



## CITY OF PATASKALA PLANNING AND ZONING COMMISSION

City Hall, Council Chambers  
621 West Broad Street  
Pataskala, Ohio 43062

### STAFF REPORT

March 2, 2022

#### Final Plan Application FP-22-001

<b>Applicants:</b>	Scenic View Estates, LLC
<b>Owner:</b>	Scenic View Estates, LLC
<b>Location:</b>	0 Middleground Road (PID: 064-06822-00.009 & 064-068087-00.000)
<b>Acreage:</b>	+/- 45.95-acres (out of +/- 136.23-acres total)
<b>Zoning:</b>	PDD – Planned Development District
<b>Request:</b>	Requesting approval of a Final Plan for Phase 1 of the Scenic View Estates Subdivision, pursuant to Section 1113.28 of the Pataskala Code, for Parcel Nos. 064-068322-00.009 and 064-068087-00.000, located at 0 Middleground Road.

#### Description of the Request:

The applicant is seeking approval of the Final Development Plan for Phase 1, consisting of 17 single-family residential lots of the Scenic View Estates subdivision pursuant to Section 1255.13 of the Pataskala Code.

#### Staff Summary:

Scenic View Estates is a 60-lot Planned Residential Development located on a total of +/- 136.23-acres north of the Hazelwood Subdivision within the City of Pataskala, and to the south and west of Beechwood Trails in Harrison Township. The Preliminary Plan (ZON-19-005) was recommended for approval by the Planning and Zoning Commission at the January 2, 2020, hearing. It was approved and rezoned from R-10 – High Density Residential to PDD – Planned Development District by City Council on November 2, 2020 (Ordinance 2019-4341).

As approved, the Planned Residential Development consists of 60 single-family home lots, serviced by a combination of private roads and common access drives. The overall residential density of the development is 0.44 units per acre (not accounting for acreage dedicated towards roads, drives, or community lot). There is zero (0) acres of dedicated open space, as the intention was for the larger lot sizes to allow for the community to work with the natural features of the site and restrict the removal of existing trees. Phase 1 will consist of 17 lots along with the Community Area, totaling approximately 45.92-acres.

A general summary of standards for this Planned Development District, as approved by ZON-19-005, begins on the following page.

#### Permitted Uses

- Only Single-Family Homes in ranch, split-level, or two-story configuration.
- Community Recreational Uses.

#### Lot Sizes

- Minimum Lot Size: 1.00-acre
- Minimum Lot Width: 75-feet at the front building setback line

#### Setbacks

- Front: 50-feet from the R.O.W. -OR- Front Lot Line of flag lots.
  - 30-Feet for the Community Building
- Side: 20-feet
- Rear: 35-feet

#### Dwelling Size and Distribution

- Single-Story: 1,500-square feet minimum.
- One & One-Half to Two-Story: 2,000-square feet minimum.
- Basements and Crawl Spaces: 600-square feet minimum.

NOTE: As this Planned Development District was approved prior to the adoption of the Residential Appearance Standards (Chapter 1296) and Impact Fees (Chapter 1294), it shall not be subject to those requirements.

**Staff Review:** *The following summary does not constitute recommendations but merely conclusions and suggestions from staff.*

#### Planning and Zoning Staff:

This Application was tabled at the February 2, 2022, Planning and Zoning Commission hearing in order for the Applicant to address outstanding comments from Staff. Prior to this, the Applicant met with Staff on January 31, 2022, to discuss the comments from the previous Staff Report and revisions that needed to be made. As such, the Applicant has submitted this revised Final Plan Application.

Staff has drafted a list of comments regarding the Application, which is attached to this Staff Report. Items which have been addressed are ~~struck through~~, and any remaining or additional items are in **red**.

One of the major items that came up during the initial review of the Final Plan Application was how addresses for each lot would be handled. The Applicant and Staff discussed with the West Licking Joint Fire District, Pataskala Police, and Licking County Regional Communications Center (911 Dispatch) as to which method would fit their preferences best. All three (3) entities indicated that naming each Common Access Drive would provide the best form of navigation for emergency services. Staff has included naming each Common Access Drive as a comment on their attached list, which can be administered under the possible condition listed below.

Another item of concern was the Community Amenity Area, its form, and relation to the development text for the subdivision. The Applicant has clarified language throughout both the Development Text and the Development Plan, added standards for development of the Community Amenity Area, and removed the site plan and rendering for the proposed Clubhouse within the Community Amenity Area with the intention of giving the future residents the opportunity to provide feedback on the type of uses and form of the Clubhouse before one is constructed.

Following approval of the Final Plan by the Planning and Zoning Commission, and satisfactory completion of addressing City Staff and/or other Agency's comments, the Applicant shall submit a set of full size mylar plans for signatures to the Planning and Zoning Department.

Public Service Director

- a. Construction Plans have been approved
- b. It is understood that all public infrastructure will require third party inspection which shall be paid for in advance by the developer.
- c. It is understood that although the roadway shall be private, it is required to be built to public standards with the third part inspection to be paid for in advance by the developer.
- d. A pre-construction meeting shall be required prior to commencement of construction, with the following items required to be submitted prior to the meeting:
  - i. Inspection fees
  - ii. 2 full and 2 half size set of plans.

City Engineer

Items on Final Plan appear to be consistent with what has been approved on the Construction Plans.

West Licking Joint Fire District

Depending on how or if the proposed gate is secured then a KNOX pad lock, KNOX box, or KNOX gate key box shall be installed to be accessible to the Fire District.

- Add this to Development Plan and Development Text.

**Surrounding Area:**

Direction	Zoning	Land Use
North	R-15 – Medium High Density Residential PDD – Planned Development District	Agricultural Scenic View Estates (Future Development)
East	PDD – Planned Development District	Scenic View Estates (Future Development)
South	R-7 – Village Single-Family Residential	Hazelwood Subdivision
West	R-15 – Medium High Density Residential	Agricultural

**Final Development Plan Approval:**

According to Section 1255.20 of the Pataskala Code, the Planning and Zoning Commission shall consider approval of a final development plan if the proposal:

- a. The Final Development Plan conforms in all pertinent respects to the approved Preliminary Development Plan, provided that the Planning and Zoning Commission may authorize plans amended as specified in Section 1255.14.
- b. That the proposed development advances the general health and safety of the City of Pataskala.
- c. That the Planning and Zoning Commission is satisfied that the developer has provided sufficient guarantees or demonstrates possession of the requisite financial resources to complete the project.
- d. That the interior road system, proposed parking, and any off-site improvements are suitable, safe,

and adequate to carry anticipated vehicular and pedestrian traffic generated by and within the proposed development and to adjacent property.

- e. The development has adequate public services and open spaces.
- f. The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with any applicable regulations.
- g. The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas without unnecessarily spilling or emitting light onto adjacent properties or the general vicinity.
- h. Signs, as shown on the submitted sign plan, will be of a coordinated effect throughout the planned district, and with adjacent development; are of appropriate size, scale, design, and relationship with principal buildings the site and surroundings, so as to maintain safe and orderly pedestrian and vehicular circulation.
- i. The landscape plan adequately enhances the principal buildings and site; maintains existing trees to the extent possible; buffers adjacent incompatible uses; breaks up large expanses of pavement with natural materials; and utilizes appropriate plant selections of the buildings, site and climate.
- j. That the existing and proposed utilities, including water and sewer service, and drainage will be adequate for the population densities and nonresidential uses proposed in the Planned Development District and complies with applicable regulations established by the City or any other governmental entity which may have jurisdiction over such matters.
- k. Phases of projects are planned so that these conditions are complied with to meet the needs of that phase upon its completion.
- l. That any other items shown in the final development plan or in the accompanying text be addressed to the Planning and Zoning Commission's satisfaction.

#### **Department and Agency Review**

- Zoning Inspector – No Comments.
- City Engineer – See attached.
- Public Service – See attached.
- Pataskala Utilities – No comments
- Police Department – No Comments.
- West Licking Joint Fire District – See attached.
- Southwest Licking School District – No Comments.

#### **Modifications:**

Should the Planning and Zoning Commission choose to approve the applicant's request, the following modifications may be considered:

1. The Applicant shall address all comments from Planning and Zoning Staff, the Public Service Director, the City Engineer, and the West Licking Joint Fire District.

#### **Resolution:**

For your convenience, the following resolution may be considered by the Planning and Zoning Commission when making a motion:

"I move to approve Application number FP-22-001 pursuant to Section 1225.13 of the Pataskala Code. ("with the following modifications" if modifications are to be placed on the approval)."





## CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

621 West Broad Street, Suite 2A  
Pataskala, Ohio 43062

### FP-22-001 – Revised Plans Scenic View Estates Phase 1 March 2, 2022

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#### General Comments:

- 1) ~~“Community Amenity Area” is referred to as several different names throughout the Development Text, Development Plan, and Deeds & Covenants. Make every mention of the community area say “Community Amenity Area”, and make a differentiation between the actual structure “Clubhouse” or “Community Building” in relation to “Community Amenity Area” (the lot on which the structure is built).~~
- 2) ~~“Sheet Index” on Development Plan Page 1 no longer corresponds to actual sheets. Index lists 13 pages, there are only 12. Index also refers to Sheet Number’s and not Exhibits as some are now marked. Some still have Sheet Numbers which don’t line up with what is listed on the Index.~~
  - a) ~~For ALL pages: Include sheet number on page, then add the Exhibit identifier to the title to make it uniform throughout the plan.~~
    - i) ~~For Example: Page 2 of the Development Plan, under “Sheet No.” in the bottom right it will say 2 of 12. Then for the title on the right hand side it should say “Exhibit B 1: Existing Conditions”.~~
    - ii) ~~Further example: Page 10, in the bottom right it should say “Page 10 of 12” instead of “1 of 1” and the Title should say “Exhibit I – Phase 1 Utility Plan”~~
  - b) ~~There are two pages marked “Exhibit B”, make page two B-1 and the page three, B-2.~~
- 3) ~~Has the USPS approved the location of the CBUs? If so, we will need to see that from them~~
- 4) Will the Common Access Drives have names? If so, need to be on the plan. If not, we will need to see how addresses are going to be handled. Will all lots coming off Devoncroft Ridge West have a Devoncroft Ridge West address? How would an emergency vehicle be able to determine which access drive leads to which address?
  - a) Feedback from WLJFD, Pataskala Police, and County 911 Dispatch, they would prefer streets to be named. Street names shall be shown on the Development Plan. Put language on Plan and in Text stating “Street names shall not be identical too or closely resemble any existing public right-of-way within the City of Pataskala or Licking County”.
- 5) In the Development Text, wherever any section mentions “Shall be shown in the Final Development Plan...” add “...per Phase of Development” that way the overall text for the subdivision will account for any differences each phase may have for each respective development standard.

#### Development Text:

- ~~Page 1:~~
  - ~~Title: Remove “Phase 1” from Title. This is the Development Text that will govern the entire subdivision, not just the Final Plan for Phase 1. Title should also reference name of Subdivision, i.e., “Development Text for Scenic View Estates”.~~
- Page 2:
  - (F)(2): remove “generally” from paragraph, we know where the roads will be going now with the construction plans.
  - (F)(2): No mention of proposed paths. Standards for path? Material? Dimensions?

- Path dimension, materials listed in Development Text, however, also states “Cross-section and Material shall be submitted with the Final Development Plan...”. Cross section and material is not shown on Development Plans.
- ~~Page 4:~~
  - ~~(F)(5): “Required Buffer Areas” no mention of Wetland Buffer Areas.~~
  - ~~(F)(7): References Exhibit D, which does not have the required information on it. Exhibit A appears to have that information, excepting the acreage dedicated towards private streets, common access drives, and paths.~~
- Page 7:
  - (F)(11): add letters to the mentions for entry gates so they are easy to reference too.
    - Make it so the all the bullet points in Section 11 are letters instead of dashes. That will make it easier for Staff to reference to in the future, so we can say “Section 11, part C” instead of “the third bullet point in Section 11”.
  - ~~(F)(11): “Display a small placard...” Dimensions? Maximum size? Colors?~~
  - ~~(F)(11): “Be lit and surround by a small landscape bed”~~
    - ~~How will they be lit?~~
    - ~~How big will the landscape bed be? standards for plantings within bed?~~
- ~~Page 12:~~
  - ~~(G)(2): “See below for signature certification”? There is nothing below this.~~
  - Remove “Zoning Administrator” from “Mail Delivery” section, and just have it say “City of Pataskala”.
- ~~Page 15:~~
  - ~~(G)(4)(i): References “Exhibit N”, there is no Exhibit N included.~~
- Page 16:
  - (4)(a-n): Remove “The Applicant Requests a Divergence” from all sections, and add to Section 4 main paragraph “Pursuant to Ordinance 2019-4341, the following Divergences have been granted” so it covers all parts of them. We want to remove “Applicant Requests” to avoid any confusion in the future where someone may have to try and figure out whether the requests were approved or not.
- Page 21:
  - Upon approval of the Final Development Plan, provide Staff with a signed copy of the Development Text. Make sure the printed out plans are in good form and clearly printed, the copies we were provided are a little fuzzy/smudgy.

### **Development Plan:**

Exhibit A (Page 1/9):

- ~~Remove potential building site boxes from this page. We only need to see proposed lots on this page.~~
- ~~Remove outline of Community Amenity Area from this page, only need to see lot labeled “Community Amenity Area”~~
- ~~See Comment #2 under “General Comments” regarding Sheet Index.~~
- Vicinity Map shows streets to the west and northwest which do not exist.
  - Still shows streets for “Forest Ridge” which do not exist yet.

Exhibit D: (Page 2/9):

- ~~Make Lot Numbers and Acreage **BOLD** to differentiate them from contour line identifiers.~~
- ~~Remove proposed house locations from all lots. Only need setbacks from property lines.~~

- Remove building outline from Community Amenity Area, we only need to see it on Exhibits F-1 and F-2, and label the lot "Community Amenity Area"
- Looks like text boxes were pasted over the existing road names and ROW widths, Devoncroft Ridge reads "Devoncroft Ridge West Ridge West". This is confusing and makes some information illegible, please remove them and adjust the road centerlines for roads coming into the subdivision to their correct location (Mostly Devoncroft Ridge)
- Existing Zoning of Surrounding Properties: bearings and distances cover up "Harrison Township" on east side of development, move "Harrison Township" out from underneath so it is legible.
- Identify Wetland Buffer Areas on plan as mentioned in Development Text. Add Note with language from Development Text (no encroachment, etc.).
- Easements & dimensions of said easements not identified.
- Include widths of proposed private streets.
- Site Data:
  - Existing zoning is no longer R-10, it is PDD
  - Removed proposed zoning, this has already been re-zoned.
  - Existing Zoning is listed as "PUD" change to "PDD", PDD is the proper term for a planned development in the City of Pataskala.
- Change "Lot Statistics" to "Lot Statistics – Single-Family"
  - Minimum lot area per development text is 1.00-Acres, not 1.17-Acres.
  - Max Building Height states "35' Min.", should be "35' Max", also add "Two story dwellings with walkout basements shall be permitted to exceed this height at the rear, or walkout portion of the dwelling".
- Add "Lot Statistics – Community Amenity Area"
  - Front setback for Community Amenity Area differs from Single-Family Lots.

#### Exhibit F-1 - REMOVED

- Not particularly a comment for revision, but I want to make sure you understand. If this is what is approved on the final plan; this is what you must build. We had discussed in the meeting a few months ago about including building envelope boxes and standards to keep it at least a little bit open ended.
- Add the following notes for the landscaping:
  - "Plant materials shall be installed to current nursery industry standards and shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement".
  - Maintenance of landscaped areas shall be the ongoing responsibility of the property owner and shall be continuously maintained in a healthy manner. Plants that die shall be replaced in kind".
  - "Substitutions differing from those identified on the Plant List are subject to approval from the City of Pataskala"
- The "Planned Site of Future Amenity Area" encroaches within the setbacks. Will need location revised.
- Property lines of "Community Amenity Area" lot unclear, not shown on South side. Show the entire lot with the property lines clearly defined (in a darker, thicker line).
- What are the dimensions of the parking spaces, handicap accessible space?
- What material will the parking lot be?
- Dimensions of concrete sidewalk?

- ~~Dimensions of future amenity area?~~
- ~~Show new basin that is located on lot per Construction Plans, dimensions?~~

#### Exhibit F-2 - REMOVED

- ~~Dimensions of clubhouse? Height? Square footage?~~
- ~~Fence around Community Amenity Area; height? Type? Material?~~
- ~~Exterior materials of clubhouse; Siding? Colors?~~
- ~~Square footage of landscaping beds?~~
- ~~Add landscape notes that are mentioned above from Exhibit F-1.~~

#### Exhibit G (Page 4/9)

- ~~Include height of proposed fence, columns, and gate.~~
  - ~~Inc. in development text now.~~
- ~~Include dimensions of proposed signage on columns.~~
  - ~~Inc. in development text now.~~
- ~~Lighting? How and where?~~
  - ~~Inc. in development text now.~~
- Fence on east side of gate only has measurement for 700-feet, yet fence line continues past that. Either extend the distance or remove the line for the fence past that 700-foot mark.
  - Plans now states “See Development Plan for dimensions of this Section of Fence” but cannot find anywhere in Development Plan where this dimension is listed.
- ~~Page is cut off on bottom, only the top half of what appears to be the word “Stone” is visible.~~

#### Exhibit J (Page 6/9)

- Add typical section for proposed path in Phase 1.
- Add names for Access Drives under section for Typical Access Drive.

#### Exhibit M (Page 8/9)

- ~~What are the other phases going to be? How many?~~
- ~~The “Phase 1” text box that was put over this section is blocking out some information. Either move the “Phase 1” box somewhere where it won’t be in the way or take off all the unnecessary information on this page such as: contours, wetlands, proposed house locations. Just need to see general layout of roads and lots on the phasing plan.~~

#### General Comment:

- In one of the exhibits, include a clear identifier or demarcation of the proposed path in Phase 1. Right now, it just looks like a utility line or a property line.

#### Declaration of Covenants

- ~~In general: numerous formatting errors present including but not limited to indentations, skipping numbers or letters, text size and type changing. Please look through the document and correct these.~~
- ~~Background:~~
  - ~~Part D makes no mention of the Community Amenity Area~~
- ~~Article I – Definitions:~~
  - ~~Add definition for “Community Amenity Area”~~
- ~~Article IV:~~
  - ~~(A)(1): Add “All private streets and common access drives” and “Community Amenity Area”~~
  - (I) Architectural Review Committee:
    - Capitalize “Community Amenity Area”

- States “Shall have 30 days to approve Lot owner’s or builder’s proposed plans. What happens if it is not done within 30 days? Is it denied? Approved?”

### **Section 1255.18 – Final Development Plan Contents**

- 1255.18(g)(4): All lot lines, and easements with their dimensions.
  - Lot lines shown, no dimensions or dimensions of easements.
    - Still need dimensions of easements.
- ~~1255.18(g)(6): The dimensions and locations of proposed structures, buildings, streets, parking areas, yards, playgrounds, school site, open spaces, proposed pedestrian and bike path systems...~~
  - ~~Need dimensions of proposed Community Building, Future Community Amenity Area, street widths, walking trail width, etc.~~
- ~~1255.18(g)(9): Accurate outlines, dimensions...of any area to be reserved by deed covenant for the common use of all property owners...~~
  - ~~Need dimensions of Community Amenity Lot, acreage~~
- ~~1255.18(g)(13): All municipal, corporation, township, county, and section lines traversing or immediately adjacent to the property...~~
  - ~~Add line showing border between City of Pataskala and Harrison Township.~~
- ~~1255.18(g)(24): Location, material, dimensions, shape, color(s) and type of illumination of all signs.~~
  - ~~Need dimensions, colors, illumination.~~

**From:** [Alan Haines](#)  
**To:** [Jack Kuntzman](#)  
**Subject:** RE: Pataskala PZC Review Memo for 02-02-2022  
**Date:** Tuesday, January 25, 2022 12:39:38 PM

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Jack,

My comments on the subject PZC meeting are as follows:

1. FP-22-001
  - a. The engineering plans for this project have been approved.
  - b. It is understood that all public infrastructure will require third party inspection which shall be paid for in advance by the developer.
  - c. Similarly, it is understood that while the roadway shall be private, it is required to be built to public standards with third party inspection to be paid for in advance by the developer.
  - d. A pre-construction meeting shall be required prior to commencement of construction, with the following items required to be submitted prior to the meeting:
    - i. Inspection fees
    - ii. 2 full and 2 half size sets of plans

Please let me know if any questions.

Regards,

Alan W. Haines, P.E.  
Public Service Director  
City of Pataskala

621 W. Broad St.  
Suite 2B  
Pataskala, Ohio 43062

Office: 740-927-0145  
Cell: 614-746-5365  
Fax: 740-927-0228

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**From:** Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>  
**Sent:** Thursday, January 13, 2022 10:09 AM  
**To:** Felix Dellibovi <fdellibovi@ci.pataskala.oh.us>; Chris Sharrock <csharrock@ci.pataskala.oh.us>; Jim Roberts <jroberts@hullinc.com>; Scott Haines <shaines@hullinc.com>; Bruce Brooks <bbrooks@pataskalapolice.net>; Doug White <DWhite@westlickingfire.org>; kperkins@laca.org; Alan Haines <ahaines@ci.pataskala.oh.us>  
**Cc:** Scott Fulton <sfulton@ci.pataskala.oh.us>; Lisa Paxton <lpaxton@ci.pataskala.oh.us>  
**Subject:** Pataskala PZC Review Memo for 02-02-2022  
**Importance:** High

Good morning, everyone.

**From:** [Jim Roberts](#)  
**To:** [Jack Kuntzman](#); [Felix Dellibovi](#); [Chris Sharrock](#); [Scott Haines](#); [Bruce Brooks](#); [Doug White](#); [kperkins@laca.org](#); [Alan Haines](#)  
**Cc:** [Scott Fulton](#); [Lisa Paxton](#)  
**Subject:** RE: Pataskala PZC Review Memo for 02-02-2022  
**Date:** Saturday, January 22, 2022 5:36:03 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)

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Hey Jack, Verdantas has reviewed this submittal and we have no engineering comments on it. This is the Final Development Plan for Scenic View Estates, and as you are aware, we have offered comments on the construction plans for several different submittals. Items included in this current submission appear to be consistent with what we have reviewed on the construction plans.

Thanks for the opportunity to review these and assist the city. Please let us know if we can help in any other way or if there are any questions.

Thanks! Jim

**James G. Roberts, PE, PS**  
Senior Consultant/Newark Office Manager  
O. 740.344.5451 | D. 740.224.0739  
59 Grant Street, Newark, OH 43055

[Verdantas](#)

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**From:** Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>  
**Sent:** Thursday, January 13, 2022 10:09 AM  
**To:** Felix Dellibovi <fdellibovi@ci.pataskala.oh.us>; Chris Sharrock <csharrock@ci.pataskala.oh.us>; Jim Roberts <jroberts@verdantas.com>; Scott Haines <shaines@verdantas.com>; Bruce Brooks <bbrooks@pataskalapolicenet.net>; Doug White <DWhite@westlickingfire.org>; kperkins@laca.org; Alan Haines <ahaines@ci.pataskala.oh.us>  
**Cc:** Scott Fulton <sfulton@ci.pataskala.oh.us>; Lisa Paxton <lpaxton@ci.pataskala.oh.us>  
**Subject:** Pataskala PZC Review Memo for 02-02-2022  
**Importance:** High

**From:** Doug White  
**To:** Jack Kuntzman  
**Subject:** RE: Pataskala PZC Review Memo for 02-02-2022  
**Date:** Thursday, January 13, 2022 12:21:56 PM  
**Importance:** High

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Jack,

The West Licking Fire District has reviewed the plans for application FP-22-001 and we have the following comment.

- 1) Sheet G: Depending on how or if the proposed gate is secured, then a Knox pad lock, Knox box or a Knox Gate key box shall be installed.

---

**From:** Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>  
**Sent:** Thursday, January 13, 2022 10:09 AM  
**To:** Felix Dellibovi <fdellibovi@ci.pataskala.oh.us>; Chris Sharrock <csharrock@ci.pataskala.oh.us>; Jim Roberts <jroberts@hullinc.com>; Scott Haines <shaines@hullinc.com>; Bruce Brooks <bbrooks@pataskalapolice.net>; Doug White <DWhite@westlickingfire.org>; kperkins@laca.org; Alan Haines <ahaines@ci.pataskala.oh.us>  
**Cc:** Scott Fulton <sfulton@ci.pataskala.oh.us>; Lisa Paxton <lpaxton@ci.pataskala.oh.us>  
**Subject:** Pataskala PZC Review Memo for 02-02-2022  
**Importance:** High

Good morning, everyone.

You are receiving this email because one or more of the Applications submitted for the February 2, 2022 Planning and Zoning Commission is within your jurisdiction. Please see the list below for which Applications are being submitted for your review.

**FP-22-001:** Felix Dellibovi, Jim Roberts, Bruce Brooks, Doug White, Philip Wagner, CJ Gilcher, Alan Haines.

Please review the applications, and if you have any comments or concerns regarding them they may be submitted to me in writing no later than Monday, January 24th.

-

And if you have any questions about the Applications themselves, feel free to contact me.

Here is a link to download the review memo:

[https://pataskala-my.sharepoint.com/:f/g/personal/jkuntzman\\_ci\\_pataskala\\_oh\\_us/Ek12oovaVexGnuD6wIG24clBeg13y\\_RCzPWuOxfpUPNjIA?e=vW6lb6](https://pataskala-my.sharepoint.com/:f/g/personal/jkuntzman_ci_pataskala_oh_us/Ek12oovaVexGnuD6wIG24clBeg13y_RCzPWuOxfpUPNjIA?e=vW6lb6)

Respectfully,

**JACK R. KUNTZMAN**  
City Planner  
City of Pataskala  
621 West Broad Street, Suite 2-A  
Pataskala, Ohio 43062  
Phone: 740-964-1316





## CITY OF PATASKALA PLANNING AND ZONING COMMISSION

City Hall, Council Chambers  
621 West Broad Street  
Pataskala, Ohio 43062

### FINAL PLAN APPLICATION

(Pataskala Codified Ordinances Chapter 1113)

Property Information		
Address: 0 Middleground Rd		
Parcel Number: 064-068322-00.009 & 064-068087-00.00		
Zoning:	Current Zoning PUD	Acres: +/- 136.23 Acres
Water Supply: <input checked="" type="checkbox"/> City of Pataskala <input type="checkbox"/> South West Licking <input type="checkbox"/> On Site		
Wastewater Treatment: <input checked="" type="checkbox"/> City of Pataskala <input type="checkbox"/> South West Licking <input type="checkbox"/> On Site		

Staff Use
Application Number: <b>FP-22-001</b>
Fee: <b>\$2,000.00</b> <b>\$2,500.00 ERF</b>
Filing Date: <b>01/07/2022</b>
Hearing Date: <b>02/02/2022 - TABLED</b> <b>03/02/2022</b>

Applicant Information		
Name: Scenic View Estates, LLC		
Address: 146 E Main Street		
City: New Albany	State: Ohio	Zip: 43054
Phone: 614-565-2570	Email: computekw@gmail.com	

Owner Information		
Name: Scenic View Estates, LLC		
Address: 146 E Main Street		
City: : New Albany	State: Ohio	Zip: 43054
Phone: 614-565-2570	Email: computekw@gmail.com	

Documents
<input checked="" type="checkbox"/> Application
<input checked="" type="checkbox"/> Fee
<input checked="" type="checkbox"/> Final Plan
<input checked="" type="checkbox"/> Deed
<input checked="" type="checkbox"/> Address List
<input checked="" type="checkbox"/> Area Map

Final Plan Information
Describe the Project: The applicant is submitting a Final Plan application for Phase 1 of the proposed Scenic View Estates Development as indicated herein within the plans and text submitted with this application.

## Documents to Submit

**Final Plan Application:** Submit 14 copies of the final plan application.

**Final Plan:** Submit 14 copies of the final plan on sheets 24 x 36 inches in size containing the following:

- a) *Proposed name of the subdivision, location by section, range, township or other officially recognized survey number, date, north arrow, scale and acreage.*
- b) *Name and address of the owner and subdivider, State of Ohio registered professional engineer, and/or surveyor who prepared the plan, and their appropriate registration numbers and seals.*
- c) *Plan boundaries, based on accurate traverse, with angular and lineal dimensions. All dimensions, both linear and angular shall be determined by an accurate control survey in the field which must balance close, within the limit of one (1) in 10,000.*
- d) *Bearing and distances to nearest established street lines, or other recorded permanent monuments.*
- e) *Exact locations, right-of-way, names of all streets within and adjoining the plat, and the building setback lines.*
- f) *Radii, internal angles, points of curvature, tangent bearings, lengths of arcs, and lengths of bearings and chords of all applicable streets within the plat area.*
- g) *All easements and right-of-way provided for public or private services and/or utilities.*
- h) *All lot numbers and lines with accurate dimensions in feet and hundredths. When lots are located on a curve, the lot width at the building setback line shall be shown.*
- i) *Accurate location and description of all monuments.*
- j) *Accurate outlines of areas to be dedicated or reserved for public use, or any area to be reserved for the common use of all property owners. The use and accurate boundary locations shall be shown for each parcel of land to be dedicated.*
- k) *A copy of any restrictions and covenants the subdivider intends to include in the deeds to the lots in the subdivision.*
- l) *Certification by a State of Ohio registered surveyor to the effect that the plan represents a survey made by him, that the monuments shown thereon exist as located, and that all dimensional details are correct.*
- m) *Typical sections and complete profiles of streets and other related improvements to be constructed in the proposed subdivision.*
- n) *The location of, and a description of all monuments and pins as specified in Section 1121.04.*
- o) *If a zoning change is involved, certification from the City Zoning Inspector shall be required indicating that the change has been approved and is in effect.*
- p) *Certification shall be required showing that all required improvements have been installed and approved by the proper City officials and/or other agencies, or the required bond or other surety is in effect assuring installation and initial one (1) year minimum maintenance of the required improvements (Section 1113.18(d)).*

**Deed:** Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained at [www.lcounty.com/rec](http://www.lcounty.com/rec).

**Address List:** Submit one copy of a list of all property owners and addresses of those owning property within 200 feet or two parcels from any point on the subject property line, whichever creates more property owners. This list must be in accordance with the Licking County Auditor's current tax list and must be submitted on mailing labels.

**Area Map:** Submit 14 copies of an area map from the Licking County Engineer's office showing the area encompassed by the address list. Area maps can be obtained at [www.lcounty.com/taxparcelviewer/default](http://www.lcounty.com/taxparcelviewer/default).

## Signatures

I certify the facts, statements and information provided on and attached to this application are true and correct to the best of my knowledge. Also, I authorize City of Pataskala staff to conduct site visits and photograph the property as necessary as it pertains to this final plan request.

Applicant:

Date:

Owner:

Date:

## Development Text for Scenic View Estates Planned Residential Development

*The following Development Text identifies the minimum requirements to be established for the “Scenic View Estates” Planned Residential Development. Where the specific language of this development text, or development plan exhibits, conflicts with the requirements established elsewhere in the City of Pataskala Zoning Code, the specific language of this text and exhibits will govern. Where the specific language of this development text, or development plan exhibits, is silent, the requirements of the City of Pataskala Zoning Code, in force at the time of adoption of this PRD, will apply.*

**A. Completed amendment application form and application fee.**

The completed and signed application form is included with this application.

**B. A vicinity map showing the relationship of the proposed Planned District to existing development and including existing; property lines, easements, utilities, and street rights-of-way of the subject property and property within 200 feet of the site, zoning district boundaries, and existing land uses and structures.**

The Title Sheet, included as Exhibit A, and the Site Survey/Existing Conditions, included as Exhibit B, will provide the information required for the vicinity map.

**C. A regional context map; indicating the proposed site and all areas within 2,000 feet in all directions; showing the basics of the proposed layout of the proposed project and property lines of the adjacent areas on a drawing of 11 inches X 17 inches in size.**

A regional context map is included with the Title Sheet, Exhibit A.

**D. A legal description of the property including County Auditor parcel numbers.**

A Site Survey/Existing Conditions is included as Exhibit B.

