

THE RETREAT

DEVELOPMENT TEXT

City of Powell, Ohio

September 20, 2019

Prepared by: The Retreat Association & MKSK

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Planned Residence District Development Text for The Retreat

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CITY OF POWELL DEVELOPMENT PLAN APPLICATION

Revised 9/4/2019



PLANNING AND ZONING COMMISSION (P&Z) MAJOR AMENDMENT TO DEVELOPMENT PLAN TEXT APPLICATION

ALL ITEMS ON THIS APPLICATION MUST BE COMPLETED.

Application Fee: \$1100.00
Pre Fee Ordinance 2019-38

Applicant: The Retreat Association, An HOA c/o Dan O'Brien, President
Address/City/State/Zip: P.O. Box 240, Powell, OH 43065
Email Address: info@theretreatpowell.org or daobrien@harropusa.com
Phone No: 614-436-0710 **Cell Phone No:** 614-565-9612 **Fax No:** _____
Property Owner: The Retreat Subdivision
Address/City/State/Zip: _____
Email Address: _____
Phone No: _____ **Cell Phone No:** _____ **Fax No:** _____
Architect/Designer for Applicant: N/A
Address/City/State/Zip: _____
Email Address: _____
Phone No: _____ **Cell Phone No:** _____ **Fax No:** _____
Property Address: The Retreat Neighborhood - See attached
Lot Number/Subdivision: _____ **Existing Use:** _____ **Proposed Use:** _____

Reason for Administrative Review (attach necessary documents):

The Retreat Association is requesting the entire neighborhood be rezoned into a Planned District due to expiring deed restrictions.

Checklist:

- ☐ Legal description of the property
 - ☒ Vicinity Map
 - ☒ Written Text explaining nature of amendment being requested.
 - ☒ Amended Final Development Plan drawing(s) (site plan, elevation drawings, etc.) needed to show proposed amendment.
 - ☐ Provide any other information that may be useful to the Planning and Zoning Commission or City Staff in the space below or attach additional pages.
 - ☒ 5 copies of all drawings, text, any other items, and application
 - ☒ 1 digital copy (CD, USB, Email) of the complete application packet.
 - ☒ Attach the required fee - \$1100.00
 - ☒ Post a public notice sign at least (10) days prior to a public hearing or public meeting, pursuant to ordinance 1107.035
- Public notice sign details found [here](#).

(SEE OVER)

CITY OF POWELL DEVELOPMENT PLAN APPLICATION

APPROVAL SHALL EXPIRE AND MAY BE REVOKED IF CONSTRUCTION DOES NOT BEGIN
WITHIN TWO (2) YEARS FROM THE DATE OF ISSUANCE OF APPROVAL.

I agree to grant the City Staff, the Commission, Board or Council considering this application access to the property that is the subject of this application for the purposes of reviewing this application and posting public notice for this application.

Signature of Applicant: Daniel A. Osborn, I resident Date: Sept. 7, 2019

Office Use
Received

Office Use
Type/Date: <u>Sept 9, 2019</u>
Base Fee: <u>\$1100.00</u>
Prepared by: _____
Reviewed by: <u>[Signature]</u>
PAYOR: <u>The Retreat Assoc</u>
RECIEPT # <u>8092</u>

City of Powell · 47 Hall Street · Powell, Ohio 43065 · (614) 885-5380 · (614) 885-5339 fax · www.cityofpowell.us



