Prepared: 07/08/2016
Introduced: 08/02/2016
Revised:
Adopted:
Effective:

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.

PROPOSED

CERTIFIED AS ADOPTED this _____ day of _____, 2016.

Attest:

_____ _____

Sloan T. Spalding
Mayor

Jennifer H Mason
Clerk of Council

Approved as to form:

_____

Mitchell H. Banchefsky
Law Director

PROPOSED

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.

NEW ALBANY COUNTRY CLUB
SECTION 20 PART 3

PLAT BOOK 115 PG 45

2/2

Exhibit B

NOTE "A": No determination has been made by the City of New Albany, Ohio as to whether the area proposed to be platted contains area(s) that could be classified as Wetlands by the Army Corps of Engineers. It is the developer's responsibility to determine whether Wetlands exist on the area hereby platted. The City of New Albany, Ohio, approval of this final plat of The New Albany Country Club Section 20 Part 3 does not imply any approval of the site as it may pertain to Wetlands.

NOTE "B": All of the area hereby platted is within Zone X (areas determined to be outside of the 0.2% annual chance floodplain) as shown on Federal Emergency Management Agency Flood Insurance Rate Map for Franklin, County, Ohio and Incorporated Areas, map numbered 39049C0204 K with effective date of June 17, 2008.

NOTE "C" - DEPRESSED DRIVEWAYS: Depressed driveways are hereby prohibited on all lots in The New Albany Country Club Section 20 Part 3. Nothing herein, however, shall prohibit the construction and use of, if otherwise permitted, a driveway alongside or to the rear of a residential structure.

NOTE "D" - RESERVE "M" AND RESERVE "N": Reserve "M" and Reserve "N", as designated and delineated hereon shall be owned and maintained by an association comprised of the owners of the fee simple titles to the lots in all of the parts of New Albany Country Club Section 20, which is called the Lansdowne Homeowner's Association, Inc, said association will be a separate entity from the New Albany Country Club Homeowners Association, Inc. The alleys constructed within said Reserve "M" and Reserve "N" will be private alleys which will be owned and maintained by said Lansdowne Homeowner's . These alleys will not be dedicated to the City of New Albany and the City of New Albany will not be responsible for the maintenance of said alleys.

NOTE "E" - RESERVE "Q" AND RESERVE "R": Reserve "Q" and Reserve "R" as designated and delineated hereon, shall be owned by the City of New Albany, Ohio and be maintained by The New Albany Country Club Community Homeowners Association, Inc. Said Reserves shall be maintained by said association at its cost and at its risk and said association shall hold the City of New Albany, Ohio, harmless from actions resulting from said maintenance. Said Reserves shall be designed and maintained so as not to obstruct the view of persons operating motor vehicles in, entering or exiting the public street adjacent to said island.

NOTE "F": All vehicular access to lots will be from private alley rather than from public street with the exception of Lots 93, 94 and 95.

NOTE "G": As per the City of New Albany Zoning Department, a notice is hereby given to the potential owners to the fee simple titles to the lots in New Albany Country Club Section 20 Part 3, that within Reserve "O" there will be constructed retention ponds with depths up to approximately 15 feet.

NOTE "H" - RESERVE "O": Reserve "O" as designated and delineated hereon shall be owned and maintained by the New Albany Communities Master Association, Inc.

NOTE "I" - RESERVE "P": Reserve "P" as designated and delineated hereon, shall be owned by the City of New Albany, Ohio and maintained by the New Albany Communities Master Association, Inc. said association shall maintain said Reserve "P" for a period ending twenty (20) years after the date of recordation of this plat of New Albany Country Club Section 20 Part 3 in the plat of records of the Franklin County, Ohio, Recorder, and shall, during said maintenance period, maintain said Reserve "P" at it's cost and at its risk and shall hold the City of New Albany, Ohio, harmless from actions resulting from said maintenance. Reserve "P" is to be conveyed to the City of New Albany, Ohio, at the time of recordation.