**E. A map of existing conditions and features drawn to scale, with accurate boundaries of the entire project and north arrow, including:**

- 1. Boundaries of the area proposed for development, dimensions and total acreage;**
- 2. Existing public rights-of-way, buildings, permanent facilities, access points and easements on, and adjacent to the site;**
- 3. Identification of any existing buildings or structures to be removed or demolished;**
- 4. Existing zoning district boundaries and jurisdictional boundaries;**
- 5. Existing utility systems and providers;**
- 6. The location of existing topography showing contour lines at vertical intervals of not more than 5 feet, highlighting ridges, rock outcroppings and other significant topographical features and identifying any areas with slopes over 5%;**
- 7. Locations of all wooded areas, tree lines, hedgerows, and a description of significant existing vegetation by type of species, health and quality.**

8. Existing drainage patterns on the property including connections with farm tiles on adjacent properties,
9. Locations of wetlands and potential wetlands, the 100 year floodplain, floodway boundary, 20 foot buffer beyond the floodway, and flood elevation as provided by the most recent Federal Emergency Management Agency mapping, including rivers and watercourses and their related river or stream bank, pond, and water courses,

The information requested above will be found on Site Survey/Existing Conditions, included as Exhibit B.

- F. The Final Development Plan map shall include a plan for the proposed Planned District Project and shall be drawn to an appropriate scale with accurate boundaries of the entire project including a north arrow. The applicant shall also provide 13 copies or the number determined necessary by the Director of Planning. The Final Development Plan portion of the application shall include:

1. The proposed location, use and size of sub-areas of residential, retail, office, industrial uses, community facilities, parks, playgrounds, school sites and other public areas and open spaces with the suggested ownership and maintenance provisions of such areas, and their related parking areas and access points.

The Final Development plan, Exhibit D, shows the proposed use and configuration of the property. No sub-areas will be required as the entire +/- 136.23 acre property will be developed for single-family residential use.

2. The general layout of the proposed internal road system, indicating the proposed vehicular right of way of all proposed public streets, general indication of private streets and pedestrian circulation, bike paths and other trail systems, access drive locations, improvements to existing streets, and traffic control requirements.

The Final Development Plan, Exhibit D, depicts the layout of private roads and common access drives. Common access drives will be located as shown on plan in order to minimize site impacts. Paths, a minimum of 6' wide, will be included within the development to provide pedestrian connection and access to the Community Amenity Area. Path location, cross section, and material shall be submitted with the Final Development Plans. Paths may be constructed of gravel, asphalt, or other paving materials as desired by the developer. Bridges may be constructed where necessary to create path connections across streams. Private roads at each entry will be gated. Gates shall be controlled by a pressure sensitive mechanism that automatically opens. Gate openers shall be equipped with a battery backup system and will have a "low battery" mode which will leave the gate in an open position in the event of battery drain or system malfunction. Gates will be installed in conjunction with stone signage columns similar to those shown on the Final Development Plan, Exhibit G. Exact location and design of gates and columns shall be as shown in the Final Development

Plan. The Scenic View Estates HOA shall have the authority to remove the entry gates, upon a vote of two thirds of the members, in the event that the gates become a hazard or are otherwise undesirable to the residents. The Scenic view Estates HOA shall also have the option to replace the pressure sensitive controllers with a secured electronic access provided that the change is approved by, and access is guaranteed to, all emergency responders, the appropriate agencies of the City of Pataskala, Licking County, and the West Licking Joint Fire District. Security at individual gates can be upgraded by a vote of 90% of the residents accessing each gate, or security at all gates can be upgraded by a vote of 75% of the members of the Scenic View Estates HOA. Private roads will be owned and maintained by a permanent Scenic View Estates HOA, and a final copy of the Scenic View Estates HOA documents and declarations have been provided with this submittal. During construction, The developer and associated parties shall keep roads connecting to the City of Pataskala clean from debris, and shall follow and comply with city regulations, including, but not limited to, load decrees for wintertime. The Developer shall be required to provide a performance bond, or other guarantee acceptable to the City of Pataskala, to cover the cost of any damages to public infrastructure including, but not limited to, roadways, storm sewer, water, and sanitary sewer during construction. The City of Pataskala shall be named as the beneficiary and the City shall comply with the bond rules and regulations and shall satisfy them in a timely manner. Any infrastructure that will be public or has the potential to become public in the future shall be inspected by the City of Pataskala. In addition, the developer and associated parties shall keep all county and township roads clean and free from debris during construction. The developer shall be required to enter into a separate Guarantee of Improvements with Licking County for work affecting County and Harrison Township infrastructure.

**3. Any proposed off-site improvements and/or utility lines/extensions needed to serve the site;**

The Phase I Utility Plan, Exhibit I, shows the utility layout within the development.

**4. Environmental plan showing natural features and preservation zones**

- The site is almost entirely wooded, with several wetland areas located within the wooded areas. A wetland site assessment was performed under the previous submittal to identify wetlands, and potential wetlands, which are shown on the existing conditions plan (Exhibit B). A 25' buffer around all known wetlands and watercourses is established with this plan. No encroachment will be permitted within the established buffers with the exception of the areas identified specifically on the Final plans included with this application. See divergences section G(4)(i) for further information on the proposed exceptions. Features with buffer reductions or exceptions shall be included and identified in the individual deeds issued to the owners. With the exception of the divergences noted above, all

wetlands, watercourses, and associated buffers shall be designated no disturb zones and shall be left in their natural state. All applicable state and federal laws shall be complied with in the development of the property. In addition, the site features rolling topography exceeding 5% slopes in most areas, with several ravine / watercourse areas traversing the site.

**5. Natural areas and other natural, historic or significant features to be conserved and any required buffer areas;**

The layout of the site is designed to preserve a majority of the sites natural features. A wetland site assessment was performed under the previous submittal to identify wetlands, and potential wetlands, which are shown on the existing conditions plan (Exhibit B). A 25' buffer around all known wetlands and watercourses is established with this plan. All wetlands and buffers shall be left in their natural state and no encroachment will be permitted within the established buffers with the exception of the areas identified specifically on the Final plans. There are no known significant historic or cultural features located on the site.

**6. Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.**

A small portion of the existing trees will be impacted by the layout of the site and the construction of the 5 private roads. Beyond the community improvements and common access drives, disturbances to the interior portions of the site will be limited to the individual home sites and their driveways as described in Divergences Section 4(g) below. No additional landscaping is being proposed within this development except for the gates / entries, and Community Amenity Area.

**7. A summary table showing total acres of the proposed development; the number of acres devoted to each type of land use, including streets and common areas; the number of dwelling units by type and density for each residential use area and the building height(s) and square footage as proposed for retail, office, industrial and institutional uses, by use area; and the number of parking spaces provided for each use area; Estimated total population, size, employment or other measurements of the scale of the project at each phase and at buildout;**

The summary tables are presented on the Final Development Plan included as Exhibit D.

**8. The provision of water, sanitary sewer;**

The provisions for water and sanitary sewer are shown on the Phase I Utility Plan included as Exhibit I and as described by the following:

- a. All water lines shall have a minimum of a 20' maintenance easement plus the width of the pipe. All sanitary sewer lines shall have a minimum of a 20' maintenance easement plus the width of the pipe. All maintenance easements for water and sanitary sewer line maintenance shall be defined on all plans. Sanitary sewer easements are shown on Exhibit I, Phase 1 Utility Plan and shall be recorded with the Final Plat.
- b. A minimum of a 20' wide maintenance easement plus the width of an 8" pipe shall be established and designated on all plans should a traditional gravity sanitary sewer system may be installed in the future. Notwithstanding anything to the contrary, any area that requires a sewer deeper than 10' must allow for a minimum maintenance easement that follows a 1:1 depth to width ratio. A temporary construction easement with a minimum of 1:2 depth to width ratio shall be established and designated on all plans for this potential gravity sewer as well. Should a traditional gravity sanitary sewer system be required for any reason in the future, either by a regulatory agency or the City of Pataskala, the traditional sanitary sewer system shall be installed by the City of Pataskala and the cost (design and construction) shall be assessed to, and paid timely by, the property owners whose sanitary sewer service will be transferred to said gravity sanitary sewer system.
- c. Lots 1-4, 11-17 and the open space lot west of lot 17 shall be serviced by a traditional gravity sewer system and shall not be included in the pressure sewer system. All sewer systems in the City of Pataskala sanitary sewer service area that are feasibly able to be serviced by a traditional gravity sewer system shall be required to do so as soon as these lots are developed. Lots 5-10, 18-60 may be serviced by a pressure sanitary sewer system as soon as these lots are developed. All components of the sewage pumping system shall be located inside each structure being serviced and connected to the public force main by a privately-owned sanitary sewer lateral pipe. Because of the unique topographical nature of the property, multiple wetlands and the focus of the subdivision to maintain as many of the existing trees as possible, the City is permitting, at its sole discretion, the installation of force mains where a traditional gravity system is not practical. However, the use of force mains shall be considered by the City of Pataskala on a case by case basis and a traditional gravity system shall be required whenever practicable.
- d. All public force mains shall be of a pressure rating equal to or greater than that of SDR-21 pressure sewer. A clean out style fitting that includes a ball valve and a 3" cam-lock style fitting shall be installed at a minimum distance of every 1,000 feet along the public force main. These clean outs shall be enclosed in a housing that is flush with finished grade when installed. The manhole located where the force main empties into the gravity sanitary sewer system, as well as the two



manholes directly downstream, shall be coated by an epoxy that fully covers all surfaces of the interior of the manhole. The epoxy coating shall be approved by the Utility Director before it is used. All pressure sewer pipelines shall be constructed in accordance with the City of Pataskala Construction Materials and Specifications.

- e. Only the collective force main shall be considered public infrastructure, and therefore the responsibility of the City of Pataskala. All sanitary sewer pipes leading from each structure to the collective force main, any and all fittings associated with the structure's sanitary sewer pipe, and the entire sewage pumping system including the wet well, sewage pump, controls, wiring, plumbing, alarm system, control panel and anything else related to the sewage pumping system shall be considered Private Infrastructure. Private Infrastructure shall be the responsibility of the property owner. The City of Pataskala shall have no responsibility or duty related to, or arising out of, Private Infrastructure.
- f. A sewage pumping station shall be located at the head of the entire public force main. This station will consist of a wet well, pump, controls, and an alarm system. This station shall have a backup generator, which is capable of running all aspects of the sewage pumping station, that is powered by natural gas. A diesel-powered generator may be approved by the Utility Director should natural gas not be available to the site. The City of Pataskala shall own the sewage pumping station and shall use it to flush the public force main, as necessary. A clean water line shall be provided by the developer for the use of the City of Pataskala sewage pumping station and all water used will be metered and billed monthly to the Scenic View Estates HOA. All electric used by the City of Pataskala sewage pumping station shall come from an electric line provided and installed by the contractor and connected to the Scenic View Estates HOA's electric account. A natural gas line for the standby generator for the City of Pataskala sewage pumping station shall be provided by the developer and connected to the Scenic View Estates HOA's natural gas account. All water service, natural gas service and electric service to the City of Pataskala sewage pumping station shall be paid timely by the Scenic View Estates HOA, which shall be solely responsible for the maintenance of the water, natural gas, and electric service lines in perpetuity.

**9. The schedule of site development, construction of structures and associated facilities. Such schedule shall include the proposed use or reuse of existing features such as topography, streets, easements and natural areas;**

The estimated schedule for site development for phase I is expected to start (subject to plan approvals) in the Spring of 2022. The applicant intends to plat the subdivision,



construct the proposed public improvements, and sell lots to prospective buyers. Because of the unique nature of the development, architectural requirements, and custom nature of the construction, it is anticipated that the buildout of phase I, and the development of subsequent phases will happen over a period of several years. Platting and construction may be completed in phases as the development progresses. See Exhibit M for phase I details.

**10. Proposed buffers between incompatible land uses and activities;**

No additional landscaping and screening is being proposed for this development.

**11. Included with the site plan shall be the proposed location and proposed character of all signs for the entire development (sign master plans are encouraged);**

At each entrance to the project the developer intends to install two stone columns and gates, as detailed on Exhibit G, to identify the development and to support and screen the security gate equipment.

Each entry gate shall:

- Consist of 2 columns to be constructed of an approximately 32" square CMU base to a height of approximately 6.5'-7'. Natural stone veneer and finish materials are subject to change between the different entries but will remain consistent for both columns at each entry.
- Display a small placard on the face of each column identifying the development. Placard shall be no larger than 6 square feet in size, shall be laser cut, shall be painted black or other similar dark color, and may be illuminated from behind using low voltage / low intensity LED lighting.
- Have columns capped with gray capstones.
- Be illuminated with a small lantern installed at the top of the column and surrounded by a small landscape bed of a minimum 50 square feet in size. Landscaping surrounding the columns shall be primarily flowers or perennials but may be augmented by developer or HOA with additional trees and/or shrubs if desired based on circumstances unique to each gate location. Columns may also have landscape lighting consisting of low voltage uplighting directed at the column.
- Gates shall be constructed of high-quality materials such as wrought iron or a similar more lightweight material such as aluminum, in a vertical picket pattern typical of driveway gates.
- Column and gates shall be flanked by black crossbuck equestrian fence (Exhibit G) to a distance unique to each entry.
- Gates shall display a custom fabricated image of a tree as shown in the design concept (Exhibit G) when desired. Fabricated image may be different for each entry if desired by the developer.
- Gates and Columns to be submitted with the Final Development Plan for each phase / entry.

- A KNOX box, KNOX padlock, or other Emergency Access device as approved by the West Licking Joint Fire District shall be installed at each Entry Gate.

**12. A letter of communication from the appropriate school district regarding any residential development included in the Planned Development District;**

The superintendent of the school district provided an email to the city earlier. The amended plan has only changed the layout of the lots.

**13. Space for signatures of the applicant and the Chair of the Planning and Zoning Commission, and for the dates of Planning and Zoning Commission and City Council approvals;**

The signatures for the applicant, Chair of the Planning and Zoning Commission, and the City Council are Included on Exhibit A.

**G. Development Standards Text; a development standards text document including the special requirements that will govern the design and layout of the proposed Planned District, including:**

**1. Architectural guidelines for each subarea, or phase; Architectural drawings demonstrating the prototypical design of the proposed buildings, to demonstrate the exterior design, character, and general elements in sufficient detail to indicate the proposed visual character of the development.**

The architectural guidelines are as follows:

**OVERALL SITE DEVELOPMENT**

**Land Use**

Single-family homes, a Community Amenity Area, and multi-use paths, are the only permitted land use within this development.

**Density**

The 'Scenic View Estates' Planned Residential Development shall include a maximum of 60 dwelling units, or a total gross density of  $\pm .44$  units / acre as shown on the Final development plans submitted with this application and as described in the development text below.

**GENERAL AND SITE REQUIREMENTS**

**Permitted Uses**

Only single-family residences in ranch, split-level, or two-story configuration,

potential community recreational uses, and accessory structures including, but not limited to decks, pools, pergolas, and garages shall be permitted within the Scenic View Estates development. Scenic View Estates HOA Architectural Review Committee approval is required before any building and zoning permits will be approved.

### **Permitted Accessory Structures**

All accessory uses and structures permitted herein will be subject to the review and approval of the Scenic View Estates HOA. A maximum of 2 accessory structures per lot shall be permitted before a variance is required. Accessory structures shall be designed to match the finish materials and aesthetic of the primary structure. The following accessory structures shall be approved within the 'Scenic View Estates' PRD:

- A minimum 2-car detached garage shall be permitted as an accessory structure.
- Decks and Patios are permitted. Decks and patios shall not be permitted to extend into any established front, side, or rear yard setback, watercourse buffer, or established wetland buffer.
- Trellises, pergola's, gazebo's or other garden structures are permitted provided such structures maintain a minimum 20' from any property line and meet the approval of the Scenic View Estates HOA. Trellises, pergola's, gazebo's, or other garden structures shall not be permitted to extend into any watercourse buffer, or established wetland buffer.
- Private In-ground swimming pools and pool houses provided that such pools and pool houses meet the approval of the Scenic View Estates HOA, include all required code / safety improvements, and are designed to minimize site re-grading. In ground swimming pools or pool houses shall not be permitted to extend into any established front, side, or rear yard setback, watercourse buffer, or established wetland buffer. Pools and pool houses shall only be permitted to the side or rear of the main home and shall not extend forward of the plane created by the front façade of the home.
- Prefabricated or foundation free sheds shall not be permitted within Scenic View Estates, and no variances will be granted.
- Fencing, matching the existing entry fence as shown in Exhibit G, shall be permitted along the subdivision perimeter at the discretion of the Scenic View Estates HOA. Individual lot perimeter fencing shall not be permitted.
- Small areas for pet containment shall be permitted with fencing approved by Architectural Review Committee and Scenic View Estates HOA, shall not exceed 400 square feet and shall abut the residence or detached garage within the 20' perimeter buffer.
- Fencing shall be permitted as required around pools to meet all applicable

safety requirements provided that such fencing is approved by the Scenic View Estates HOA.

- Temporary event tents are allowable for up to 48 hours and shall be removed after such period of time.

### **Community Amenity Area**

The applicant will provide a 1.26-acre lot at the southwest entry to the development (Devencroft Ridge West) to provide a Community Amenity Area for residents of the Development. The following requirements shall govern the development of the community clubhouse / sales center, and recreational amenities, within the Community Amenity Area:

- **Permitted Uses:** Within the Community Amenity Area the developer may install a swimming pool and clubhouse / sales center building, sports courts (including, but not limited to, tennis, basketball, pickleball, bocce, and other similar courts), and community gardens.
- **Setbacks for the lot on which the Community Amenity Area shall be developed shall be as follows:**
  - Front yard Setback – 50' from the centerline of the private road to the clubhouse / sales center structure or any fencing for recreational uses.
  - East Lot Line – 20' for any clubhouse / sales center or pool equipment structure and 5' for any sport court, pool deck, or community garden area including fencing for the same.
  - South Lot Line – 20' for all structures and amenities with the exception of the fencing to be installed with the entry column and gates.
- **Clubhouse / Sales Center:** Clubhouse / Sales Center Buildings shall meet the following requirements:
  - Clubhouse / sales center shall be a minimum of 1000 square feet in floor area.
  - Clubhouse / sales center shall be constructed of materials meeting the requirements of the Architectural Guidelines as identified below in this document.
  - Height for the Clubhouse / Sales Center shall not exceed 30' as measured from the front façade of the building.
- **Fencing shall be permitted within the Community Amenity Area in accordance with the following:**
  - Pool fencing shall be a minimum 54" in height and shall be constructed of wrought iron, or aluminum having the appearance of wrought iron and shall have an automatically closing and latching gate and shall meet all requirements of the City of Pataskala and Building Code requirements for public safety. Fencing shall be

- painted black, or a similarly dark color.
  - Fencing for Sport Court enclosures (such as tennis, basketball, or pickleball) may be chain link and constructed to a height appropriate for such courts. Such fencing shall be painted / coated black or a similarly dark color.
- Structures and amenities may be phased in over time based upon the feedback of future residents to determine the most desirable amenities. All structures and amenities shall be constructed within the setbacks outlined above.
- Parking for the clubhouse shall provided at a minimum ratio of 1 space / 200 square feet of clubhouse. Parking may be installed adjacent to private road, shall be constructed of asphalt paving, and shall include at least 1 handicap space. With the exception of the items noted above parking for the Community Amenity Area to be constructed per Section 1291 of the Pataskala Code.

### **Lot sizes**

Single family lots will vary in size and configuration as shown on the Preliminary Development Plan, Exhibit D, with a minimum lot area of 1 acre.

### **Setbacks required**

The minimum front, side, and rear yard setbacks for all lots are as follows:

Front Yard Setbacks - 50' from the front lot line for single-family houses.

Side Yard Setbacks - 20' from each side lot line

Rear Yard Setbacks - 35' from the rear lot line

Driveways shall be permitted within in any front or side yard setbacks, but in no case shall an individual driveway be installed less than 3' from any property line. Shared driveways between two lots shall be permitted at or across the property line.

### **Dwelling Size and Distribution**

The minimum sizes for finished areas of single-family dwellings, excluding porches, garages, or basements shall be 1,500 square feet for single story homes and 2,000 for one & one half and two-story homes. Basements and crawl spaces shall be a minimum of 600 square feet. The single-family dwelling to be located on lot 5 of the development shall not be required to include a basement or crawl space due to a high water table within this area.

**Maximum Building Height**

No building shall be erected or enlarged to exceed 35 feet above grade at the front, or garage side, of the dwelling. Two story dwellings with walkout basements shall be permitted to exceed this height at the rear, or walkout portion of the dwelling.

**Parking**

Each single-family home shall have a minimum 2-car garage and two additional parking spaces in the driveway. Driveways shall be constructed of low impact materials.

**Required Trash Areas**

All trash and garbage shall be picked up by the City of Pataskala's private refuse company in rolling containers to be stored in the garage, or other location, as to effectively screen them from view of the street.

**Mail Delivery**

Pursuant to the changes in postal service delivery requirements, as determined by the US Postal Service, postal service to the residents shall be accomplished through the use of cluster mailbox locations. Cluster mailboxes shall be located on each private street entry to the development, and shall be coordinated with, and approved by the US Postmaster in charge of the region. Cluster mailbox locations shall be indicated in the Final Development Plans for each phase, and the design and construction of cluster mailboxes shall meet all of the requirements of the US Postal Service. The developer may, at his option, install mailbox shelters to cover cluster mailboxes to protect them from inclement weather. Such structures if installed shall be no greater than 15' in height, shall be no greater in area than necessary to shelter the boxes and provide cover for residents accessing their mailbox. Mailbox shelters shall either be constructed of wood or metal and may be custom designed or pre-packaged by a manufacturer. Low voltage downlighting may be permitted within the structures. Shelters shall not extend into the roadway and shall be located so as not to obstruct the view of traffic at intersections between private street and common access drives. Shelters shall be submitted to the City of Pataskala Zoning Administrator for review and approval prior to construction.



## **ARCHITECTURAL GUIDELINES**

### **Exterior Walls**

#### Acceptable Materials

Wood siding in various profiles including lap, dutch lap, shiplap, tongue and groove, clapboard, rustic lap, and board and batten

Fiber-cement ("Hardiplank" or equal) siding in the profiles listed above

Cedar shake siding

Natural stone, Owens Corning Cultured Stone, or equal

Brick

Stucco

#### Prohibited Materials

Wood fiber composites

Aluminum siding

Plastic / Vinyl Siding

### **Foundations & Piers**

#### Acceptable Materials

Poured concrete

Natural stone, Owens Corning Cultured Stone, or equal

Exposed concrete block if exposed less than 24"

### **Roofs**

#### Acceptable Materials

25 year or better asphalt or fiberglass shingles

Standing seam and batten seam metal

Cedar shingles

Ceramic and slate tiles

Flat rubber roofs

#### Methods and Configuration

Roof pitch shall be appropriate with style, generally 6:12 to 12:12. Porch and minor gables roofs may be a minimum of 4:12. Multiple roof styles and shapes, including flat roofs, are permitted if consistent with the architectural style.

### **Fascia, Trim, and Soffit**

#### Acceptable Materials

Wood, painted or stained

Prefinished aluminum

Fiber-cement (HardiSoffit, HardiPanel or approved equal) or other approved synthetic product

**Windows**Acceptable Materials

Frame & Sash:

Wood

Clad wood windows

Vinyl

Aluminum

**Doors**Acceptable Materials

Solid wood with glazing and/or panels, painted or stained

Fiberglass with glazing and/or panels, painted

Insulated metal with glazing and/or panels, painted

Wood, Aluminum, or Vinyl sliding glass for patio doors

Wood, Aluminum, or Vinyl French glass for patio doors

**Chimneys, Chases, Roof and Wall Vents**Acceptable Chimney and Chase Materials

Stucco with cap or coping

Natural stone, Owens Corning Cultured Stone, or equal

Siding, only with specific approval of the developer if consistent with architectural style

Methods and Configuration

Chimneys and chases must be compatible with the building architecture. Wall and roof vents shall be finished in a color compatible with the surrounding material.

**Colors**

Exterior colors: The color palette for the proposed buildings shall generally be earth tone or muted colors that blend with the natural environment. High chroma colors are specifically prohibited. Acceptable colors include natural wood stains, white, gray, clay, tans, browns, and beiges. Natural and muted shades of red and green may also be used provided they are more earth tone.

**2. Including signature and date lines for the applicant, certifying the text**

See the end of this document for signature certification.



**3. Dimensions and or acreages illustrated on the development plan shall be described in the development standards text.**

The proposed development encompasses ±136.23 acres and will be subdivided into 60 single-family lots that will range in size from 1 acre up to 5.5 acres.

**4. Any provisions that depart from applicable standards set forth in the City of Pataskala Zoning Code addressing signage, landscaping, appearance, and parking will be described and justified.**

- a. The applicant requests a divergence from Section 1113.06(q) of the City of Pataskala Subdivision regulations requiring the installation of streets lights.
- b. The applicant requests a divergence from Section 1117.01 of the City of Pataskala Subdivision Regulations to allow for Cul-de-sac length to exceed 500 feet. The applicant intends to provide private roads into the development, extend from existing township roads, several of which already exceed the maximum 500' centerline distance.
- c. The applicant requests a divergence from Section 1117.10 of the City of Pataskala Subdivision Regulations which require a minimum pavement width of 28 feet. The applicant intends to extend 20' private roads into the development as provided in the Final development plans, Exhibit J.
- d. The applicant requests a divergence from Section 1117.15 of the City of Pataskala Subdivision Regulations to allow for the development of streets without sidewalks. 4 of the 5 street connections are to township roads which currently do not have sidewalks.
- e. The applicant requests a divergence from Section 1121.12 of the City of Pataskala Subdivision Regulations which require curb and gutter on all new streets within the development. Several of the existing township streets being extended into the development do not meet this requirement and it is the intent of the applicant to match these streets, with the new private roads, as they are extended into the site.
- f. The applicant requests a divergence from Section 1255.10(b) of the City of Pataskala zoning code requiring that the development provide a minimum of 35% of common open space and recreational facilities. The applicant will provide a 1.26-acre site at the southwest entry to the development to provide a Community Amenity Area. Within this Community Amenity Area the developer reserves the right to install recreation amenities including, but not limited to, swimming pool and Clubhouse building / sales center, sports courts (tennis, basketball, pickleball, bocce, etc.) and community gardens.
- g. The applicant requests a divergence from the requirements of Section 1283.03 of the City of Pataskala Zoning Code to eliminate the tree replacement requirements

for certain facets of this development as described as follows:

1. Tree Removal and Replacement. On individual home sites no tree removal or site work can take place without prior express approval of the Architectural Review Committee and the City Administrator or their designee. A site plan with tree survey and tree preservation plan must be a part of these submissions pertaining to trees to be removed outside of building site perimeters. The Developer shall have the right to clear trees for the construction of roads, the gate area, parking, utility access points and/or needs, the Community Amenity Area and any other amenities without being required to replace any trees so removed.
  - i. Lot disturbance, including, but not limited to, excavation and/or the removal of trees, for all homes within the subdivision shall be limited to an area of no greater than the driveway plus 20 feet around the perimeter of the proposed home and garage. Existing trees beyond the 20-foot perimeter as described above shall not be removed unless they are dead, diseased, or pose a threat to the health, safety and welfare of the lot owners as determined by the City Administrator or his designee. Trees eight (8) inches or greater as measured five (5) feet from ground level may be removed pursuant to Section 1283.03 of the Pataskala Code if all qualifying trees removed are replaced pursuant to Sections 1283.03 and/or 1283.04 of the Pataskala Code. The lot owner has the right to remove any understory plant material or trees under eight (8) inches in diameter as measured five (5) feet from the ground so long as it does not affect the health of existing trees. Signage indicating the 20-foot perimeter shall be placed on lots as approved by the City of Pataskala following the issuance of a Certificate of Compliance for any new construction on the lot.
  - ii. The removal of trees in violation of this Section shall be a violation of the Scenic View Estates Planned Development District regulations, as approved by Ordinance 2019-4341. Whoever violates the Scenic View Estates Planned Development District regulations shall be subject to the penalties, as described in Section 1209.99 of the Pataskala Code and may be required to replace the removed tree(s) as described in Section 1283.03 of the Pataskala Code, pay into the ecological preservation fund as described in Section 1283.04 of the Pataskala Code, or both.
- h. The applicant requests a divergence from Section 1283.05 of the Pataskala Zoning Code which requires the installation of street trees.
- i. The applicant requests a divergence from the Pataskala subdivision regulations Section 1113.06(i) which requires a 25' buffer around naturally occurring wetlands and watercourses. A 25' buffer around all known wetlands and watercourses is established with this plan. No encroachment will be permitted

within the established buffers with the exception of the areas identified specifically on the Final plans included with this application. There are approximately 11 acres of wetland and 1-mile of watercourses on this site which require a 25' buffer resulting in approximately 16 acres of buffer required. As identified on the Development Plans, the applicant requests a divergence to reduce setbacks to 5' in some areas to allow for probable homesite locations, a reduction to 0' in one location to allow for a wetland bridge to be constructed in order to gain access to lots #5 through 10, and a reduction to 0' in two locations to allow the construction of bridges for the multi-use path. The applicant has included further explanation of the effects of this encroachment on the EPA / USAC requirements as Exhibit N of this application. Features with buffer reductions or exceptions, as identified on the development plans, shall be included and identified in the individual deeds issued to the owners.

- j. The applicant requests a divergence from section 1291.02(A)(4) of the Pataskala Zoning Code which requires off street parking to be hard surface asphalt, concrete, or pavers. The applicant intends that driveways will be constructed of low-impact materials including gravel and/or chip and tar.
  - k. The applicant requests a divergence from Section 1255.10(c) of the Pataskala Zoning Code to forego the requirement that a minimum of 50% of the lots within the development abut common open space.
  - l. The applicant requests a divergence from Section 1295(b)(8) of the Pataskala Zoning Code to allow for more than one (1) subdivision entrance sign at each entryway. As proposed, there will be two (2) small signs, one on each column, at each entry.
  - m. The applicant requests a divergence from Section 1117.17(c) of the Pataskala Subdivision Regulations to allow for lots that will not front on a public thoroughfare.
  - n. The applicant requests a divergence from Section 1117.17(f) of the Pataskala Subdivision Regulations to allow for lots that have an average depth greater than three (3) times its average width.
5. **Provision shall be made to establish a private organization (i.e. homeowners/ or master association) with direct responsibility to provide for the operation and maintenance of all common facilities and amenities that are part of the planned development, and in such instance the legal assurances demonstrating that the private organization is self-perpetuating.**

The Applicant has provided with the Final Development Plan a Final Copy of the Declaration of Covenants, Conditions, Restrictions and Easements for The Scenic View Estates community. A Scenic View Estates HOA has been formed that requires all lot owners to be members of the Association and to be responsible for the maintenance

of common properties of the community.

- a. Establishment. Prior to the closing of the sale of the first Parcel with a dwelling on it to a bona fide purchaser, the Board shall determine the total of those estimated funds needed for the balance of that calendar year from the anticipated time of that first closing, and on or before the first day of each calendar year thereafter the Board shall determine the total of those estimated funds needed for that ensuing calendar year.
  1. All parties purchasing lots shall be required to make an initial contribution of \$1,000.00 per lot to the Scenic View Estates HOA. Fifty percent (50%) of that initial contribution shall be allocated to reserve funds, and the other to a pool for the purpose of refunding these initial contributions at a later date, cash flow permitting. In addition, each year \$300.00 of each member's Scenic View Estates HOA dues will be allocated to reserve funds, which will be maintained in an interest-bearing savings account, until the total amount of funds deposited into the reserve account reaches \$200,000.00, which is expected to take less than ten (10) years. Once this goal has been achieved, the Board of Trustees of the Scenic View Estates HOA shall have the right to adjust the allocated amount so long as the balance of the reserve account remains at a level of at least \$200,000.00. If reserve funds are used for any purpose, the Board shall have the option to increase the assessed amount to an additional \$1,500.00 per member in order to pay for essential work. If additional funds beyond the initial \$1,500.00 per Owner are required, the affirmative vote of a majority (51%) of the Members of the Scenic View Estates HOA will be required in order to authorize that additional assessment.
- b. Developer's Role. The Developer shall maintain control over the Scenic View Estates HOA until such time as the last Lot is sold by the Developer. The Developer shall provide the initial funding for the Scenic View Estates HOA, and to cover any shortfalls during the lot sale period.
- c. Initial Funds. Because the land that makes up the Scenic View Estates HOA will be sold in phases, Developer shall make an initial capital contribution to the Scenic View Estates HOA of \$30,000.00 so as to provide start-up funds for the necessary maintenance and repairs in order to maintain the property in its best condition for those items not covered by manufacturer's or builder's warranties, and will be reimbursed to the developer when the last lot is sold and closed.
- d. Amenities. Developer will set aside and shall deed to the Scenic View Estates HOA a 1.26-acre site at the southwest entry to the community for the purposes of developing a Community Amenity Area that may include, but will not necessarily be limited to, a swimming pool and clubhouse building, a sales center, sports courts (including, but not limited to, tennis, basketball, pickleball, bocce, and

other similar courts), and community gardens. The Scenic View Estates HOA shall be responsible for maintaining these amenities once they have been constructed by the Developer.