The Retreat Association
P.O. Box 240 Powell, Ohio 43065

September 19, 2019

RE: Rezoning Application for The Retreat

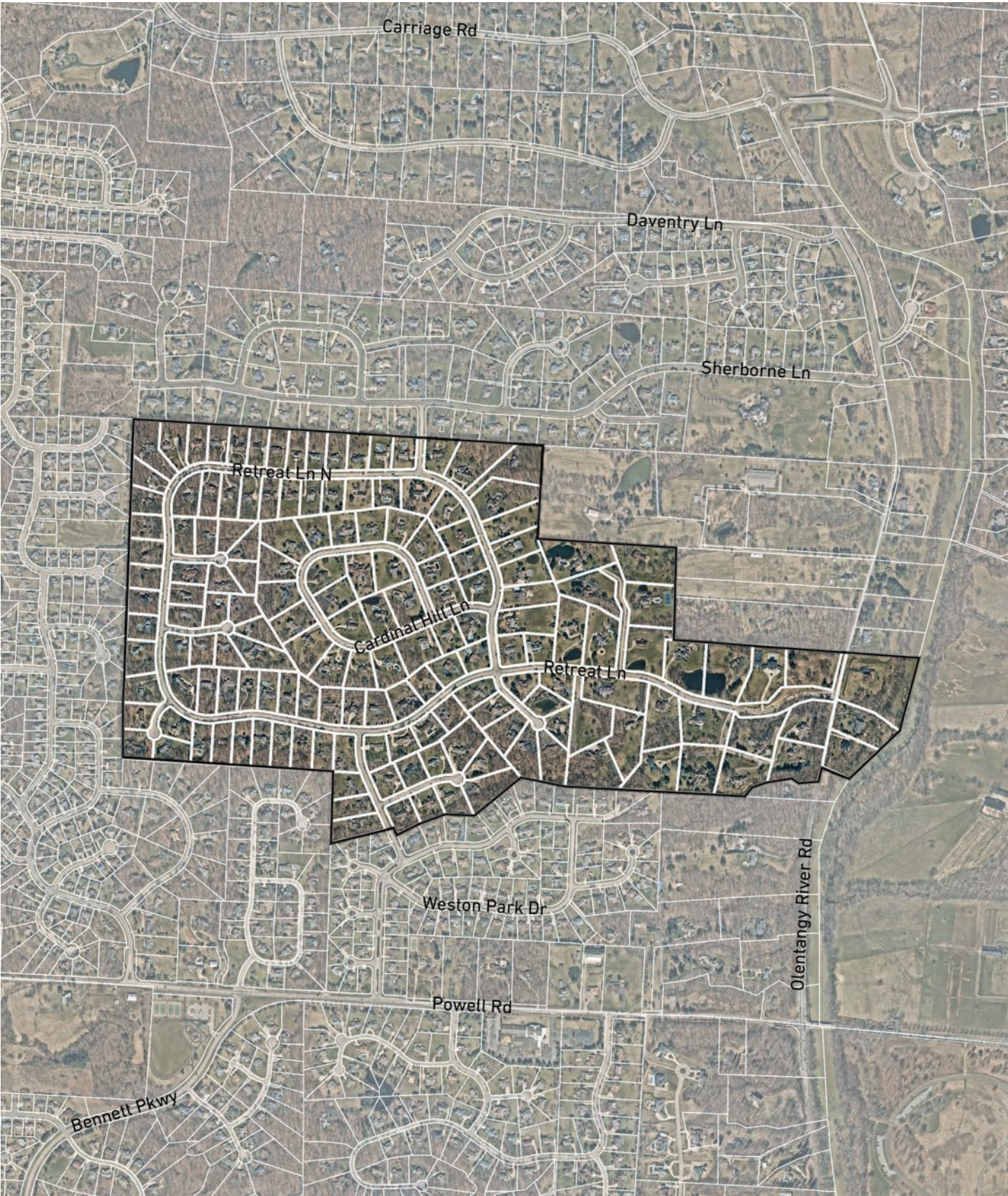
Messrs. Betz and Kambo,

Please be informed, I am a co-applicant of the Retreat HOA rezoning application.

Daniel A. O'Brien
President
The Retreat Association

Serving Your Neighborhood

EXHIBIT B: THE RETREAT - LOCATION MAP



DEVELOPMENT TEXT FOR THE RETREAT

THE RETREAT DEVELOPMENT TEXT SEPTEMBER 16, 2019

This is the development text for “The Retreat” and “The Retreat at Cardinal Hill” subdivisions zoned Planned Residential District (PRD) in the City of Powell. This development text is written to capture the intent of the Deed Restrictions and Covenants contained in the original platting and recording of The Retreat subdivision that expire on January 1, 2020.