NOTE "J" - LOTS 92, 93 AND 94: On each of Lots 92, 93 and 94, no building shall be constructed which has an opening, unprotected from flooding, in its foundation wall which is lower than the flood protection elevation for that lot given in the following table:

Lot No.	Flood Protection Elevation (USGS Datum 1929)
92	955.9
93	955.9
94	955.9

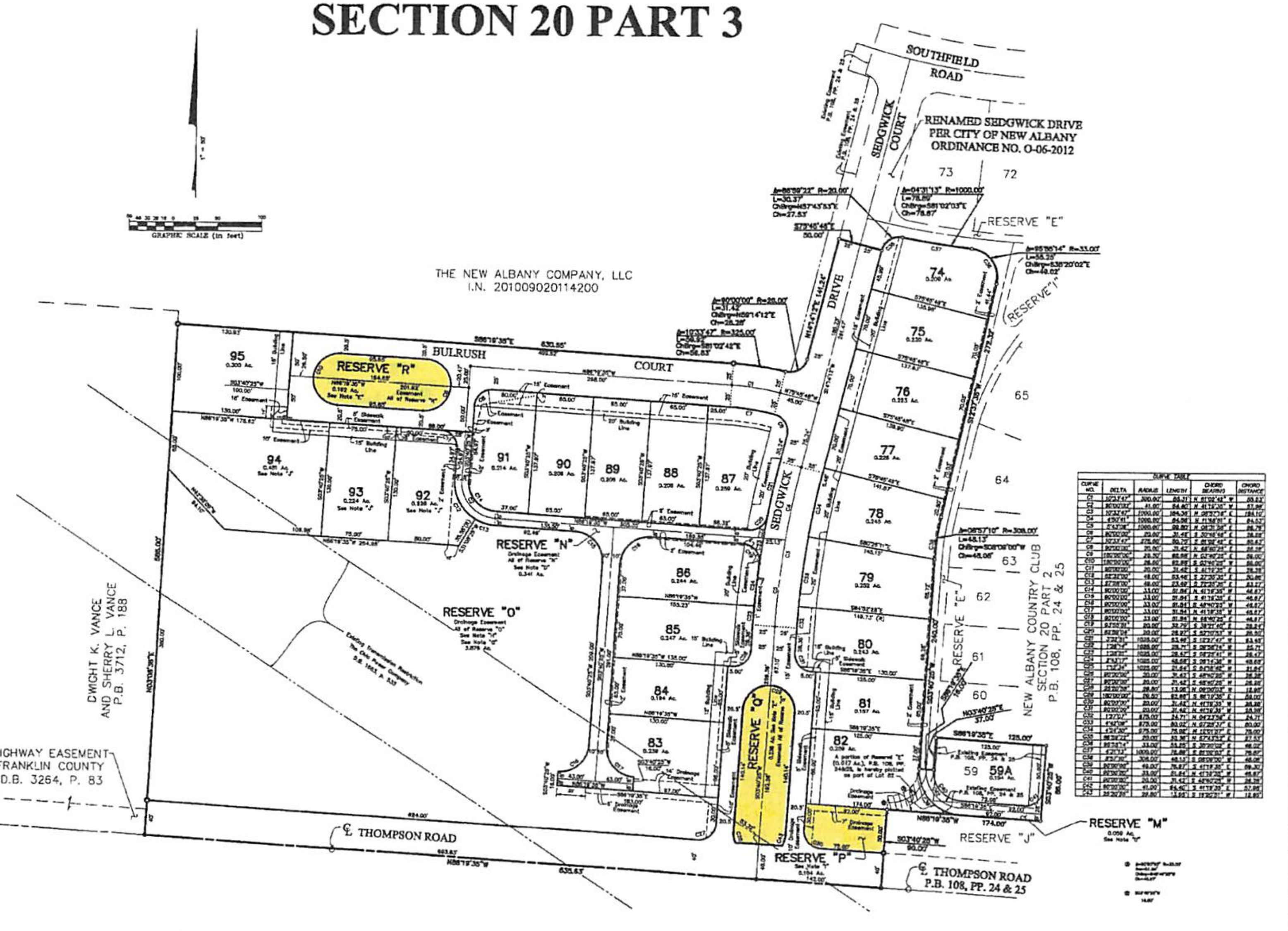
The forgoing flood protection elevation is approximately 2.0 feet above the 100 year flood elevation.