- e. Continued Existence. The Scenic View Estates HOA shall have perpetual existence, unless no less than 100% of the Owners vote to terminate the existence of the Scenic View Estates HOA after the first ninety-nine (99) years of its existence. For purposes of this section, any Owner who does not vote at all in an effort to terminate the existence of the Scenic View Estates HOA shall be treated as a “no” vote.
  1. In the event that the Scenic View Estates HOA is ever terminated by vote of the Owners, before the Scenic View Estates HOA is formally dissolved, it shall properly transfer all maintenance documentation, accounting documentation, audit reports, and all banking information to the City of Pataskala, and shall transfer all common property to the City of Pataskala. Any entrance gates and columns shall be removed following the termination of the Scenic View Estates HOA; provided, however, that the Scenic View Estates HOA shall have the authority to remove all entrance gates without terminating the existence of the Association.
  2. In the event of a dissolution of the Scenic View Estates HOA, any reserve funds of the Scenic View Estates HOA on hand are to be turned over to the City of Pataskala for the care and maintenance of Common Property.
  3. In the event of a dissolution of the Scenic View Estates HOA, the disposition of the following items shall be observed by the Board of Trustees of the Scenic View Estates HOA:
    - a. Any walking paths, bridges across watercourses within the development (excluding ones which are part of common access drives or outside of the City of Pataskala easement) would either be maintained as public walkways by the City of Pataskala, or the City of Pataskala shall close them if the City of Pataskala determines that it does not want to maintain them.
    - b. Individual homeowners shall be responsible for maintaining their own service line, check valves, cleanouts and grinder pumps located at their respective properties. The City of Pataskala shall have no additional liability for the maintenance of those systems."
    - c. The City of Pataskala shall have the right to treat the swimming pool, tennis/basketball court, clubhouse and pool deck, and any other amenity in the Community Amenity Area as it sees fit, either as public facilities, they could be sold, or, if the City of Pataskala prefers, they can be demolished and the land sold. Title to these items shall be transferred to the City of Pataskala upon the dissolution of the Scenic View Estates HOA.



- d. The City of Pataskala shall have the right to assess, via property taxes, all lots in the Scenic View Estates subdivision for any funds needed to do the things contemplated herein.
- e. All gateways and landscaping (if any) will come under the jurisdiction and control of the City of Pataskala. Perimeter fences shall be turned over to the respective owners of the Parcels where those fences are located..
- f. Regret Drive, Middleground Road, Faultless Lane, and Devencroft Ridge West may become public and maintained by the City of Pataskala.
- g. Common Access Drive users, by way of cross access easements, shall remain responsible in perpetuity for the cleaning, repair, maintenance and replacement of their Common Access Drives, wetland crossings, bridges and associated drainageways.

## 6. Traffic Issues

The proposed development will be accessed from five (5) separate private road connections. One (1) connection, in the south west corner, from the Hazelwood subdivision (Devencroft Ridge West), two (2) connections to the east into the Beechwood Trails subdivision (Regret Drive and Middle Ground Road), and two (2) connections to the north into the Beechwood Trails subdivision (Middle Ground Road and Faultless Lane). Each connection point services a smaller sub-section of the Scenic View Estates development, and none of the connection points are connected through the Scenic View Estates development. The largest number of homes served by any one connection point is the 17 homes accessed through Devencroft Ridge West in the Hazelwood subdivision. None of the homes in the development shall be permitted connection or access to Devencroft Ridge East. As of submittal, communication has taken place with the Licking County Engineer's office, and Harrison Township regarding the scope of this development. Coordination with the Licking County Engineer, and with Harrison Township will continue throughout the entire approval process.

Private road connections shall be asphalt paved. Common access drives are all permitted to be gravel roads, or chip and tar, provided that the common access drives are built to support fire and emergency vehicles. Semi-trucks shall be permitted on private roads and common access drives.

## 7. Permitted Land Uses

### Permitted Uses

Only single-family residences in ranch, split-level, or two-story configuration, and customary accessory uses as described below shall be permitted within this



development along with a Community Amenity Area at the southwest corner of the development. Within the Community Amenity Area the developer reserves the right to install recreation amenities including a community clubhouse / sales center. Additional recreational elements may be added later at the discretion of the Scenic View Estates HOA including, but not limited to, swimming pool, sports courts (tennis, basketball, pickleball, bocce, etc.), community gardens, and playgrounds. Pursuant to Pataskala Code Section 1267 only Type A home occupation is permitted within the Scenic View Estates development.

**Applicant hereby certifies this Development Standards Text:**

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**Applicant**  
FDT Group, LLC

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**Date**

**DECLARATION OF COVENANTS, EASEMENTS, RESTRICTIONS, ASSESSMENTS, AND  
ASSESSMENT LIENS FOR SCENIC VIEW ESTATES**

This is a declaration of covenants, easements, restrictions, assessments, and assessment liens ("the Community Declaration") made on or as of this day of February 1, 2022, by Scenic View Estates, LLC, an Ohio limited liability company, (hereinafter, the "Developer").

**Background:**

The following portion hereof is provided to assist in understanding its objectives. Many of the terms used herein are defined in Article I, the Definitions portion hereof, and it is recommended that those definitions be consulted in order to understand these provisions:

A. Developer is the owner in fee simple of the following REAL PROPERTY:

Parcel Numbers: 025-068087-00.000 annexed to 064-068087-00.000 and 064-068322-00.009

B. "Scenic View Estates" presently consists of all the above described property, is intended to be a high-quality residential development, is located in Pataskala, Ohio, and, as future sections and parcels are developed, will encompass other property that is part of the same parcel.

C. Pursuant to the provisions of the Development Plan, various Parcels in Scenic View Estates have been, or will be, as created, conveyed to the City of Pataskala and maintained by or through it (such as but not limited to sanitary, water and storm water detention areas, passive green spaces parks, and public streets, if any), or owned by it but maintained by the Scenic View Estates HOA, (such as but not limited to pocket parks, cul-de-sac islands, boulevard central landscaped strips, and Other landscaped buffers). Other Parcels will be subjected to easements reserved to the Scenic View Estates HOA for construction and maintenance of Scenic View Estates Community Amenity Area, entryway features, the maintenance of landscaping and trees in landscape buffer areas, the maintenance of front hedges on Parcels and for various other purposes that would be of benefit to Scenic View Estates and its Owners and Occupants.

D. In connection with the development of Scenic View Estates there has been created the Scenic View Estates Homeowners Associations ("Scenic View Estates HOA"), an association of all Owners, except Owners of Common Property and Exempt Property, which, pursuant hereto, has and will have easements with respect to:

- Maintaining the Entranceway Improvements;
- Maintenance and repair of the private roads, including, but not limited to, snow plowing, patching, sealing, overlaying, and replacement. The Owner will grant an easement to the City of Pataskala to for purposes of access to any public



improvements for water and sewer lines, safety, first response, and trash removal;

- Ownership and maintenance of the Community Amenity Area
- To administer and enforce covenants and restrictions in the plat, plus supplemental declarations resulting from phasing;
- Establish a Code of Regulations that governs the collection of assessments; and
- Other such reasons as determined to be appropriate and necessary to serve the needs of all of Scenic View Estates and its Owners and Occupants.

E. The purpose of this Community Declaration is to establish a plan for the accomplishment of the objectives of the Scenic View Estates HOA, and to memorialize these understandings. Accordingly, by this Community Declaration Developer is establishing various rights and responsibilities with respect to Scenic View Estates as it presently exists and the Owners of property therein, and the right to extend the same to future portions of Scenic View Estates as it may be expanded from time to time, and the Owners and Occupants of property therein.

#### COVENANTS, EASEMENTS, RESTRICTIONS, ASSESSMENTS, AND ASSESSMENT LIENS

NOW THEREFORE, in pursuance of a general plan for the protection, benefit, and mutual advantages of the property in Scenic View Estates as presently constituted (consisting of no more than three phases, and as it may hereafter be constituted, Developer hereby declares that all of this property shall be held, sold, conveyed and occupied subject to the following covenants, easements, and restrictions, which are for the purpose of protecting the values and desirability of, which shall run with the title to, each part of Scenic View Estates and be binding on all parties having any right, title or interest therein, and each part thereof, and their respective heirs, successors and assigns, and which shall inure to the benefit of and be enforceable by Developer, each owner of property in Scenic View Estates, the Scenic View Estates HOA, and their respective heirs, successors, and assigns:

#### ARTICLE I- DEFINITIONS

The following terms used in this Community Declaration shall have these meanings, unless the context requires otherwise:

1. "Additional Property" property that may in the future be subjected of record in the County in which it is located to the plan provided herein, and consists of all or any part of property determined by Developer, in its sole and unfettered discretion, as property to be part of Scenic View Estates and subjected to the provisions hereof, and may include any property described in item B of the Background Section of this Declaration and property adjacent to or contiguous with property a part of Scenic View Estates as it is then constituted.

2. "Architectural Review Committee" - the group of individuals having the power and authority to establish and enforce architectural standards governing the construction, replacement and modification of Improvements in Scenic View Estates.

3. "Articles" and "Articles of Incorporation" - the articles, when filed with the Secretary of State of Ohio, incorporating Scenic View Estates Homeowners' Association, Inc. (the "Scenic View Estates HOA") as a nonprofit corporation under the provisions of Chapter 1702 of the Revised Code of Ohio ("Chapter 1702").

4. "Assessments" - charges levied by the Scenic View Estates HOA on Parcels and their Owners, consisting of Operating Assessments, Special Assessments, and Individual Parcel Assessments.

5. "Board" - the Board of Directors of the Scenic View Estates HOA.

6. "Code of Regulations" and "Code" - the code of regulations of the Scenic View Estates HOA (often referred to as "bylaws") created under and pursuant to the provisions of Chapter 1702, establishing certain administrative and operating rules and procedures for the Scenic View Estates HOA.

7. "Common Access Drives" - common access easements and shared driveways, including bridges and stream crossings

8. "Common Expenses" - costs and expenses incurred by the Scenic View Estates HOA in fulfilling its functions, to be shared equally by each Owner to include the common amenity area improvements, walking path and path bridges, and Reserve contributions .

9. "Common Property" - all real and personal property, including easements, now or hereafter acquired by the Scenic View Estates HOA pursuant to the provisions hereof, or in deed restriction in a deed or deeds to the City of Pataskala, Ohio, or otherwise, for the common use and the enjoyment of the Owners and Occupants in Scenic View Estates or for the operation of the Scenic View Estates HOA.

10. "Community Amenity Area" - all real and personal property including the clubhouse building, associated parking, potential recreational amenities, and the lot on which they reside, now or hereafter acquired by the Scenic View Estates HOA pursuant to the provisions hereof, or in deed restriction in a deed or deeds to the City of Pataskala, Ohio, or otherwise, for the common use and enjoyment of the Owners and Occupants in Scenic View Estates.

11. "Scenic View Estates HOA" - an association of all of the Owners of property in Scenic View Estates, at any time, except Owners of Exempt Property and Common Property, with respect to that property. It has been incorporated as an Ohio non-profit corporation named "Scenic View Estates Homeowners' Association, Inc."

12. "Developer" - Scenic View Estates, LLC and any successor or assign to which it specifically assigns any of its rights and which assumes its obligations hereunder by a written instrument.

13. "Development Plan" - the plan adopted by Pataskala City Council on November 2, 2020 via Ordinance 2019-4341 and duly adopted amendments, made heretofore or

hereafter, for Scenic View Estates, establishing permitted uses, and limitations thereon, improvement requirements and specifications, and various other requirements and limitations with respect to Scenic View Estates. The Development Plan, as amended from time to time, will be available for review and copy at the offices of the Developer, and is incorporated herein by this reference.

14. "Driveways" – the driveways for ingress and egress to specific Parcels.

15. "Entranceway Improvements"—Improvements made at the various entrances of the Community, including, but not limited to, gates, monument signage, hard and softscapes, and other improvements.

16. "Exempt Property" - the portion of the real property comprising Scenic View Estates (a) now or hereafter dedicated to common public use or owned by the United States, the State of Ohio, Licking County, the City of Pataskala, any school board, or similar governmental body, or any instrumentality or agency or any such entity, for so long as any such entity or any such instrumentality or agency shall be the owner thereof, or (b) owned by the Scenic View Estates HOA, provided, in any such case the same is not utilized as a residence.

17. "Governing Documents" - the Scenic View Estates HOA's Articles of Incorporation, Code of Regulations, its lawful Rules, and all amendments thereto, the Development Plan, applicable building and zoning laws, this Community Declaration and amendments made hereafter, and the provisions of subdivision and other plats of property in Scenic View Estates, present and future.

18. "Improvements" - all dwellings, buildings, outbuildings, sheds, garages and other structures; overhead, aboveground and underground installations, including without limitation, utility facilities and systems, lines, pipes, wires, towers, cables, conduits, poles, antennas and satellite dishes flagpoles; swimming pools, hot tubs, spas, and tennis and all other types of walkways, and recreational courts, fixtures and facilities, including tree houses, play houses, children's recreational equipment or structures, basketball hoops and playground equipment; pet houses, runs, and enclosures; changing of colors or materials; exterior lighting; slope and drainage alterations; roads, Driveways, uncovered parking areas and other such areas; fences, mailboxes; trellises, walls, retaining walls, exterior stairs, decks, patios and porches; planted trees, herbaceous hedges, shrubs and other forms of landscaping that are more than thirty (30) feet high when fully grown; and all other structures or improvements of every type, constructed or maintained in Scenic View Estates and visible to public view.

19. "Individual Parcel Assessment" - an assessment that the Board may levy upon a Parcel and its Owners to reimburse the Scenic View Estates HOA for costs incurred solely on behalf of that Parcel, or the Owners thereof, including without limitation, administrative charges for Rules violations, late charges, and interest on delinquent assessments, and costs of collection of delinquent obligations to the Scenic View Estates HOA, including attorney's fees

and court costs, and all other charges reasonably determined by the Board to be chargeable solely to that Parcel and its Owner or Owners.

20. "Lot" - a discrete parcel of real property now or hereafter identified upon a recorded subdivision plat of property in Scenic View Estates, or any portion thereof, or recorded re-subdivision thereof, and any other discrete parcel of real property designated as a Lot by Developer and subjected to the provisions of this Community Declaration, excluding Exempt Property, Common Property, and any other property dedicated for public use.

21. "Manager" - a Person retained by the Board to assist in the management of the Scenic View Estates HOA.

22. "Member" - any Person who is an Owner is a "Member" of the Scenic View Estates HOA during the period of time that Person is an Owner, as hereinafter defined, excepting in all cases, Owners of Exempt Parcels or Common Property with respect to those Parcels.

23. "No Disturb Areas"—buffer zones of twenty-five (25) feet from any wetlands and intermittent stream banks as identified on the final plat. Areas with buffer exceptions or reduction will be included and identified in the individual deeds issued to the Owners. These areas are to be left in their natural state in compliance with applicable state and federal laws pertaining to wetlands and watercourses.

24. "Occupant" - an individual lawfully residing in a dwelling on a Parcel, regardless of whether that individual is an Owner.

25. "Operating Assessments" - assessments that the Board may levy upon all Parcels and their Owners, other than Common Property, Exempt Property and their Owners, pursuant to the terms of this Community Declaration, to provide funds to pay Common Expenses.

26. "Owner" - the record Owner, whether one or more Persons, of fee simple title to a Parcel, excluding vendors under recorded land installment contracts, but including the vendees, and excluding all others having an interest in a Parcel merely as security for performance of an obligation.

27. "Parcel" - a distinct and separate parcel of real estate in Scenic View Estates for real estate taxation and conveyance purposes, as shown in the records of the Auditor of Licking County, Ohio from time to time. In the case of subdivisions, each Lot therein becomes a separate Parcel upon the filing of a plat creating those Lots with the Recorder of Licking County, Ohio, and in the case of condominiums, each Unit becomes a Parcel at the time the same is so designated in a declaration of condominium or amendment thereto creating the same recorded with the Recorder of Licking County, Ohio.

28. "Person" - a natural individual, corporation, limited liability company, partnership, trustee, or other legal entity capable of holding title to real property.

29. "Private Roads" – Paved cul-de-sacs located throughout Scenic View Estates.

30. "Reserves" - funds that may be charged and collected to meet future needs of the Scenic View Estates HOA, including, but not limited to the cost of repair and replacement of Private roads, Common Access Drives, bridges and amenity area improvements.

31. "Rules" - the rules and regulations established by the Board from time to time.

32. "Scenic View Estates" - property that at any time has been subjected to the provisions of this Declaration, initially includes all of the property described as Scenic View Estates Phase 1, Phase 2, and Phase 3 and may be expanded to encompass all or any part of the Additional Property, as herein described.

33. "Special Assessment" - an assessment that the Board may levy upon all Parcels and their Owners, except Common Property and Exempt Property and their Owners, to pay for unanticipated operating deficiencies (other than those to be subsidized by Developer), or to pay for capital expenditures not regularly budgeted and not to be paid out of reserves, such as costs for major capital improvement replacements and for major new capital improvements.

34. "Turnover Date" - the date on which Developer relinquishes its exclusive right to appoint all members of the Board, which date shall be when Scenic View Estates has been fully developed, all Improvements completed, and all Parcels have been sold and conveyed to bona fide purchasers, provided Developer reserves the right, in its sole and unfettered discretion, to turn over control of the Scenic View Estates HOA, or various functions thereof, at such earlier time as it determines in its sole and unfettered discretion.

## ARTICLE II - GOALS

The covenants, easements, conditions and restrictions contained in this Community Declaration are declared to be in furtherance of the following purposes:

- These covenants, easements, conditions, and restrictions shall apply to each Lot within Scenic View Estates.
- Promotion of the health, safety and welfare of all Owners and Occupants of property in Scenic View Estates.
- Ownership, preservation, beautification and maintenance of Scenic View Estates' Common Property and all Improvements thereon;
- Enforcement of architectural controls and restrictions applicable to property in subject hereto;
- Compliance with all zoning and similar governmental regulations applicable to property subject hereto; and
- Provide for mandatory membership of Parcel Owners in Scenic View Estates, other than Owners of Exempt Property or Common Property, as it may be constituted, from time to time, in the Scenic View Estates HOA, and the assessment for and collection of funds to fulfill its objectives.

### ARTICLE III - PROPERTY SUBJECT HERETO

The property subject to the provisions hereof shall consist of Scenic View Estates, as it is now constituted, as described in item A of the Background section of this Community Declaration, every Lot in Scenic View Estates, and such portions of the Additional Property as may be subjected to the provisions hereof either by reason of an amendment hereto, a requirement set forth on a subdivision plat or a declaration of condominium or amendment thereto, an instrument of transfer or conveyance, or a transfer by operation of law. Developer shall have the right and power, but neither the duty nor the obligation, in its sole and unfettered discretion, and by its sole act, to subject all or any part of the Additional Property to the provisions hereof at any time and from time to time by executing and recording with the Recorder of Licking County, Ohio, an amendment to this Declaration specifying that such Additional Property is part of Scenic View Estates. Such an amendment made by the Developer shall not require the joinder or signature of the Scenic View Estates HOA, other Owners, mortgagees, or any other Person. In addition, such amendments to this Declaration may contain such supplementary, additional, different, new, varied, revised or amended provisions as may be necessary or appropriate, as determined by the Developer, to reflect and address the different character or intended development of any such Additional Property.

### ARTICLE IV - THE SCENIC VIEW ESTATES HOMEOWNERS ASSOCIATION

A. The purposes of the Scenic View Estates HOA are to:

1. have easements with respect to, or own, and repair, maintain and regulate use of, various facilities and amenities in Scenic View Estates that benefit all of Scenic View Estates and its Owners and Occupants, eventually including, without limiting the generality of the foregoing, storm water detention areas, passive green space, pocket parks, cul-de-sac islands, central strips in boulevards, landscaped buffer strips, Scenic View Estates entryway Improvements, all private streets and common access drives, Community Amenity Area, and such other Improvements and common amenities as serve all of Scenic View Estates, as set forth herein, and as hereafter initially determined by Developer, and after the Turnover Date, by the Scenic View Estates HOA's Board;

2. administer and enforce the provisions of the Governing Documents of the Scenic View Estates HOA;

3. enter into and perform agreements with vendors or other third parties for maintenance and management service; and

4. assess, collect and disburse funds necessary to fulfill these purposes.

B. Continued Existence. The Scenic View Estates HOA shall have perpetual existence, unless no less than 100% of the Owners vote to terminate the existence of the Scenic View Estates HOA after the first ninety-nine (99) years of its existence. For purposes of this

section, any Owner who does not vote at all in an effort to terminate the existence of the Scenic View Estates HOA shall be treated as a “no” vote.

1. In the event that the Scenic View Estates HOA is ever terminated by vote of the Owners, before the Scenic View Estates HOA is formally dissolved, it shall properly transfer all maintenance documentation, accounting documentation, audit reports, and all banking information to the City of Pataskala, and shall transfer all Common Property to the City of Pataskala. Any entrance gates shall be removed following the termination of the Scenic View Estates HOA; provided, however, that the Scenic View Estates HOA shall have the authority to remove all entrance gates and columns without terminating the existence of the Association.

2. In the event of a dissolution of the Scenic View Estates HOA, any reserve funds of the Scenic View Estates HOA on hand are to be turned over to the City of Pataskala for the care and maintenance of Common Property.

3. In the event of a dissolution of the Scenic View Estates HOA, the disposition of the following items shall be observed by the Board of the Scenic View Estates HOA:

a. Any walking paths, bridges across streams within the development (excluding ones which are part of Common Access Driveways or outside of the City of Pataskala easement) would either be maintained as public walkways by the City of Pataskala, or the City of Pataskala shall close them if the City of Pataskala determines that it does not want to maintain them.

b. The force main lateral servicing each individual residence in the pressurized sanitary sewage system will be owned by the individual homeowners, who shall be responsible for maintaining their own service line, check valves, cleanouts and grinder pumps located at their respective properties. The City of Pataskala shall have no additional liability for the maintenance of those sewer systems.

c. The portion of the sewage system which serves as the community line and which is located in the easement area granted to the City of Pataskala, shall be in the possession and control of the City of Pataskala. In the event of any dissolution of the Scenic View Estates HOA, the City of Pataskala shall assume control over and maintenance of the electric, water and natural gas accounts servicing the City of Pataskala’s sewage pumping station and its accompanying backup generator.

d. The City of Pataskala shall have the right to treat the swimming pool, tennis/basketball court, pool house and pool deck, and any other amenity in the community amenity area as it sees fit, either as public facilities, they could be sold, or, if the City of Pataskala prefers, they can be demolished and the land sold. Title to these items shall be transferred to the City of Pataskala prior to the dissolution of the Scenic View Estates HOA.

e. The City of Pataskala shall have the right to assess, via property taxes, all lots in the Scenic View Estates subdivision for any funds needed to do the things contemplated herein.

f. All gateways and landscaping (if any) will come under the jurisdiction and control of the City of Pataskala. Perimeter fences shall be turned over to the respective owners of the Parcels where those fences are located.

g. Regret Drive, Middleground Road, Faultless Lane, and Devencroft Ridge West may be become public and maintained by the City of Pataskala.

h. Common Access Drive users shall remain responsible in perpetuity for the cleaning, repair and maintenance of those common access roads, including all Common Access Drives, Driveways, private roads and wetland crossings, including bridges, shall be maintained by the owners of the lots in the Development, including, but not limited to, any landscaping and low voltage lighting on that private land.

4. In the event of a dissolution of the Scenic View Estates HOA, the Scenic View Estates HOA shall retain counsel, as well as any other necessary professionals, to prepare the necessary documentation to accomplish the transfer of the Common Property to the City of Pataskala as necessary to accomplish the goals of this Declaration.

C. Membership. The Scenic View Estates HOA is an association of all Owners of Parcels in Scenic View Estates, except owners of Common Property and Exempt Property. Its sole member presently is the Developer. As Scenic View Estates is being and will be subdivided into Parcels, the Owner or Owners thereof, from time to time, (except owners of Common Property and Exempt Property, if any), shall, upon the subjection thereof to the provisions hereof, automatically become and be Members during such time as they are Owners with respect to those Parcels. Those Parcels shall be held, sold and conveyed subject to the requirement that the Owners thereof be Members during the time they are Owners, regardless of whether or not such requirement is set forth on a subdivision plat, declaration of condominium, or amendment thereto, or instrument of transfer or conveyance, or the transfer is by operation of law, or amendment hereto, or otherwise. Membership is and shall be appurtenant to and inseparable from status as an Owner, and automatically arises at the time the fee simple interest in a Parcel subject hereto is transferred of record, or by law, or in the case of a recorded land installment contract, at the time the same is recorded. Voting rights of Members are set forth in the Code of Regulations. Each Member shall be accorded one (1) vote per Parcel owned.

D. Membership Fees. Each time that there is a transfer of a Parcel subject hereto, (other than Common Property or Exempt Property) to a bona fide purchaser, that Parcel and its purchaser or purchasers shall be assessed and there shall immediately become due and payable to the Scenic View Estates HOA upon the conveyance a membership fee for membership in the Scenic View Estates HOA in the amount of One Hundred Dollars (\$100.00). This membership fee shall constitute an Individual Parcel Assessment, as provided herein, and shall be utilized by the Scenic View Estates HOA in furtherance of its purposes, is not in lieu of any other Assessments, and is not transferable where a Parcel is transferred. Further membership dues to the Scenic View Estates HOA shall become due and owing effective the date of transfer of that Parcel.

E. Powers: Authority: Duties. The Scenic View Estates HOA shall have all the rights, powers, and duties established, invested, or imposed on it pursuant to the provisions of the Governing Documents, and the laws of the State of Ohio applicable with respect to Ohio non-profit corporations. Among other things, the Scenic View Estates HOA, through its Board, shall have the power to own and/or hold easements with respect to and maintain, Common



Property, enforce and administer the restrictions and covenants applicable to all or any part of Scenic View Estates, levy and collect assessments, collect and maintain reserves for replacements and anticipated expenditures, enter into contracts, and take such other actions as its Board deems appropriate to its purposes. The Scenic View Estates HOA shall not have the power or authority to expend or agree to expend in any calendar year an amount in excess of 6% of the previous calendar year's budget then subject to Operating Assessments for new capital improvements not replacing existing improvements without the approval of Members exercising a majority of the voting power of Members.

F. Establishment. Prior to the closing of the sale of the first Parcel with a dwelling on it to a bona fide purchaser, the Board shall determine the total of those estimated funds needed for the balance of that calendar year from the anticipated time of that first closing, and on or before the first day of each calendar year thereafter the Board shall determine the total of those estimated funds needed for that ensuing calendar year.

All parties purchasing lots shall be required to make an initial contribution of \$1,000.00 per lot to the Scenic View Estates HOA. Fifty percent (50%) of that initial contribution shall be allocated to reserve funds, and the other to a pool for the purpose of refunding these initial contributions at a later date, cash flow permitting. In addition, each year \$300.00 of each member's Scenic View Estates HOA dues will be allocated to reserve funds, which will be maintained in an interest-bearing savings account, until the total amount of funds deposited into the reserve account reaches \$200,000.00, which is expected to take less than ten (10) years. Once this goal has been achieved, the Board of Trustees of the Scenic View Estates HOA shall have the right to adjust the allocated amount so long as the balance of the reserve account remains at a level of at least \$200,000.00. If reserve funds are used for any purpose, the Board shall have the option to increase the assessed amount to an additional \$1,500.00 per member in order to pay for essential work. If additional funds beyond the initial \$1,500.00 per Owner are required, the affirmative vote of a majority (51%) of the Members of the Scenic View Estates HOA will be required in order to authorize that additional assessment.

G. Developer's Role. The Developer shall maintain control over the Scenic View Estates HOA until such time as the last Lot is sold by the Developer. The Developer shall provide the initial funding for the Scenic View Estates HOA, and to cover any shortfalls during the lot sale period.

H. Initial Funds. Because the land that makes up the Scenic View Estates HOA will be sold in phases, Developer shall make an initial capital contribution to the Scenic View Estates HOA of \$30,000.00 so as to provide start-up funds for the necessary maintenance and repairs in order to maintain the property in its best condition for those items not covered by manufacturer's or builder's warranties, and will be reimbursed to the Developer when the last lot is sold and closed.

I. Architectural Review Committee. An Architectural Review Committee will be formed to maintain standards and shall have sixty (60) days to approve Lot owner's or a builder's proposed plans. After sixty (60) days, if no action is taken by the Architectural

Review Committee, the lot owners plans shall be deemed to be approved. All proposed plans and specifications are to be completed to a degree by an architect to be satisfactory to the Architectural Review Committee prior to submission to the Architectural Review Committee. Lot owners may not commence construction of any structure prior to receiving zoning clearance and a building permit for any improvement. Further, all proposed remodeling and alterations to existing residences must also be approved by the Architectural Review Committee. The Architectural Review Committee shall have the authority to grant variances to the rules set forth herein subject to approval by the City of Pataskala and applicable zoning ordinances. This Committee shall be managed by the Developer until the last lot is sold and the Community Amenity Area is transferred to Scenic View Estates, HOA. Subsequently, the Board will appoint members to the Architectural Review Committee from Scenic View Estates owners.

J. Rules. The Scenic View Estates HOA through its Board may make and enforce reasonable Rules governing the use of the Common Property, the levying and collection of assessments for the operation of the Scenic View Estates HOA, the levying and collection of administrative charges for the infraction of Rules, and for other purposes consistent with its goals. All of such Rules shall be consistent with the provisions of the Governing Documents. The Scenic View Estates HOA shall have the power to impose sanctions on Owners, including, without limitation: (i) reasonable monetary administrative charges which shall be considered Individual Parcel Assessments; (ii) suspension of the right to vote as a Member of the Scenic View Estates HOA; and (iii) suspension of the right of the Owner and that Owner's Occupants, licensees, and invitees, to use the Common Property for a period not exceeding sixty (60) days, for any infraction of Rules. In addition, the Board shall have the power to seek relief in any court for violations of or to abate violations Of Rules. If the Board expends funds for attorney's fees or litigation expenses in connection with enforcing any provision of Rules, or otherwise the amount so expended shall be due and payable by the Owner or Owners of the Parcel whose Owner; Occupant. licensee or invitee violated that Rule, and the same shall be an Individual Parcel Assessment against such Owner or Owners' Parcel and such Owner or Owners,

K. Implied Rights. The Scenic View Estates HOA may exercise any other right or privilege given to it expressly by the laws of the State of Ohio or any provision of the Governing Documents, and every other right or privilege reasonably implied from the existence of any right or privilege granted thereby, or reasonably necessary to effect any such right or privilege.

L. Managing Agent. The Board may retain and employ on behalf of the Scenic View Estates HOA a Manager, which may be the Developer, and may delegate to the Manager such duties as the Board might otherwise be authorized or obligated to perform. The compensation of the Manager shall be a Common Expense, the term of any management agreement and shall allow for termination by either party, without cause, and without penalty, upon no more than ninety (90) days prior written notice.

M. Insurance.

1. Fire and Extended Coverage. The Scenic View Estates HOA may, with respect to insurable property or interests owned by it, obtain and maintain insurance for all insurable buildings, structures, fixtures and equipment and common personal property, now or at any time hereafter constituting a part of the Common Property, against loss or damage by fire, lightning, and such other perils as are ordinarily insured against by standard coverage endorsements, with such limits and coverage as is deemed appropriate by the Board. This insurance, if obtained:

a) shall provide that no assessment may be made against an institutional mortgage lender, or its insurer or guarantor, and that any assessment under such policy made against others may not become a lien on any Parcel, and its appurtenant interest, superior to the lien of such mortgage;

b) shall be obtained from an insurance company authorized to write such insurance in the State of Ohio which has a current rating of Class BNI, or better, or, if such company has a financial rating of Class V, then such company must have a general policy holder's rating of at least A, all as determined by the then latest edition of Best's Insurance Reports, or its successor guide, or, if the insurer does not satisfy these rating requirements, that insurer is reinsured by a company that has a B/VI or better rating; (c) shall be written in the name of the Scenic View Estates HOA; and

c) unless otherwise determined by the Board, shall contain a waiver of subrogation of rights by the carrier as to the Scenic View Estates HOA, its Officers, Directors, and Members.

