



Prepared: 07/08/2016
Introduced: 08/02/2016
Revised:
Adopted: 8/16/2016
Effective: 9/16/2016

ORDINANCE O-16-2016

AN ORDINANCE TO ACCEPT THE GENERAL WARRANTY DEED FOR THE PARCELS KNOWN AS NEW ALBANY COUNTRY CLUB SECTION 20 PART 3 (LANSDOWNE) RESERVES P, Q, AND R (PARCELS 222-004531; 222-004530; AND 222-004529) FROM M/I HOMES OF CENTRAL OHIO, LLC FOR PUBLIC PARKLAND AND OPEN SPACE

WHEREAS, Resolution R-24-2012 was adopted by the New Albany City Council on February 21, 2012 approving the final plat for New Albany Country Club Section 20 Part 3, known as Lansdowne part 3, which included the commitment to dedicate reserves P, Q, and R to the city for public parkland and open space; and

WHEREAS, the general warranty deeds have since been provided to the City of New Albany by M/I Home of Central Ohio, LLC granting to the city the parkland and open space which was required and committed to; and

WHEREAS, New Albany City Council has agreed to the terms and conditions by which this parkland and open space will be donated.

NOW, THEREFORE, BE IT ORDAINED by Council for the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

Section 1. City Council hereby accepts the lands, described in the general warranty deed attached hereto as Exhibit A and shown on the map attached hereto as Exhibit B, under the terms and conditions outlined and the covenants and restrictions stipulated in the deed and final plat.

Section 2. That the general warranty deed is attached to this Ordinance and made a part hereof as if fully reproduced herein.

Section 3. 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 and that all deliberations of this Council and any decision making bodies of the City of New Albany which resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements of the City of New Albany, Franklin and Licking Counties, Ohio.

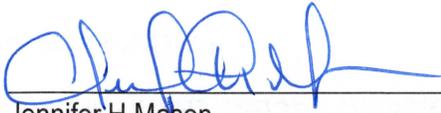
Section 4. Pursuant to Article VI, Section 6.07(a) of the charter of the City of New Albany, this Ordinance shall be in effect on and after the earliest period allowed by law.

CERTIFIED AS ADOPTED this 16th day of August, 2016.

Attest:

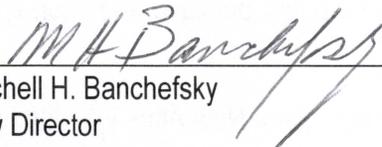


Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Mitchell H. Banchefsky
Law Director

Exhibit A
To Ordinance O-16-2016

LIMITED WARRANTY DEED

M/I HOMES OF CENTRAL OHIO, LLC, an Ohio limited liability company, for valuable consideration paid, grants with limited warranty covenants, to the **CITY OF NEW ALBANY, OHIO**, an Ohio municipal corporation whose tax mailing address is 99 W. Main Street, New Albany, Ohio 43054, the real property more particularly described on Exhibit A attached hereto and made a part hereof.

Parcel Nos.: 222-004531-00; 222-004530-00; and 222-004529-00.

Prior Instrument Reference: Instrument No. 200901290011037,
Recorder's Office, Franklin County, Ohio.

The foregoing conveyance is made subject to taxes and assessments not yet due and payable; easements, conditions and restrictions of record, legal highways and zoning ordinances.

M/I Homes of Central Ohio, LLC has caused its duly authorized officer to execute this deed this ____ day of _____ 2016.

M/I HOMES OF CENTRAL OHIO, LLC
an Ohio limited liability company

By: _____
J. Thomas Mason, Executive Vice President and Chief
Legal Officer

Exhibit A
To Ordinance O-16-2016

STATE OF OHIO:
COUNTY OF FRANKLIN: SS

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by J. Thomas Mason, Executive Vice President and Chief Legal Officer of M/I homes of Central Ohio, LLC, an Ohio limited liability company, on behalf of the company.

Notary Public

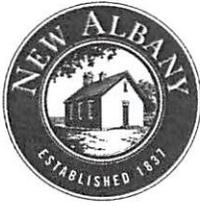
This Instrument Prepared by: M/I Homes of Central Ohio, LLC, 3 Easton Oval, Suite 500,
Columbus, Ohio 43219

Exhibit A
To Ordinance O-16-2016

EXHIBIT A

Situated in the State of Ohio, County of Franklin, and City of New Albany:

Being Reserves P, Q, and R of NEW ALBANY COUNTRY CLUB SECTION 20, PART 3, as the same are numbered and delineated on the recorded plat thereof, of record in Plat Book 115, page 44, Instrument Number 201210290163521, Recorder's Office, Franklin County, Ohio.



Prepared: 07/20/2016
Introduced: 08/02/2016
Revised:
Adopted: 8/16/2016
Effective: 8/16/2016

ORDINANCE O-17-2016

AN ORDINANCE TO AMEND CHAPTER 1147 "C-2 GENERAL BUSINESS (COMMERCIAL) DISTRICT" OF THE CITY OF NEW ALBANY, OHIO'S CODIFIED ORDINANCES.

WHEREAS, it has been found that the Codified Ordinances of the City of New Albany, Chapter 1147, needs to be amended; and

WHEREAS, city staff recently became aware of a missing provision in this zoning district that results in this district being inconsistent with other commercial zoning districts' use hierarchy; and

WHEREAS, the Planning Commission has held a public hearing and received public input into the amendment of the Zoning Ordinance; and

WHEREAS, the Planning Commission recommended approval of the proposed amendments to the Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by Council for the city of New Albany, Counties of Franklin and Licking, State of Ohio, that:

Section 1. The Codified Ordinance Chapter 1147 "C-2 General Business (Commercial) District" be amended (labeled Exhibit A), as requested by the City of New Albany.

