

## Ordinance 05-2014

### AN ORDINANCE TO AMEND SECTION 1216.03 OF THE CODIFIED ORDINANCES TO ESTABLISH A PUBLIC USE FEE FOR SUBDIVISIONS IN THE VILLAGE OF MINERVA PARK

WHEREAS, Ordinance 5-1989 was passed on November 11, 1989 and codified as Part Twelve (Planning and Zoning Code) in the Codified Ordinances of the Village of Minerva Park; and

WHEREAS, Council deems it necessary to provide for a public use fee as an alternative for public recreational facilities in association with the Subdivision Regulations of the Village of Minerva Park;

NOW, THEREFORE, be it ordained by the Council of the Village of Minerva Park, that:

Section 1. Section 1216.03 is hereby repealed and amended in its entirety to read as follows:

#### 1216.03 LAND DEDICATION FOR PUBLIC RECREATIONAL FACILITIES

- (a) As a prerequisite to the approval of the final plat of a subdivision, the owner or proprietor of each new subdivision for the purpose of transfer of ownership of land shall pay a public use fee into the Parkland Capital Improvement Fund of the Village of Minerva Park in accordance with the fee schedule adopted and approved by Village Council.
- (b) The public use fee shall be in addition to the land dedicated for parks and playground facilities, under Section 1216.02, for a residential subdivision, planned unit development or a subdivision containing residential living units.
- (c) In lieu of the payment of the public use fees hereinbefore provided, Village Council, after receiving the Planning Commission's recommendation, may accept the dedication for public use of an amount of land equal to 0.025 acres per residential or dwelling unit proposed and such land shall be dedicated as a site for the purposes set forth in subsection (b) hereof, except that in no case shall the site exceed twenty-five percent of the total gross site area.
- (d) The Village shall use property acquired under this section for parks, playgrounds, gymnasiums, swimming pools, indoor recreation centers or other public purposes. Such property may be used in connection with a school building or school premises operated by the Board of Education of the Westerville School District and shall be dedicated on a case-by-case basis. Nothing in this section shall prevent any such park or recreational facility from being jointly acquired, operated and maintained by the Village and the Westerville Board of Education, if both parties so agree.
- (e) Under no condition shall any land obtained under this section that is used jointly with any school district be used for the erection of an educational building, storage site, bus terminal, administration facility or other such use.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

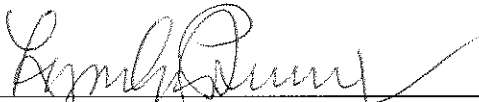
Section 3. All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the Village and for the further reason that it is advisable to have updated fees in full force and effect in advance of acceptance of any new annexations and/or approval of any zoning measures for new developments within the Village; WHEREFORE, this Ordinance shall take effect and be in force from and after its passage.

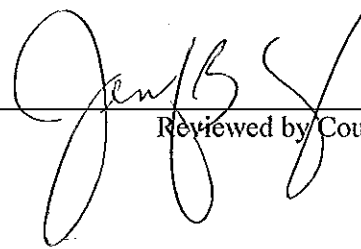


Lynn Eisentrout, Mayor, Village of Minerva Park

First Reading: May 19, 2014  
Second Reading: May 24, 2014  
Third Reading: June 2, 2014  
Passed: June 2, 2014



Attest Lynda Sudderberg, Fiscal Officer,  
Village of Minerva Park



Reviewed by Counsel