2. Liability Coverage. The Scenic View Estates HOA shall obtain and maintain a comprehensive policy of general liability insurance covering all of the Common Property insuring the Scenic View Estates HOA, the Directors, and its Members, with such limits as the Board of Directors may determine, but no less than the greater of (a) the amounts generally required by private institutional mortgage investors for projects similar in construction, location and use, including the private roads in the community, and (b) \$1 million for bodily injury, including deaths of persons, and property damage, arising out of a single occurrence. This insurance shall contain a "severability of interest" endorsement which shall preclude the insurer from denying the claim of any Member because of negligent acts of the Scenic View Estates HOA, the Board, or any Director, Officers or other Members, and shall include, without limitation, coverage for legal liability of the insured's for property damage, bodily injuries and deaths of persons in connection with the operation, maintenance or use of the Common Property, and other legal liability, including liability under contractual indemnity clauses and liability arising out of lawsuits related to any employment contracts of the Scenic View Estates HOA. Each such policy must provide that it may not be canceled or substantially modified by any party, without at least ten days prior written notice to the Scenic View Estates HOA.

3. Other. The Scenic View Estates HOA may, in the Board's discretion, obtain and maintain the following insurance: (a) fidelity bond coverage and workers' compensation insurance for all Officers, Directors, Board Members and employees of the Scenic View Estates HOA and all other persons handling or responsible for handling funds of the Scenic View Estates HOA, (b) Officers' and Directors' liability insurance, (c) additional insurance against such other hazards and casualties as is required by law, and (d) any other insurance the Board deems necessary. Scenic View Estates, LLC will be named as co-insured with any companies performing work at the Scenic View Estates site.

4. Use of Proceeds. In the event of damage or destruction of any portion of the Common Property, the Scenic View Estates HOA shall promptly repair or replace the same, to the extent that insurance proceeds are available. Each Member hereby appoints the Scenic View Estates HOA as its attorney-in-fact for such purpose. If such proceeds and reserves are insufficient to cover the cost of the repair or replacement, then the Board may levy a Special Assessment pursuant to the provisions hereof to cover the additional costs.

5. Condemnation. The Scenic View Estates HOA through its Board shall represent the Members in any condemnation proceedings or in negotiations, settlements and agreements with the condemning authority for acquisition of the Common Property, or any portion thereof. Each Member hereby irrevocably appoints the Scenic View Estates HOA as that Member's attorney-in-fact for such purpose. The awards or proceeds of any condemnation action shall be payable to the Scenic View Estates HOA, to be held and used for the benefit of the Members, as determined by the Board.

N. Books and Records. Upon reasonable request of any Member, the Scenic View Estates HOA shall be required to make reasonably available for inspection and copy all books, records and financial statements of the Scenic View Estates HOA.

## ARTICLE V - THE COMMON PROPERTY

A. Property to Be Subject. The Common Property shall consist of the following:

1. those Parcels of real estate that are created by subdivision or other plat and specified thereon to be conveyed to an association of the owners of property in Scenic View Estates, or portions thereof;

2. easements to areas in Scenic View Estates owned by the City of Pataskala but to be maintained and by such an association;

3. all property, real and personal, that Developer determines to be Common Property, and so designates, and that benefits all of Scenic View Estates and its Owners; and

4. such property, real and personal, and/or property rights that the Board deems desirable and acquires to fulfill the goals of the Scenic View Estates HOA.

B. Common Roads and Access Points. Common Access Drives and private roads to be maintained to public service satisfaction including fire and police departments. The Scenic View Estates HOA shall also be responsible for the maintenance of all Entranceway Improvements, including such electric, openers, structural repair, battery backup, keypad installation, remote controls, and any other similar items required. The Scenic View Estates HOA shall have the authority to remove the entry gates, upon a vote of two thirds of the members, in the event that the gates become a hazard or are otherwise undesirable to the residents. The Scenic view Estates HOA shall also have the option to replace the pressure sensitive controllers with a secured electronic access provided that the change is approved by, and access is guaranteed to, all emergency responders, the appropriate agencies of the City of Pataskala, Licking County, and the West Licking Joint Fire District. Security at individual gates at can be upgraded by a vote of 90% of the residents accessing each gate, or security at all gates can be upgraded by a vote of 75% of the members of the Scenic View Estates HOA.

C. Community Amenity Area. Developer will set aside and shall deed to the Scenic View Estates HOA a 1.26 acre site at the southwest entry to the community for the purposes of developing recreation facilities that may include, but will not necessarily be limited to, a swimming pool and pool building, a sales center, sports courts (including, but not limited to, tennis, basketball, pickleball, bocce, and other similar courts), and community gardens. The Scenic View Estates HOA shall be responsible for maintaining these amenities once they have been constructed by the Developer.

D. Vesting of Interests. Easement rights to the Scenic View Estates HOA set forth in subdivision plats and declarations and amendments thereto shall become Common Property and vested in the Scenic View Estates HOA upon the recording of those documents. Property owned by Developer or its successors and assigns, so designated in a subdivision or other plat to be owned by an association of the owners of property in Scenic View Estates, shall be conveyed to the Scenic View Estates HOA by Developer forthwith upon the recording of such subdivision or other plat by limited warranty deed, free and clear of all encumbrances except easements of record and the lien of general real estate taxes not then payable. Scenic View Estates HOA may also acquire, hold, manage, operate, maintain, improve, mortgage and dispose of tangible and intangible personal property and real property in addition to that property conveyed to it by the Developer. The Scenic View Estates HOA shall accept "as is", the conveyance of such property without any representation or warranty, express or implied, in fact or by law, with respect thereto, including, without limitation, representations or warranties of merchantability or fitness for the ordinary or any particular purpose, and without any representations or warranties regarding future repairs or regarding the condition, construction, accuracy, completeness, design, adequacy of the size or capacity in relation to the utilization, or the future economic performance or operations of, or the materials or furnishings which has been or will be used in such property or repairs. By acceptance of title to any Common Property, the Scenic View Estates HOA and all Owners release Developer from any claims and warrant that no claim shall be made by the Scenic View Estates HOA or any Member or Owner relating to the condition, construction, design,

capacity, operation, use, accuracy, adequacy or completeness of such property or repairs or for incidental or consequential damages arising therefrom.

E. Disposition or Mortgaging of Common Property. No Common Property shall be disposed of except as otherwise provided or permitted in the Governing Documents, provided that, in any event, no Common Property may be conveyed without the consent of Members exercising a majority of the voting power of Members. At no time shall common property be mortgaged.

F. Architectural Review. Improvements on the Common Property shall be subject to the same architectural review process and approval requirements as all other property in Scenic View Estates, as provided in Article X hereof.

## ARTICLE VI - ASSESSMENTS

A. Types of Assessments. Subject to the provisions of this Article, each Parcel, and its Owner or Owners, excluding Common Property, Exempt Property, and their Owners, shall be subject to the following assessments:

1. Operating Assessments;
2. Special Assessments; and
3. Individual Parcel Assessments;

established, assessed, and collected, as set forth in this Article VI, and subject to the provisions set forth herein. No Owner may gain exemption from liability for any assessment by waiving or foregoing the use or enjoyment of any of the Common Property, or by abandoning that Owner's Parcel.

B. Operating Assessments. For the purposes of providing funds to pay:

- the cost of the maintenance, repair and replacement of Common Property;
- maintaining (fertilizing, mulching, replanting as necessary, and pruning) in the Common Property;
- the costs for insurance and bond premiums to be provided and paid for by the Scenic View Estates HOA;
- the cost for utility services, if any, charged to or otherwise properly payable by the Scenic View Estates HOA;
- the estimated amount required to be collected to maintain a general operating reserve to assure availability of funds for normal operations of the Scenic View Estates HOA, in an amount deemed adequate by the Board;
- an amount deemed adequate by the Board to maintain a reserve for the cost of unexpected repairs and replacements of capital improvements and for the repair and replacement of major improvements for which cash reserves over a period of time in excess of one year ought to be maintained; and

- the costs for the operation, management and administration of the Scenic View Estates HOA, including, but not limited to, fees for property management, landscaping, caring for and maintaining the herbaceous hedges along the frontage of each Lot, mowing, planting, lighting; pavement maintenance. snow and ice removal and mitigation, pool maintenance, cleaning and winterization, walking path and path bridge maintenance, seasonal leveling of gravel on Common Access Drives, gate and fence maintenance, storm retention area maintenance, fees for legal, accounting and property management services, costs of mailing, postage; supplies and materials for operating the Association, and the salaries, wages, payroll charges and other costs to perform these services, and any other costs of operations of the Scenic View Estates HOA not otherwise herein specifically excluded;

all of which shall constitute Common Expenses, the Board shall establish, levy, and collect Operating Assessments in accordance with the following:

1. Establishment. Prior to the closing of the sale of the first Parcel with a dwelling on it to a bona fide purchaser, the Board shall determine the total of those estimated funds needed for the balance of that calendar year from the anticipated time of that first closing, and on or before the first day of each calendar year thereafter the Board shall determine the total of those estimated funds needed for that ensuing calendar year.

a) All parties purchasing lots from the Developer shall be required to make an initial contribution of \$1,000.00 per lot to the Scenic View Estates HOA. Fifty percent (50%) of that initial contribution shall be allocated to reserve funds, and the other fifty percent (50%) to a pool for the purpose of refunding these initial contributions to the Developer when the last lot is sold, cash flow permitting. In addition, each year \$300.00 of each member's Scenic View Estates HOA dues will be allocated to reserve funds, which will be maintained in an interest-bearing savings account, until the total amount of funds deposited into the reserve account reaches \$200,000.00, which is expected to take less than ten (10) years. Once this goal has been achieved, the Board of the Scenic View Estates HOA shall have the right to adjust the allocated amount so long as the balance of the reserve account remains at a level of at least \$200,000.00. If reserve funds are used for any purpose, the Board shall have the option to increase the assessed amount to an additional \$1,500.00 per member in order to pay for essential work. If additional funds beyond the initial \$1,500.00 per Owner are required, the affirmative vote of a majority (51%) of the Members of the Scenic View Estates HOA will be required in order to authorize that additional assessment.

2. Apportionment. For such part year, and for each calendar year thereafter, the Board shall apportion an equal pro rata share of such estimated Common Expenses to each Parcel reasonably anticipated to be subject to the same, and assess each Parcel and its Owner or Owners an equal share.

### 3. Assessment.

a) As to Lots: Each Lot and its Owner or Owners shall, after the Lot has been conveyed to a bona fide home purchaser, or such time as a builder utilizes the property as a residence, be assessed Operating Assessments for that calendar year, or part year, provided that the apportioned amount per Parcel determined as provided in Item 2, above, for the remainder of that calendar year, shall be prorated in the proportion that the number of full calendar months remaining in that calendar year from the time the Lot became subject to Operating Assessments is to twelve. Lot Assessments are to be allocated by Private Road. Fees will vary from each Private Road based on area of private road, number of lots, lineal feet of Common Access Drive. Entranceway Improvements should be the same at each entrance. These fees will be established and allocated once the quantities and costs are known.

From time to time, there may need to be different categories/levels of lot owners for purposes of assessments. Lot Owners may be required to contribute to assessments even before their home is constructed, but the amount assessed will be adjusted once the home is constructed. No lot owner on a Private Road shall be required to pay for the assessments of any other lot owner on any other Private Road.

b) Notwithstanding the foregoing, or any provisions hereof, until the earlier of the Turnover Date or five years from the time Operating Assessments are first charged with respect to any Parcel, Developer shall subsidize those costs to the extent those costs exceed the sum of \$ 2400 per year per Parcel so assessed.

c) Due Dates. The Operating Assessments shall be due in monthly, quarterly, semiannual, or annual installments, as the Board may from time to time determine. Notice of Operating Assessments, or if payable in installments, the dates those installments are due, shall be given to the Owners charged to pay the same not less than ten (10) days prior to the date the Operating Assessment, or first installment thereof, is due.

d) Special Assessments. The Board may allocate to Parcels subject to Operating Assessments Special Assessments to pay for additional Common Expenses such as permitted capital expenditures, interest expense on indebtedness incurred for the purpose of making capital expenditures and not to be paid out of reserves, unanticipated operating deficiencies (other than those which are to be subsidized by Developer) or any other purpose determined appropriate by the Board in furtherance of its functions hereunder. Those Special Assessments shall be allocated among Parcels on the same basis as Operating Assessments are to be allocated, and shall be due and payable on such basis and at such times as the Board directs, provided that no such Special Assessment shall be due and payable on fewer than thirty (30) days written notice.

e) Individual Parcel Assessments. The Board may levy an Individual Parcel Assessment against any Parcel and the Owners thereof (other than Common Property and Exempt Property and their Owners) to reimburse the Scenic View Estates HOA for costs



incurred on behalf of that Parcel, or charged to a Parcel, as a consequence of any act or omission by any Owner, occupant, or invitee thereof, including without limitation, administrative and enforcement charges by the Scenic View Estates HOA reasonably determined by the Board to be an Individual Parcel Assessment. By way of illustration, the Board may levy an Individual Parcel Assessment in the nature of an administrative charge reasonably determined by the Board against a Parcel of any Owner or Owners who violate the Rules, or any provision of the Governing Documents, or who suffer or permit the Members, guests, invitees or tenants of that Owner's or Owners' Parcel to violate the same. Upon its determination to levy an Individual Parcel Assessment, the Board shall give the affected Owner or Owners written notice and the right to be heard by the Board or a duly appointed committee thereof in connection with such assessment ten (10) days prior to the effective date of the levy of any such assessment.

f) Late Charges. If the assessment remains unpaid for ten days after it becomes due and payable, the Board may charge interest on the entire unpaid balance from and after that date at the lesser of the rate of ten percent per annum or the highest rate permitted by law, together with a reasonable administrative collection charge, as established by the Board.

g) Liability for Unpaid Assessments. Each such assessment, together with interest thereon and any costs of collection, including reasonable attorneys' fees, shall become the personal obligation of the Owner or Owners of the Parcel charged the same (joint and several, if more than one Owner) beginning on the date the assessment became due and payable. The Board may authorize the Scenic View Estates HOA to institute an action at law on behalf of the Scenic View Estates HOA against the Owner or Owners personally obligated to pay any delinquent assessment.

h) Liens. All unpaid assessments, together with any interest and charges thereon or costs of collection, shall constitute a continuing charge in favor of the Scenic View Estates HOA and a lien on the Parcel against which the assessment was levied. If any assessment remains unpaid for ten (10) days after it is due, then the Board may authorize any Officer or appointed agent of the Scenic View Estates HOA to file a certificate of lien for all or any part of the unpaid balance of that assessment, together with interest and collection costs, including attorneys' fees, with the Recorder of Licking County, Ohio. The certificate shall contain a description of the Parcel which the lien encumbers, the name of the Owner or Owners of that Parcel, and the amount of the unpaid portion of the assessment. The certificate may be signed by any authorized Officer, or agent, or the Manager of the Scenic View Estates HOA or its authorized representative. Upon the filing of the certificate, the subject Parcel shall be encumbered by a continuing lien in favor of the Scenic View Estates HOA. The assessment lien shall remain valid for a period of five years from the date such certificate is duly filed, unless the lien is released earlier or satisfied in the same manner provided by the law of the State of Ohio for the release and satisfaction of mortgages on real property, or until the lien is discharged by the final judgment or order of any court having jurisdiction.

i) Subordination of Lien. The lien of the assessments provided for herein shall be subject and subordinate to the lien of any duly executed first mortgage on the Parcel

recorded prior to the date on which such lien of the Scenic View Estates HOA arises, and any holder of such first mortgage which comes into possession of a Parcel pursuant to the remedies provided in the mortgage, foreclosure of the mortgage, or deed or assignment in lieu of foreclosure, and any purchaser at a foreclosure sale, shall take the property free of any claims for unpaid assessments against the mortgaged Parcel which became due and payable prior, in the case of foreclosure, to the date of the sale, and, in all other cases, to the date legal title vested in the successor Owner.

j) Contested Lien. Any Owner or Owners who believe that an assessment chargeable to that Owner or Owner's Parcel (for which a certificate of lien has been filed) has been improperly charged against that parcel may bring an action in the Court of Common Pleas Licking County, Ohio, for the discharge of that lien and/or a declaratory judgment that such assessment was unlawful. The filing of such action shall not be grounds for an offset or to withhold payment. In any such action, if it is finally determined that all or a portion of the assessment charged to that Parcel was wrongfully charged, the Court shall make such order as is just, which may provide for a discharge of record of all or a portion of that lien and a refund of the assessment or portion thereof determined to be unlawful.

k) Notice of Discharge. The Board shall, upon demand, for a reasonable charge, furnish a certificate signed by a designated representative of the Scenic View Estates HOA, setting forth whether the assessments on a specified Parcel have been paid. This certificate shall be conclusive evidence of payment of any assessment therein stated to have been paid.

l) Suspension of Vote and Use of Common Property. If any assessment remains unpaid for thirty (30) days after it becomes due, then the delinquent Owner's voting rights upon Scenic View Estates HOA matters and privileges to use the Common Property, and to vote, as a Member of the Scenic View Estates HOA, shall be suspended until such Assessment is paid. In any case, suspension of any such rights shall be subject to the right of an Owner, Occupant, or their licensees or invitees, to necessary ingress and egress to and from that Owner's Parcel. A vote of 100% will be of all non-suspended members.

## ARTICLE VII - EASEMENTS AND LICENSES

A. Easement of Enjoyment of Common Property. Every Owner shall have a right and easement (in common with all other Owners) of enjoyment, upon the Common Property, which right shall be appurtenant to, and shall pass with the title to, that Owner's Parcel, subject to the terms and limitations set forth herein and subject to the Rules. An Owner may delegate that Owner's rights of enjoyment to Occupants, licensees and invitees,

B. Right of Entry for Repair. The duly authorized agents, officers, contractors, and employees of the Scenic View Estates HOA shall have a right of entry and access to the property subject hereto, for the purpose of performing the Scenic View Estates HOA's rights or obligations set forth herein, The Scenic View Estates HOA may enter any Parcel to maintain, repair; and replace the Common Property, if necessary.

## ARTICLE VIII- PROTECTIVE COVENANTS AND RESTRICTIONS

A. General. All property in Scenic View Estates, subject to the provisions of this Community Declaration, and Additional Property subjected to the provisions hereof, shall be subject to the provisions of the Development Plan and the provisions of any plat, as the same may be amended or modified from time to time. Except as otherwise provided herein, all Parcels, except Exempt Property and Common Property, shall be subject to the provisions of the following sections B through E of this Article VIII:

### B. Parcel Usages.

1. Residential Uses. Except as otherwise specifically provided in this Community Declaration, no Parcel shall be used for any purpose other than that of a residence for individuals living together as a single housekeeping unit, and uses customarily incidental thereto; provided, however, that no residence may be used as a rooming house, group home, commercial foster home, fraternity sorority house, or any similar type of lodging, care or treatment facility, Notwithstanding the foregoing: (a) an occupant maintaining a personal or professional library, keeping personal business or professional records or accounts, conducting personal business making professional telephone calls or corresponding in or from a residence, is engaging in a use expressly declared customarily incidental to residential use and is not in violation of these restrictions; and (b) during the construction and initial sales period, Parcels and Common Property, if any, may be used for construction and sales purposes and sales models by builders and developers, until all Parcels with dwellings on them have been conveyed to bona fide home purchasers. Elevation and square footage requirements established by applicable zoning shall apply at all times.

2. Transient Uses. No dwelling on a Parcel shall be rented or used for transient or hotel purposes, which is defined as: (a) rental for a period less than 30 days, or (b) rental under which occupants are provided customary hotel" services, such as room service for food and beverages, maid service, the furnishing of laundry and linen, busboy service; and similar services, or (c) rental to roomers or boarders, that is, rental to one or more persons of only a portion of a dwelling on a Parcel. Dwellings may only be rented for long term leases, which, for these purposes, shall be defined as a period of no less than six (6) months in duration.

3. Temporary Structure Use. No incomplete structure or structure of a temporary Character, trailer, tent, shack, garage, barn or other outbuilding shall be used at any time as a residence, either temporarily or permanently. All structures must be reviewed and approved by the Architectural Review Committee.

4. Hobbies. Hobbies or other activities that tend to detract from the aesthetic character of Scenic View Estates, and improvements used in connection with such hobbies or activities, shall not be permitted unless conducted in a residential building erected on a Parcel and not viewable from either the street or adjoining properties. This restriction refers

specifically but not exclusively to such activities as automobile, bicycle, moped, motorboat, golf cart, and sailboat repair. Hunting shall only be permitted to the extent allowed by law and by the ordinances of the City of Pataskala.

5. Cluster Mailboxes. At all times, Owners shall be responsible to maintain and repair postal cluster boxes through the Scenic View Estates HOA. Owners shall be responsible for lock replacement of the postal cluster boxes in order to maintain a uniform appearance.

6. Offensive Activities. No activity noxious or offensive in the reasonable judgment of the Board shall be carried on or permitted upon any part of Scenic View Estate, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. Without limiting the generality of the foregoing:

a) Waste. Except for the reasonably necessary activities of builders and developers during the active development of Scenic View Estates, no rubbish or debris of any kind shall be placed or permitted to accumulate upon any Parcel or upon any portion thereof. During construction, the Developer shall be required to provide a performance bond or other guarantee acceptable to the City of Pataskala to cover the cost of any damages to public infrastructure including, but not limited to, roadways, storm sewer, water, and sanitary sewer during construction. The City of Pataskala shall be named as the beneficiary and the City shall comply with the bond rules and regulations and shall satisfy them in a timely manner. Any infrastructure that will be public or has the potential to become public in the future shall be inspected by the City of Pataskala. In addition, the developer and associated parties shall keep all county and township roads clean and free from debris during construction. The developer shall be required to enter into a separate Guarantee of Improvements with Licking County for work affecting County and Harrison Township infrastructure.

b) Odors. No odors shall be permitted to arise or to be emitted therefrom so as to render any portion of Scenic View Estates unsanitary, unsightly, offensive, or detrimental to any of the remainder of Scenic View Estates or to any Occupants of portions thereof;

c) Lighting. No exterior lights, the principal beam of which shines upon portions of Scenic View Estates other than the Parcel upon which they are located, or otherwise cause unreasonable interference with the use and enjoyment of any Parcel by the Occupants thereof, shall be permitted on any Parcel, provided that lighting of Scenic View Estates Entranceway Improvements and Community Amenity Area shall not be prohibited nor constitute an unreasonable interference with the use or enjoyment of any Parcel or Occupant; provided, however, that the Scenic View Estates HOA shall have the right to install street lights as it deems appropriate to do so;

d) Sound. No speakers, horns, whistles, bells or other sound devices, shall be located, used or placed on any Parcel, except security devices used exclusively for security purposes which are activated only in emergency situations or for testing thereof. Music,

either live or by recording device, that is so loud as to disturb one's neighbors, is prohibited; and

e) Fireworks. No fireworks of any kind shall be permitted except with the prior express approval of the West Licking Joint Fire District.

7. Service Screening. Storage Areas. Garbage and refuse shall be placed in containers, which shall be concealed and contained within buildings until the time scheduled for pick up and disposal. Except during the active period of construction, no materials, supplies or equipment shall be stored in Scenic View Estates except inside closed buildings.

8. Machinery and Equipment. No commercial machinery or equipment of any kind shall be placed, operated or maintained in Scenic View Estates except such machinery or equipment reasonably necessary for use in connection with maintenance, or construction of Improvements approved by the Architectural Review Committee.

9. Vehicles, Trailers, Boats, Commercial Vehicles, and Motor Homes. No vehicle may be left upon any Parcel for a period longer than twenty-four (24) hours in a condition such that it is incapable of being operated upon the public highways, after which time the vehicle shall be considered a nuisance and detrimental to the welfare of the neighborhood and shall be removed from Scenic View Estates. Any towable vehicle, boat, motor home, recreational vehicle, camper, trailer, or mobile home regularly stored upon any portion of the Subdivision or temporarily kept thereon for periods longer than twenty-four (24) hours, shall be considered a nuisance and shall be removed from Scenic View Estates. The foregoing, however, does not apply to such boats or other vehicles, whether motor-driven or towed, are stored wholly within private garages which themselves comply with the provisions of this Community Declaration. No commercial vehicles may be parked, stored, or temporarily kept on any Parcel, except when there temporarily to service existing Improvements or to be used in connection with the construction of Improvements in Scenic View Estates. No parking shall be permitted on private roads or streets or berms of streets or on Common Access Drives or their berms at any time. Only automobiles and authorized trucks may be parked on the Driveways or outside of private garages. Golf carts and similar vehicles shall not be parked on Driveways or sidewalks, or otherwise outside of private garages. An authorized truck is a truck one-ton capacity or less that exhibits no external evidence of commercial use. Notwithstanding the foregoing, the Board shall have the right, in its sole discretion, to determine whether or not a particular vehicle type, or any particular vehicle, is authorized. The Board shall also have the authority to have any vehicle or any other items which is in violation of any provision of this subsection towed or otherwise removed without notice to and at the expense of the owner thereof. This authority is coupled with a right of entry onto any Parcel where the offending vehicle or other violating items if located for purposes of towing or other removal.

10. Driveways. Driveways shall be permitted within in any front or side yard setbacks, but in no case shall an individual driveway be installed less than 3' from any property line. Shared driveways between two lots shall be permitted at or across the

property line. At all times, Owners shall be required to maintain their Driveways in good condition. Chip and tar Driveways are permitted, as are asphalt, pavers, or concrete of sufficient strength and design to handle vehicular traffic.

11. Bike Paths and Sidewalks. Electric golf carts and similar vehicles or apparatus, as determined by the Board, shall not be permitted on multi-use paths or sidewalks.

12. Animals. Except as hereinafter provided, and other than properly certified support animals, no animals, livestock, exotic animals, birds, poultry or other fowl, snakes, reptiles, or species of insects, shall be raised, bred, kept, or maintained on any Parcel, or any portion thereof. Notwithstanding the foregoing, household domestic pets, not bred or maintained for commercial purposes, may be maintained in a residence on a Parcel provided that (a) other than properly certified support animals, no more than four (4) of any type of animal, other than small aquarium adaptable fish, may be maintained in any residence (except when less than three to four months of age); (b) the maintaining of animals shall be subject to such Rules as the Board may from time to time promulgate, including, without limitation, the placing limitations on the size and type of such pets, and establish leash regulations, and the right to levy enforcement charges against persons who do not conform with regulations or clean up after their pets; and (c) the right to maintain any particular animal or any particular breed or species of animal shall be subject to termination if the Board, in its full and complete discretion, determines that maintenance of such animal, breed or species constitutes or could constitute a nuisance or creates or could create a detrimental effect on other Owners or Occupants, or Scenic View Estates as a whole. Any outside structures related to maintaining pets shall be subject to review and approval by the Architectural Review Committee.

13. Open Fires. Open fires, leaf burning, trash burning, or the like, are prohibited, excepting only domestic use of indoor fireplaces and wood burning stoves, commercially made barbecue grills, small fire pits on decks and patios, and natural gas lights.

#### C. Building, Improvement, and Other Limitations.

1. Plan Approval. No Owner or Person shall construct or make any Improvement to a Parcel without first complying with the plan approval and architectural review requirements of this Community Declaration. All Improvements must comply with the elevation and square footage requirements of local zoning.

2. Setbacks. In addition to the setback requirements established by local zoning requirements, no structure shall be permitted within more than twenty (20) feet of each Lot as approved by the City of Pataskala for the building foundation for each Residence, including garage. All site plans for the proposed Improvement must be submitted to the City of Pataskala after approval by the Architectural Review Committee before any construction can begin.

3. Parcel Splits. No Parcel shall be split, divided or subdivided for sale, resale, gift, transfer or otherwise, unless approved by the Board and all governmental authorities having jurisdiction; provided, however, that an Owner shall have the right to purchase additional Lots and to combine those Lots into a single Lot.

4. Tree Removal and Replacement. On individual home sites no tree removal or site work can take place without prior express approval of the Architectural Review Committee and the City Administrator or their designee. A site plan with tree survey and tree preservation plan must be a part of these submissions pertaining to trees to be removed outside of building site perimeters. The Developer shall have the right to clear trees for the construction of roads, the gate area, parking, utility access points and/or needs, the Community Amenity Area, and any other amenities without being required to replace any trees so removed.

a) Lot disturbance, including, but not limited to, excavation and/or the removal of trees, for all homes within the subdivision shall be limited to an area of no greater than the driveway plus 20 feet around the perimeter of the proposed home and garage. Existing trees beyond the 20- foot perimeter as described above shall not be removed unless they are dead, diseased, or pose a threat to the health, safety and welfare of the lot owners as determined by the City Administrator or his designee. Trees eight (8) inches or greater as measured five (5) feet from ground level may be removed pursuant to Section 1283.03 of the Pataskala Code if all qualifying trees removed are replaced pursuant to Sections 1283.03 and/or 1283.04 of the Pataskala Code. The lot owner has the right to remove any understory plant material or trees under eight (8) inches in diameter as measured five (5) feet from the ground so long as it does not affect the health of existing trees. Signage indicating the 20-foot perimeter shall be placed on lots as approved by the City of Pataskala following the issuance of a Certificate of Compliance for any new construction on the lot.

b) The removal of trees in violation of this Section shall be a violation of the Scenic View Estates Planned Development District regulations, as approved by Ordinance 2019-4341. Whoever violates the Scenic View Estates Planned Development District regulations shall be subject to the penalties, as described in Section 1209.99 of the Pataskala Code and may be required to replace the removed tree(s) as described in Section 1283.03 of the Pataskala Code, pay into the ecological preservation fund as described in Section 1283.04 of the Pataskala Code, or both.

5. Sewage Systems. All Lot owners, except those identified in Article VIII(C)(5)(C), will be required to install a Covalen grinder pump and connect said pump to the forced main. This shall be the sole sewage removal/treatment system permitted in Scenic View Estates. All lot owners will be required to attend a training session and acknowledge an understanding of how the system works and their ongoing responsibility to maintain the system annually. The Scenic View Estates HOA will provide annual maintenance included in the assessment.

a) All water lines shall have a minimum of a 20' maintenance easement plus the width of the pipe. All sanitary sewer lines shall have a minimum of a 20' maintenance easement plus the width of the pipe. All maintenance easements for water and sanitary sewer line maintenance shall be defined on all plans.

b) A minimum of a 20' wide maintenance easement plus the width of an 8" pipe shall be established and designated on all plans should a traditional gravity sanitary sewer system may be installed in the future. Notwithstanding anything to the contrary, any area that requires a sewer deeper than 10' must allow for a minimum maintenance easement that follows a 1:1 depth to width ratio. A temporary construction easement with a minimum of 1:2 depth to width ratio shall be established and designated on all plans for this potential gravity sewer as well. Should a traditional gravity sanitary sewer system be required for any reason in the future, either by a regulatory agency or the City of Pataskala, the traditional sanitary sewer system shall be installed by the City of Pataskala and the cost (design and construction) shall be assessed to, and paid timely by, the property owners whose sanitary sewer service will be transferred to said gravity sanitary sewer system. Sanitary sewer easements are shown on Exhibit I, Preliminary Utility Plan and shall be recorded with the Final Plat.

c) Lots 1-4, 11-17 and the open space lot west of lot 17 shall be serviced by a traditional gravity sewer system and shall not be included in the pressure sewer system. All sewer systems in the City of Pataskala sanitary sewer service area that are feasibly able to be serviced by a traditional gravity sewer system shall be required to do so as soon as these lots are developed. Lots 5-10, 18-60 may be serviced by a pressure sanitary sewer system as soon as these lots are developed. All components of the sewage pumping system shall be located inside each structure being serviced and connected to the public force main by a privately-owned sanitary sewer lateral pipe. Because of the unique topographical nature of the property, multiple wetlands and the focus of the subdivision to maintain as many of the existing trees as possible, the City is permitting, at its sole discretion, the installation of force mains where a traditional gravity system is not practical. However, the use of force mains shall be considered by the City of Pataskala on a case by case basis and a traditional gravity system shall be required whenever practicable.

d) All public force mains shall be of a pressure rating equal to or greater than that of SDR-21 pressure sewer. A clean out style fitting that includes a ball valve and a 3" cam-lock style fitting shall be installed at a minimum distance of every 1,000 feet along the public force main. These clean outs shall be enclosed in a housing that is flush with finished grade when installed. The manhole located where the force main empties into the gravity sanitary sewer system, as well as the two manholes directly downstream, shall be coated by an epoxy that fully covers all surfaces of the interior of the manhole. The epoxy coating shall be approved by the Utility Director before it is used. All pressure sewer pipelines shall be constructed in accordance with the City of Pataskala Construction Materials and Specifications.

e) Only the collective force main shall be considered public infrastructure, and therefore the responsibility of the City of Pataskala. All sanitary sewer pipes leading from



each structure to the collective force main, any and all fittings associated with the structure's sanitary sewer pipe, and the entire sewage pumping system including the wet well, sewage pump, controls, wiring, plumbing, alarm system, control panel and anything else related to the sewage pumping system shall be considered Private Infrastructure. Private Infrastructure shall be the responsibility of the property owner. The City of Pataskala shall have no responsibility or duty related to, or arising out of, Private Infrastructure.

f) A sewage pumping station shall be located at the head of the entire public force main. This station will consist of a wet well, pump, controls and an alarm system. This station shall have a backup generator, which is capable of running all aspects of the sewage pumping station, that is powered by natural gas. A diesel-powered generator may be approved by the Utility Director should natural gas not be available to the site. The City of Pataskala shall own the sewage pumping station and shall use it to flush the public force main, as necessary. A clean water line shall be provided by the developer for the use of the City of Pataskala sewage pumping station and all water used will be metered and billed monthly to the Scenic View Estates HOA. All electric used by the City of Pataskala sewage pumping station shall come from an electric line provided and installed by the contractor and connected to the Scenic View Estates HOA's electric account. A natural gas line for the standby generator for the City of Pataskala sewage pumping station shall be provided by the developer and connected to the Scenic View Estates HOA's natural gas account. All water service, natural gas service and electric service to the City of Pataskala sewage pumping station shall be paid timely by the Scenic View Estates HOA, which shall be solely responsible for the maintenance of the water, natural gas, and electric service lines in perpetuity.

