BY MULTIPLYING THE NUMBER OF PROPOSED DWELLING UNITS BY 1.615 PERSONS PER HOUSEHOLD;
3. PUBLIC PARKLAND PER INDIVIDUAL: IN DETERMINING THE SPACE REQUIRED FOR PUBLIC PARKLAND IN A PROPOSED DEVELOPMENT, IT SHALL REQUIRE THAT .025 ACRES BE DEDICATED PER INDIVIDUAL PROPOSED TO BE HOUSED IN THE NEW DEVELOPMENT BASED ON THE ASSUMPTIONS CONTAINED IN PARAGRAPH 1 OR 2 ABOVE.
4. CALCULATION FOR REQUIRED PUBLIC PARKLAND DEDICATION FOR EACH DEVELOPMENT.
  - a. FOR SINGLE FAMILY DETACHED OR ATTACHED UNITS INTENDED FOR INDIVIDUAL OWNERSHIP, THE FOLLOWING FORMULA SHALL BE UTILIZED:

(NUMBER OF LOTS) X (2.99  
INDIVIDUALS/LOT) X (.025  
ACRES/INDIVIDUAL) = DEDICATED ACRES.

b. FOR MULTI FAMILY DEVELOPMENTS  
GENERALLY INTENDED FOR RENTAL, THE  
FOLLOWING FORMULA SHOULD BE  
UTILIZED:

(NUMBER OF UNITS) X (1.615  
INDIVIDUALS/UNIT) X (.025  
ACRES/INDIVIDUAL) = DEDICATED ACRES.

5. THE AMOUNT OF PUBLIC PARKLAND REQUIRED  
TO BE DEDICATED SHALL BE CAPPED AND NOT  
TO EXCEED 25% OF THE TOTAL NUMBER OF  
ACRES BEING DEVELOPED.

(2) Technical assessment. The following suitability and quality criteria shall be used to provide a technical assessment and recommendation relative to the appropriateness of proposed park, recreational and open space areas. The criteria to be used for this determination shall include, but not be limited to the following:

- A. Suitability of soils and geology for the proposed use;
- B. Suitability of topography and drainage for the proposed use;
- C. Location and impact of federally-designated floodways and floodway fringe areas relative to the proposed use;
- D. Extent of natural vegetation and tree cover, with the preservation of wooded areas a priority;
- E. The adequacy of the distribution of proposed areas within the proposed subdivision;
- F. The adequacy of the configuration of each proposed area; and
- G. The degree and quality of access to areas for pedestrians and vehicles, where appropriate.

The Planning and Zoning Administrator and Director of Parks and Recreation shall conduct this technical review of the proposed land dedication areas using the above cited criteria. Each shall forward a separate written report, with recommendations, to the Planning Commission **WITH THE APPLICATION.**

(3) Policy assessment. The proposed land dedications shall be reviewed and compared with currently adopted policies, adopted plans, on-going programs and technical projections to determine the appropriateness of each proposed land dedication. The Parks and Recreation Board and the Director of Parks and Recreation shall each forward a separate written report, with recommendations, to the Planning Commission.

**THE CRITERIA TO BE USED FOR THIS ASSESMENT SHALL INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING.**

- a. **LAND PROPOSED TO BE DEDICATED FOR PUBLIC PURPOSES SHALL MEET IDENTIFIED NEEDS OF THE CITY AS CONTAINED IN THE CURRENT PARKS AND RECREATION COMPREHENSIVE MASTER PLAN.**
- b. **TO BE ELIGIBLE FOR PARK DEDICATION CREDIT, LAND DEDICATED IS TO BE LOCATED OUTSIDE OF DRAIN WAYS, FLOOD PLAINS OR PONDING AREAS.**
- c. **THE DEDICATED PUBLIC PARKLAND MAY INCLUDE WATERWAYS AND PONDS, PROVIDED THE AREA OF SUCH WATERWAYS AND PONDS IS NOT USED TO SATISFY THE AMOUNT OF PUBLIC PARKLAND REQUIRED IN PARAGRAPH (A.) OF THIS SECTION.**