NOTE "K" - ACREAGE BREAKDOWN:

Total acreage:	12.596 Ac.
Acreage in rights-of-way:	2.280 Ac.
Acreage in remaining lots:	5.506 Ac.
Acreage in Reserves:	4.810 Ac.

NOTE "L" - ACREAGE BREAKDOWN: New Albany Country Club Section 20 Part 3 is comprised of the following Franklin County Parcel Numbers.

Parcel Number 222-000362	12.314 Ac.
Parcel Number 222-003610	0.259 Ac.
Parcel Number 222-003626	0.023 Ac.



CURVE TABLE

CURVE NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD DISTANCE
C1	10°33'47"	300.00'	55.31'	N 81°02'42" W	55.23'
C2	90°00'00"	41.00'	64.40'	N 41°19'35" W	57.98'
C3	10°33'47"	1000.00'	184.38'	N 08°37'18" E	184.10'
C4	4°50'41"	1000.00'	84.56'	N 11°58'51" E	84.53'
C5	5°43'06"	1000.00'	99.80'	N 08°31'35" E	99.76'
C6	90°00'00"	20.00'	31.42'	S 30°46'46" E	28.28'
C7	10°33'47"	275.00'	50.70'	S 81°02'42" E	50.63'
C8	90°00'00"	20.00'	31.42'	N 48°40'25" E	28.28'
C9	180°00'00"	28.50'	89.54'	N 03°40'25" E	57.00'
C10	180°00'00"	28.50'	89.54'	S 03°40'25" W	57.00'
C11	90°00'00"	20.00'	31.42'	S 41°19'35" E	28.28'
C12	63°38'00"	48.00'	53.46'	S 27°30'35" E	50.86'
C13	27°38'00"	48.00'	23.49'	S 72°35'35" E	23.27'
C14	90°00'00"	33.00'	51.84'	N 41°19'35" W	46.67'
C15	90°00'00"	33.00'	51.84'	S 41°19'35" E	46.67'
C16	90°00'00"	33.00'	51.84'	S 48°40'25" W	46.67'
C17	90°00'00"	33.00'	51.84'	N 41°19'35" W	46.67'
C18	90°00'00"	33.00'	51.84'	N 48°40'25" E	46.67'
C19	93°55'31"	20.00'	32.79'	S 38°21'40" E	29.24'
C20	82°38'04"	20.00'	28.87'	S 52°10'53" W	26.50'
C21	2°52'31"	1025.00'	51.46'	S 12°27'47" W	51.45'
C22	1°26'14"	1025.00'	25.71'	S 08°56'14" W	25.71'
C23	1°28'01"	1025.00'	26.47'	S 08°29'41" W	26.47'
C24	2°43'17"	1025.00'	48.68'	S 09°14'38" W	48.68'
C25	1°12'24"	1025.00'	21.64'	S 04°56'42" W	21.64'
C26	90°00'00"	20.00'	31.42'	S 48°40'35" W	28.28'
C27	90°00'00"	20.00'	31.42'	S 48°40'25" W	28.28'
C28	25°20'58"	29.50'	13.05'	N 09°00'03" W	12.95'
C29	180°00'00"	29.50'	92.68'	S 86°19'35" E	59.00'
C30	90°00'00"	20.00'	31.42'	N 41°19'35" W	28.28'
C31	90°00'00"	20.00'	31.42'	N 41°19'35" W	28.28'
C32	1°37'07"	875.00'	24.71'	N 04°23'56" E	24.71'
C33	4°42'08"	875.00'	80.02'	N 07°25'37" E	80.00'
C34	4°51'30"	875.00'	75.08'	N 12°01'27" E	75.00'
C35	86°59'22"	20.00'	30.37'	N 57°43'53" E	27.53'
C36	95°58'14"	33.00'	55.28'	S 38°20'02" E	49.02'
C37	4°31'13"	1000.00'	78.89'	S 81°02'03" E	78.87'
C38	8°57'10"	308.00'	48.13'	S 08°09'00" W	48.08'
C39	90°00'00"	49.00'	76.97'	S 41°19'35" E	69.30'
C40	90°00'00"	33.00'	51.84'	N 41°19'35" W	46.67'
C41	90°00'00"	20.00'	31.42'	S 48°40'25" W	28.28'
C42	90°00'00"	41.00'	64.40'	S 41°19'35" E	57.98'
C43	25°20'58"	29.50'	13.05'	S 19°20'21" W	12.95'

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

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 _____ day of _____, 2016.