6. Garages. Each single-family residence must have at least a two-car garage.

7. Mailboxes; Post Lights. All mailboxes and post lights shall conform in location, materials use, design and finish, specified from time to time by the Architectural Review Committee.

8. Outbuildings. Temporary Improvements. Except as approved by the Architectural Review Committee, no outbuildings, storage sheds or temporary buildings or structures shall be permitted; provided, however, trailers, temporary buildings, barricades and the like shall be permitted for construction purposes during the construction period of a permanent building and for sales purposes during the sale of a Parcel and further provided that small structures to house Covalen grinder pumps shall be permitted. Any temporary structure shall be removed not later than fourteen (14) days after the date of completion of construction of the building(s) for which the temporary structure was intended. Temporary structures shall be permitted for no longer than a period of one (1) year unless variance is granted by the Architectural Review Committee. Notwithstanding the foregoing, one or more Parcel may be used for model and sales purposes until all Parcels have had dwellings constructed on them and have been sold to bona fide unrelated residential home purchasers. Natural gas-powered back-up generators shall be permitted subject to proper permitting and approval by the City of Pataskala.

9. Antennas/Satellite Dishes. No antenna or dish for transmission or reception of television signals, radio signals, or any other form of electromagnetic radiation shall be erected, used or maintained on any Parcel outside any building, whether attached to an Improvement or otherwise, including, but not limited to satellite dishes, unless approved by the Architectural Review Committee, or unless required to be permitted by law, but subject to such lawful rules and regulations as the Board may from time to time adopt, and the further limitation that satellite dishes may not exceed twenty-four (24) inches in diameter and must be erected or installed to minimize visibility from the street which the dwelling on the Parcel fronts.

10. Utility Service. No lines, wires or other devices providing utility services, including telephone, television, data, and radio signals, or for transmission of electric current or energy, shall be constructed, placed or maintained anywhere in Scenic View Estates unless the same shall be by cables constructed, placed and maintained underground or concealed in, under or on buildings, or other approved improvements. No structure shall be built over any underground utility, public or private, or impede access to it. Above ground electrical transformers, pedestals and other equipment must be properly screened and such screening approved by the Architectural Review Committee. In addition, all gas, water, sewer, oil and other pipes for gas or liquid transmission shall also be placed underground or within or under buildings. Nothing herein shall be deemed to forbid the erection and use of temporary power or telephone services incident to the construction of approved Improvements.

11. Proposed Improvement Location. All Improvements shall be placed so that the existing topography and landscape shall be disturbed as little as possible, and so that the maximum number of desirable trees and other natural features will be preserved, unless the Architectural Review Committee approves in writing some other placement. All dwellings must be situated between the front and rear setback lines, as shown on a plat. For purposes hereof, eaves and steps shall not be considered part of a dwelling, provided that this shall not be construed to permit any portion of any dwelling to encroach on another Parcel, a reserve or public property.

12. Sight Distance at Intersections. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two (2) and six (6) feet above the roadways shall be placed or permitted to remain on any corner Parcel within the triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street property lines, or in the case of a rounded property corner, from the intersection of the street property lines extended. The same sight-line limitations shall apply on any Parcel within ten (10) feet from the intersection of a street property line with the edge of a driveway. No trees shall be permitted to remain within such distances of intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sightlines.

13. Storage Tanks. No storage tanks, including, but not limited to, those used for storage of water, gasoline, oil, other liquid or any gas shall be permitted in Scenic View

Estates outside a building, except (a) storage tanks used during the construction of residences; and (b) propane tanks having a capacity of thirty (30) pounds or less, for use to power a gas grill, and rainwater collection irrigation systems.

14. Improvement Exteriors. All windows, porches, balconies, decks, patios, and the exteriors of buildings and other improvements shall at all times be maintained in a neat, clean and orderly condition. No clotheslines or other outside drying or airing facilities shall be permitted on the exterior of any dwelling, and no clothing or any other household fabrics shall be hung in the open on any Parcel.

15. Exterior Materials and Colors. Finish building materials shall be applied to all sides of the exteriors of buildings. Colors shall be harmonious and compatible with colors of the natural surrounding and other adjacent buildings. The Architectural Review Committee shall approve or disapprove exterior materials and colors.

16. Signs. No signs of any character shall be erected, posted or displayed in Scenic View Estates except: (i) marketing signs installed during the period of the initial sale of homes by a builder marketing available property in Scenic View Estates; (ii) street and identification signs installed by, or at the direction of, the Scenic View Estates HOA or any governmental agency; and (iii) one temporary professional real estate sign on a Parcel not to exceed six (6) square feet in area advertising that Parcel is for sale or lease. All signs, before installation, are to be approved in writing by the Developer or the Architectural Review Committee. Signs promoting community events shall be permitted, but for no longer than two (2) weeks prior to said event. Such signs must be removed after completion of said community event.

17. Landscaping. All property in Scenic View Estates shall be landscaped according to plans approved by the Architectural Review Committee, and by the appropriate governmental authorities. All shrubs, trees, grass and plantings of every kind shall be kept well maintained, properly cultivated and free of trash and other unsightly material. Each Parcel Owner shall remove dead and diseased trees and limbs from that Owner's Parcel. Lot owners agree to plant grass or other appropriate ground cover on any cleared area of a given Parcel.

18. Trash and Other Rubbish. All trash, recycling, or other rubbish is to be housed in approved containers to be picked up by the City of Pataskala regularly.

19. Maintenance. Subject to limitations on use and maintenance as shown and set forth on an applicable plat, no Parcels building or other Improvement shall be permitted to become overgrown, unsightly or to fall into disrepair, and all buildings and Improvements shall at all times be kept in good condition and repair and adequately painted or otherwise finished in accordance with specifications established by the Architectural Review Committee.

20. Drainage and Grading. No drainage ditches, cuts, swales, impoundments, streams, flood ways, ponds, knobs, dams or hills, and no other physical improvements or

elements of the landscape or terrain which control or determine the location or flow of surface water and drainage pattern, may be destroyed, altered or modified, interfered with or blocked by or at the direction or with the consent of any Parcel Owner without the prior consent of the Pataskala City Engineer, Developer, and the Architectural Review Committee. No Improvement shall be made in any manner whatsoever that is inconsistent with the master grading plans established for Scenic View Estates, or any part thereof, without the prior written consent of the Pataskala City Engineer. All Parcel Owners shall obtain certification from a licensed engineer and, completing any grade or drainage altering Improvement that the master grading plan has been observed. Whenever, because of construction of Improvements on a Parcel, or for some other reason, silt runs off the Parcel onto any adjacent property, the Owner of the Parcel shall be obligated to provide a means of siltation control to the Scenic View Estates HOA and its representatives shall have the right to enter upon any Parcel and any portion of Scenic View Estates and remedy or repair any such destruction, alteration, modification or Improvement without being guilty of trespass and without liability to any Owner or Occupant with respect to the same or the consequences thereof. Lot owners will be responsible to maintain ditch areas by mowing them on a regular basis and insuring that no inorganic or organic damming of ditches or storm structures occurs. Lot owners agree to maintain their drive culverts to full operation consistently. No trees should be planted in storm areas.

21. Soil. No Improvement shall be placed on site without the owner of that Lot certifying to the Architectural Review Committee that soil conditions are appropriate for the proposed Improvement. Consideration must be made for the preservation of as many existing trees as possible. No soil shall be removed from any Parcel for commercial purposes.

22. Fences. No fence, wall, or barrier of any kind may be erected on any Parcel without the prior written approval of the Architectural Review Committee and must be limited to dog runs or to the outside perimeter of the subdivision and in setback areas to match perimeter fencing in material, color and style, all with Architectural Review Committee approval.

23. Swimming Pools; Hot Tubs. No swimming pools and/or hot tubs measuring more than one hundred (100) square feet shall be constructed or maintained above the finished grade of a Parcel at its location as shown on the master grading plan for Scenic View Estates. In-ground pools and pool houses shall only be permitted to the side or rear of the main home and shall not extend forward of the plane created by the front façade of the home.

24. Solar Panels. No solar panels, attached or detached, shall be permitted.

25. Window Air Conditioning Units. Except as otherwise permitted by the Architectural Review Committee, no window air conditioning unit shall be permitted in any window that faces a public street.

26. Storage. No open storage of any kind shall be permitted. Unless expressly approved in writing by the Architectural Review Committee, no accessory building or

storage shed, in addition to the actual dwelling itself, shall be permitted on any Parcel, for any purpose whatsoever.

27. Requirement of Completion; Notice of Completion; Non-completion or Non-compliance. A Parcel Owner shall cause any Improvement to be diligently pursued to completion within eighteen (18) months after the date construction is commenced. Upon the completion of any Improvement, the Owner may file a notice of completion and compliance which shall give rise to a conclusive presumption in favor of the Owner that the Improvement is completed and is in compliance with all provisions of this Article VIII unless, within thirty (30) days of the filing, the Architectural Review Committee gives actual notice of non-compliance or non-completion. Notice of non-compliance or non-completion will be considered to be delivered when it is posted on or about the Improvement in question or delivered by certified mail or in person to the Owner. All approved landscape Improvements and all paving shall be completed, weather permitting, prior to the occupying of each residence.

D. Entranceway Improvements Easements. Easements are reserved over the recorded easement for the installation, repair and maintenance of entranceway Improvements to be installed by the Developer. The portions of such Parcel containing such entranceway Improvements shall at all times be kept accessible for maintaining and repairing the entranceway Improvements and Developer and/or the Scenic View Estates HOA shall have the right to enter the Parcel to do so, Each Parcel Owner, by that Owner's acceptance of a deed to such Parcel or Parcels, agrees that no entranceway Improvements shall be added to or removed by a Parcel Owner without the consent, expressed in writing, of the Scenic View Estates HOA. Such consent shall be provided for by the Scenic View Estates HOA according to its rules and regulations established for maintenance of entranceway Improvements.

E. Utility Easements. Easements as shown on a plat are hereby reserved and granted to Developer and any utility company or governmental unit engaged in supplying one or more utility services to the platted area to install, lay, erect, construct, renew, operate, repair, replace, maintain or remove all and every type of electric, gas, water, telephone, cable, sanitary or storm sewer or other utility facilities. The providing utility company, the City of Pataskala, Licking County, Developer and/or the Scenic View Estates HOA may come upon any Parcel in any emergency endangering life or property to handle the installation, replacing, repairing and maintenance of all utilities. Such easements are also reserved within any designated easement areas. Easements are further granted to all police, fire protection, ambulance, mailmen and deliverymen, and all similar persons to enter upon the drives, sidewalks, walkways and paths in the performance of their duties. Should any utility furnishing a service covered by the general easement herein provided request a specific easement by separate recordable document, each Parcel Owner agrees to execute such a document.

F. Common Property Uses. The Common Property may be used only in accordance with the following provisions of this Section F:

1. The Common Property may be used only in accordance with the purposes intended and for any reasonable purposes incidental to the maintenance of Scenic View Estates as a high-quality residential community. All uses of the Common Property shall benefit or promote the health, safety, welfare, convenience, comfort, recreation, and enjoyment of the number of members of this committee, and who those members are, and shall have the sole right and power to remove and replace those members. From and after the Turnover Date the Architectural Review Committee shall be of such number, and have such qualifications, as the Board, in its sole discretion, may from time to time designate.

G. Jurisdiction.

1. Initial Improvements. Subject to applicable restrictions and governmental prescriptions and limitations, Developer shall have the sole right, power, and authority, to approve plans for all Improvements initially constructed in Scenic View Estates, provided Developer, at any time, shall have the right to assign this responsibility, or any part thereof, to the Architectural Review Committee. Residential construction shall commence within 12 months from the date of Lot purchase. Residential foundation completion will be considered as construction commencement.

2. Subsequent Improvements. Subject to the foregoing applicable restrictions, and governmental restrictions and limitations, the Architectural Review Committee shall have the sole right, power, and authority to receive and review all plans and specifications for the addition, change, repair or replacement of any Improvement, hereinafter defined, visible to the public, or which could affect the health, welfare, comfort or safety of any other property in Scenic View Estates, and to approve or disapprove the same.

3. Adherence Standards. In reviewing, evaluating, and approving or disapproving any application to make an addition, change to or repair or replacement of any Improvement the Architectural Review Committee shall determine adherence to design guidelines established from time to time by it, and design guidelines and diversity standards established by the City of Pataskala or set forth in the Development Plan, as it may be amended from time to time.

4. Requirement of Plan Approval. No person shall construct, make addition to, make any change in, or repair or replace. any Improvement in Scenic View Estates visible to the public or which could affect the health, welfare, comfort or safety of any other property or property Owner in Scenic View Estates, without the prior written consent of the Architectural Review Committee. Each Owner covenants that no tree removal, excavation, construction or other site work which would in any way alter the property from its present state shall be commenced, no building and/or structure shall be erected, and no materials shall be stored upon any property in Scenic View Estates by any Owner or his/her/their agents, heirs, successors or assigns until the Architectural Review Committee shall have approved, in writing, the plans and specifications pursuant to Section 5 of this Article. If the Architectural Review Committee disapproves said plans and specifications, the Owner may revise and resubmit said plans and specifications until approval is received. Approval of plans and specifications shall constitute the commitment of the Owner to make the approved

Improvement according to the approved plans and specifications within a reasonable time, not to be longer than one year for the date of approval.

5. Procedures. Prior to making any such Improvement the Owner or Owners of the property on which the Improvement is to be made shall submit two (2) sets of complete building and site plans with specifications of the buildings and structures intended to be erected to the Architectural Review Committee setting forth the following:

a) the general arrangements of the interior and exterior of the building and/or structure, including plans for all floors, cross sections and elevations, including projections and Wing-walls; the color and texture of the building materials and the manufacturers thereof; the type and character of all windows, doors, exterior light fixtures, and appurtenant elements such as decorative walls, chimneys, Driveways, and walkways; and the location of the building and/or structure including front, side, and rear setbacks, driveway locations, garage openings, orientation of the building and/or structure to the topography, and conformance of the Improvements with the master grading and drainage plan;

1) mailboxes, address markers;

2) landscaping, fencing, and screening;

3) patios, decks, gazebos, and porches;

4) signs and parking areas;

5) exterior lighting plans;

6) swimming pools, swing sets, play areas, basketball boards, and similar improvements;

7) certification that the finished Improvements will conform to the adherence standards set forth in Item C of this Article IX; and

8) such other information, data, and drawings as may be reasonably requested by the Architectural Review Committee.

b) Each Owner, by acceptance of a deed to a Parcel, further acknowledges that in considering plans and specifications submitted, the Architectural Review Committee will take into consideration plans and specifications already approved or in the process of being reviewed for approval of proposed Improvements on adjacent Parcels and the effect of said proposed Improvements on the Owner's Parcel with reference to its effect upon neighboring Parcels and the overall development of Scenic View Estates.

c). Submitted specifications shall otherwise be prepared according to the requirements of the Architectural Review Committee and the restrictions contained herein.

H. Failure to Approve or Disapprove. If the Architectural Review Committee fails either to approve or disapprove any such plans and specifications within thirty (30) days after all required plans and specifications and other information has been delivered to it, it shall be conclusively presumed that the Architectural Review Committee has approved the Improvements. In disapproving any Improvement, the Architectural Review Committee shall specify the elements which are deemed objectionable. If the Architectural Review Committee disapproves said plans and specifications, the Owner may revise and resubmit said plans and specifications until approval is received. In addition, the Architectural Review Committee reserves the right to charge for those costs and expenses incurred by the Architectural Review Committee in the utilization of its architect or planner in the preparation, submission or resubmission of any Person's or Owner's plans and specifications for approval.

I. Variances. To avoid unnecessary hardship and/or to overcome practical difficulties in the application of these provisions, the Architectural Review Committee shall have the authority to grant reasonable variances from the provisions hereof, provided that the activity or condition is not prohibited by applicable law; and provided further that, in the judgment of the Architectural Review Committee, the variance is in the best interests of the community and is within the spirit of the standards of the Architectural Review Committee. No variance granted pursuant hereto shall constitute a waiver of any provision hereof as applied to any other person or any other part of Scenic View Estates.

J. Liability Relating to Approvals. Neither Developer, the Scenic View Estates HOA, the Board, the Architectural Review Committee, nor any member thereof, nor any of their respective heirs, personal representatives, successor or assigns, shall be liable to anyone submitting a proposal for approval of an Improvement by reason of mistakes in judgment, negligence or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve the same. Every Person who submits a request for approval of an Improvement to the Architectural Review Committee agrees, by submission thereof, that Person will not bring any action or suit against any of the foregoing to recover any alleged damages. Further each Person further acknowledges that the Architectural Review Committee shall not be responsible or liable to any Person or to any other Owner in Scenic View Estates by reason of the exercise of its judgment in approving or disapproving plans submitted nor shall it be liable for any expenses entailed to a Person or Owner in the preparation, submission and, if necessary, re-submission of proposed plans and specifications.

K. Review of Subdivision Plats. The various plats of portions of Scenic View Estates will contain notes affecting the Parcels in those designated areas. It is recommended that each Person or Owner of a Parcel review the plat affecting that Parcel. The following proposed common plat notes are restated and incorporated herein:

1. Drainage Easements. Within any drainage or storm water management easement areas designated on any of the recorded plats for Scenic View Estates, no structure, planting or other material shall be placed, or drainage channels or water over said easement areas. The drainage easement areas and all surface improvements constructed therewith shall be



maintained continuously by the Owner of the property upon which it is situated, except for those improvements for which a public authority or public utility company is responsible.

2. "No Build Zones" shall mean areas where construction shall not be permitted. Nothing shall prohibit over lot grading, drainage facilities, utility lines and utility structures, including above grade utility structures within the "No Build Zone."

L. Mortgagee Rights. Any institutional holder or insurer of a first mortgage upon any Parcel, upon written request to the Scenic View Estates HOA (which request shall state the name and address of such holder or insurer and a description of the Parcel) shall be entitled to timely written notice of:

1. Any proposed amendment of this Community Declaration;

2. Any proposed termination of the Scenic View Estates HOA; and

3. Any default under the provisions hereof which gives rise to a cause of action by the Scenic View Estates HOA against the Owner of the Parcel subject to the mortgage of such holder or insurer, where the default has not been cured in sixty (60) days.

Each institutional holder or insurer of a first mortgage on any Parcel shall be entitled, upon written request and at such mortgagee's expense, to inspect the books and records of the Scenic View Estates HOA during normal business hours.

M. Indemnification.

1. Third Party Actions. The Scenic View Estates HOA shall indemnify, defend and hold harmless any Person who is or was a party or is threatened to be made a party to any threatened, pending, or completed civil, criminal, administrative or investigative action, suit, or proceeding, including all appeals, other than an action, suit or proceeding by or in the light of the Scenic View Estates HOA, by reason of the fact that the Person is or was a Director, Officer, employee, or volunteer of the Scenic View Estates HOA, against expenses (including attorney's fees), judgments, fines, penalties, and amounts paid in settlement actually and reasonably incurred by that person in connection with such action, suit or proceeding, if that Person acted in good faith and in a manner that person reasonably believed to be in or not opposed to the best interests of the Scenic View Estates HOA and, with respect to any criminal action or proceeding, if that Person had no reasonable cause to believe that Person's conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, or conviction, or upon a plea of nolo contendere or its equivalent, shall not create, of itself, a presumption that the person did not act in good faith and in a manner which that Person reasonably believed to be in or not opposed to the best interest of the Scenic View Estates HOA and, with respect to any criminal action or proceeding, a presumption that the Person had reasonable cause to believe that the Person's conduct was unlawful.

2. Derivative Actions. The Scenic View Estates HOA shall indemnify, defend and hold harmless any Person who is or was a party, or threatened to be made a party, to any

threatened, pending, or completed action or suit, including all appeals, by or in the right of the Scenic View Estates HOA to procure a judgment in its favor, by reason of the fact that the Person is or was a Director, Officer, employee, or volunteer of the Scenic View Estates HOA, against expenses (including attorney's fees) actually and reasonably incurred by that Person in connection with the defense or settlement of such action or suit, if the Person acted in good faith, and in a manner that person reasonably believed to be in or not opposed to the best interests of the Scenic View Estates HOA, except that no indemnification shall be made in respect of (a) any claim, issue, or matter as to which such Person is finally adjudged to be liable for negligence or misconduct in the performance of that Person's duty to the Scenic View Estates HOA unless, and only to the extent that, the court of common pleas or the court in which such action or suit was brought determines, upon application, that, despite the adjudication of liability but in view of all the circumstances of the case, such Person is fairly and reasonably entitled to indemnity for such expenses as the court of common pleas or such other court considers proper, or (b) any action or suit in which a Director is found liable only pursuant to the provisions of Section 1702.55 of the Ohio Revised Code.

3. Other Determinations of Rights. Unless ordered by a court, any indemnification under paragraphs 1 and 2 of this Section shall be made by the Association only as authorized in the specific case, upon a determination that indemnification of the Director, Officer, employee or volunteer is proper under the circumstances because that person has met the applicable standard of conduct set forth in paragraphs 1 and 2 of this Section. Such determination shall be made in any one of the following manners: (a) by a majority vote of a quorum consisting of Directors or the Scenic View Estates HOA who were not and are not parties to or threatened with the action, suit or proceeding referred to in paragraph 1 or 2 of this Section, or (b) by the Members by majority vote.

4. Indemnification of Agents and Others. The Scenic View Estates HOA may, from time to time, and in its sole discretion, indemnify, defend and hold harmless any Person who is or was an agent, or other authorized representative of the Association, other than those described under paragraphs 1 and 2 who may be indemnified, or is or was serving at the request of the Scenic View Estates HOA as a Director or employee of another corporation, limited liability company, partnership, joint venture, trust, or other enterprise, against any liability asserted against that Person or incurred by that Person in any such capacity or arising out of the Person's status as such, in the same manner and to the same extent as provided herein for Directors, Officers, employees and volunteers of the Scenic View Estates HOA.

5. Advances of Expenses. Expenses of each Person indemnified herein incurred in defending a civil, criminal, administrative, or investigative action, suit, or proceeding (including all appeals), or threat thereof, may be paid by the Scenic View Estates HOA in advance of the final disposition of such action, suit, or proceeding as authorized by the Board, whether a disinterested quorum exists or not, upon receipt of an undertaking by or on behalf of such Person, to repay such amount, if it is ultimately determined that that Person is not entitled to be indemnified by the Scenic View Estates HOA.

6. Non-exclusiveness; Heirs. The foregoing rights of indemnification are not exclusive, and shall be in addition to any other rights granted in those seeking indemnification as a matter of law, or under this Community Declaration, the regulations, any agreement, vote of members or disinterested Directors, or otherwise, both as to actions in their official capacities and as to actions in another capacity while holding their offices or positions, shall continue as to a Person who has ceased to be a Director, Officer, employee, member, manager, agent, or volunteer, and shall inure to the benefit of the heirs, executors, administrators of such a Person.

7. Purchase of Insurance. The Scenic View Estates HOA may purchase and maintain insurance, or furnish similar protection, including but not limited to trust funds, letters of credit, or self-insurance, for or on behalf of any Person who is or was a Director, Officer, agent, employee or volunteer of the Scenic View Estates HOA, or is or was serving at the request of the Scenic View Estates HOA as a director, officer, employee, member, manager, agent, or volunteer of another corporation, limited liability company, partnership, joint venture, trust or enterprise against any liability asserted against that Person or incurred by that Person in any such capacity, or arising out that person's status as such, whether or not the Scenic View Estates HOA would have the power to indemnify that Person against such liability under the provisions of this Article or of the Ohio Nonprofit Corporation Law. Insurance may be purchased from or maintained with a person in which the Scenic View Estates HOA has a financial interest.

N. Term of Covenants. This Declaration of Covenants, Easements, Restrictions, Assessments, and Assessment Liens shall be effective for a term of thirty (30) years at a time on all Lots unless all lot Owners vote to amend them.

O. Mutuality. All restrictions, conditions, and covenants contained herein are made for the direct, mutual, and reciprocal benefit of Developer, and the Scenic View Estates HOA, and the present and future owners of property in Scenic View Estates, and each part thereof, and their respective personal representatives, heirs, successors, and assigns; the provisions hereof shall create mutual equitable servitudes upon the property submitted to these restrictions and each part thereof; and any property referred to herein as benefited hereby; the provisions hereof shall create reciprocal rights and obligations between the respective Owners of all such property and privity of contract and estate between all Owners thereof; and the provisions hereof shall, as to the Owner of any such property and those Owners' respective heirs, personal representatives, successors and assigns, operate as covenants running with the land for the benefit of all such Property and the Owners thereof.

P. Amendment. The Developer reserves the right to amend these Covenants at any time prior to turnover of the Scenic View Estates HOA to the Owners.

Q. Severability. If any article, section paragraph, sentence, clause, or word herein is held by a court of competent jurisdiction to be in conflict with any law, or unenforceable, then the requirements of such law shall prevail and the conflicting provision or language shall be deemed void in such circumstance; provided that the remaining provisions or language of this Community Declaration shall continue in force and effect.

R. Enforcement; Waiver. Failure of the Developer, the Scenic View Estates HOA, or Owner to enforce any provision of this Community Declaration or the Governing Documents in any matter shall not constitute a waiver of any right to enforce any violation of any such provision. By accepting a deed to a Parcel, each Owner is deemed to waive the defenses of laches and statute of limitations in connection with the enforcement of the provisions hereof, or other Governing Documents.

S. Notices. Notices to an Owner shall be given in writing by personal delivery, or at the Lot, if a residence has been constructed on such Lot, or by depositing such notice in the United States Mail, first class, postage prepaid, to the address of the Owner of the Lot last shown by the records of the Scenic View Estates HOA, or as otherwise designated in writing by the Owner.

T. Construction. In interpreting words and phrases herein, unless the context shall otherwise provide or require, the singular shall include the singular, and the use of any gender shall include all genders.

U. Captions. The caption of each article, section, and paragraph of this Declaration is inserted only as a matter of reference and does not define, limit, or describe the scope of intent of the provisions of this Community Declaration.

**BALANCE OF PAGE INTENTIONALLY LEFT BLANK**

Developer has duly caused the execution of this Community Declaration on the date first hereinabove written.

SCENIC VIEW ESTATES, LLC,  
an Ohio limited liability company,

by: FDT GROUP HOLDINGS, LLC,  
an Ohio limited liability company,  
its managing member.

---

By: Dmitry Filonenko, Managing Member

STATE OF OHIO:  
COUNTY OF LICKING:

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2021, by Dmitry Filonenko, the duly authorized and acting Managing Member of FDT Group Holdings, LLC, an Ohio limited liability company, the managing member of Scenic View Estates, LLC, and Ohio limited liability company, on behalf of the companies.

---

Notary Public

THIS INSTRUMENT PREPARED BY:

Eric J. Wittenberg, Attorney-at-Law  
COOK, SLADOJE & WITTENBERG CO., L.P.A.  
5131 Post Road  
Suite 100  
Dublin, OH 43017



# SCENIC VIEW ESTATES

## FINAL DEVELOPMENT PLAN

### PHASE 1

LOCATED IN:  
QUARTER TOWNSHIP 2, TOWNSHIP 1, RANGE 14  
UNITED STATES MILITARY LANDS  
CITY OF PATASKALA, COUNTY OF LICKING, STATE OF OHIO

#### BENCHMARKS

ELEVATIONS ARE BASED ON GPS OBSERVATION USING THE OHIO DEPARTMENT OF TRANSPORTATION VRS SYSTEM=NAVD 88 DATUM.