ARTICLE 1

1. General Definitions:

- 1.1 “The Retreat” includes all properties currently located in The Retreat subdivision, Powell, Ohio. Refer to the map on Exhibit B. Specific areas include:
 - a. Robinson Subdivision (Lots 2240, 2241, 2242);
 - b. Section 1 (Lots 237-240, 241), later subdivided into Deer Creek East/West and Fox Run;
 - c. Section 2 (Lots 241-260);
 - d. Section 3 (Lots 261-304);
 - e. Section 4 (Lots 317-336);
 - f. Section 5 (Lots 305-316);
 - g. The Retreat at Cardinal Hill (Lots 445-449, 454-479); and
 - h. On the River (three parcels).
- 1.2 *The Retreat Architectural Review Committee* (ARC) is hereby created to review and offer recommendations to any proposed modifications and/or improvements to property within The Retreat, excluding interior modifications, prior to submission to the City of Powell for a zoning certificate. The ARC review is designed to assist the homeowner in finalizing their planned modifications and make recommendations to ensure the modifications are consistent with the standards of the subdivision - promoting the maintenance of beauty, environmental harmony, and integrity of the neighborhood.
 - a. Prior to submittal to the City of Powell for a zoning certificate, a homeowner within The Retreat proposing any modifications and/or improvements to their property, excluding interior modifications, must submit plans to The Retreat Architectural Review Committee for review and formal recommendation to be forwarded to the City of Powell with the application.
 - b. The plans submitted to the Architectural Review Committee by the homeowner shall consist of site plans, building plans, and elevations (with dimensions, noted materials, colors, and finishes) that adequately convey the intent and appearance of the proposed modification.
 - c. The Architectural Review Committee shall respond to a homeowner’s request for review within thirty (30) days with a statement of “support”, “non-support”, or “support with conditions”. In the later case, the ARC shall include those conditions of support in its recommendation statement. The ARC’s recommendation shall be by formal vote following Robert’s Rules of Order. The ARC’s statement will be provided to the applicant for the applicant to include with their application for a zoning certificate to the City of Powell. If no response is made within thirty days, the modification review is automatically supported by the Architectural Review Committee.
 - d. It should be noted that it is City of Powell policy not to grant zoning certificate approval without ARC support. In the event that a zoning certificate application was not supported by the Architectural Review Committee and the City of Powell

DEVELOPMENT TEXT FOR THE RETREAT

is inclined to approve it, the City of Powell will notify the Architectural Review Committee and hold the application for thirty (30) days to permit a response from The Retreat.

- e. The Retreat Architectural Review Committee shall be composed of three to five (3-5) members appointed by The Retreat's Homeowners Association Board on staggered two-year appointments. Members of the ARC must be homeowners and residents of The Retreat.

- 1.3 Any existing structure permitted by The Retreat Deed Restrictions prior to adoption of this Development Text and no longer permitted by adoption of this Development Text shall be considered existing, non-conforming and permitted to remain, provided it is maintained in good condition and not expanded.
- 1.4 Any activity, structure, or condition in violation of the Deed Restrictions of The Retreat prior to adoption of this Development Text for The Retreat shall not be considered a permitted non-conformance or approved pre-existing condition. Mechanisms for relief to address any such condition available to The Retreat prior to the adoption of this text shall remain available and are not precluded.

ARTICLE 2

2. General Restrictions:

- 2.1 All lots shall be used exclusively for single-family residential purposes.
- 2.2 No lot may be subdivided by sale, resale, gift, transfer, or otherwise to create a new lot.
- 2.3 Any new residence constructed after January 1, 2020 should be of high-quality materials and design, and appropriate in

scale to the existing homes in The Retreat.

- 2.4 Homes built after January 1, 2020 shall have drives finished with clay brick pavers, concrete pavers, concrete, or asphalt.
- 2.5 No animals, other than household pets, are permitted outside the residential structure on the property. No farm animals or livestock are permitted on a property. No pets which disturb the occupancy of nearby lots (noise, smell, exhibiting aggressive behavior) are permitted at any time.
- 2.6 No outside dwellings for pet(s) are permitted. Pet(s) shall not be left out a majority of the day or night. (See relevant section of Codified Ordinances of Powell.)
- 2.7 Lawn mowers, tractors, and lawn and garden equipment shall be residential only. These items shall be stored in the garage or behind the home, concealed by sufficient landscaping (as approved by the Architectural Review Committee) to provide a permanent screen at all times of the year so as not to attract attention and lie out of view of the public and neighbors. No items shall be stored on a street side of any property, except for neatly placed hose/hose storage apparatus.