(d) Review and Approval Process. Upon the filing and acceptance of an application for preliminary plat approval, ~~with the Planning and Zoning Administrator, he/she shall initiate the staff evaluation procedure required under subsection (b) hereof, by forwarding a copy of the application, preliminary plat and other submitted documents to Council, the Parks and Recreation Board and the Director of Parks and Recreation. Written assessment reports and Council informal comments shall be forwarded to the Planning Commission within thirty days of the filing and acceptance of the preliminary plat application. If the Parks and Recreation Board, Director of Parks and Recreation, Planning and Zoning Administrator or Council fails to file a written report within the thirty day period, such failure shall constitute a recommendation of approval of the subdivider's~~ **DEVELOPER'S** land dedication proposal.

The Planning Commission shall consider the preliminary plat, **AND THE three assessment reports FROM THE PLANNING AND ZONING ADMINISTRATOR, THE DIRECTOR OF PARKS AND RECREATION, AND THE PARKS AND RECREATION BOARD** ~~and Council informal comments,~~ and render a decision to approve or deny such preliminary plat **AND PARKLAND DEDICATION** within thirty days of receipt of the ~~informal comments from Council and the assessment reports. from the Planning and Zoning Administrator, Parks and Recreation Board and Director of Parks and Recreation.~~

All standards and requirements under Section 1105.02 and 1105.03 shall apply, except where superseded by this section.

Nothing in this section shall preclude a subdivider **DEVELOPER** from presenting the land dedication proposals at the pre-application sketch stage, pursuant to Section 1105.01, and for the informal review of such land dedication with the Planning Commission and City Officials prior to submission of an application for preliminary plat approval.

Approval of a preliminary plat shall be valid for a period of twelve months, pursuant to Section 1105.03(g).

The owner of land proposed to be subdivided shall submit an application for final plat approval pursuant to Section 1105.04, wherein the land dedication details shall be presented. Such final plat, including the land dedication arrangement, as approved by the Planning Commission as part of the preliminary plat approval, shall be reviewed in

accordance with the procedures under Section 1105.05.

Nothing contained within this section shall preclude Council from accepting a portion of the subdivider's **DEVELOPER'S** proposed land dedication and requiring fees-in-lieu of dedication for the remainder of the proposed dedication.

Mandatory land dedications may be waived by Council when Council has adopted a motion establishing a priority for the payment of in-lieu fees, instead of accepting land dedications during a specified period of time. Such in-lieu fees, as stated in this motion, shall be designated for a specific community-wide park, recreational or open space project, as stated in the motion, and placed in a specially designated fund, to be titled in the motion. Such community-wide project shall benefit the current and future residents of any platted subdivision of which the subdivider **DEVELOPER** has expended in-lieu fees under this motion.

Nothing in this section or any other section shall preclude subdividers **DEVELOPERS** from transferring to the City land dedications for park, recreational and open space sites, or expending in-lieu fees in excess of the mandatory requirements of this section.

(e) Fees for Unacceptable Dedication. Proposed land dedication areas that are not acceptable to the City, as determined by the Planning Commission and Council, as sites for open space, parks and recreational facilities, shall not be dedicated to the City and fees-in-lieu of dedication shall be paid in place of the dedication.

Proposed dedicated land areas shall be determined to be unacceptable to the City, based upon the assessment reports, ~~Council informal comment~~ and Planning Commission action, on an application for preliminary plat approval **OR ZONING CHANGE**. The unacceptability of land dedications may also be determined during the final plat approval process if unknown or changing circumstances have impacted the approved preliminary plat. **AT THE TIME OF PRELIMINARY PLAT APPROVAL, OR AT THE TIME OF FINAL PLAT APPROVAL,** ~~the subdivider~~ **DEVELOPER** shall be instructed that a fee shall be required in lieu of any portion of the land dedication. ~~at the time of preliminary plat approval or at the time of final plat approval.~~

(f) Calculation of Fees In-Lieu of Land Dedication. A fee-in-lieu of land dedication shall be paid to the City for any land area that is not acceptable as a site for open space, parks and recreational facilities.