B.M. #1  
"X" ON NORTH RIM OF THE SANITARY SEWER MANHOLE AT THE END OF DEVENCROFT RIDGE WEST.  
ELEV: 1110.07

B.M. #2  
"X" ON NORTH RIM OF THE SANITARY SEWER MANHOLE AT THE END OF REGRET DRIVE.  
ELEV: 1151.76

B.M. #3  
"X" ON NORTH RIM OF THE SANITARY SEWER MANHOLE AT THE END OF MIDDLEGROUND ROAD ON THE EAST SIDE OF THE SITE.  
ELEV: 1162.62

B.M. #4  
"X" ON NORTH RIM OF THE SANITARY SEWER MANHOLE AT THE END OF FAULTLESS LANE.  
ELEV: 1197.01

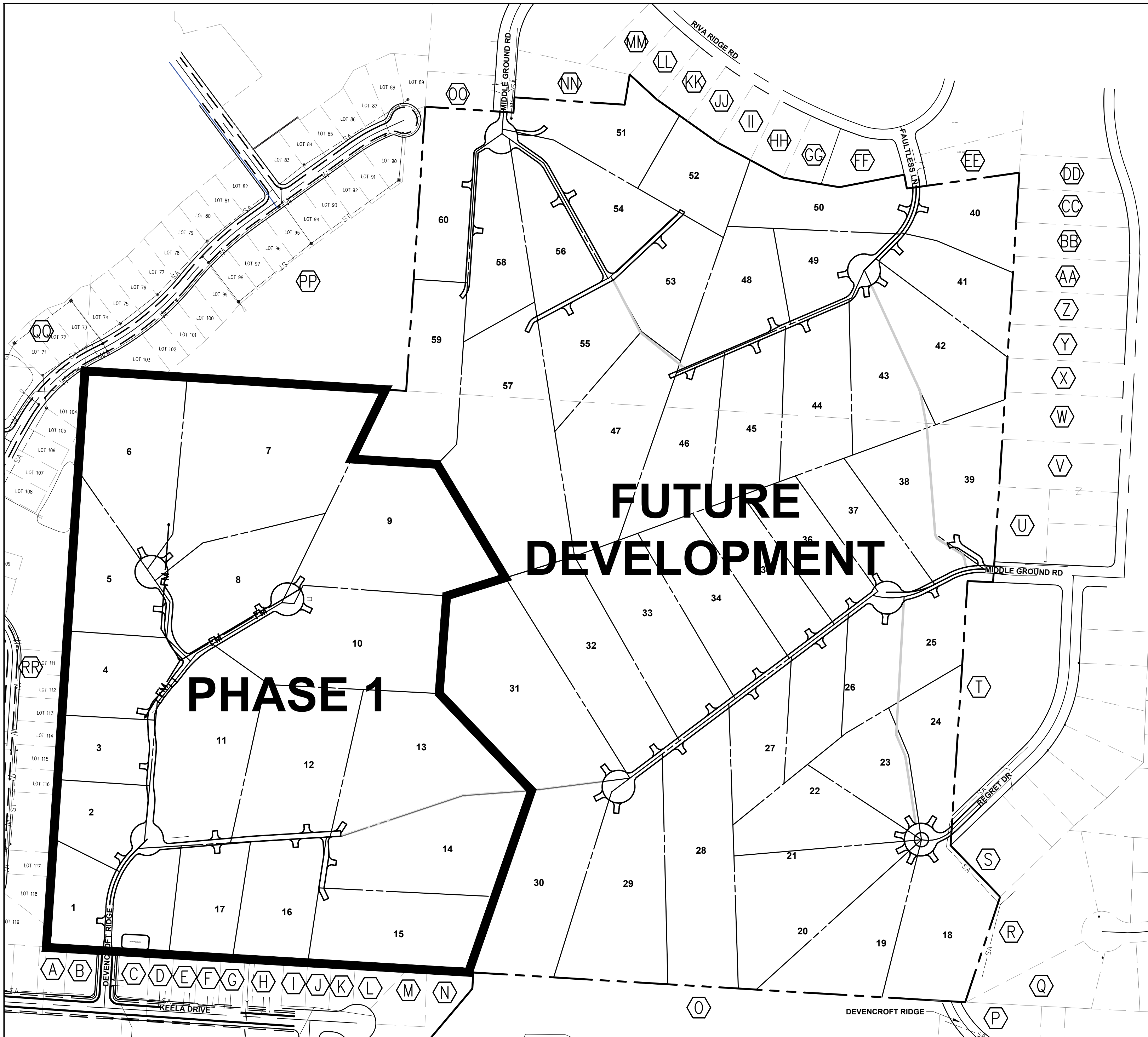
B.M. #5  
THE TOP OF THE SANITARY SEWER MANHOLE AT THE END OF MIDDLEGROUND ROAD IN THE NORTHWEST CORNER OF THE SITE.  
ELEV: 1176.05

#### UTILITY COMPANIES

ELECTRIC	AMERICAN ELECTRIC POWER COMPANY 700 MORRISON ROAD GAHANNA, OHIO 43230 ATTN: ANDREW WAINWRIGHT 614-883-6821	PHONE/CATV	CHARTER COMMUNICATIONS (SPECTRUM/TIME WARNER) PO BOX 2555 COLUMBUS, OHIO 43215 ATTN: DAVID HOLSTEIN 614-875-7466
	THE ENERGY COOPERATIVE 120 O'NEIL DRIVE HEBRON, OHIO 43025 ATTN: SEAMUS MULLIGAN 800-255-6815		CENTURYLINK 441 WEST BROAD STREET PATASKALA, OHIO 43062 ATTN: DANIEL BECKETT 740-927-6262
GAS	THE ENERGY COOPERATIVE 120 O'NEIL DRIVE HEBRON, OHIO 43025 ATTN: SEAMUS MULLIGAN 800-255-6815	WATER & SANITARY	CITY OF PATASKALA UTILITIES DEPARTMENT 621 WEST BROAD STREET PATASKALA, OHIO 43062 740-964-6275
	COLUMBIA GAS OF OHIO 1600 DUBLIN ROAD COLUMBUS, OHIO 43215 ATTN: NICK SCHLARB 614-633-8218		

#### SITE STATISTICS

TOTAL LAND AREA:	45.95 ACRES	
HOUSESITES:	17	
	0.37 UNITS PER ACRE	
LAND USE	ACREAGE	LEGEND
OPEN SPACE		
COMMUNITY AMENITY AREA	1.26 ACRES	2.74%
RESIDENTIAL LOTS	44.69 ACRES	97.26%
TOTAL SITE ACREAGE:	45.95 ACRES	100.00%



#### INDEX MAP

SCALE: 1"=200'

- A** BARBARA AND CHRISTOPHER H. DRISCOLL  
PN: 201312230030864  
ZONED: R-7
- B** THERON R. AND DORINDA ELLINGER  
PN: 200703120006292  
ZONED: R-7
- C** CARL G. AND ANGELA J. BOWMAN  
PN: 20160427008138  
ZONED: R-7
- D** HAI FU  
PN: 20181020023262  
ZONED: R-7
- E** MICHAEL SHAWN AND DAVITA H. PERRY  
PN: 20181020025719  
ZONED: R-7
- F** MAYA AND CHATRA B. KHATIWADA  
PN: 201811200024759  
ZONED: R-7
- G** JOHNATHAN D. DYER  
PN: 201901220001296  
ZONED: R-7
- H** RAM AND PAMPHA KHANAL  
PN: 201812050025723  
ZONED: R-7
- I** STEPHEN C. WHITLEY AND ANDREA J. CALICOAT  
PN: 201812050025715  
ZONED: R-7
- J** FRANCIS M. PARADISE  
PN: 202001210001749  
ZONED: R-7
- K** RUBEN S. FERNANDEZ  
PN: 201809050018479  
ZONED: R-7
- L** IAN MICHAEL AND JOLYNN SUE HINES  
PN: 201811220024761  
ZONED: R-7

- M** CARL R. AND BETTIE A. PAUGH  
PN: 201808310018281  
ZONED: R-7
- N** PULTE HOMES OF OHIO LLC.  
PN: 201802210003286  
ZONED: R-7
- O** PULTE HOMES OF OHIO LLC.  
PN: 201902210003220  
ZONED: R-7
- P** DAVID C. BECKWITH AND JULIE A. WOOD  
PN: 200705040011459  
ZONED: R-7
- Q** MARILEE DARR AND MARY MICHELLE HOUSTON  
PN: 200703200007028  
ZONED: R-15
- R** DAVID L. JR. AND AMANDA S. PETTIGREW  
PN: 201308300022374  
ZONED: R-15
- S** H. MATTHEW AND GINA MARIE SWEARINGEN  
PN: 201609160020144  
ZONED: R-15
- T** BRYAN AND GEORGE M. BURKEY  
PN: 200409010031866  
ZONED: R-15
- U** LEONARD A. AND CATHY L. BUSUTTI  
PN: 112-0868  
ZONED: R-15
- V** JACOB N. AND EMILY B. JUDAY PLEGER  
PN: 201510190022571  
ZONED: R-15
- W** JAMES B. AND LYNNE E. DEWITT  
PN: 383-0713  
ZONED: R-15
- X** ALEX G. AND TRACEY F. BLUM  
PN: 428-0919  
ZONED: R-15

- Y** RONALD W. AND LORENA KAY MCCARTY  
PN: 200003270009453  
ZONED: R-15
- Z** MICHAEL S. AND MARY J. KIDDIS  
PN: 274-0702  
ZONED: R-15
- AA** RAYMOND M. AND KAREN D. RODRIGUEZ  
PN: 286-0759  
ZONED: R-15
- BB** MATTHEW AND CYNTHIA SIX  
PN: 201202150003280  
ZONED: R-15
- CC** BRUCE AND DONNA M. VER WEIR  
PN: 200703200007028  
ZONED: R-15
- DD** ZACHARY CRAIG AND JENNIFER MCKENZIE  
PN: 202004150008406  
ZONED: R-15
- EE** ROBERT W. AND JUTTA E. LOCHMEYER  
PN: 144-0171  
ZONED: R-15
- FF** WILLIAM T. AND NANCY T. O'BRIEN  
PN: 200301080001103  
ZONED: R-15
- GG** CHARLES H. AND JOYCE A. STEEL  
PN: 200407210026430  
ZONED: R-15
- HH** BRUCE A. AND CAROL M. MOORE  
PN: 20110670011666  
ZONED: R-15
- II** KATHLEEN B. SCHALK REVOCABLE TRUST  
PN: 201802120002678  
ZONED: R-15
- JJ** COREY D. SR. AND LORI A. ROSE  
PN: 201412290025671  
ZONED: R-15

- KK** SARAH M. AND MARY J. HUMPHREYS  
PN: 200308220040753  
ZONED: R-15
- LL** TRAVIS D. UMLAND  
PN: 201708290018217  
ZONED: R-15
- MM** WILLIAM T. AND CHARLEANN LAING  
PN: 201605160009709  
ZONED: R-15
- NN** FAMILY LIVING TRUST OF DANIEL A. AND CARLA J. WOLFE  
PN: 201912060027159  
ZONED: R-15
- OO** KRISTIN J. PETERSON  
PN: 201008260016632  
ZONED: R-15
- PP** FANNIN LTD. PRT.  
PN: 199908190035031  
ZONED: R-10
- QQ** FANNIN LTD. PRTS.  
PN: 199908190035031  
ZONED: R-10
- RR** JAMES L. DEAGLE  
PN: 20091130024503  
ZONED: R-10



#### VICINITY MAP

SCALE: 1"=2000'

#### APPLICANT/OWNER

SCENIC VIEW ESTATES LLC  
146 EAST MAIN STREET  
NEW ALBANY, OHIO 43054  
PHONE: 614-763-5550  
DIMITRY FILONENKO  
COMPUTERWORKS@GMAIL.COM

#### ENGINEER

PRIME AE GROUP, INC.  
8415 PULSAR PLACE, SUITE 300  
COLUMBUS, OHIO 43240  
PHONE: 614-591-0284  
STEVEN E. FOX, PE  
SFOX@PRIMEAENG.COM

#### SHEET INDEX

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EXISTING CONDITIONS (Exhibit B).....	2
PRELIMINARY DEVELOPMENT PLAN (Exhibit C).....	3
ENTRY GATE CONCEPT (Exhibit D).....	4
PHASE 1 UTILITY PLAN (Exhibit E).....	5
TYPICAL STREET SECTIONS (Exhibit F).....	6
WETLAND AND WATERCOURSE BUFFERS (Exhibit G).....	7
PHASING PLAN (Exhibit H).....	8
TREE SURVEY.....	9

#### FLOODPLAIN

ACCORDING TO FIRM MAP OF LICKING COUNTY, OHIO AND INCORPORATED AREAS, MAP NUMBER 390328C093J, EFFECTIVE DATE OF 3/16/2015, PROPERTY SHOWN HEREON LIES IN ZONE "X". AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN, AND SHOWN ON MAP NUMBER 390890C0284H EFFECTIVE DATE OF 5/21/2007, PROPERTY LIES IN ZONE "X" MAP NOT PRINTED.

#### SIGNATURES

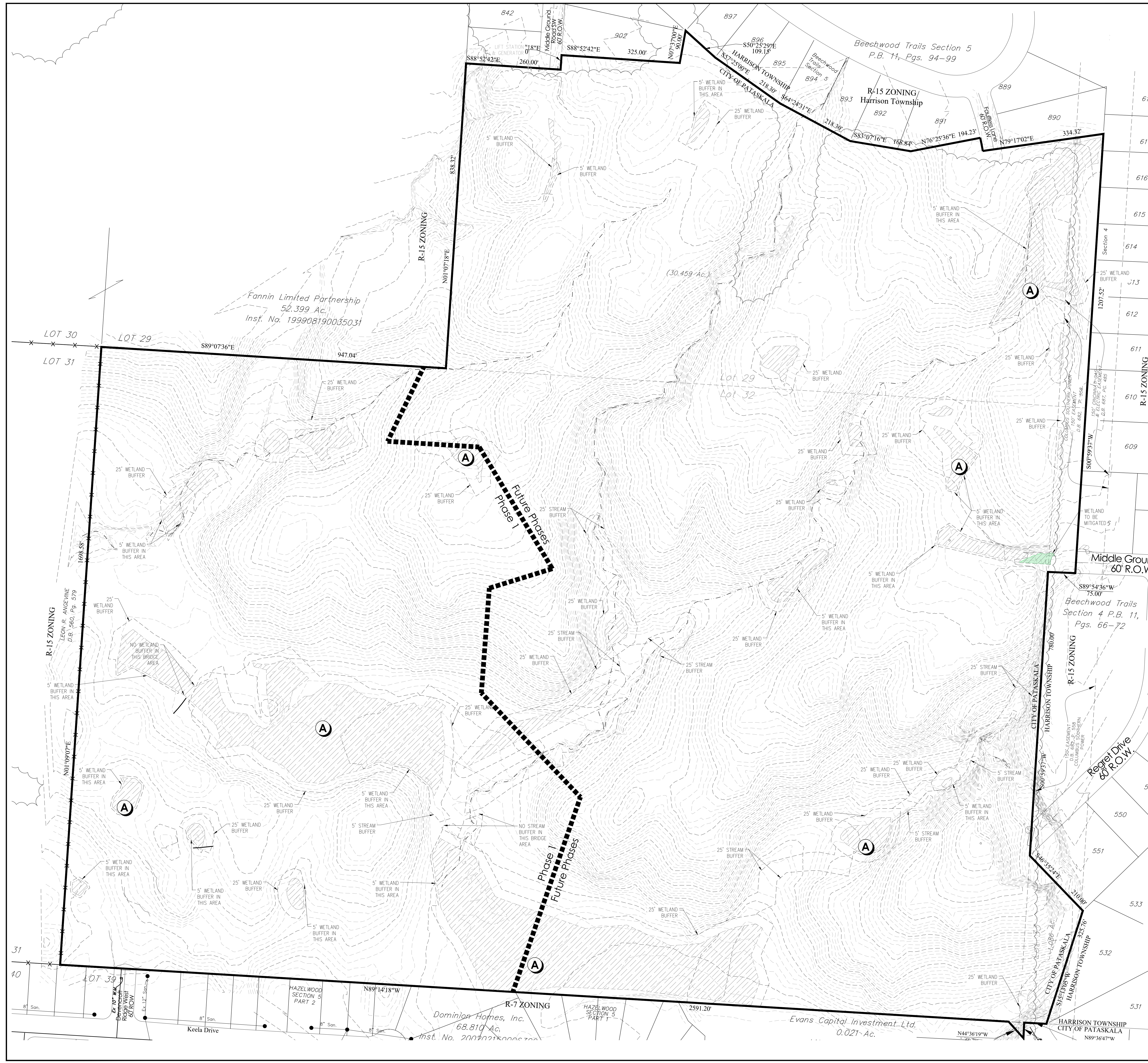
APPLICANT, SCENIC VIEW ESTATES LLC	DATE
STEVEN E. FOX, REGISTERED PROFESSIONAL ENGINEER	DATE
CHAIRMAN OF PLANNING AND ZONING COMMISSION	DATE
UTILITY DIRECTOR	DATE
DIRECTOR OF PLANNING	DATE
PUBLIC SERVICE DIRECTOR	DATE
CITY ADMINISTRATOR	DATE
CITY ENGINEER	DATE

Exhibit A



PREPARED BY: <b>PRIME AE</b> 8415 PULSAR PLACE   SUITE 300 COLUMBUS, OH 43240 P 614.839.0250   F 614.839.0251			
CITY OF PATASKALA, LICKING COUNTY, OHIO			
SCENIC VIEW ESTATES			
TITLE SHEET			
DRAWN	CHECKED	DATE	SHEET
		1/31/22	1 of 9





**Coded Notes:**

**A** Wetland Area & Buffer (Typ)

Exhibit B

PREPARED BY:

**PRIME**  
8415 PULSAR PLACE | SUITE 300  
COLUMBUS, OH 43240  
P 614-839-0250 | F 614-839-0251

**G2** PLANNING  
\* DESIGN

CITY OF PATASKALA, LICKING COUNTY, OHIO

SCENIC VIEW ESTATES  
EXISTING CONDITIONS

DRAWN	CHECKED	DATE	SCALE	SHEET
		01/31/2022	1"=100'	2 of 9



Site Data:

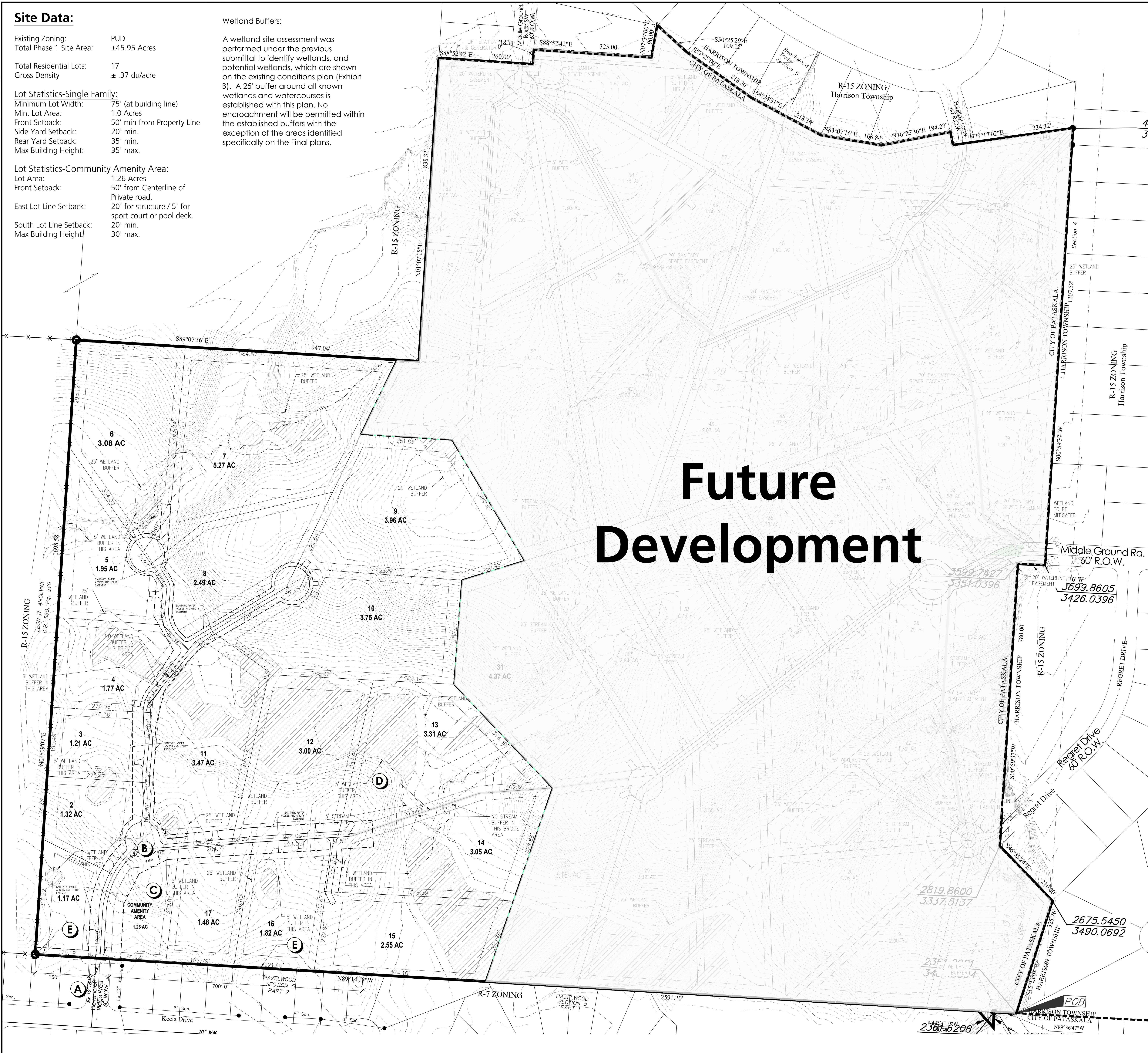
Existing Zoning: PUD  
Total Phase 1 Site Area: ±45.95 Acres  
  
Total Residential Lots: 17  
Gross Density: ± .37 du/acre

Lot Statistics-Single Family:  
Minimum Lot Width: 75' (at building line)  
Min. Lot Area: 1.0 Acres  
Front Setback: 50' min from Property Line  
Side Yard Setback: 20' min.  
Rear Yard Setback: 35' min.  
Max Building Height: 35' max.

Lot Statistics-Community Amenity Area:  
Lot Area: 1.26 Acres  
Front Setback: 50' from Centerline of Private road.  
East Lot Line Setback: 20' for structure / 5' for sport court or pool deck.  
South Lot Line Setback: 20' min.  
Max Building Height: 30' max.

Wetland Buffers:

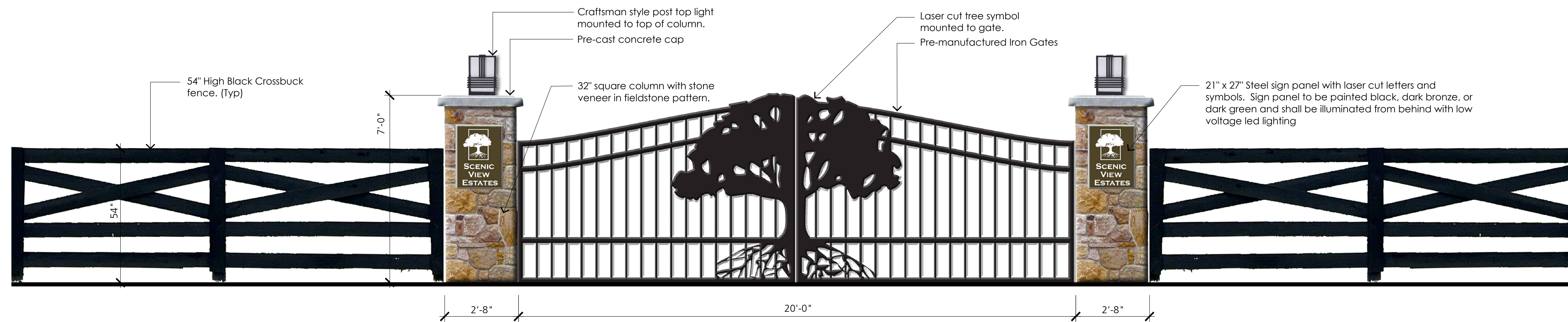
A wetland site assessment was performed under the previous submittal to identify wetlands, and potential wetlands, which are shown on the existing conditions plan (Exhibit B). A 25' buffer around all known wetlands and watercourses is established with this plan. No encroachment will be permitted within the established buffers with the exception of the areas identified specifically on the Final plans.



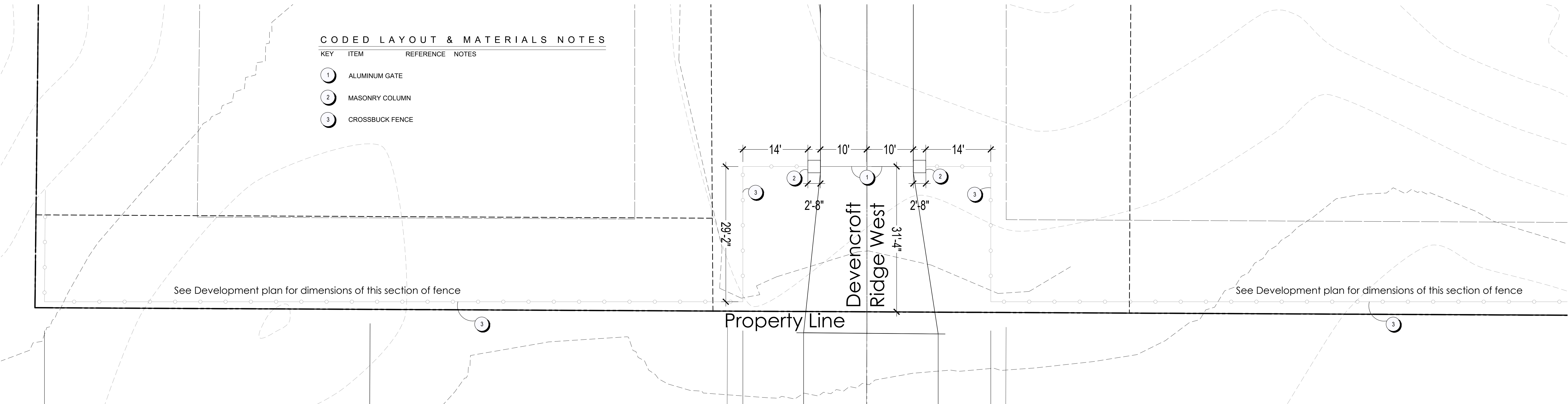




Devencroft Ridge West Entry - Illustration:



Devencroft Ridge West Entry - Elevation:



Devencroft Ridge West Entry - Gate and Fence Layout:

Exhibit G

PREPARED BY: <b>PRIME</b> 8415 PULSAR PLACE   SUITE 300 COLUMBUS, OH 43240 P 614-839-0250   F 614-839-0251				
CITY OF PATASKALA, LICKING COUNTY, OHIO				
SCENIC VIEW ESTATES Entry Gate Details				
DRAWN	CHECKED	DATE	SCALE	SHEET
		01/31/2022	1"=100'	4 of 9



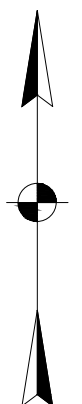
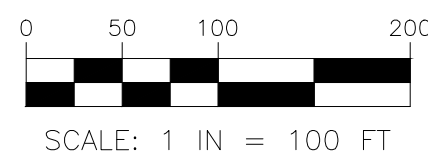
PHASE 1

FUTURE DEVELOPMENT

DEVELOPMENT PLAN NOTES

- LANGUAGE FOR SCENIC VIEW ESTATES U-COMM CONCERNS
1. ALL WATER LINES SHALL HAVE A MINIMUM OF A 20' MAINTENANCE EASEMENT PLUS THE WIDTH OF THE PIPE. ALL SANITARY SEWER LINES SHALL HAVE A MINIMUM OF A 20' MAINTENANCE EASEMENT PLUS THE WIDTH OF THE PIPE. ALL MAINTENANCE EASEMENTS FOR WATER AND SANITARY SEWER LINE MAINTENANCE SHALL BE DEFINED ON ALL PLANS.
- 2 & 8. A MINIMUM OF A 20' WIDE MAINTENANCE EASEMENT PLUS THE WIDTH OF AN 8" PIPE SHALL BE ESTABLISHED AND DESIGNATED ON ALL PLANS SHOULD A TRADITIONAL GRAVITY SANITARY SEWER SYSTEM MAY BE INSTALLED IN THE FUTURE. NOTWITHSTANDING ANYTHING TO THE CONTRARY, ANY AREA THAT REQUIRES A SEWER DEEPER THAN 10' MUST ALLOW FOR A MAINTENANCE EASEMENT THAT FOLLOWS A 1:1 DEPTH TO WIDTH RATIO. A TEMPORARY CONSTRUCTION EASEMENT OF 1:2 DEPTH TO WIDTH RATIO SHALL BE ESTABLISHED AND DESIGNATED ON ALL PLANS FOR THIS POTENTIAL GRAVITY SEWER AS WELL. SHOULD A TRADITIONAL GRAVITY SANITARY SEWER SYSTEM BE REQUIRED FOR ANY REASON IN THE FUTURE, EITHER BY A REGULATORY AGENCY OR THE CITY OF PATASKALA, THE TRADITIONAL SANITARY SEWER SYSTEM SHALL BE INSTALLED BY THE CITY OF PATASKALA AND THE COST (DESIGN AND CONSTRUCTION) SHALL BE ASSESSED TO, AND PAID TIMELY BY, THE PROPERTY OWNERS WHOSE SANITARY SEWER SERVICE WILL BE TRANSFERRED TO SAID GRAVITY SANITARY SEWER SYSTEM.
- 3 & 10. LOTS 1-4, 11-17 AND THE OPEN SPACE LOT WEST OF LOT 17 SHALL BE SERVICED BY A TRADITIONAL GRAVITY SEWER SYSTEM AND SHALL NOT BE INCLUDED IN THE PRESSURE SEWER SYSTEM. ALL SEWER SYSTEMS IN THE CITY OF PATASKALA SANITARY SEWER SERVICE AREA THAT ARE FEASIBLY ABLE TO BE SERVICED BY A TRADITIONAL GRAVITY SEWER SYSTEM SHALL BE REQUIRED TO DO SO AS SOON AS THESE LOTS ARE DEVELOPED. LOTS 5-10, 18-40 MAY BE SERVICED BY A PRESSURE SANITARY SEWER SYSTEM AS SOON AS THESE LOTS ARE DEVELOPED. ALL COMPONENTS OF THE SEWAGE PUMPING SYSTEM SHALL BE LOCATED INSIDE EACH STRUCTURE BEING SERVICED AND CONNECTED TO THE PUBLIC FORCE MAIN BY A PRIVATELY-OWNED SANITARY SEWER LATERAL PIPE. BECAUSE OF THE UNIQUE TOPOGRAPHICAL NATURE OF THE PROPERTY, MULTIPLE MANHOLES AND THE FOCUS OF THE SUBDIVISION TO MAINTAIN AS MANY OF THE EXISTING TREES AS POSSIBLE, THE CITY IS PERMITTING, AT IS SOLE DISCRETION, THE INSTALLATION OF FORCE MAINS WHERE A TRADITIONAL GRAVITY SYSTEM IS NOT PRACTICAL. HOWEVER, THE USE OF FORCE MAINS SHALL BE CONSIDERED BY THE CITY OF PATASKALA ON A CASE BY CASE BASIS AND A TRADITIONAL GRAVITY SYSTEM SHALL BE REQUIRED WHENEVER PRACTICABLE.
- 4 & 6. ALL PUBLIC FORCE MAINS SHALL BE OF A PRESSURE RATING EQUAL TO OR GREATER THAN THAT OF SDR-21 PRESSURE SEWER. A CLEAN OUT STYLE FITTING THAT INCLUDES A BALL VALVE AND A 3" CAM-LOCK STYLE FITTING SHALL BE INSTALLED AT A MINIMUM DISTANCE OF EVERY 1,000 FEET ALONG THE PUBLIC FORCE MAIN. THESE CLEAN OUTS SHALL BE ENCLOSED IN A HOUSING THAT IS FLUSH WITH FINISHED GRADE WHEN INSTALLED. THE MANHOLE LOCATED WHERE THE FORCE MAIN EMPTIES INTO THE GRAVITY SANITARY SEWER SYSTEM, AS WELL AS THE TWO MANHOLES DIRECTLY DOWNSTREAM, SHALL BE COATED BY AN EPOXY THAT FULLY COVERS ALL SURFACES OF THE INTERIOR OF THE MANHOLE. THE EPOXY COATING SHALL BE APPROVED BY THE UTILITY DIRECTOR BEFORE IT IS USED. ALL PRESSURE SEWER PIPE LINES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF PATASKALA CONSTRUCTION MATERIALS AND SPECIFICATIONS.
7. ONLY THE COLLECTIVE FORCE MAIN SHALL BE CONSIDERED PUBLIC INFRASTRUCTURE, AND THEREFORE THE RESPONSIBILITY OF THE CITY OF PATASKALA. ALL SANITARY SEWER PIPES LEADING FROM EACH STRUCTURE TO THE COLLECTIVE FORCE MAIN, ANY AND ALL FITTINGS ASSOCIATED WITH THE STRUCTURE'S SANITARY SEWER PIPE, AND THE ENTIRE SEWAGE PUMPING SYSTEM INCLUDING THE WET WELL, SEWAGE PUMP, CONTROLS, WIRING, PLUMBING, ALARM SYSTEM, CONTROL PANEL AND ANYTHING ELSE RELATED TO THE SEWAGE PUMPING SYSTEM SHALL BE CONSIDERED PRIVATE INFRASTRUCTURE. PRIVATE INFRASTRUCTURE SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. THE CITY OF PATASKALA SHALL HAVE NO RESPONSIBILITY OR DUTY RELATED TO, OR ARISING OUT OF, PRIVATE INFRASTRUCTURE.
- 5 & 9. A SEWAGE PUMPING STATION SHALL BE LOCATED AT THE HEAD OF THE ENTIRE PUBLIC FORCE MAIN. THIS STATION SHALL CONSIST OF A WET WELL, PUMP, CONTROLS AND AN ALARM SYSTEM. THIS STATION SHALL HAVE A BACKUP GENERATOR, WHICH IS CAPABLE OF RUNNING ALL ASPECTS OF THE SEWAGE PUMPING STATION, THAT IS POWERED BY NATURAL GAS. A DIESEL-POWERED GENERATOR MAY BE APPROVED BY THE UTILITY DIRECTOR SHOULD NATURAL GAS NOT BE AVAILABLE TO THE SITE. THE CITY OF PATASKALA SHALL OWN THE SEWAGE PUMPING STATION AND SHALL USE IT TO FLUSH THE PUBLIC FORCE MAIN, AS NECESSARY. A CLEAN WATER LINE SHALL BE PROVIDED BY THE DEVELOPER FOR THE USE OF THE CITY OF PATASKALA SEWAGE PUMPING STATION AND ALL WATER USED WILL BE METERED AND BILLED MONTHLY TO THE HOME OWNERS ASSOCIATION. ALL ELECTRIC USED BY THE CITY OF PATASKALA SEWAGE PUMPING STATIONS SHALL COME FROM AN ELECTRIC LINE PROVIDED AND INSTALLED BY THE CONTRACTOR AND CONNECTED TO THE HOME OWNERS ASSOCIATION'S ELECTRIC ACCOUNT. ALL WATER SERVICE AND ELECTRIC SERVICE TO THE CITY OF PATASKALA SEWAGE PUMPING STATION SHALL BE PAID TIMELY BY THE HOME OWNERS ASSOCIATION AND THE HOME OWNERS ASSOCIATION IS SOLELY RESPONSIBLE FOR THE MAINTENANCE OF THE WATER AND ELECTRIC SERVICE LINES IN PERPETUITY.
11. LOT DISTURBANCE, INCLUDING, BUT NOT LIMITED TO EXCAVATION AND/OR THE REMOVAL OF TREES, FOR ALL HOMES WITHIN THE SUBDIVISION SHALL BE LIMITED TO AN AREA OF NO GREATER THAN THE DRIVEWAY PLUS 20 FEET AROUND THE PERIMETER OF THE PROPOSED HOME AND GARAGE. EXISTING TREES BEYOND THE 20-FOOT PERIMETER AS DESCRIBED ABOVE SHALL NOT BE REMOVED UNLESS THEY ARE DEAD, DISEASED OR POSE A THREAT TO THE HEALTH, SAFETY AND WELFARE OF THE LOT OWNERS AS DETERMINED BY THE CITY ADMINISTRATOR OR THEIR DESIGNEE. TREES EIGHT (8) INCHES OR GREATER AS MEASURED FIVE (5) FEET FROM GROUND LEVEL MAY BE REMOVED AS PART OF THE PERMITTING PROCESS PURSUANT TO SECTION 1283.03 OF THE PATASKALA CODE IF ALL QUALIFYING TREES REMOVED ARE REPLACED PURSUANT TO SECTIONS 1283.03 AND/OR 1283.04 OF THE PATASKALA CODE. THE LOT OWNER HAS THE RIGHT TO REMOVE ANY UNDERSTORY PLANT MATERIAL OR TREES UNDER EIGHT (8) INCHES IN DIAMETER AS MEASURED FIVE (5) FEET FROM THE GROUND SO LONG AS IT DOES NOT AFFECT THE HEALTH OF EXISTING TREES. SIGNAGE INDICATING THE 20-FOOT PERIMETER SHALL BE PLACED ON LOTS AS APPROVED BY THE CITY OF PATASKALA FOLLOWING THE ISSUANCE OF A CERTIFICATE OF COMPLIANCE FOR ANY NEW CONSTRUCTION ON THE LOT.
- THE REMOVAL OF TREES IN VIOLATION OF THIS SECTION SHALL BE A VIOLATION OF THE SCENIC VIEW ESTATES PLANNED DEVELOPMENT DISTRICT REGULATIONS, AS APPROVED ORDINANCE 2019-4341. WHOEVER VIOLATES THE SCENIC VIEW ESTATES PLANNED DEVELOPMENT DISTRICT REGULATIONS SHALL BE SUBJECT TO THE PENALTIES, AS DESCRIBED IN SECTION 1209.99 OF THE PATASKALA CODE AND MAY BE REQUIRED TO REPLACE THE REMOVED TREE(S) AS DESCRIBED IN SECTION 1283.03 OF THE PATASKALA CODE, PAY INTO THE ECOLOGICAL PRESERVATION FUND AS DESCRIBED IN SECTION 1283.04 OF THE PATASKALA CODE, OR BOTH.