Attest:

Sloan T. Spalding
Mayor

Jennifer H Mason
Clerk of Council

PROPOSED

Approved as to form:

_____

Mitchell H. Banchefsky
Law Director

PROPOSED

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~~1~~(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.)

Prepared: 08/05/2016
Introduced: 08/16/2016
Revised:
Adopted:
Effective:

ORDINANCE O-18-2016

AN ORDINANCE TO AMEND AND READOPT THE OFFICIAL ZONING MAP

WHEREAS, it has been found the official zoning map contains an error and needs to be amended; and

WHEREAS, the current City of New Albany Official Zoning Map was adopted January 24, 2012 by Ordinance 01-2012; and,

WHEREAS, city council has, since 2012, approved amendments to the Official Zoning Map; and,

WHEREAS, Codified Ordinance 1125.03 allows city council by ordinance to adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map to correct errors.

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 City of New Albany Official Zoning Map is hereby readopted as attached as Exhibit A hereto and incorporated herein in its entirety and the mayor and council clerk are authorized to sign said map.

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

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

CERTIFIED AS ADOPTED this _____ day of _____, 2016.

PROPOSED

Attest:

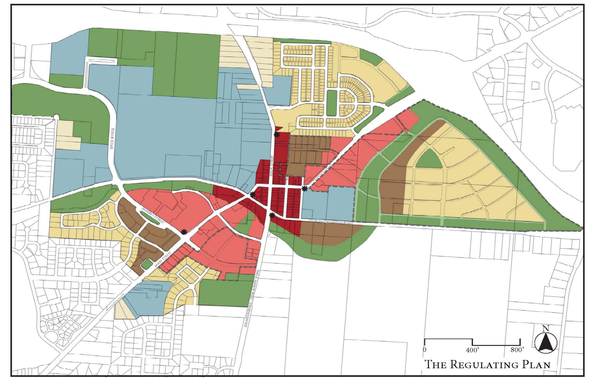
_____	_____
Sloan T. Spalding	Jennifer H Mason
Mayor	Clerk of Council

Approved as to form:

_____
Mitchell H. Banchefsky
Law Director

PROPOSED

New Albany
Urban Center Code



The Regulating Plan

- *Historic Center*
- *Village Core*
- *Core Residential*
- *Village Residential*
- *Rural Residential*
- *Campus*
- *Open Space*
- *Conceptual Area Boundary*

The area inside the boundary is conceptual only for the purpose of determining recommended sub-districts and street layout.

- *Required Architectural Focal Point*

Legend

Zoning Districts

AG	Agricultural District
R-1	Residential Estate District
R-2	Low-Density Single-Family Residential District
R-3	Medium-Density Single-Family Residential District
R-4	Suburban Single-Family Residential District
R-5	Historic Village Single-Family Residential District
R-6	Two Family Residential District
R-7	Urban Density Residential District
UC	Urban Center District
OR	Office Residential District
O	Office District
OCD	Office Campus District
C-1	Neighborhood Business District
C-2	General Business District
C-3	Highway Business District
CF	Community Facilities District
LI	Limited Industrial District
GE	General Employement District
CPUD	Comprehensive Planned Unit Development
IPUD	Infill Planned Unit Development
FP	Flood Plain Overlay District
ARD	Architectural Review Overlay District
L	Limited Overlay District

County Boundary
New Albany Boundary
Parcels
PUD Developed Under UCD
Village Center Boundary

0 500 1,000 2,000 3,000 4,000 Feet

Created August 5, 2016.

N

EXHIBIT A to O-18-2016

Official Zoning Map

City of New Albany, Ohio

This is to certify that this is the official zoning map referred to in Section 1125.02 of the Codified Ordinances of the City of New Albany, Ohio

Sloan Spalding
Mayor

Jennifer Mason
Clerk of Council