The in-lieu fees shall be based upon the average value per acre of the total gross site prior to construction or improvement of the proposed development for which an application for preliminary plat approval has been submitted. To calculate this estimate, the total value **SHOULD BE BASED ON THE FAIR MARKET VALUE OF THE UNDERLYING LAND** ~~of the development,~~ as determined by an appraisal, ~~shall be divided by the total gross acreage of the development. The resulting figure shall be the averaged value of the development on a per-acre basis.~~

~~This estimate shall be based upon an appraisal of the land value of the entire gross acreage of the development. The appraisal shall be conducted, completed and submitted to the Clerk of Council~~ **PLANNING AND ZONING ADMINISTRATOR** prior to final plat approval. The appraisal shall be prepared by a certified appraiser selected and paid for by the subdivider **DEVELOPER**. ~~The appraisal shall be reviewed and approved by Council. Ten copies are required to be submitted.~~

(g) Use and Deposit of In-Lieu Fees. ~~The in-lieu fees shall be used for the acquisition and development of City owned and operated parks, open space and recreational facilities, that shall benefit and serve the current and future residents of the subject subdivision.~~

~~The in-lieu fees collected under this section shall be placed in a separate fund to be entitled Park In-Lieu Fees Fund. The City Administration shall maintain accurate and accessible record keeping that tracks the expenditure of these in-lieu fees. Such record keeping shall be open and available for public inspection.~~ **THE CITY OF GAHANNA WILL MAINTAIN A SEPARATE FUND INTO WHICH ALL CASH CONTRIBUTIONS RECEIVED FROM OWNERS OR DEVELOPERS IN LIEU OF CONVEYANCE OR DEDICATION OF LAND FOR PUBLIC USE AS PARKS, RECREATIONAL FACILITIES, PLAYGROUNDS, TRAILS, WETLANDS, OR OPEN SPACE WILL BE DEPOSITED AND WILL MAKE, FROM TIME TO TIME, APPROPRIATIONS FROM SUCH FUND FOR ACQUISITION OF LAND FOR SUCH PURPOSES AND USES, FOR DEVELOPING EXISTING PARKS, RECREATIONAL FACILITIES, PLAYGROUNDS, TRAILS, OR WETLANDS.**

**(h) AREA CONVEYED OR DEDICATED HEREUNDER MAY NOT BE INCLUDED BY A DEVELOPER AS AN ALLOWANCE FOR PURPOSES OF CALCULATING THE DENSITY REQUIREMENTS OF THE DEVELOPMENT.**

~~(g) Additional Reservation of Public Land. Where master plan or similar planning comments, duly adopted in accordance with the Ohio Revised Code, the City Charter, or adopted by an official body, propose the location of a public school site, public facility or other public use within an area designated for residential development, the subdivider shall reserve such land area for a minimum period of five years.~~

~~Public facilities and uses shall include, but not be limited to, public schools, law enforcement facilities, fire protection facilities, unique open space and natural areas, gymnasiums, swimming pools, indoor recreation centers or other public uses and purposes.~~

~~The City or Gahanna Jefferson Public Schools, when appropriate, shall purchase such reserve(s) by the end of the five-year period for the fair market value as calculated by a current appraisal prepared by a certified appraiser selected and paid by the City or Gahanna Jefferson Public Schools, when appropriate.~~

~~If the City or Gahanna Jefferson Public Schools fail to purchase such reserve(s) within the five-year period, use of the reserve(s) shall revert back to the current property owner.~~