Exhibit I



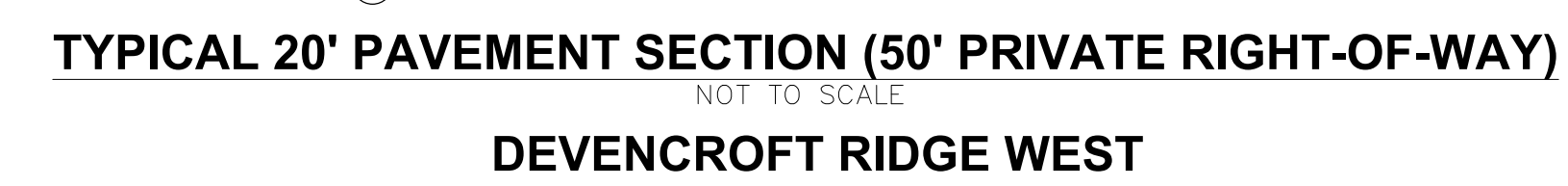
PREPARED BY:  
**PRIME**  
6415 PULSAR PLACE | SUITE 300  
COLUMBUS, OH 43244  
P 614.839.0250 | F 614.839.0251

CITY OF PATASKALA, LICKING COUNTY, OHIO

SCENIC VIEW ESTATES  
PHASE 1  
UTILITY PLAN

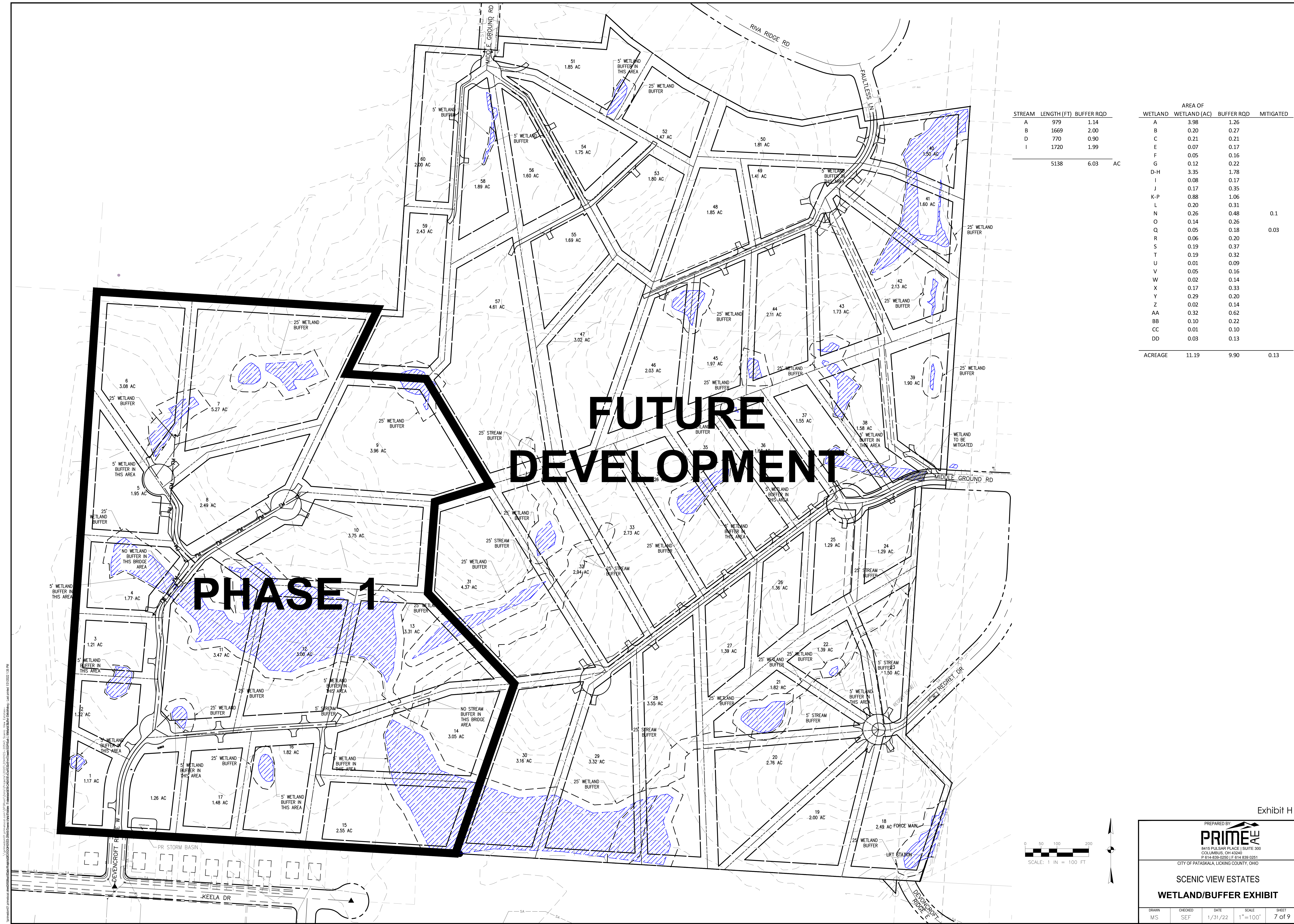
DRAWN	CHECKED	DATE	SCALE	SHEET
		1/31/22	1"=100'	5 of 9





- ① 1-1/2" ASPHALT CONCRETE, SURFACE COURSE, TYPE 1 (448, PG 64-22) ITEM 441
- ② TACK COAT (0.05 GAL/SYD), ITEM 407
- ③ 1-3/4" ASPHALT CONCRETE, INTERMEDIATE COURSE, TYPE 2 (446) ITEM 441
- ④ TACK COAT (0.075 GAL/SYD), ITEM 407
- ⑤ 4" BITUMINOUS AGGREGATE BASE, ITEM 301
- ⑥ 6" CRUSHED AGGREGATE BASE, ITEM 304
- ⑦ SUBGRADE COMPACTION, ITEM 203
- ⑧ NO. 9 OR NO. 57 AGGREGATE
- ⑨ 4" PIPE UNDERDRAIN, ITEM 605
- ⑩ SEEDING AND MULCHING, ITEM 659





STREAM	LENGTH (FT)	BUFFER RQD	
A	979	1.14	
B	1669	2.00	
D	770	0.90	
I	1720	1.99	
	5138	6.03	AC

AREA OF			
WETLAND	WETLAND (AC)	BUFFER RQD	MITIGATED
A	3.98	1.26	
B	0.20	0.27	
C	0.21	0.21	
E	0.07	0.17	
F	0.05	0.16	
G	0.12	0.22	
D-H	3.35	1.78	
I	0.08	0.17	
J	0.17	0.35	
K-P	0.88	1.06	
L	0.20	0.31	
N	0.26	0.48	0.1
O	0.14	0.26	
Q	0.05	0.18	0.03
R	0.06	0.20	
S	0.19	0.37	
T	0.19	0.32	
U	0.01	0.09	
V	0.05	0.16	
W	0.02	0.14	
X	0.17	0.33	
Y	0.29	0.20	
Z	0.02	0.14	
AA	0.32	0.62	
BB	0.10	0.22	
CC	0.01	0.10	
DD	0.03	0.13	
ACREAGE	11.19	9.90	0.13

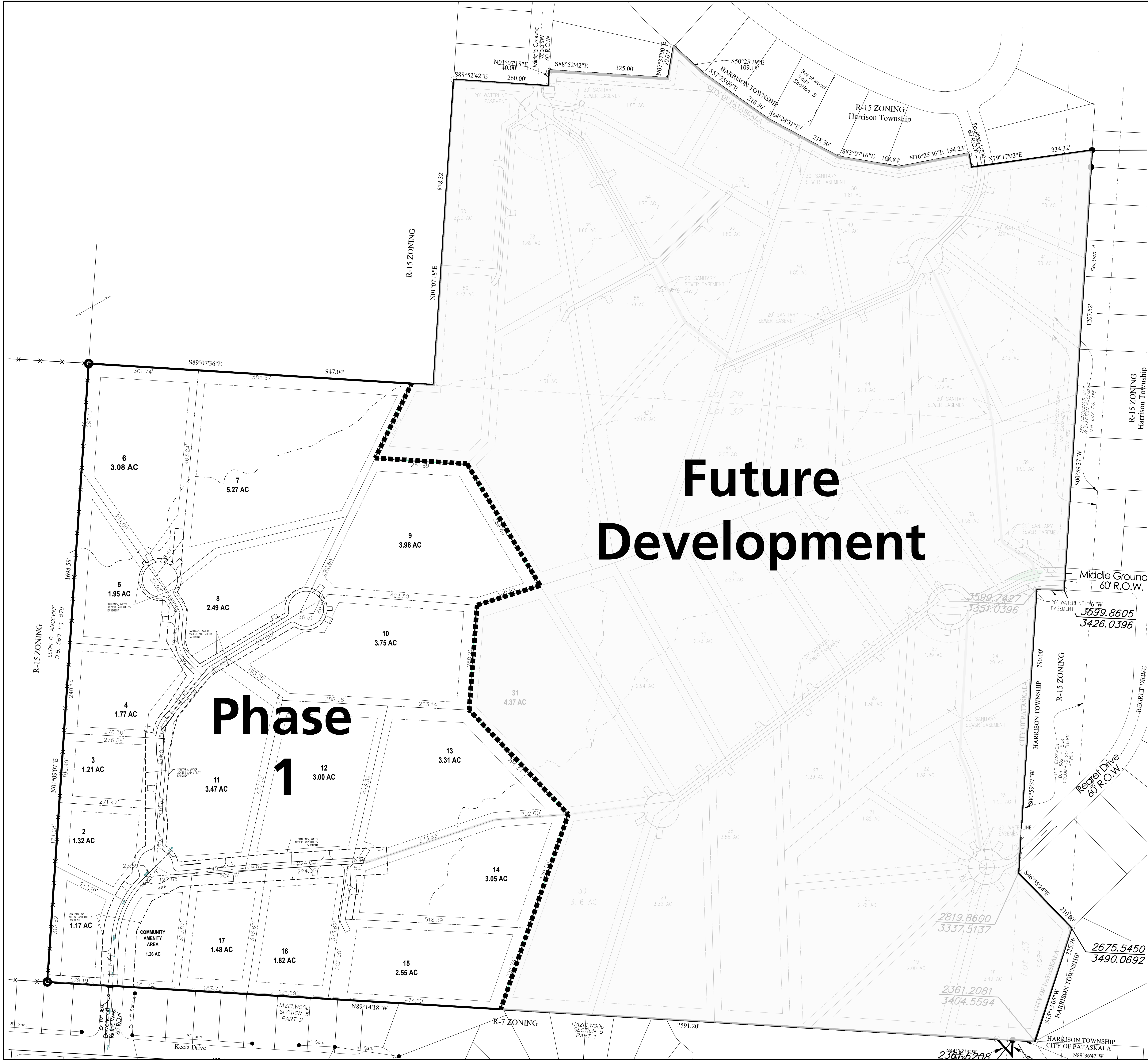
Exhibit H

PREPARED BY:  
**PRIMEAL**  
8415 PULSAR PLACE | SUITE 300  
COLUMBUS, OH 43240  
P 614.839.0220 | F 614.839.0251  
CITY OF PATASKALA, LICKING COUNTY, OHIO

SCENIC VIEW ESTATES  
WETLAND/BUFFER EXHIBIT

DRAWN	CHECKED	DATE	SCALE	SHEET
MS	SEF	1/31/22	1"=100'	7 of 9





Site Data:

Existing Zoning: PUD  
Total Phase 1 Site Area: ±45.95 Acres  
Total Residential Lots: 17  
Gross Density: ± .37 du/acre

Lot Statistics-Single Family:  
Minimum Lot Width: 75' (at building line)  
Min. Lot Area: 1.0 Acres  
Front Setback: 50' min from Property Line  
Side Yard Setback: 20' min.  
Rear Yard Setback: 35' min.  
Max Building Height: 35' max.

Lot Statistics-Community Amenity Area:  
Lot Area: 1.26 Acres  
Front Setback: 50' from Centerline of Private road.  
East Lot Line Setback: 20' for structure / 5' for sport court or pool deck.  
South Lot Line Setback: 20' min.  
Max Building Height: 30' max.

SITE STATISTICS		
TOTAL LAND AREA:	45.95 ACRES	
HOMESITES:	17	
	0.37 UNITS PER ACRE	
LAND USE	ACREAGE	LEGEND
OPEN SPACE		
COMMUNITY AMENITY AREA	1.26 ACRES	2.74%
RESIDENTIAL LOTS	44.69 ACRES	97.26%
	TOTAL SITE ACREAGE:	45.95 ACRES 100.00%

Exhibit M

PREPARED BY:  
**PRIME**  
8415 PULSAR PLACE | SUITE 300  
COLUMBUS, OH 43240  
P 614-839-0250 | F 614-839-0251

**G2** PLANNING  
• DESIGN  
• CONSULTING

City of Pataskala, Licking County, Ohio

SCENIC VIEW ESTATES  
Phasing Plan

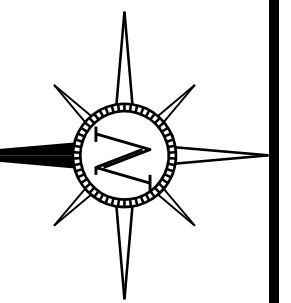
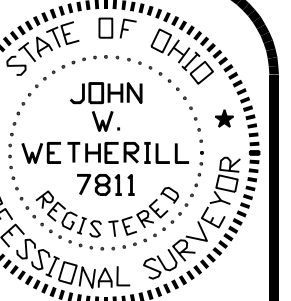
DRAWN	CHECKED	DATE	SCALE	SHEET
		01/31/2022	1"=100'	8 of 9



SITUATED IN THE STATE OF OHIO, COUNTY OF LICKING, AND BEING A PART OF FARM LOTS 32, 29, 28, 33 & 39 IN THE SECOND QUARTER OF TOWNSHIP 1, RANGE 14, UNITED STATES MILITARY LANDS.

0' 20' 40' 60' 80'

GRAPHIC SCALE  
1" = 20'




DATE	03/05/19
DRN	JWW
CK'D	JWW
AP'D	JWW

# TREE SURVEY OF DEVENCROFT RIDGE WEST EXTENSION

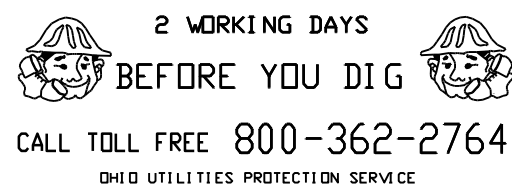
7509 EAST MAIN ST. SUITE 104  
REYNOLDSBURG, OHIO 43068  
PH# (614) 866-9158  
JOHN7811@AMERITECH.NET  
JOHN.WETHERILL@JUSURVEYINGOHIO.COM  
© 2019 J. & J. SURVEYING SERVICES, INC.

of 9

1	Lot Numbers
— L —	Lot Lines
— P —	Property Lines
— C —	Centerline
SAN	Sanitary Sewer
—	Storm Sewer
—	Water Main
—	Gas Main
—	Underground Lines
OH	Overhead Lines
E	Electric Lines
—	Telephone Lines
—	Cable TV Lines
A	All Overhead Utilities
—	Fiber Optic Lines
—	Ditch Line
MHO	Man Hole
DS	Storm Inlet
CI	Curb Inlet
DI	Drop Inlet
Ø	Diameter
CO	Clean Out
DS	Downspout Drain
FW	Fire Hydrant
GV	Valve Box
GM	Gas Meter
GV	Gas Valve
WM	Water Meter
WV	Water Valve
EM	Electric Meter
—	Utility Pole
—	Guy Wire
##	Pole Numbers
—	Gas Line Marker
Ø	Light Pole
R	Yard or Flood Light
—	Telephone Closure
E	Electric Closure
C	Cable Television Closure
—	Traffic Signal Pole
•	Bollard
—	Utility Pull Box
CS	Handicap
—	Fence
—	Sign
CONC	Concrete
—	Evergreen Tree
—	Deciduous Tree
—	Stone Found
—	Monument Box
—	Iron Pin Set
—	Iron Pin Found
—	Mag Nail Set
—	Mag Nail Found
—	Railroad Spike Found
—	Deed Volume
DR	Official Record
INST#	Instrument Number
IPF	Iron Pin Found
IRF	Iron Pipe Found
IRSF	Railroad Spike Found
MNS	Mag Nail Set
MNF	Mag Nail Found
DHS	Ditch Hole Set
—	Deed Calls
(M)	Measured Calls

ALL MONUMENTS FOUND ARE NOTED  
WITH SIZE, CONDITION, AND GRADE.  
ALL IRON PINS SET ARE 5/8" IN  
DIAMETER W/ CAP STAMPED  
"J & J SURVEYING"

TREE LEGEND	
CAT	CATAWPA
CDR	CEDAR
COT	COTTONWOOD
CRAB	CRABAPPLE
HACK	HACKBERRY
HCK	HICKORY
LOC	LOCUST
MPL	MAPLE
MUL	MULBERRY
ORN	ORNAMENTAL
POP	POPLAR
SPR	SPRUCE
WAL	WALNUT
WC	WILD CHERRY
WIL	WILLOW



April 13, 2020

Dimitry Filonenko  
146 East Main Street  
New Albany, Ohio 43054

Re: Scenic View Estates

Dear Mr. Filonenko:

It is my understanding that a question has been raised regarding whether the United States Army Corps of Engineers (USACE) and/or Ohio EPA have minimum setback or buffer requirements that one must maintain from federally regulated waters of the United States, such as wetlands and/or streams.

The Scenic View Estates project will require the discharge of dredge or fill material into less than 0.1 acre of federally regulated wetland to accommodate the construction of subdivision roads and/or utilities. Before any federally regulated wetland areas or streams can be filled on the site, you will be required to obtain a permit from the USACE under Section 404 of the Clean Water Act. Ohio EPA must also authorize the fill activity under Section 401 of the Clean Water Act. Because the impact to federally regulated wetlands on the site will be less than 0.5 acre and no streams will be impacted, the USACE and Ohio EPA can authorize the filling activity under Nationwide Permit (NWP) 29, for Residential Developments.

The 2017 NWPs for Ohio include all of the NWPs that the USACE and Ohio EPA have at their disposal to authorize minor activities that will have minimal impact on waters of the United States. In addition to the actual NWPs, the 2017 NWPs for Ohio also contain all of the regional, general and special conditions that the USACE Districts and/or Ohio EPA have attached to each NWP. This body of permits and associated conditions contains only one reference to "buffer" throughout the entire document. This reference pertains specifically to the Ohio EPA's General Limitations and Conditions for all Ohio EPA 401 Certified Nationwide Permits. Specifically, Item B.4. states the following:

"All avoided water resources and associated buffer/riparian buffer/riparian areas shall be demarcated in the field and protected with suitable materials (e.g., silt fencing, snow fencing, signage, etc.) prior to site disturbance. These materials shall remain in place and be maintained throughout the construction process and shall be entirely removed once construction is completed."

No specific, minimum buffer or setback requirements are mentioned anywhere in the body of the 2017 NWPs for Ohio or their associated regional, general and special conditions. In other words, neither the USACE nor the Ohio EPA have minimum setback or buffer requirements that you will have to agree to meet before the agencies will issue the NWP for your project.

## Gary Smith

---

**From:** Steve Fox <sfox@primeeng.com>  
**Sent:** Monday, January 31, 2022 12:16 PM  
**To:** Dmitry Filonenko (compute@kw@gmail.com); Gary Smith  
**Subject:** FW: [EXTERNAL] Scenic View Estates Cluster Boxes

FYI

**Steve Fox, PE | CPESC**  
Director, Civil Site Development & Survey Services  
PRIME Construction Management & Survey  
P: 614.591.0284 | C: 614.323.8183 | [sfox@primeeng.com](mailto:sfox@primeeng.com)

---

**From:** Hupp, Charles W - Pataskala, OH <Charles.W.Hupp@usps.gov>  
**Sent:** Monday, January 31, 2022 12:08 PM  
**To:** Steve Fox <sfox@primeeng.com>  
**Subject:** RE: [EXTERNAL] Scenic View Estates Cluster Boxes

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Steve

After reviewing the plans for Scenic View Estates I can approve the location of the cluster boxes. As we discussed on the phone this morning some type of covering to protect the boxes and residents from the elements would be ideal. This is would also be an asset in the future as it can add to the longevity of the units. While picking the style of cluster boxes please keep in mind the following postal requirements. There must be one parcel locker for every 5 addresses. Most units come with two parcel lockers so you would have enough to meet requirements. My concern is that the gravel access roads may cause issues in the winter with package delivery due to the fact that gravel roads will not get plowed. It is my suggestion that you consider an additional unit of just parcel lockers. If you would like me to look at the units you pick before purchasing I would be more than happy to give my input. Please let me know if I can be of further assistance.

*Charles W. Hupp*

OIC

Pataskala OH 43062

740-927-9866

---

**From:** Steve Fox <[sfox@primeeng.com](mailto:sfox@primeeng.com)>  
**Sent:** Monday, January 31, 2022 9:56 AM  
**To:** Hupp, Charles W - Pataskala, OH <[Charles.W.Hupp@usps.gov](mailto:Charles.W.Hupp@usps.gov)>  
**Subject:** [EXTERNAL] Scenic View Estates Cluster Boxes

**CAUTION:** This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Charlse, see the 3<sup>rd</sup> sheet for cluster box location.



For your review. Let us know if this works for you.

Feel free to call me.

Thanks,

**Steve Fox, PE | CPESC**  
Director, Civil Site Development & Survey Services



PRIME Construction Management & Survey  
a wholly-owned subsidiary of PRIME AE Group, Inc.  
8415 Pulsar Place | Suite 300 | Columbus, Ohio 43240  
P: 614.591.0284 | C: 614.323.8183 | [sfox@primeeng.com](mailto:sfox@primeeng.com)

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 Please consider the environment before printing this e-mail.

## ~~Preliminary~~ Final Development Plan Text for Scenic View Estates Planned Residential Development

The following Development Text identifies the minimum requirements to be established for the “Scenic View Estates” Planned Residential Development. ~~The development text includes the original text from Section 1255.17(a)(3) in bold, and the responses to those specific requirements to form the basis for the re-zoning.~~ Where the specific language of this development text, or development plan exhibits, conflicts with the requirements established elsewhere in the City of Pataskala Zoning Code, the specific language of this text and exhibits will govern. Where the specific language of this development text, or development plan exhibits, is silent, the requirements of the City of Pataskala Zoning Code, in force at the time of adoption of this PRD, will apply.

**A. Completed amendment application form and application fee.**

The completed and signed application form is included with this application.

**B. A vicinity map showing the relationship of the proposed Planned District to existing development and including existing; property lines, easements, utilities, and street rights-of-way of the subject property and property within 200 feet of the site, zoning district boundaries, and existing land uses and structures.**

The ~~-~~Title Sheet, included as Exhibit A, and the Site Survey/Existing Conditions, included as Exhibit B, will provide the information required for the vicinity map.

**C. A regional context map; indicating the proposed site and all areas within 2,000 feet in all directions; showing the basics of the proposed layout of the proposed project and property lines of the adjacent areas on a drawing of 11 inches X 17 inches in size.**

A regional context map is included with the Title Sheet, Exhibit A.

**D. A legal description of the property including County Auditor parcel numbers.**

~~The~~A Site Survey/Existing Conditions is included as Exhibit B.

**E. A map of existing conditions and features drawn to scale, with accurate boundaries of the entire project and north arrow, including:**

- 1. Boundaries of the area proposed for development, dimensions and total acreage;**
- 2. Existing public rights-of-way, buildings, permanent facilities, access points and easements on, and adjacent to the site;**
- 3. Identification of any existing buildings or structures to be removed or demolished;**
- 4. Existing zoning district boundaries and jurisdictional boundaries;**
- 5. Existing utility systems and providers;**
- 6. The location of existing topography showing contour lines at vertical intervals of not more than 5 feet, highlighting ridges, rock outcroppings and other significant topographical features and identifying any areas with slopes over 5%;**

7. Locations of all wooded areas, tree lines, hedgerows, and a description of significant existing vegetation by type of species, health and quality.
8. Existing drainage patterns on the property including connections with farm tiles on adjacent properties,
9. Locations of wetlands and potential wetlands, the 100 year floodplain, floodway boundary, 20 foot buffer beyond the floodway, and flood elevation as provided by the most recent Federal Emergency Management Agency mapping, including rivers and watercourses and their related river or stream bank, pond, and water courses,

The information requested above will be found on Site Survey/Existing Conditions, included as Exhibit B.

- F. The ~~Phase 1~~ Final Development Plan map shall include a plan for ~~Phase 1 of~~ the proposed Planned District Project and shall be drawn to an appropriate scale with accurate boundaries of the entire project including a north arrow. The applicant shall also provide 13 copies or the number determined necessary by the Director of Planning. The Final Development Plan portion of the application shall include:

1. The proposed location, use and size of sub-areas of residential, retail, office, industrial uses, community facilities, parks, playgrounds, school sites and other public areas and open spaces with the suggested ownership and maintenance provisions of such areas, and their related parking areas and access points.

The Final Development plan, Exhibit D, shows the proposed use and configuration of the property. No sub-areas will be required as the entire +/- 136.23 acre property will be developed for single-family residential use.

2. The general layout of the proposed internal road system, indicating the proposed vehicular right of way of all proposed public streets, general indication of private streets and pedestrian circulation, bike paths and other trail systems, access drive locations, improvements to existing streets, and traffic control requirements.

The Final Development Plan, Exhibit D, depicts the ~~layout~~ of private roads and common access drives. Common access drives will be located ~~generally~~ as shown on plan in order to minimize site impacts. Paths, a minimum of 6' wide, will be included within the development to provide pedestrian connection and access to the Community Amenity Area. Path location, cross section, and material shall be submitted with the Final Development Plans. Paths may be constructed of gravel, asphalt, or other paving materials as desired by the developer. Bridges may be constructed where necessary to create path connections across streams. Private roads at each entry will be gated. Gates shall be controlled by a pressure sensitive mechanism that automatically opens. Gate openers shall be equipped with a battery backup system and will have a "low battery" mode which will leave the gate in an open position in the event of battery drain or system malfunction. Gates will be installed in

conjunction with stone signage columns similar to those shown on the Final Development Plan, Exhibit G. Exact location and design of gates and columns shall be as shown in the ~~final-Final development-Development planPlan.~~ The Scenic View Estates HOA shall have the authority to remove the entry gates, upon a vote of two thirds of the members, in the event that the gates become a hazard or are otherwise undesirable to the residents. The Scenic view Estates HOA shall also have the option to replace the pressure sensitive controllers with a secured electronic access provided that the change is approved by, and access is guaranteed to, all emergency responders, the appropriate agencies of the City of Pataskala, Licking County, and the West Licking Joint Fire District. Security at individual gates can be upgraded by a vote of 90% of the residents accessing each gate, or security at all gates can be upgraded by a vote of 75% of the members of the Scenic View Estates HOA. Private roads will be owned and maintained by a permanent Scenic View Estates HOA, and a final copy of the Scenic View Estates HOA documents and declarations have been provided with this submittal. During construction, The developer and associated parties shall keep roads connecting to the City of Pataskala clean from debris, and shall follow and comply with city regulations, including, but not limited to, load decrees for wintertime. The Developer shall be required to provide a performance bond, or other guarantee acceptable to the City of Pataskala, to cover the cost of any damages to public infrastructure including, but not limited to, roadways, storm sewer, water, and sanitary sewer during construction. The City of Pataskala shall be named as the beneficiary and the City shall comply with the bond rules and regulations and shall satisfy them in a timely manner. Any infrastructure that will be public or has the potential to become public in the future shall be inspected by the City of Pataskala. In addition, the developer and associated parties shall keep all county and township roads clean and free from debris during construction. The developer shall be required to enter into a separate Guarantee of Improvements with Licking County for work affecting County and Harrison Township infrastructure.

**3. Any proposed off-site improvements and/or utility lines/extensions needed to serve the site;**

The Phase I Utility Plan, Exhibit I, shows the utility layout within the development.

**4. Environmental plan showing natural features and preservation zones**

- The site is almost entirely wooded, with several wetland areas located within the wooded areas. A wetland site assessment was performed under the previous submittal to identify wetlands, and potential wetlands, which are shown on the existing conditions plan (Exhibit B). A 25' buffer around all known wetlands and watercourses is established with this plan. No encroachment will be permitted within the established buffers with the exception of the areas identified specifically on the Final plans included with this application. See divergences section G(4)(i) for further

information on the proposed exceptions. Features with buffer reductions or exceptions shall be included and identified in the individual deeds issued to the owners. With the exception of the divergences noted above, all wetlands, watercourses, and associated buffers shall be designated no disturb zones and shall be left in their natural state. All applicable state and federal laws shall be complied with in the development of the property. In addition, the site features rolling topography exceeding 5% slopes in most areas, with several ravine / watercourse areas traversing the site.

**5. Natural areas and other natural, historic or significant features to be conserved and any required buffer areas;**

The layout of the site is designed to preserve a majority of the sites natural features. A wetland site assessment was performed under the previous submittal to identify wetlands, and potential wetlands, which are shown on the existing conditions plan (Exhibit B). A 25' buffer around all known wetlands and watercourses is established with this plan. All wetlands and buffers shall be left in their natural state and no encroachment will be permitted within the established buffers with the exception of the areas identified specifically on the Final plans. -There are no known significant historic or cultural features located on the site.

**6. Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.**

A small portion of the existing trees will be impacted by the layout of the site and the construction of the 5 private roads. Beyond the community improvements and common access drives, disturbances to the interior portions of the site will be limited to the individual home sites and their driveways as described in Divergences Section 4(g) below. No additional landscaping is being proposed within this development except for the gates / entries, and ~~community recreation area~~ Community Amenity Area.

**7. A summary table showing total acres of the proposed development; the number of acres devoted to each type of land use, including streets and common areas; the number of dwelling units by type and density for each residential use area and the building height(s) and square footage as proposed for retail, office, industrial and institutional uses, by use area; and the number of parking spaces provided for each use area; Estimated total population, size, employment or other measurements of the scale of the project at each phase and at buildout;**

The summary tables are presented on the Final Development Plan included as Exhibit D.

**8. The provision of water, sanitary sewer;**

The provisions for water and sanitary sewer are shown on the Phase I Utility Plan included as Exhibit I and as described by the following:

- a. All water lines shall have a minimum of a 20' maintenance easement plus the width of the pipe. All sanitary sewer lines shall have a minimum of a 20' maintenance easement plus the width of the pipe. All maintenance easements for water and sanitary sewer line maintenance shall be defined on all plans. Sanitary sewer easements are shown on Exhibit I, Phase 1 Utility Plan and shall be recorded with the Final Plat.
- b. A minimum of a 20' wide maintenance easement plus the width of an 8" pipe shall be established and designated on all plans should a traditional gravity sanitary sewer system may be installed in the future. Notwithstanding anything to the contrary, any area that requires a sewer deeper than 10' must allow for a minimum maintenance easement that follows a 1:1 depth to width ratio. A temporary construction easement with a minimum of 1:2 depth to width ratio shall be established and designated on all plans for this potential gravity sewer as well. Should a traditional gravity sanitary sewer system be required for any reason in the future, either by a regulatory agency or the City of Pataskala, the traditional sanitary sewer system shall be installed by the City of Pataskala and the cost (design and construction) shall be assessed to, and paid timely by, the property owners whose sanitary sewer service will be transferred to said gravity sanitary sewer system.
- c. Lots 1-4, 11-17 and the open space lot west of lot 17 shall be serviced by a traditional gravity sewer system and shall not be included in the pressure sewer system. All sewer systems in the City of Pataskala sanitary sewer service area that are feasibly able to be serviced by a traditional gravity sewer system shall be required to do so as soon as these lots are developed. Lots 5-10, 18-60 may be serviced by a pressure sanitary sewer system as soon as these lots are developed. All components of the sewage pumping system shall be located inside each structure being serviced and connected to the public force main by a privately-owned sanitary sewer lateral pipe. Because of the unique topographical nature of the property, multiple wetlands and the focus of the subdivision to maintain as many of the existing trees as possible, the City is permitting, at its sole discretion, the installation of force mains where a traditional gravity system is not practical. However, the use of force mains shall be considered by the City of Pataskala on a case by case basis and a traditional gravity system shall be required whenever practicable.
- d. All public force mains shall be of a pressure rating equal to or greater than that of SDR-21 pressure sewer. A clean out style fitting that includes a ball valve and a 3" cam-lock style fitting shall be installed at a minimum distance of every 1,000

feet along the public force main. These clean outs shall be enclosed in a housing that is flush with finished grade when installed. The manhole located where the force main empties into the gravity sanitary sewer system, as well as the two manholes directly downstream, shall be coated by an epoxy that fully covers all surfaces of the interior of the manhole. The epoxy coating shall be approved by the Utility Director before it is used. All pressure sewer pipelines shall be constructed in accordance with the City of Pataskala Construction Materials and Specifications.

- e. Only the collective force main shall be considered public infrastructure, and therefore the responsibility of the City of Pataskala. All sanitary sewer pipes leading from each structure to the collective force main, any and all fittings associated with the structure's sanitary sewer pipe, and the entire sewage pumping system including the wet well, sewage pump, controls, wiring, plumbing, alarm system, control panel and anything else related to the sewage pumping system shall be considered Private Infrastructure. Private Infrastructure shall be the responsibility of the property owner. The City of Pataskala shall have no responsibility or duty related to, or arising out of, Private Infrastructure.
- f. A sewage pumping station shall be located at the head of the entire public force main. This station will consist of a wet well, pump, controls, and an alarm system. This station shall have a backup generator, which is capable of running all aspects of the sewage pumping station, that is powered by natural gas. A diesel-powered generator may be approved by the Utility Director should natural gas not be available to the site. The City of Pataskala shall own the sewage pumping station and shall use it to flush the public force main, as necessary. A clean water line shall be provided by the developer for the use of the City of Pataskala sewage pumping station and all water used will be metered and billed monthly to the Scenic View Estates HOA. All electric used by the City of Pataskala sewage pumping station shall come from an electric line provided and installed by the contractor and connected to the Scenic View Estates HOA's electric account. A natural gas line for the standby generator for the City of Pataskala sewage pumping station shall be provided by the developer and connected to the Scenic View Estates HOA's natural gas account. All water service, natural gas service and electric service to the City of Pataskala sewage pumping station shall be paid timely by the Scenic View Estates HOA, which shall be solely responsible for the maintenance of the water, natural gas, and electric service lines in perpetuity.

**9. The schedule of site development, construction of structures and associated facilities. Such schedule shall include the proposed use or reuse of existing features**



such as topography, streets, easements and natural areas;

The estimated schedule for site development for phase I is expected to start (subject to plan approvals) in the Spring of 2022. The applicant intends to plat the subdivision, construct the proposed public improvements, and sell lots to prospective buyers. Because of the unique nature of the development, architectural requirements, and custom nature of the construction, it is anticipated that the buildout of phase I, and the development of subsequent phases will happen over a period of several years. Platting and construction may be completed in phases as the development progresses. See Exhibit M for phase I details.

**10. Proposed buffers between incompatible land uses and activities;**

No additional landscaping and screening is being proposed for this development.

**11. Included with the site plan shall be the proposed location and proposed character of all signs for the entire development (sign master plans are encouraged);**

At each entrance to the project the developer intends to install two stone columns and gates, as detailed on Exhibit G, to identify the development and to support and screen the security gate equipment.

Each entry gate shall:

~~Consist of 2 columns to be constructed of an approximately 32" square CMU base to a height of approximately 6.5'-7'. Natural stone veneer and finish materials are subject to change between the different entries but will remain consistent for both columns at each entry.~~

- Display a small placard on the face of each column identifying the development. Placard shall be no larger than 6 square feet in size, shall be laser cut, shall be painted black or other similar dark color, and may be illuminated from behind using low voltage / low intensity LED lighting.

~~Consist of 2 columns to be constructed of an approximately 32" square CMU base to a height of approximately 6.5'-7'. Natural stone veneer and finish materials subject to change between entries but will remain consistent for both columns at each entry.~~

- Have columns capped with gray capstones.

- Be ~~lit~~ illuminated with a small lantern installed at the top of the column and surrounded by a small landscape bed of a minimum 50 square feet in size. Landscaping surrounding the columns shall be primarily flowers or perennials but may be augmented by developer or HOA with additional trees and/or shrubs if desired based on circumstances unique to each gate location. Columns may also have landscape lighting consisting of low voltage uplighting directed at the column.

- Gates shall be constructed of high-quality materials such as wrought iron or a similar more lightweight material such as aluminum, in a vertical picket



pattern typical of driveway gates.

- Column and gates shall be flanked by black crossbuck equestrian fence (Exhibit G) to a distance unique to each entry.
- Gates shall display a custom fabricated image of a tree as shown in the design concept (Exhibit G) when desired. Fabricated image may be different for each entry if desired by the developer.
- Gates and Columns to be submitted with the Final Development Plan for each phase / entry.
- A KNOX box, KNOX padlock, or other Emergency Access device as approved by the West Licking Joint Fire District shall be installed at each Entry Gate.

**12. A letter of communication from the appropriate school district regarding any residential development included in the Planned Development District;**

The superintendent of the school district provided an email to the city earlier. The amended plan has only changed the layout of the lots.

**13. Space for signatures of the applicant and the Chair of the Planning and Zoning Commission, and for the dates of Planning and Zoning Commission and City Council approvals;**

The signatures for the applicant, Chair of the Planning and Zoning Commission, and the City Council are Included on ~~the inside cover of this submittal document~~ Exhibit A.

**G. Development Standards Text; a development standards text document including the special requirements that will govern the design and layout of the proposed Planned District, including:**

1. **Architectural guidelines for each subarea, or phase; Architectural drawings demonstrating the prototypical design of the proposed buildings, to demonstrate the exterior design, character, and general elements in sufficient detail to indicate the proposed visual character of the development.**

The architectural guidelines are as follows:

**OVERALL SITE DEVELOPMENT**

**Land Use**

Single-family homes, ~~and a community recreational use~~ Community Amenity area ~~Area, and with~~ multi-use paths, are the only permitted land use within this development.

**Density**

The 'Scenic View Estates' Planned Residential Development shall include a maximum of 60 dwelling units, or a total gross density of  $\pm .44$  units / acre as shown on the Final development plans submitted with this application and as described in the development text below.

## GENERAL AND SITE REQUIREMENTS

### Permitted Uses

Only single-family residences in ranch, split-level, or two-story configuration, potential community recreational uses, and accessory structures including, but not limited to decks, pools, pergolas, and garages shall be permitted within the Scenic View Estates development. Scenic View Estates HOA Architectural Review Committee approval is required before any building and zoning permits will be approved.

### Permitted Accessory Structures

All accessory uses and structures permitted herein will be subject to the review and approval of the Scenic View Estates HOA. A maximum of 2 accessory structures per lot shall be permitted before a variance is required. Accessory structures shall be designed to match the finish materials and aesthetic of the primary structure. The following accessory structures shall be approved within the 'Scenic View Estates' PRD:

- A minimum 2-car detached garage shall be permitted as an accessory structure.
- Decks and Patios are permitted. Decks and patios shall not be permitted to extend into any established front, side, or rear yard setback, watercourse buffer, or established wetland buffer.
- Trellises, pergola's, gazebo's or other garden structures are permitted provided such structures maintain a minimum 20' from any property line and meet the approval of the Scenic View Estates HOA. Trellises, pergola's, gazebo's, or other garden structures shall not be permitted to extend into any watercourse buffer, or established wetland buffer.
- Private In-ground swimming pools and pool houses provided that such pools and pool houses meet the approval of the Scenic View Estates HOA, include all required code / safety improvements, and are designed to minimize site re-grading. In ground swimming pools or pool houses shall not be permitted to extend into any established front, side, or rear yard setback, watercourse buffer, or established wetland buffer. Pools and pool houses shall only be permitted to the side or rear of the main home and shall not extend forward of the plane created by the front façade of the

home.

- Prefabricated or foundation free sheds shall not be permitted within Scenic View Estates, and no variances will be granted.
- Fencing, matching the existing entry fence as shown in Exhibit G, shall be permitted along the subdivision perimeter at the discretion of the Scenic View Estates HOA. Individual lot perimeter fencing shall not be permitted.
- Small areas for pet containment shall be permitted with fencing approved by Architectural Review Committee and Scenic View Estates HOA, shall not exceed 400 square feet and shall abut the residence or detached garage within the 20' perimeter buffer.
- Fencing shall be permitted as required around pools to meet all applicable safety requirements provided that such fencing is approved by the Scenic View Estates HOA.
- Temporary event tents are allowable for up to 48 hours and shall be removed after such period of time.

## Community Amenity Area

The applicant will provide a 1.26-acre lot at the southwest entry to the development (Devencroft Ridge West) to provide a Community Amenity Area for residents of the Development. The following requirements shall govern the development of the community clubhouse / sales center, and recreational amenities, within the Community Amenity Area:

- Permitted Uses: Within the Community Amenity Area the developer may install a swimming pool and clubhouse / sales center building, sports courts (including, but not limited to, tennis, basketball, pickleball, bocce, and other similar courts), and community gardens.
- Setbacks for the lot on which the Community Amenity Area shall be developed shall be as follows:
  - Front yard Setback – 50' from the centerline of the private road to the clubhouse / sales center structure or any fencing for recreational uses.
  - East Lot Line – 20' for any clubhouse / sales center or pool equipment structure and 5' for any sport court, pool deck, or community garden area including fencing for the same.
  - South Lot Line – 20' for all structures and amenities with the exception of the fencing to be installed with the entry column and gates.
- Clubhouse / Sales Center: Clubhouse / Sales Center Buildings shall meet the following requirements:
  - Clubhouse / sales center shall be a minimum of 1000 square feet in floor area.
  - Clubhouse / sales center shall be constructed of materials meeting



the requirements of the Architectural Guidelines as identified below in this document.

- Height for the Clubhouse / Sales Center shall not exceed 30' as measured from the front façade of the building.
- Fencing shall be permitted within the Community Amenity Area in accordance with the following:
  - Pool fencing shall be a minimum 54" in height and shall be constructed of wrought iron, or aluminum having the appearance of wrought iron and shall have an automatically closing and latching gate and shall meet all requirements of the City of Pataskala and Building Code requirements for public safety. Fencing shall be painted black, or a similarly dark color.
  - Fencing for Sport Court enclosures (such as tennis, basketball, or pickleball) may be chain link and constructed to a height appropriate for such courts. Such fencing shall be painted / coated black or a similarly dark color.
- Structures and amenities may be phased in over time based upon the feedback of future residents to determine the most desirable amenities. All structures and amenities shall be constructed within the setbacks outlined above.
- Parking for the clubhouse shall provided at a minimum ratio of 1 space / 200 square feet of clubhouse. Parking may be installed adjacent to private road, shall be constructed of asphalt paving, and shall include at least 1 handicap space. With the exception of the items noted above parking for the Community Amenity Area to be constructed per Section 1291 of the Pataskala Code.

## Lot sizes

Single family lots will vary in size and configuration as shown on the Preliminary Development Plan, Exhibit D, with a minimum lot area of 1 acre. Single family lots will vary in size and configuration as shown on the Final Development Plan, Exhibit D with a minimum lot area of 1 acre.

## Setbacks required

The minimum front, side, and rear yard setbacks for all lots are as follows:

Front Yard Setbacks - 50' from the ~~private road easement for~~ front lot line for single-family houses.

~~30' from the private road easement for the Clubhouse building.~~

Side Yard Setbacks - 20' from each side lot line

Rear Yard Setbacks - 35' from the rear lot line

Driveways shall be permitted within in any front or side yard setbacks, but in no case shall an individual driveway be installed less than 3' from any property line. Shared driveways between two lots shall be permitted at or across the property line.

### **Dwelling Size and Distribution**

The minimum sizes for finished areas of single-family dwellings, excluding porches, garages, or basements shall be 1,500 square feet for single story homes and 2,000 for one & one half and two-story homes. Basements and crawl spaces shall be a minimum of 600 square feet. The single-family dwelling to be located on lot 5 of the development shall not be required to include a basement or crawl space due to a high water table within this area.

### **Maximum Building Height**

No building shall be erected or enlarged to exceed 35 feet above grade at the front, or garage side, of the dwelling. Two story dwellings with walkout basements shall be permitted to exceed this height at the rear, or walkout portion of the dwelling.

### **Parking**

Each single-family home shall have a minimum 2-car garage and two additional parking spaces in the driveway. Driveways shall be constructed of low impact materials.

### **Required Trash Areas**

All trash and garbage shall be picked up by the City of Pataskala's private refuse company in rolling containers to be stored in the garage, or other location, as to effectively screen them from view of the street.

### **Mail Delivery**

Pursuant to the changes in postal service delivery requirements, as determined by the US Postal Service, postal service to the residents shall be accomplished through the use of cluster mailbox locations. Cluster mailboxes shall be located on each private street entry to the development, and shall be coordinated with, and approved by the US Postmaster in charge of the region. Cluster mailbox



locations shall be indicated in the Final Development Plans for each phase, and the design and construction of cluster mailboxes shall meet all of the requirements of the US Postal Service. The developer may, at his option, install mailbox shelters to cover cluster mailboxes to protect them from inclement weather. Such structures if installed shall be no greater than 15' in height, shall be no greater in area than necessary to shelter the boxes and provide cover for residents accessing their mailbox. Mailbox shelters shall either be constructed of wood or metal and may be custom designed or pre-packaged by a manufacturer. Low voltage downlighting may be permitted within the structures. Shelters shall not extend into the roadway and shall located to as not to obstruct the view of traffic at intersections between private street and common access drives. Shelters shall be submitted to the City of Pataskala Zoning Administrator for review and approval prior to construction.

## ARCHITECTURAL GUIDELINES

### Exterior Walls

#### Acceptable Materials

Wood siding in various profiles including lap, dutch lap, shiplap, tongue and groove, clapboard, rustic lap, and board and batten  
Fiber-cement ("Hardiplank" or equal) siding in the profiles listed above  
Cedar shake siding  
Natural stone, Owens Corning Cultured Stone, or equal  
Brick  
Stucco

#### Prohibited Materials

Wood fiber composites  
Aluminum siding  
Plastic / Vinyl Siding

### Foundations & Piers

#### Acceptable Materials

Poured concrete  
Natural stone, Owens Corning Cultured Stone, or equal  
Exposed concrete block if exposed less than 24"

## Roofs

### Acceptable Materials

25 year or better asphalt or fiberglass shingles  
 Standing seam and batten seam metal  
 Cedar shingles  
 Ceramic and slate tiles  
 Flat rubber roofs

### Methods and Configuration

Roof pitch shall be appropriate with style, generally 6:12 to 12:12. Porch and minor gables roofs may be a minimum of 4:12. Multiple roof styles and shapes, including flat roofs, are permitted if consistent with the architectural style.

## Fascia, Trim, and Soffit

### Acceptable Materials

Wood, painted or stained  
 Prefinished aluminum  
 Fiber-cement (HardiSoffit, HardiPanel or approved equal) or other approved synthetic product

## Windows

### Acceptable Materials

Frame & Sash:  
 Wood  
 Clad wood windows  
 Vinyl  
 Aluminum

## Doors

### Acceptable Materials

Solid wood with glazing and/or panels, painted or stained  
 Fiberglass with glazing and/or panels, painted  
 Insulated metal with glazing and/or panels, painted  
 Wood, Aluminum, or Vinyl sliding glass for patio doors  
 Wood, Aluminum, or Vinyl French glass for patio doors

## Chimneys, Chases, Roof and Wall Vents

### Acceptable Chimney and Chase Materials

Stucco with cap or coping

Natural stone, Owens Corning Cultured Stone, or equal Siding, only with specific approval of the developer if consistent with architectural style

#### Methods and Configuration

Chimneys and chases must be compatible with the building architecture. Wall and roof vents shall be finished in a color compatible with the surrounding material.

#### **Colors**

Exterior colors: The color palette for the proposed buildings shall generally be earth tone or muted colors that blend with the natural environment. High chroma colors are specifically prohibited. Acceptable colors include natural wood stains, white, gray, clay, tans, browns, and beiges. Natural and muted shades of red and green may also be used provided they are more earth tone.

#### **2. Including signature and date lines for the applicant, certifying the text**

See [below the end of this document](#) for signature certification.

#### **3. Dimensions and or acreages illustrated on the development plan shall be described in the development standards text.**

The proposed development encompasses ±136.23 acres and will be subdivided into 60 single-family lots that will range in size from 1 acre up to 5.5 acres.

#### **4. Any provisions that depart from applicable standards set forth in the City of Pataskala Zoning Code addressing signage, landscaping, appearance, and parking will be described and justified.**

- a. The applicant requests a divergence from Section 1113.06(q) of the City of Pataskala Subdivision regulations requiring the installation of streets lights.
- b. The applicant requests a divergence from Section 1117.01 of the City of Pataskala Subdivision Regulations to allow for Cul-de-sac length to exceed 500 feet. The applicant intends to provide private roads into the development, extend from existing township roads, several of which already exceed the maximum 500' centerline distance.
- c. The applicant requests a divergence from Section 1117.10 of the City of Pataskala Subdivision Regulations which require a minimum pavement width of 28 feet. The applicant intends to extend 20' private roads into the development as provided in the Final development plans, Exhibit JJ.
- d. The applicant requests a divergence from Section 1117.15 of the City of Pataskala



Subdivision Regulations to allow for the development of streets without sidewalks. 4 of the 5 street connections are to township roads which currently do not have sidewalks.

- e. The applicant requests a divergence from Section 1121.12 of the City of Pataskala Subdivision Regulations which require curb and gutter on all new streets within the development. Several of the existing township streets being extended into the development do not meet this requirement and it is the intent of the applicant to match these streets, with the new private roads, as they are extended into the site.
- f. The applicant requests a divergence from Section 1255.10(b) of the City of Pataskala zoning code requiring that the development provide a minimum of 35% of common open space and recreational facilities. The applicant will provide a 1.26-acre site at the southwest entry to the development to provide ~~community recreation facilities~~ a Community Amenity Area ~~similar to the Amenity Area Landscape Plans labeled as Exhibits F.~~ Within this ~~community area~~ Community Amenity Area the developer reserves the right to install recreation amenities including, but not limited to, swimming pool and Clubhouse building / sales center, sports courts (tennis, basketball, pickleball, bocce, etc.) and community gardens.
- g. The applicant requests a divergence from the requirements of Section 1283.03 of the City of Pataskala Zoning Code to eliminate the tree replacement requirements for certain facets of this development as described as follows:
  1. Tree Removal and Replacement. On individual home sites no tree removal or site work can take place without prior express approval of the Architectural Review Committee and the City Administrator or their designee. A site plan with tree survey and tree preservation plan must be a part of these submissions pertaining to trees to be removed outside of building site perimeters. The Developer shall have the right to clear trees for the construction of roads, the gate area, parking, utility access points and/or needs, the ~~community center~~ Community Amenity Area and any other amenities without being required to replace any trees so removed.
    - i. Lot disturbance, including, but not limited to, excavation and/or the removal of trees, for all homes within the subdivision shall be limited to an area of no greater than the driveway plus 20 feet around the perimeter of the proposed home and garage. Existing trees beyond the 20- foot perimeter as described above shall not be removed unless they are dead, diseased, or pose a threat to the health, safety and welfare of the lot owners as determined by the City Administrator or his designee. Trees eight (8) inches or greater as measured five (5) feet from ground level may be removed pursuant to Section 1283.03 of the Pataskala

Code if all qualifying trees removed are replaced pursuant to Sections 1283.03 and/or 1283.04 of the Pataskala Code. The lot owner has the right to remove any understory plant material or trees under eight (8) inches in diameter as measured five (5) feet from the ground so long as it does not affect the health of existing trees. Signage indicating the 20-foot perimeter shall be placed on lots as approved by the City of Pataskala following the issuance of a Certificate of Compliance for any new construction on the lot.

- ii. The removal of trees in violation of this Section shall be a violation of the Scenic View Estates Planned Development District regulations, as approved by Ordinance 2019-4341. Whoever violates the Scenic View Estates Planned Development District regulations shall be subject to the penalties, as described in Section 1209.99 of the Pataskala Code and may be required to replace the removed tree(s) as described in Section 1283.03 of the Pataskala Code, pay into the ecological preservation fund as described in Section 1283.04 of the Pataskala Code, or both.
- h. The applicant requests a divergence from Section 1283.05 of the Pataskala Zoning Code which requires the installation of street trees.
- i. The applicant requests a divergence from the Pataskala subdivision regulations Section 1113.06(i) which requires a 25' buffer around naturally occurring wetlands and watercourses. A 25' buffer around all known wetlands and watercourses is established with this plan. No encroachment will be permitted within the established buffers with the exception of the areas identified specifically on the Final plans included with this application. There are approximately 11 acres of wetland and 1-mile of watercourses on this site which require a 25' buffer resulting in approximately 16 acres of buffer required. As identified on the Development Plans, the applicant requests a divergence to reduce setbacks to 5' in some areas to allow for probable homesite locations, a reduction to 0' in one location to allow for a wetland bridge to be constructed in order to gain access to lots #5 through 10, and a reduction to 0' in two locations to allow the construction of bridges for the multi-use path. The applicant has included further explanation of the effects of this encroachment on the EPA / USAC requirements as Exhibit N of this application. Features with buffer reductions or exceptions, as identified on the development plans, shall be included and identified in the individual deeds issued to the owners.
- j. The applicant requests a divergence from section 1291.02(A)(4) of the Pataskala Zoning Code which requires off street parking to be hard surface asphalt, concrete, or pavers. The applicant intends that driveways will be constructed of low-impact materials including gravel and/or chip and tar.

- k. The applicant requests a divergence from Section 1255.10(c) of the Pataskala Zoning Code to forego the requirement that a minimum of 50% of the lots within the development abut common open space.
  - l. The applicant requests a divergence from Section 1295(b)(8) of the Pataskala Zoning Code to allow for more than one (1) subdivision entrance sign at each entryway. As proposed, there will be two (2) small signs, one on each column, at each entry.
  - m. The applicant requests a divergence from Section 1117.17(c) of the Pataskala Subdivision Regulations to allow for lots that will not front on a public thoroughfare.
  - n. The applicant requests a divergence from Section 1117.17(f) of the Pataskala Subdivision Regulations to allow for lots that have an average depth greater than three (3) times its average width.
5. **Provision shall be made to establish a private organization (i.e. homeowners/ or master association) with direct responsibility to provide for the operation and maintenance of all common facilities and amenities that are part of the planned development, and in such instance the legal assurances demonstrating that the private organization is self-perpetuating.**

The Applicant has provided with the Final Development Plan a Final Copy of the Declaration of Covenants, Conditions, Restrictions and Easements for The Scenic View Estates community. A Scenic View Estates HOA has been formed that requires all lot owners to be members of the Association and to be responsible for the maintenance of common properties of the community.

- a. Establishment. Prior to the closing of the sale of the first Parcel with a dwelling on it to a bona fide purchaser, the Board shall determine the total of those estimated funds needed for the balance of that calendar year from the anticipated time of that first closing, and on or before the first day of each calendar year thereafter the Board shall determine the total of those estimated funds needed for that ensuing calendar year.
  - 1. All parties purchasing lots shall be required to make an initial contribution of \$1,000.00 per lot to the Scenic View Estates HOA. Fifty percent (50%) of that initial contribution shall be allocated to reserve funds, and the other to a pool for the purpose of refunding these initial contributions at a later date, cash flow permitting. In addition, each year \$300.00 of each member's Scenic View Estates HOA dues will be allocated to reserve funds, which will be maintained in an interest-bearing savings account, until the total amount of funds deposited into the reserve account reaches \$200,000.00, which is expected to take less than ten (10) years. Once this goal has been achieved,

the Board of Trustees of the Scenic View Estates HOA shall have the right to adjust the allocated amount so long as the balance of the reserve account remains at a level of at least \$200,000.00. If reserve funds are used for any purpose, the Board shall have the option to increase the assessed amount to an additional \$1,500.00 per member in order to pay for essential work. If additional funds beyond the initial \$1,500.00 per Owner are required, the affirmative vote of a majority (51%) of the Members of the Scenic View Estates HOA will be required in order to authorize that additional assessment.

- b. Developer's Role. The Developer shall maintain control over the Scenic View Estates HOA until such time as the last Lot is sold by the Developer. The Developer shall provide the initial funding for the Scenic View Estates HOA, and to cover any shortfalls during the lot sale period.
- c. Initial Funds. Because the land that makes up the Scenic View Estates HOA will be sold in phases, Developer shall make an initial capital contribution to the Scenic View Estates HOA of \$30,000.00 so as to provide start-up funds for the necessary maintenance and repairs in order to maintain the property in its best condition for those items not covered by manufacturer's or builder's warranties, and will be reimbursed to the developer when the last lot is sold and closed.
- d. Amenities. Developer will set aside and shall deed to the Scenic View Estates HOA a 1.26-acre site at the southwest entry to the community for the purposes of developing ~~community recreation facilities~~ a Community Amenity Area that may include, but will not necessarily be limited to, a swimming pool and clubhouse building, a sales center, sports courts (including, but not limited to, tennis, basketball, pickleball, bocce, and other similar courts), and community gardens. The Scenic View Estates HOA shall be responsible for maintaining these amenities once they have been constructed by the Developer.
- e. Continued Existence. The Scenic View Estates HOA shall have perpetual existence, unless no less than 100% of the Owners vote to terminate the existence of the Scenic View Estates HOA after the first ninety-nine (99) years of its existence. For purposes of this section, any Owner who does not vote at all in an effort to terminate the existence of the Scenic View Estates HOA shall be treated as a "no" vote.
  1. In the event that the Scenic View Estates HOA is ever terminated by vote of the Owners, before the Scenic View Estates HOA is formally dissolved, it shall properly transfer all maintenance documentation, accounting documentation, audit reports, and all banking information to the City of Pataskala, and shall transfer all common property to the City of Pataskala. Any entrance gates and columns shall be removed following the termination of the Scenic View Estates HOA; provided, however, that the Scenic View Estates HOA shall have the authority to remove all entrance gates without

terminating the existence of the Association.

2. In the event of a dissolution of the Scenic View Estates HOA, any reserve funds of the Scenic View Estates HOA on hand are to be turned over to the City of Pataskala for the care and maintenance of Common Property.
3. In the event of a dissolution of the Scenic View Estates HOA, the disposition of the following items shall be observed by the Board of Trustees of the Scenic View Estates HOA:
  - a. Any walking paths, bridges across watercourses within the development (excluding ones which are part of common access drives or outside of the City of Pataskala easement) would either be maintained as public walkways by the City of Pataskala, or the City of Pataskala shall close them if the City of Pataskala determines that it does not want to maintain them.
  - b. Individual homeowners shall be responsible for maintaining their own service line, check valves, cleanouts and grinder pumps located at their respective properties. The City of Pataskala shall have no additional liability for the maintenance of those systems."
  - c. The City of Pataskala shall have the right to treat the swimming pool, tennis/basketball court, clubhouse and pool deck, and any other amenity in the ~~community~~ Community amenity Area as it sees fit, either as public facilities, they could be sold, or, if the City of Pataskala prefers, they can be demolished and the land sold. Title to these items shall be transferred to the City of Pataskala upon the dissolution of the Scenic View Estates HOA.
  - d. The City of Pataskala shall have the right to assess, via property taxes, all lots in the Scenic View Estates subdivision for any funds needed to do the things contemplated herein.
  - e. All gateways and landscaping (if any) will come under the jurisdiction and control of the City of Pataskala. Perimeter fences shall be turned over to the respective owners of the Parcels where those fences are located..
  - f. Regret Drive, Middleground Road, Faultless Lane, and Devoncroft Ridge West may become public and maintained by the City of Pataskala.
  - g. Common Access Drive users, by way of cross access easements, shall remain responsible in perpetuity for the cleaning, repair, maintenance and replacement of their Common Access Drives, wetland crossings, bridges and associated drainageways.

## 6. Traffic Issues

The proposed development will be accessed from five (5) separate private road

connections. One (1) connection, in the south west corner, from the Hazelwood subdivision (Devencroft Ridge West), two (2) connections to the east into the Beechwood Trails subdivision (Regret Drive and Middle Ground Road), and two (2) connections to the north into the Beechwood Trails subdivision (Middle Ground Road and Faultless Lane). Each connection point services a smaller sub-section of the Scenic View Estates development, and none of the connection points are connected through the Scenic View Estates development. The largest number of homes served by any one connection point is the 17 homes accessed through Devencroft Ridge West in the Hazelwood subdivision. None of the homes in the development shall be permitted connection or access to Devencroft Ridge East. As of submittal, communication has taken place with the Licking County Engineer's office, and Harrison Township regarding the scope of this development. Coordination with the Licking County Engineer, and with Harrison Township will continue throughout the entire approval process.

Private road connections shall be asphalt paved. Common access drives are all permitted to be gravel roads, or chip and tar, provided that the common access drives are built to support fire and emergency vehicles. Semi-trucks shall be permitted on private roads and common access drives.

## 7. Permitted Land Uses

### Permitted Uses

Only single-family residences in ranch, split-level, or two-story configuration, and customary accessory uses as described below shall be permitted within this development along with a ~~community~~ Community amenity Area at the southwest corner of the development. Within the ~~community~~ Community amenity Area the developer reserves the right to install recreation amenities including a community ~~building~~ clubhouse / sales center. Additional recreational elements may be added later at the discretion of the Scenic View Estates HOA including, but not limited to, swimming pool, sports courts (tennis, basketball, pickleball, bocce, etc.), community gardens, and playgrounds. Pursuant to Pataskala Code Section 1267 only Type A home occupation is permitted within the Scenic View Estates development.



Applicant hereby certifies this Development Standards Text:

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Applicant  
FDT Group, LLC

Date