ARTICLE 3

3. Vehicle Restrictions:

- 3.1 No parking of commercial vehicles in excess of 10,000 pounds GVWR (Gross Vehicle Weight Rating), campers, boats, trailers, or recreational vehicles is permitted on a property for more than 48 hours in any ten (10) day period unless parked in a completely enclosed garage. No vehicles covered for storage are permitted outside at any time.
- 3.2 Only one commercial vehicle less than 10,000 pounds GVWR is permitted overnight at any time on a property. The vehicle must

DEVELOPMENT TEXT FOR THE RETREAT

be operational and properly licensed.

- 3.3 All vehicles parked in a driveway must be legally registered and licensed, in satisfactory highway operating condition, and moved every seven (7) days. After the seven days of inactivity, the vehicle shall be considered a nuisance and detrimental to the welfare of the neighborhood and shall be removed by the Owner.
- 3.4 Vehicle repair in a driveway is permitted as long as the disabled vehicle is repaired within 48 hours and again legally operational or removed from the property after 48 hours.
- 3.5 Parking vehicles on a lawn for longer than 24 hours is prohibited unless driveway is under repair or otherwise inaccessible.
- 3.6 Refer also to the Codified Ordinances of the City of Powell, Section 1145.06.

ARTICLE 4

4. Property Improvements & Maintenance

BUILDING EXTERIOR:

- 4.1 All doors, windows, siding, exterior walls, gutter systems, porches, balconies, decks, patios, and fences shall at all times be maintained in a neat and orderly manner.
- 4.2 No holes (damage by accident, time, nature, birds, animals, insects, etc.) are permitted in building exteriors and repairs/replacements shall occur in a timely manner.

- 4.3 No debris, unsightly methods of storage, or unsightly gathering of personal items are permitted anywhere on the lot, including under decks, unless properly enclosed and screened from sight. Storage or placement in the yard of construction materials and equipment related to an ongoing project approved by the ARC is permitted.

BUILDING APPEARANCE:

- 4.4 All sides of buildings, including roofs, shall be maintained, repaired, cleaned, and painted or stained in a neat, orderly, and expedient manner.
- 4.5 Colors and building materials shall be harmonious and compatible with colors of the natural surroundings and adjacent buildings and improvements.
- 4.6 All sides of structures, including roofs, shall reflect consistent architectural and material character.

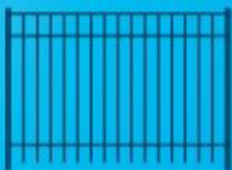
DRIVES AND WALKS:

- 4.7 Drives and walks shall be kept clean, weed-free, and maintained/repared in good condition.

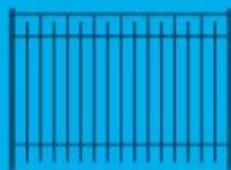
IMPROVEMENTS TO PROPERTY:

- 4.8 Perimeter fencing is not permitted. Fencing is permitted only behind the foot print of the dwelling, contiguous to the back of the home, surrounding any back deck, patio, or porch, and shall be at least 30 feet from the back lot line. Fencing shall be similar to a Jerith Manufacturing, LLC residential covered pickets style shown below, be black

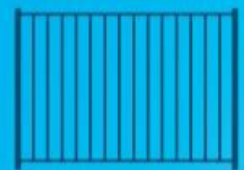
Covered Pickets



*aligned pickets**



*staggered pickets**



two rail design

DEVELOPMENT TEXT FOR THE RETREAT

or bronze in color, made of aluminum or higher quality gauge metal (no chain link fencing permitted), be at least 85% open, and be no more than 54 inches above grade at the highest point. Fencing for in-ground swimming pools must comply with city standards regarding height and safety. Any proposed fencing must be reviewed and approved by the Architectural Review Committee. Fencing must be maintained in good mechanical and visual condition at all times and grass trimmed regularly on both sides of the fence.