**(i) Acceptance of Land Dedications and Fees In-Lieu of Land Dedications. Council shall not accept land dedications and/OR payment of in-lieu fees required under this section until the Planning and Zoning Administrator has certified in writing that all required land dedication and fee payment requirements have been met by the subdivider **DEVELOPER** as approved as a part of final plat requirements **AND/or** part of the zoning change process with an AR zoning application. **THE LAND DEDICATION AND PAYMENT OF IN-LIEU FEES REQUIRED BY THIS SECTION SHALL BE CONVEYED TO THE CITY FOLLOWING APPROVAL BY COUNCIL FOR THE FINAL PLAT OR MULTIPLE FAMILY RESIDENTIAL ZONING APPLICATION, AND WITHIN SIXTY (60) DAYS OF RECEIVING NOTICE OF SUCH APPROVAL BY COUNCIL.****

**(j) Prohibition. TERMS AND CONDITIONS.**

~~(1) No Certificate of Zoning Compliance for the construction of a residence shall be issued unless and until the land dedication and/or payment of in-lieu fees, provided for in this~~

section, is conveyed to the City.

~~(2) No person, firm or corporation shall receive or be entitled to receive the Certificate of Zoning Compliance for the construction of a residential structure unless and until the land dedication and/or in-lieu fees, provided in this section, is conveyed to the City.~~

1. **THE REMOVAL OF TREES, TOPSOIL, STORAGE OF CONSTRUCTION EQUIPMENT, BURYING OF CONSTRUCTION DEBRIS, OR STOCKPILING OF SURPLUS IS STRICTLY FORBIDDEN ON PARKLAND TO BE DEDICATED WITHOUT THE WRITTEN APPROVAL OF THE DIRECTOR OF PARKS AND RECREATION.**
2. **NEITHER A ZONING CERTIFICATE NOR A BUILDING PERMIT FOR CONSTRUCTION OR IMPROVEMENTS OF ANY KIND SHALL BE ISSUED BY THE CITY FOR THE SUBJECT DEVELOPMENT OR PROPERTY UNTIL SUCH LAND DEDICATIONS OR PAYMENT OF FEES-IN-LIEU OF LAND DEDICATIONS ARE CONVEYED TO AND ACCEPTED BY THE CITY.**
3. **GRADING AND UTILITY PLAN, WHICH MAY AFFECT OR IMPACT THE PROPOSED PARKLAND DEDICATION, SHALL BE REVIEWED AND APPROVED BY THE CITY ENGINEER AND THE DIRECTOR OF PARKS AND RECREATION PRIOR TO DEDICATION, OR AT SUCH TIME AS REASONABLY DETERMINED.**
4. **PRIOR TO DEDICATION FOR PUBLIC PURPOSE, THE DEVELOPER SHALL DELIVER TO THE CITY ATTORNEY, AN ABSTRACT OF TITLE OR REGISTERED PROPERTY ABSTRACT FOR SUCH DEDICATION. SUCH TITLE SHALL VEST IN THE CITY GOOD AND MARKETABLE TITLE, FREE AND CLEAR OF ANY MORTGAGES, LIENS, ENCUMBRANCES, ASSESSMENTS AND TAXES. THE CONVEYANCE DOCUMENTS SHALL BE IN SUCH FORM ACCEPTABLE TO THE CITY.**

~~(j) Effective Period. The land dedication and payment of in-lieu fees required by this section shall be conveyed to the City following approval by Council of the final plat or AR-zoning and within sixty days of receiving notice of such approval by Council.~~

~~Certificate of Zoning Compliance and permits for construction or improvements of any kind shall not be issued by the City for the subject subdivision or property until such land dedications and payment of fees in-lieu of land dedications are conveyed to and accepted by the City.~~

(k) Park Fee. A park fee shall be paid to the City by the subdivider **DEVELOPER** in the case of platted residential subdivisions. Such park fee shall be as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances. Such fee shall be collected prior to the issuance of building permits and deposited in a special fund entitled Park Fund.

Such funds shall be expended by the City for the improvement of recreational facilities within existing publicly owned and operated park facilities and the purchase of recreational equipment. Such funds shall not be used for the maintenance and operation expenses incurred by the Parks Department in the daily operation of park facilities.