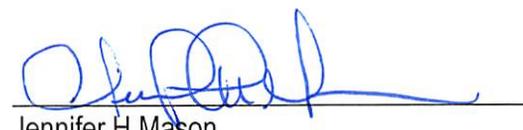
Section 2. This Ordinance is passed and shall take effect and be in force on the earliest date allowed by law.

Section 3. Pursuant to Article 6.07(b) of the New Albany Charter, this Ordinance shall become effective thirty (30) days after adoption.

CERTIFIED AS ADOPTED this 16th day of August, 2016.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:



Mitchell H. Banchevsky
Law Director

Exhibit A

📖 CHAPTER 1147 C-2 General Business (Commercial) District

1147.01 Purpose.

1147.02 Permitted uses.

1147.03 Conditional uses.

1147.04 Development standards.

CROSS REFERENCES

District established - see P. & Z. Ch. 1125.01

Off-street parking and loading - see P. & Z. Ch. 1167

Signs - see P. & Z. Ch. 1169

Service stations - see P. & Z. 1165.09

📖 1147.01 PURPOSE.

The purpose of the General Business District is to provide for the orderly development of a wide range of commercial and retail activity. The General Business District is intended to provide for a more intense type of commercial activity than in the C-1 District and should generally not be located adjacent to a single-family residential district.

(Ord. 37-2004. Passed 8-17-04; Ord. 08-2006. Passed 9-5-06.)

📖 1147.02 PERMITTED USES.

(a) Any use or structure specified as a permitted use in the C-1 District.

(ba) Administrative, business and professional offices as permitted in Section 1143.02(a) and (b).

(cb) Retail stores primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of these goods:

(1) Food and food products, consisting of: grocery, meat, fish, fruit or vegetable markets or combinations thereof, dairy or bakery products, specialty food stores such as candy or confectionery, and miscellaneous food stores which conform to the purpose of the General Business District.

(2) General merchandise, consisting of: department stores, and limited price variety stores.

(3) Home furnishings, consisting of: furniture and equipment sales, radio, television, and music stores.

(4) Building material retail stores, not having outside storage of material, consisting of: plumbing and electrical supplies, paint, wall paper, upholstery, and interior decorating stores, and hardware stores.

(5) Apparel, consisting of: clothing, furnishings, and accessory items for men, women and children, custom tailor shops and combined apparel sales and personal service operations, and miscellaneous apparel and accessory stores.

(6) Similar retail stores, including: drug stores, florists, gift and novelty stores, books and newspapers, camera, photographic and optical goods, jewelry, and other retail stores which conform to the purpose and intent of the General Business District.

(~~d~~e) Personal services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible property or the provision of tangible services for personal consumption including:

(1) Restaurants, but not including restaurants with drive-through facilities.

(2) Banks, savings and loans, and credit agencies, but not including establishments with drive-through facilities.

(3) Barber and beauty shops.

(4) Self-service laundries.

(5) Dry-cleaning establishments.

(6) Funeral services.

(7) Human medical and dental clinics.

(8) Radio, television, or small appliance repair.

(9) Public and private parking areas.

(10) On-premises duplication and reproduction facilities.

(11) Equipment rental or leasing, not including outdoor storage of material.

(~~e~~d) Business services engaged in the providing of services to business establishments on a fee or contract basis, consulting services, protective services, office equipment rental, lease or purchase, commercial research and development.

~~(e) Off premises signs, subject to the regulations of Section 1169.08(e).~~

(f) Religious exercise facilities and related uses.

(g) Similar uses, as determined by the Planning Commission, in accordance with the provisions of Section 1127.02+(e).

(Ord. 37-2004. Passed 8-17-04; Ord. 08-2006. Passed 9-5-06.)

1147.03 CONDITIONAL USES.

(a) Drive-through facilities to be developed in association with a permitted use.

(b) New and used car sales and service, provided all operations except for display and sales are located completely within an enclosed building.

(c) Gasoline service stations, or retail convenience stores selling gasoline as an ancillary activity.

(d) Veterinary offices and animal hospitals.

(Ord. 37-2004. Passed 8-17-04; Ord. 08-2006. Passed 9-5-06.)

 **1147.04 DEVELOPMENT STANDARDS.**

(a) Lot Area. No minimum lot area is required; however, lot area shall be adequate to provide the required parking and yard areas.

(b) Lot Width. No minimum lot width is required; however, all lots shall abut an improved public street designated on the New Albany Thoroughfare Plan as having not less than minor arterial status.

(c) Front Yard Setback. The minimum front yard setback shall be the average of existing commercial structures on the same side of the street and facing thereon within the same block. Where there are not adjacent commercial structures, the front yard setback shall be not less than fifty (50) feet measured from the street right-of-way.

(d) Side Yards. Fifteen (15) feet to any structure.

(e) Rear Yards. Twenty (20) feet to any structure.

(f) Parking and Loading. Parking and loading requirements shall be as specified in Chapter 1167. In addition, parking spaces shall be designed to allow a minimum of five (5) feet between any structure and any parked vehicle.

(g) Landscaping. The landscaping of all parking and service areas shall meet the requirements of Chapter 1171. If side or rear yards are adjacent to any district where single-family or two-family residences are a permitted use, landscaping and screening shall also be required in those yards to meet the requirements of Chapter 1171.

(h) Trash and Garbage Control. All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

(Ord. 37-2004. Passed 8-17-04; Ord. 08-2006. Passed 9-5-06.)