- 4.9 No structures or buildings, including barns, utility sheds, free-standing greenhouses, coops, cages, animal runs, house trailers, or any other temporary or permanent improvements to the property shall be erected or permitted other than one single-family dwelling (attached garage permitted) and one additional detached private garage serving the dwelling, but located within ten feet of the primary residence and accessed by a finished paved (clay brick pavers, concrete pavers, concrete, or asphalt) driveway at least 10 feet wide, and a gazebo, and a pool house. Detached garages must be at least 12' x 20' and have an architectural design and materials matching the existing primary dwelling. A pool house must be located adjacent to a pool, and located such that the door(s) of the pool house only open internal to the pool fence enclosure. A pool house must have an architectural design and materials matching the existing primary dwelling. A gazebo is a freestanding structure, roofed, open (or screened) on all sides, and not larger than 16' in diameter. A gazebo must have an attractive architectural design, be composed of high-quality materials, and be appropriate in scale. All permitted structures must be attractively landscaped. Any proposed structures must be reviewed and approved by the Architectural Review

Committee.

- 4.10 Standby electrical generators installed after January 1, 2020 must be natural gas-powered and must be placed at least 40 feet from any lot line and screened by natural landscape so as not to be visible from any street or adjacent property. Any proposed generator must be reviewed and approved by the Architectural Review Committee.
- 4.11 Solar panels are permitted, but must meet the following requirements:
- a. Solar panels must be located on the roof of the dwelling; no ground-mounted solar panels are permitted.
 - b. Solar panels must be installed flush with the roof line. They are not to project in any substantial manner away from the roof.
 - c. Solar panel installation must be reviewed by the ARC.
 - d. Solar panels must be installed by a certified, licensed contractor who specializes in solar panel installation.
- 4.12 Play sets installed after January 1, 2020 must be constructed of wood or composite material and be maintained at all times (painted or stained). Play sets or trampolines installed after January 1, 2020 cannot be located in the front yard and must be 30' from any lot line.
- 4.13 Play sets or trampoline accessories (tarps, swings, slides, and awnings) shall be in good condition at all times.
- 4.14 All utility service (telephone, electric, cable, etc.) must be via underground lines on the lot, except for utility-required maintenance cabinets.
- 4.15 Per City of Powell Codified Ordinances, Section 1153, all TV dishes installed after January 1, 2020 must be:
- a. Less than one (1) meter in diameter;
 - b. Located so as not to be visible from the

DEVELOPMENT TEXT FOR THE RETREAT

street;

- c. Located behind the residence;
- d. Located not within 40 feet of any lot line; and
- e. Shall be ground-mounted and no more than three (3) feet above adjacent grade, and painted to match and blend in with the material of the structure on which it is placed.

4.16 Television and radio antennas, regardless of whether roof-mounted or ground-mounted, are prohibited on the exterior of any dwelling.

4.17 No above-ground pools are permitted.

4.18 No outside tank larger than 20 pounds for the storage of a combustible material shall be located on the property.

MAINTENANCE OF LOTS AND IMPROVEMENTS:

4.19 Each property shall be landscaped and maintained to enhance the beauty of its characteristics. All shrubs, trees, grass, and plantings shall be well maintained, trimmed, properly cultivated, and free of trash and other unsightly material. All landscape beds shall be maintained, free of weeds and dead plant material. Except in naturalized areas, dead limbs, dead trees, and dead plants and shrubs shall be removed in a timely manner leaving no debris. Each lot shall be regularly mowed (grass less than seven (7) inches tall) and trimmed. All grass clippings shall be removed from walks, driveways, and the street. No lot shall be allowed to become overgrown or unsightly. All improvements shall at all times be kept in good condition, free of stains and/or mildew/mold, repaired/replaced, painted/stained as needed so that the property and structures are maintained in a neat and orderly manner.

4.20 After January 1, 2020, any new exterior siding on dwellings must be wood, brick,

stone, stone veneer, or fiber cement (HardiePlank/Shingle/Panel/Trim or the equivalent). No aluminum or vinyl siding is permitted.

4.21 New mail boxes installed after January 1, 2020 must conform to USPS standards, except no plastic or PVC material is allowed. If the mail box is enclosed, the structure must be made of natural materials (brick, stone, or cedar). If not enclosed, the mail box and post must be a complimentary color to the main residence or its adjacent neighbor. Mail boxes must be maintained to preserve the character and integrity of the neighborhood.

4.22 Roof conditions requiring an auxiliary covering (tarp or plastic sheet) to provide temporary relief from said roof condition shall be repaired and the temporary cover removed within eight (8) weeks.

4.23 No Owner or contractor or subcontractor of Owner shall permit dumping, burying, spreading, or disposal of any earth or debris of any nature on the property of any other Owner.

4.24 No changes to any stream, pond, or drainageway are permitted without the appropriate governing body permission. Please consult with the City of Powell.

HOUSEHOLD ITEMS:

4.25 Household articles, lawn tools, toys, furniture, or other items not designed to be permanently outdoors shall not be permitted to accumulate outside garages, or on driveways, porches, patios, decks, or lawns.

ARTICLE 5

5. General Restrictions:

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- 5.1 Trash, garbage, and other waste shall be kept only in sanitary containers, or paper containers for yard waste only. These containers shall be kept within the garage or house or appropriately screened, except on trash pickup days. Appropriate screening of containers means they must be completely concealed by sufficient landscaping to provide a permanent screen at all times of the year so as not to be visible from the street or by neighbors.
- 5.2 No signs are permitted on any property except for temporary signs. Temporary signs that portray a message which is not commercial in nature (that do not advertise a business, commodity, product or service) are allowed. Temporary signs shall conform to the following standards as well as the other applicable standards of the City of Powell Codified Ordinances:
- a. Number. No more than one sign per statement is permissible per lot per frontage.
 - b. Maximum area and height. Signs may not exceed six square feet in area or be more than four feet in height.
 - c. Display period. Each temporary sign may not be displayed for more than 45 consecutive days.
 - d. Off-premises signs. An off-premise sign is a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the lot or premises on which the sign is located. Off-premises temporary signs are prohibited.
 - e. Illumination. Signs shall not be separately illuminated. This standard is not intended to prohibit the installation of such a sign near a porch light or yard light, which may incidentally illuminate the sign.
 - f. Zoning Certificate requirements. Temporary signs in residential districts do not require a Zoning Certificate.
- 5.3 Holiday decorations shall be removed no later than thirty days after the holiday.
- 5.4 Home occupation means an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, tax consulting and the like shall involve not more than three receivers of such services at any one time, with the exception of certified or uncertified Type B Family Day-Care Homes, which constitute a residential use and not an accessory use. A Zoning Certificate from the City of Powell shall be required to be approved by the City Zoning Administrator prior to establishment of a Home Occupation. City requirements include (see the Codified Ordinances of the City of Powell, Section 1147.08 for additional requirements):
- a. Activities, materials and equipment associated with the occupation shall be totally maintained within a home. The external appearance of the structure in which the use is conducted shall not be altered.
 - b. There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street.
 - c. Not more than 20 percent of the gross floor area of the dwelling shall be devoted to the use, or 50 percent of the combined floor space in any garage.
 - d. No equipment, process, materials, chemicals, or storage shall create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation,

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electrical disturbances, electrical interference, fluctuation in voltage, or other nuisance detectable to normal senses off the lot or by off-site customary residential equipment.

- e. No additional parking demand, beyond that created by the residence itself, shall be created.
 - f. Not more than one person who is not a resident of the premises may participate in the home occupation as an employee or as a volunteer.
 - g. No activity shall be conducted or permitted which creates a nuisance to neighboring properties or otherwise be illegal.
- 5.5 Parking of vehicles in driveways or on the street when repairing/remodeling a dwelling is permitted while the unexpired building permit is in effect.
- 5.6 No obnoxious or offensive activity shall be permitted on any property nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
- 5.7 On corner lots, sight lines must be kept clear. No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and the line connecting them at points twenty-five feet from the intersection of the street lines.

- 6.1 The invalidity of any one of these elements of the Development Text in whole or in part, by judgment or court order of any manner, shall not impair or affect in any way the validity, enforceability, or effect of the rest of the Development Text.
- 6.2 No restrictions imposed by this Development Text shall be abrogated or waived by any failure to enforce any of these provisions, regardless of how many violations or breaches may occur.
- 6.3 This Development Text has no sunset limits and remains applicable to all properties defined as The Retreat after January 1, 2020.

ARTICLE 6

6. Enforcement: