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Adopted: 05/15/2018
Effective: 06/15/2018

ORDINANCE O-03-2018

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 35.0 +/- ACRES OF LAND AT 7100 NEW ALBANY CONDIT ROAD AND GENERALLY LOCATED EAST OF STATE ROUTE 605/ NEW ALBANY-CONDIT ROAD, SOUTH OF NEW ALBANY ROAD EAST, AND NORTH OF CENTRAL COLLEGE ROAD FOR AN AREA TO BE KNOWN AS "YERKE WEST ZONING DISTRICT" FROM ITS CURRENT ZONING OF "C-PUD" COMPREHENSIVE-PLANNED UNIT DEVELOPMENT TO "I-PUD" INFILL-PLANNED UNIT DEVELOPMENT AS REQUESTED BY EPCON COMMUNITIES C/O AARON UNDERHILL ESQ

WHEREAS, Council of the City of New Albany has determined that it is necessary to rezone certain property located in the City of New Albany to promote orderly growth and development of lands; and

WHEREAS, Rocky Fork-Blacklick Accord, Planning Commission and Council of the City of New Albany, on separate occasions, have held public hearings and received public input into the amendment of the zoning ordinance; and

WHEREAS, pursuant to the application of Epcon Communities c/o Aaron Underhill Esq., the Rocky Fork-Blacklick Accord and Planning Commission of the City of New Albany have reviewed the proposed ordinance amendment and recommended its approval.

WHEREAS, Epcon Communities has committed to contributing funds to the Franklin County Metropolitan Park District and/or the City of New Albany to fulfill the city-required parkland requirement as described in the letter dated April 19, 2018 attached as Exhibit B.

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

Section 1. Council of the City of New Albany hereby amends the Zoning Ordinance Map of the City of New Albany to change the zoning classification of the following described sites:

- A. A 35.0 ± acre area of land located generally located east of State Route 605/New Albany-Condit Road, south of New Albany Road East, and north of Central College Road for an area to be known as "Yerke West Zoning District" from its current zoning of "C-PUD" Comprehensive Planned Unit Development to "I-PUD" Infill Planned Unit Development;
- B. The zoning district's text and site plan is hereby attached and marked as Exhibit A.


Section 2. That it is hereby found and determined that all formal actions of this council concerning and relating to the passage of this ordinance were adopted in an open meeting of the council and any decision making bodies of the City of New Albany which resulted in such formal action were in meetings

open to the public or in compliance with all legal requirements of the City of New Albany, Counties of Franklin and Licking, State of Ohio.

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

CERTIFIED AS ADOPTED this 15 day of May, 2018.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Mitchell H. Banchefsky
Law Director

YERKE WEST ZONING DISTRICT

INFILL PLANNED UNIT DEVELOPMENT (I-PUD) ZONING TEXT

April 12, 2018

I. **Introduction:** The Yerke West Zoning District will facilitate the development of a 100% age-restricted residential community. This zoning district will consist of housing that is age restricted in accordance with the “Housing for Older Persons Exemption” (codified at 42 U.S.C. § 3607) (the “HOPA Exemption”) of The Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3601–3619) (the “Act”). The Act and the HOPA Exemption provide in part that, in order for a residential development to meet the requirements to be age-restricted, at least 80 percent of the units in the development must have at least one occupant who is 55 years of age or older. The applicant, Epcon Communities, commits to exceed the 80 percent minimum by subjecting all of the homes to the age restriction. Furthermore, the applicant shall prohibit any permanent residents within the community who are under the age of 21 to the extent permitted by law.

The local housing market in New Albany continues to demand expanded residential opportunities for members of the community who desire to continue to live in the City but seek to transition to smaller homes after their children have grown and moved away. The product being provided on this property will provide universal lawn maintenance, a private amenities center to serve the community, and homes that are specifically designed to serve the distinct needs and desires of an older resident.

II. **Permitted Uses:** Permitted uses in this zoning district shall be as follows:

A. Single-family detached residences, subject to the age restriction requirements which are detailed in Section II.C below;

B. Twin-single family attached residences, subject to the age restriction requirements which are detailed in Section II.C below and the maximum number of this type of building/units as described in Section VI.B below.

C. Publicly or privately-owned parks and open spaces;

D. One private amenities center/clubhouse, which may include a fitness center, gathering spaces, outdoor pool, and/or other recreational and social facilities, amenities, and improvements serving only the residents living in this zoning district; and

E. Residential model homes. A temporary sales office shall be permitted to be operated until the first model home is open for use. The temporary sales office shall consist of a temporary structure used by the homebuilder or developer to display home styles and lot availability in the subdivision to promote the sale of new housing units. The model

homes and temporary sales office may be staffed and furnished. Model homes and temporary sales offices shall be subject to the review and approval of the Planning Commission in accordance with Section 1133.04(d) of the Codified Ordinances of the City of New Albany. Notwithstanding anything to the contrary in the City's Codified Ordinances, upon approval of a final plat by the City the developer may commence construction of model homes and/or the private amenities center/clubhouse. Construction of model homes and/or the private amenities center/clubhouse may occur in advance of, or in conjunction with, installation of public infrastructure for the subdivision.

III. **Development Standards:** Homes shall comply with the design guidelines of the development standards in this text. Unless otherwise specified in the submitted drawings or in this written text the development standards of Title Five of Part Eleven of the Codified Ordinances of the City of New Albany shall apply to this zoning district. If there is a conflict between the development standards contained in the Codified Ordinances and this text, the standards contained in this text shall govern.

IV. **Age Restriction:** Homes within this zoning district shall be age restricted in accordance with the Act and the HOPA Exemption so that 100% of the homes shall be required to have at least one occupant that is age 55 or older. Should the Act and/or the HOPA Exemption be amended at any time following the effective date of this zoning text so that it becomes illegal to market and operate this zoning district in accordance with the immediately preceding sentence, then this zoning district shall be permitted to be developed and operated in accordance with the amended law. The applicant further agrees that the community shall not permit permanent residents in the community who are under the age of 21 to the extent permitted by law.

Prior to being issued a temporary or permanent certificate of occupancy for the first home in each phase of construction in this zoning district, the applicant/developer shall deliver written and legally binding documentation to the City to provide confirmation that the phase legally complies with the Act and the HOPA Exemption. The issuance of a zoning compliance permit, building permit, or any other permit required to be issued by the City for the development of this zoning district shall not constitute a representation or warranty by the City or any of its administrative or elected officials that the development project does, in fact, comply with the requirements of the Act and/or the HOPA Exemption. Compliance with the Act and the HOPA Exemption shall be the sole responsibility of the property owner(s), the applicant/developer of the property, and the HOA (as such term is defined in the next paragraph). Failure to comply with the Act and/or the HOPA Exemption shall constitute a zoning violation that is enforceable by the City.

Also, prior to the issuance of the first building permit for construction of a home in this zoning district, the applicant/developer shall provide evidence to the City that it has recorded, with the Office of the Recorder of Franklin County, Ohio and against all portions of the zoning district, a written restriction (a "**Recorded Restriction**") requiring that the property may only be developed and operated in accordance with the Act and the HOPA Exemption as described in the immediately preceding paragraph. The Recorded Restriction shall provide the City with the

legal right, as a third-party beneficiary thereunder, to compel the applicant/developer and all other future owners of any portion of real property that is the subject of the final plat to adhere to the requirements of the Act and the HOPA Exemption. Prior to recording the Recorded Restriction, the applicant/developer shall deliver a draft copy of the Recorded Restriction to the City's Law Director for reasonable review and confirmation (which shall not be unreasonably withheld or delayed) that the instrument does, in fact, require the real property which is the subject thereof to adhere to the requirements of the Act and the HOPA Exemption.

V. Homeowners' Association: Prior to selling the first home that is built in this zoning district, the applicant/developer shall create a forced and funded homeowners' association (an "HOA") that shall apply to all property owners in this zoning district. The written instruments that create the HOA shall be recorded if required by applicable law and shall require each homeowner in the zoning district to pay an assessment charge to the HOA for the purpose of funding the HOA's operations and obligations. The HOA shall be responsible for maintaining the private amenities center/clubhouse and associated improvements, maintaining entry signs and entry features, providing lawn maintenance on each individual lot, and maintaining open space and/or parkland as determined in an approved final development plan for this zoning district. "Lawn maintenance" shall include, at a minimum, regular mowing of lawns, fertilization and weed treatment, landscape trimming and landscape bed edging, and other maintenance as determined by the HOA. Maintenance of the exterior facades and roofs of homes shall be the responsibility of each individual homeowner.

In addition to the foregoing, once the last home in this zoning district has been sold by the applicant/developer to a third-party purchaser, the HOA shall be responsible for undertaking all actions which are necessary in order for the community to comply with the requirements of the Act and HOPA Exemption as contemplated in Section II.C above. Such obligations shall include, but shall not be limited to, (i) the publishing of and adherence to policies and procedures that demonstrate the intent to operate all homes in the zoning district as "55 or older" housing; and (ii) compliance with the Department of Housing and Urban Development's (HUD's) regulatory requirements for age verification of residents. No later than thirty (30) days after filing reports and any other required information with HUD or other regulatory authorities as required by the Act, the HOPA Exemption, and applicable federal administrative regulations, the applicant/developer (until such time as the last home in this zoning district is sold to a third party) or the HOA (after such time as the last home in this zoning district is sold to a third party) shall file copies of the same with the City for its records.

VI. Density, Lot and Setback Commitments:

A. Number of Units: There shall be a maximum of 105 units in this zoning district. In addition, one private amenities center/clubhouse shall be permitted.

B. Unit Types: Two types of residential units shall be permitted, specifically single-family detached units and twin-single attached units. Single-family units shall be permitted on all lots. Twin-single attached units shall be permitted only on lots with rear

lot lines that touch the northern perimeter boundary of the zoning district, except that the westernmost lot located along the northern perimeter boundary shall be required to be developed only with a single-family home. Each unit within a twin-single attached product shall be deemed one unit for purposes of calculating density. A maximum of 8 twin-single attached buildings (i.e., a maximum of 16 units) shall be permitted. The permissible locations for twin-single attached units are illustrated in one or more plans which accompany this zoning text.

C. Minimum Square Footage: Each single-family home shall have a minimum of 1,600 square feet of living area and each twin-single attached home shall have a minimum of 1,450 square feet, exclusive of garages, basements, and porches.

D. Minimum Lot Widths: There shall be a minimum lot width of 52 feet at the building line.

E. Minimum Lot Depths: The minimum lot depth shall be 115 feet.

F. Minimum Setbacks:

1. SR 605: There shall be a minimum building and pavement setback of 250 feet as measured from the centerline of State Route 605/New Albany-Condit Road.
2. Front Yards: The minimum front yard setback shall be 20 feet from the edge of right of way for each home.
3. Side Yards: There shall be a zero setback between units and lot lines for a twin-single attached home. The minimum side yard setback shall be 5 feet between the lot line and structures for all single-family homes and for lot lines of all twin-single attached homes which are located between attached units.
4. Rear Yards: The minimum rear yard setbacks shall be as follows:
 - a. On lots with rear boundary lines which also serve as the northern or eastern boundaries of this zoning district the minimum rear yard setback shall be 30 feet.
 - b. On lots with rear boundary lines which also serve as the southern boundary of this zoning district the minimum rear yard setback shall be 50 feet.
 - c. On all lots other than those which are described in subsection b. and c. above, the minimum rear yard setback shall be 15 feet.

G. Tree Preservation Zone: A “Tree Preservation Zone” shall apply for a distance of 20 feet from the southern boundary line of this zoning district. Within that area, only the construction of underground utility lines and underground storm water management infrastructure shall be permitted. Healthy mature trees shall be preserved within this area unless they conflict with the installation of permitted utility or storm water infrastructure. When trees are removed from the Tree Preservation Zone due to utility installation, reasonable efforts shall be made to plant new trees in areas within or outside of (but near to) the Tree Preservation Zone in order to provide buffering from adjacent parcels outside of this zoning district. The number, species, and locations of new trees shall be reviewed by the Planning Commission as part of a final development plan. Trees shall not be required to be planted in easements and/or locations that may harm the health of preserved trees or unreasonably encroach into the rear yards of lots. New trees may be planted on adjacent parcels outside of this zoning district to achieve the buffering objective if permission is obtained from the relevant owner(s) of such parcels.

Reasonable and good faith efforts will be made to preserve existing trees and tree rows currently existing on the property. Consideration will be given to laying out streets, lots, structures and parking areas to avoid the unnecessary destruction of these wooded areas. Additionally, standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.

H. Encroachments – Front and Rear Yards: Stoops, steps, and covered porches shall be permitted to encroach a maximum of 5 feet within the front yard setback line. They shall not be permitted to encroach within rights-of-way or easements. Decks, patios, and screened porches may encroach a maximum of 6 feet into the minimum required rear yard setback.

I. Encroachments – Side Yards: Paver patios and concrete patios with associated elements such as, but not necessarily limited to, landscaping, water features, trellises, fireplaces, fire pits, counters, grilling areas, and other related or similar outdoor amenities shall be permitted to encroach into the minimum side yard on a lot with a residential unit that contains a side courtyard, provided that when two side yards are adjacent to one another, only one of them shall be permitted to have a side courtyard. Such courtyards may encroach past the shared lot line. Reciprocal easements burdening and benefiting each lot in this scenario shall be recorded to define the use and maintenance rights of the respective owners.

Where the courtyard condition is present and is not screened from the view of a public right-of-way by a structure, a decorative fence, in locations to be approved as part of a final development plan, shall be installed and may extend past the building setback line to provide screening of the courtyard area from the right-of-way. A combination of landscaping and fencing also may be used to achieve the same screening objective, but solid fences shall be prohibited to provide this screening. Where the courtyard condition

is adjacent to open space a decorative fence and landscaping may be installed between the lot line and the courtyard to provide screening. Screening shall have a minimum opacity of 75% to a height of 4 feet.

J. **Street Frontage:** All lots shall have frontage on and access to a public street. The primary front façade of each home generally shall be located parallel to the public right-of-way on which its lot fronts or, on a lot fronting on a curved right-of-way, generally parallel to the chord of the right-of-way. Notwithstanding the foregoing, City staff shall have the discretion to allow for a deviation from this requirement on irregularly-shaped lots in order to allow individual home placement to more accurately meet the intent of the neighborhood's design as contemplated by this text and the approved preliminary development plan and final development plan(s) for this zoning district. On corner lots, the street on which the front facade of a home is required to be located shall be identified in and approved as part of a final development plan that includes that lot.

VII. **Access, Loading, Parking, Pedestrian, and Traffic-Related Commitments:**

A. **Off-Street Parking:** All homes shall be required to have a minimum of 2 off-street parking spaces on their driveways in addition to parking spaces within the garage.

B. **On-Street Parking:** On-street parking shall be permitted on public streets within this zoning district in accordance with the City's Codified Ordinances.

C. **State Route 605/New Albany-Condit Road ROW:** Prior to the issuance of the first building permit for any structure to be built in this zoning district, the applicant/developer shall dedicate right-of-way to the City for a distance that extends 50 feet from the centerline of State Route 605/New Albany-Condit Road.

D. **Access Points:** The primary access to the site will be from State Route 605 in the general locations shown on the approved preliminary development plan and with final locations as approved as part of a final development plan. Additional vehicular access shall be provided by extending Souder Road from the north and Jersey Road from the east into the site. The final plat for the subdivision shall provide (as shown on the preliminary development plan) for the dedication to the City of 50 feet of right-of-way to provide for the future extension of the westernmost street running north-south within the development from its intersection with the southernmost public street in the subdivision southward to the southern boundary line of this zoning district. In recognition that this street extension may never be necessary, the developer of this zoning district shall not be required to construct the extension. Dedication of this right-of-way shall be a condition precedent to the City issuing the first building permit for a structure in this zoning district.

E. **Internal street widths and rights-of-way:** All streets within this development shall be public and shall be constructed to required public specifications. The right-of-way for

internal streets within the development shall be 50 feet in width. Pavement for all internal streets shall be 26 feet in width, measured from face to face of curbs.

F. Public Sidewalks: A public sidewalk shall be located within the right-of-way on each street in the general locations shown in the preliminary development plan and with final locations as approved in a final development plan. Sidewalks shall be 5 feet in width and shall be constructed of concrete.

G. Leisure Paths: Asphalt leisure trails with a width of 8 feet shall be constructed by the applicant/developer in the following locations in this zoning district: Along the property's frontage on State Route 605/New Albany-Condit Road, east-to-west from Souder Road to the new path on State Route 605/New Albany-Condit Road, and through the central green space located on the east side of the site. Final locations of leisure trails shall be approved as part of a final development plan.

VIII. Buffering, Landscaping, Open Space and Screening Commitments:

A. Parkland and Open Space: Parkland shall be dedicated to the City from locations that are generally approved in the preliminary development plan and as specifically approved as part of a final development plan. Where the side or rear lot line of a residential lot abuts parkland or open space, a demarcation between them shall be provided consisting of fencing, landscaping, and/or other elements with a final design that is approved as part of the final development plan. Ownership and maintenance of the parkland and open space areas which are shown on the preliminary development plan shall be defined and approved with the final development plan. To the extent that parkland and/or open space requirements of the City's Codified Ordinances cannot be provided within this zoning district, the developer shall be required to provide for an equivalent contribution toward the City's parkland and open space amenities through the purchase and dedication to the City or Franklin County Metro Parks of undeveloped land located elsewhere in the New Albany Plain Local School District, or alternatively by making an equivalent monetary contribution to the City for the purpose of funding other parkland development, leisure path, and/or other recreational programs or plans. The form and amount of such contribution shall be approved as part of a final development plan for this zoning district.

B. Amenity Area: The private community clubhouse shall be located as generally shown on the preliminary development plan. This parcel shall be owned and maintained by applicant (or its affiliated entities) or the HOA. The final size and configuration of this parcel and the design of the clubhouse shall be identified in an approved final development plan.

C. Rural Road Corridors: The final development plan for this zoning district shall provide a landscaping plan and grading plan for the required minimum no-build zone/required setback area for State Route 605/New Albany-Condit Road. The landscaping plan shall be natural in character and shall maintain the character of these

thoroughfares while taking into account the locations of proposed storm water management ponds. In addition to the street tree requirements, within rural road setback, there shall be a minimum of 4 trees/100 lineal feet in natural hedgerow manner and shall be a mix of a minimum of 2" caliper trees subject to the approval of the city landscape architect.

D. Street Trees: Street trees shall be required on both sides of internal public streets, except that this requirement shall not apply to the sides of streets which abut parks or reserve areas (the planting requirements, if any, for these areas shall be approved as part of the relevant final development plan). Trees shall be a minimum of 2 ½ inches in caliper at installation and shall be spaced at an average distance of 30 feet on center, except that along New Albany-Condit Road trees may be grouped, provided the quantity is equivalent to 1 tree per 30 feet or fraction thereof. This requirement may be waived in areas where existing vegetation occurs. Notwithstanding the foregoing, tree spacing on public streets may deviate from this spacing requirement if necessary or appropriate to provide a desirable streetscape, as approved as part of a final development plan. Trees shall not obstruct sight distance or signage, subject to staff approval. Street tree and signage locations shall be shown on the final development plan for review and approval.

E. Lot Trees: In addition to street trees, each lot shall provide a minimum of 1 deciduous tree in the front yard.

F. Exemption to Section 1187.15(c)(6): Due to the nature of this zoning district as an age-restricted community, it shall be exempt from the requirement of Section 1185.15(c)(6) that would otherwise require all residences to be located within 1,200 feet of playground equipment.

G. Landscaping: Except as otherwise provided in other sections of this text, the minimum landscaping size at installation shall be 2" caliper for deciduous shade and ornamental trees and 6' high for evergreen trees for the open spaces, amenity area, and parkland.

H. Perimeters: The landscaping plan that is provided with the final development plan shall, in addition to other required items, indicate whether or not trees presently exist on this property along the southern and eastern boundary lines. The landscaping plan shall identify locations where utility crossings and associated easements will occur that necessitate the removal of trees from within the Tree Preservation Zone or within the required setback from the eastern boundary line of the zoning district.

IX. Architectural Standards – Homes:

A. Design Intent: The design of this neighborhood borrows from the tradition of the summer retreat camps popular in the 1900s. Examples include the Oak Bluffs Meeting Camp on Martha's Vineyard and Lakeside Ohio. These camps were a collection of small

cottages around a central meeting house and green. In the proposed neighborhood an architectural aesthetic is employed which is consistent with the character of New Albany architecture, specifically referencing the “Rectangular Form Houses” which are described on Pages 10 and 11 of the City’s Design Guidelines and Requirements as they exist on the date of this text. The homes in this community will be simple in their forms, generally rectangular in shape.

B. Maximum building height: The maximum height of homes and the private amenities center/clubhouse shall be 35 feet as measured from finished grade at the front door to the ridge on the roof. All homes shall be 1.5 stories or 1.5 stories in appearance from the front elevation.

C. Exterior Materials:

1. Appearance: The residences in this community will serve a very specific market, which demands efficiently designed homes with components that serve the particular needs of an age-restricted community. To this end, this community will not be required to strictly adhere to the City’s Design Guidelines and Requirements (DGRs) and its Codified Ordinances. Instead, the intent is to meet the spirit and purpose of the DGRs and the Codified Ordinances by replicating the architectural styles of the DGRs while allowing for deviations to accommodate home designs that serve the active adult segment of the home buying market. Home designs are intended to use elements of traditional American architectural themes and shall be designed in accordance with the architectural character of the homes which are depicted in the architectural elevations and/or renderings that have been filed with the preliminary development plan application. In addition, more detailed architectural elevations and/or renderings shall be submitted for approval by the Planning Commission as part of the final development plan application. The Planning Commission shall not have approval rights over each specific home to be constructed in this zoning district, but instead shall approve a baseline set of architectural requirements and guidelines from which each home design will be based.

2. Wall finish materials: Brick, brick veneer, and cementitious/composite siding or equivalent shall be permitted as exterior façade materials. Vinyl siding shall be prohibited. Cementitious/composite siding or equivalent on a home shall have one of the following colors: white, off-white, light gray, or similar or related tones. Exterior wall finish materials must be used to complete massing elements. Each exterior façade of a home shall utilize one primary material, and that material shall be used on all elevations of that home. Exposed concrete foundation walls shall be prohibited and, unless otherwise approved as part of a final development plan, shall be covered by (a) brick or brick veneer or (b) an extension of the primary building façade material to the surrounding grade.

3. **Four-sided architecture:** Four-sided architecture shall be required on all homes, meaning that there shall be a consistent use of materials and design elements on all sides of the structure. Blank facades shall be prohibited on all units except on the side façade of a structure that is oriented toward a side courtyard serving a home on an adjacent lot. Side facades facing a courtyard may (but shall not be required) to include transom windows. The term “four-sided architecture” shall mean:

- a. The same materials and details used on front elevations of homes shall be carried through to and utilized on all other elevations of the home in a manner that creates continuity and balance among all facades;
- b. The side and rear elevations of each home shall display a high level of architectural quality and interest. Side elevations oriented towards another home’s side courtyard shall not be required to install architectural elements, such as windows, that will impede on the privacy of the courtyard. Other architectural detailing and elements must be continued on the courtyard oriented elevation. The Base Elevations and Bonus Elevations for each home type as identified in the architectural drawings that accompany this text shall be deemed to meet the requirements of this subsection.
- c. Any side or rear elevation of a home that faces a public street on a corner lot and any side or rear elevation of a home that is adjacent to open space or parkland shall include two or more windows trimmed in a light color that distinguishes the trim from the color of the façade’s siding (except that houses with a primary façade color that is white shall be permitted to have white trim). In addition, such elevations shall include at least one of the design elements from the following list:
 1. Cornices above windows;
 2. Shutters which appear to be open and appear to be operable and mounted on appropriate shutter hardware (hinges and shutter dogs);
 3. Closed shutters that appear to completely cover one or more windows, although no window shall be required to be installed behind such shutters;
 4. Doors;
 5. Bay windows or bay elements; and
 6. Chimney; or
 7. Decorative louvers.

d. When the side elevation of a home is found in a location other than one that is oriented toward a side courtyard or as described in subsection 3(c) above, that elevation shall be articulated with a minimum of at least one design element from the following list. In addition to any required side home element(s), any rear elevation that is visible from a public right-of-way, open space, or parkland shall be articulated with a minimum of at least two of the design elements from the same list:

1. Doors;
2. Porches;
3. Two or more windows (bay windows count as a window);
4. Bay windows or bay elements;
5. Chimney;
6. Decorative louvers;
7. Shutters which appear to be open and appear to be operable and mounted on appropriate shutter hardware (hinges and shutter dogs); or
8. Closed shutters that appear to completely cover one or more windows, although no window shall be required to be installed behind such shutters.

e. Single Style: Homes shall not be designed in a manner that mixes elements from different architectural styles.

f. Brick: When brick is used, traditional detailing is required, such as, but not limited to, traditional bonds, watertable caps, sills, jack arches, segmental arches and soldier courses.

g. Roofs: The main house mass shall have pitched roofs which shall be required to have a minimum 6:12 rise over run or greater. Minor gables, dormers, and porch pediments are permitted to have minimum pitches of 4:12 rise over run. Roof pitches with rise over run of less than 6:12 are permitted on minor roofs (i.e. entry porches, dormers, etc.). Flat roofs shall be permitted only for porches, but must integrate strong cornice lines. Roofs may be of natural slate wood shake or wood shingle, an architectural grade fiberglass asphalt shingle, or may be standing seam. Metal standing seam shall be permitted as a roof material only on porches. Solar panels shall be permitted to be installed on roofs on the rears of homes, provided that such panels are not visible from a public street.

h. Windows: Windows shall be of traditional themes. Simulated or true divided lite windows shall be required. Double-hung windows shall

be required, provided that fixed panel accent windows and casement style windows may be used where appropriate. Windows shall be vinyl-clad. Trim detail and cornices shall be highly encouraged where architecturally appropriate above windows on the front facades of every home, on side elevations facing the public street on corner lots, and on side elevations facing parkland or open space. Trim detail along all windows shall be light in color.

i. Shutters: Shutters shall be highly encouraged to be used on the front facades of homes in window locations which are architecturally appropriate. Required locations for shutters shall be identified for each home type in the final development plan. Shutters shall be dark in color, with the palette of permitted colors to be approved as part of the final development plan. Where used on any façade of a home (and regardless of whether they are open or appear to be closed), shutters shall be sized to cover the adjacent window and appear operable. Shutters shall be mounted on appropriate shutter hardware (hinges and shutter dogs). Shutters must be painted and may be solid paneled (raised paneled) or louvered.

j. Exterior paint colors: Exterior paint colors for siding, doors, shutters, fascias, cornices, soffits and miscellaneous trim shall be selected from pre-approved color guide of historic colors, which shall be provided for review and approval as part of the first final development plan for this zoning district.

k. Gutters and downspouts: Traditional half round gutters and/or ogee gutters with downspouts shall be used.

l. Skylights: Skylights in the roof shall be permitted, provided they are not visible from off-site.

m. Chimneys: Exposed exterior chimneys, when incorporated into a home design, shall be brick or brick veneer. Chimneys with wood, siding, or stucco shall be prohibited.

n. The front entrances to each home shall be a minimum of six inches (6”) and range up to twenty-four (24”) inches above the finished grade of the lot on which the home is located.

o. Other elements: Cupolas, lanterns, belvederes and/or window bays shall be permitted, provided that they are consistent with the architectural theme of the home.

p. Architectural Details: Additional architectural details including roof plans; garage door design/colors; dormer details; entablature; and shutter specifications; columns, cornice and pediment details; window specifications; louver details, brick mould profile shall be provided at the final development plan for review by the Planning Commission.

D. Front Porches: Each home shall include a front porch. For purposes of this text, a “front porch” shall be defined as “a covered but unscreened area that is at least 90 square feet in size and adjacent to the home’s front door.”

E. Screened Porches: Screened porches are encouraged on the rear or sides of homes but shall not be permitted on the front. Detailing shall be traditional wood in appearance with a break in screening at rail height. All screened porch trim shall be painted or stained. Roof lines of screened porches shall conform to the architectural style of the home and blend into the massing of the home.

X. Lighting:

A. Each home shall provide coach lights on the garage. Coach light locations shall be consistent from house to house. All coach lights shall have a photocell light sensor. Light fixtures shall be the same or substantially similar across all lots/homes. Coach lights shall have an opaque top.

B. Uplighting of the exterior of a home shall be prohibited.

C. Security lighting, when used, shall be of a motion sensor type.

D. Light poles within parking lot areas near the private amenities center/clubhouse shall not exceed 18 feet in height, shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.

E. Street lighting shall be provided at each street intersection with the fixture, color and spacing to be approved at time of final development plan. Street light height shall not exceed 18 feet in height. Street light poles and fixtures shall be consistent in height, color, and appearance throughout the zoning district.

F. Lighting of entry features and any additional proposed lighting shall be provided and approved at time of final development plan. Ground mounted lighting shall be shielded and landscaped.

G. Fully shielded, downcast, cut-off type lighting fixtures shall be required. Exterior lighting fixtures shall be similar in appearance throughout this zoning district.

H. Except as otherwise expressly provided in this text, lighting shall be provided in accordance with the City's Codified Ordinances.

XI. Garage, Attached Structure, and Driveway Standards:

A. Garages:

i. Garages shall be attached and may front on a public street. Each home shall provide a 2-car garage.

ii. Individual bay doors or double wide garage doors that have the appearance of individual bay doors when closed shall be required. All garage doors shall contain decorative features and shall be of a color and style that is consistent with architecture of the home. The exterior color palates for each home shall be selected and designed in a manner which de-emphasizes the location and placement of the garage door. Garage doors that are white in color shall only be used in the circumstance when white is the primary exterior color of the individual home.

iii. Garages: Garages may be front-loaded. Each garage shall be set back a minimum of 2 feet, 8 inches from the front façade of the home. The "front façade of a home" shall be considered to be the single plane of a home's front façade or the forward-most plane of a front porch that is located closest to the front property line of the lot.

iv. Garage doors (Vehicular): All garage doors shall be solid paneled but may have windows provided that the interior of the garage cannot be viewed at a height of 6 feet when standing in the middle of the public street found in front of the garage. No glazing shall be permitted on garage doors unless they are consistent with the architectural theme.

v. Garage doors (Pedestrian): All pedestrian garage doors shall be solid paneled.

B. Driveways: The appearance of driveways shall be consistent throughout the neighborhood. Driveways shall be made of a durable material. Appropriate materials are brick, dark color concrete pavers, and asphalt with controlled edges. Concrete driveways are prohibited. The driveway may extend up to 1 foot to the outside of both sides of the garage.

XII. Architectural and Development Standards – Amenities Center/Clubhouse:

A. Maximum building height: The maximum height of the private amenities center/clubhouse shall be 35 feet as measured from finished grade at the front door to the ridge on the roof.

B. Appearance: The amenities center/private clubhouse shall be 1 ½ stories in appearance or two stories in height. The architectural design and appearance of this structure shall be complimentary to and consistent with the homes in this zoning district.

C. Parking: A parking lot may be provided near the private amenities center/clubhouse to provide for the parking needs of residents and other visitors of the residents in the community. The location of the parking lot and the number of spaces to be provided shall be determined at the time of approval of a final development plan for this zoning district.

XIII. Miscellaneous Standards:

A. Graphics and Signage Commitments: This zoning district shall utilize standard City of New Albany street regulatory signage. Entry feature signage at the public street entries into the zoning district from State Route 605/New Albany Condit Road, Souder Road, and Jersey Road at shall be permitted with designs that are approved by the Planning Commission as part of a final development plan for this zoning district. Other signage may be used subject to approval by the City of New Albany Planning Commission.

B. Swimming Pools/Spas: Swimming pools shall be prohibited in this zoning district except on the exterior of the private amenities clubhouse. Spas shall be located in the side yard within courtyards and shall be completely enclosed by a minimum of 48-inch high fencing and screened from adjoining properties. Spas may be constructed as part of the house and shall be flush with the top of the paving. No minimum setback shall be required for spas located in courtyards.

C. Storage:

1. Storage Sheds: Storage sheds shall be prohibited.

2. Equipment Storage: Storage of all maintenance equipment shall be within garages or otherwise screened from off-site view. Such items should not be visible from streets, common open spaces, adjacent lots or developments.

3. Vehicle Storage: All campers, off-road vehicles (i.e. box trucks), and boats, must be parked within an enclosed garage. No undrivable vehicles or parts of vehicles may be stored outside.

D. Mailboxes: Each residence shall be required to install and maintain a standard mailbox as detailed in the final development plan for this zoning district, if permitted pursuant to applicable federal law or regulations. Otherwise, location, design, and

landscaping for grouped mailboxes shall be included in an application for a final development for review and approval by the Planning Commission.

E. House Numbering: Each residence shall be required to install house numbers in a common location

F. Garbage Cans: All garbage cans and other waste containers shall be kept in garages or within approved screened areas. Pedestrian garbage receptacles may be located on the exterior of the amenities center/private clubhouse, provided that they are placed within or covered by an enclosure made of materials and with colors that are complimentary to the building.

G. Utilities: All new utility lines and wiring shall be placed underground. Utility easement locations and widths shall be determined in the final development plan for this zoning district.

XIV. Variances and Appeals:

A. Nature of Variance: On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable development standards of this PUD text or the Zoning Ordinance unreasonable and, therefore, the procedure for variance from development standards is provided to allow the flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which do not ordinarily involve a change of the primary use of the land or structure permitted.

B. Variance and Appeals Process: The procedures and requirements of Chapter 1113, Appeal and Variances, of the Codified Ordinances of the City of New Albany shall be followed in cases of appeals. Requests for variances shall be heard by the Planning Commission.







Prepared: 05/07/2018
Introduced: 05/15/2018
Revised:
Adopted: 05/15/2018
Effective: 05/15/2018

RESOLUTION R-14-2018

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ADVERTISE IN CONSORTIUM CONTRACTS FOR REQUIRED SERVICES AND A BID FOR THE COLLECTION, TRANSPORTATION, AND DELIVERY FOR DISPOSAL AND/OR PROCESSING OF RESIDENTIAL SOLID WASTE, RECYCLABLE MATERIALS, AND YARD WASTE GENERATED WITHIN THE CITY OF NEW ALBANY, OHIO

WHEREAS, the City of New Albany and other local communities have determined that to foster competition and take advantage of volume based pricing the a collective bid of Central Ohio Consortium Communities will be utilized; and

WHEREAS, pursuant to Section 715.43 of the Ohio Revised Code, the City of New Albany may establish such collection systems and solid waste facilities as may be necessary or appropriate to provide for the safe and sanitary management of solid waste, including recyclable materials and yard waste, generated within the City of New Albany; and

WHEREAS, the City of New Albany has determined that it may be in the best interests of its residents that the city arrange for the collection, transportation and delivery for disposal or processing of all solid waste, recyclable materials and yard waste generated at residential units and municipal facilities located within the City of New Albany from a single contractor on an exclusive basis ("Collection Services"); and

WHEREAS, The current Collection Services Agreement between the City of New Albany and Rumpke of Ohio will expire on December 31, 2018, unless extended.

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

Section 1: That the city manager is hereby authorized to participate in advertisement and bid for the collection, transportation and delivery for disposal and/or processing of residential solid waste, recyclable materials and yard waste generated within the City of New Albany with Central Ohio Consortium Communities.

Section 2: It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this resolution were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in

meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

Section 3: This resolution is passed and shall take effect and be in force at the earliest period allowed by law.

CERTIFIED AS ADOPTED this 15 day of May, 2018.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Mitchell H. Banchefsky
Law Director



Prepared: 05/07/2018
Introduced: 05/15/2018
Revised:
Adopted: 05/15/2018
Effective: 05/15/2018

RESOLUTION R-15-2018

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ADVERTISE, BID, AWARD AND EXECUTE A CONTRACT(S) OR TO PARTICIPATE IN OTHER COOPERATIVE NEGOTIATIONS FOR THE PURCHASE OF SODIUM CHLORIDE (ROCK SALT) AND TO ENTER INTO SUCH AGREEMENT AS THE MANAGER DEEMS IN THE BEST INTERESTS OF THE CITY

WHEREAS, the City of New Albany requires the purchase of sodium chloride (rock salt) for use in maintaining city roads free from snow and ice; and

WHEREAS, in order to ensure that the city maintain an adequate supply of rock salt at the most reasonable price, it is necessary to evaluate and utilize all possible providers; and

WHEREAS, the purchase of rock salt was provided for in the Annual Appropriations Ordinance (Ord. O-38-2017).

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

Section 1. The City Council of New Albany hereby authorizes the city manager to advertise, bid, award and execute a contract(s) or to participate in other cooperative negotiations for the purchase of rock salt for the 2018-2019 winter season.

Section 2. The City Council of New Albany hereby authorizes the city manager to enter into such contracts or agreements for the purchase of rock salt for the 2018-2019 winter season as the city manager deems to be in the best interests of the city.

Section 3. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this resolution were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

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 15th day of May, 2018.

Attest:


Sloan T. Spalding,
Mayor

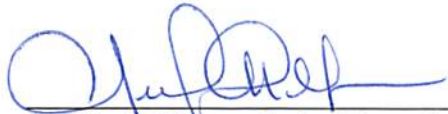

Jennifer H. Mason,
Clerk of Council

Approved as to form:


Mitchell H. Banchefsky
City Attorney

**CERTIFICATION BY CLERK OF COUNCIL
OF PUBLICATION OF LEGISLATION**

I certify that copies of Resolution R-15-2018 were posted for 30 days starting on 5-14, 2018.


Jennifer H. Mason, Clerk of Council

5/16/18
Date



Prepared: 05/07/2018
Introduced: 05/15/2018
Revised:
Adopted: 05/15/2018
Effective: 05/15/2018

RESOLUTION R-16-2018

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO PARTICIPATE IN THE ODOT WINTER CONTRACT (018-19) FOR ROAD SALT

WHEREAS, the City of New Albany, Franklin (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual winter road salt bid (018-19) in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT winter road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the winter road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the winter road salt contract; and
- d. The Political Subdivision hereby requests through this participation agreement a total of (2000) tons of Sodium Chloride (Road Salt) of which the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract's effective period of September 1, 2018 through April 30, 2019; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT winter salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Thursday, June 1, 2018. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the

receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

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

Section 1. The above participation agreement for the ODOT winter road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT winter salt contract.

Section 2. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

Section 3. 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 15 day of May, 2018.

Attest:



Sloan T. Spalding,
Mayor



Jennifer H. Mason,
Clerk of Council

Approved as to form:



Mitchell H. Banchefsky
City Attorney

**CERTIFICATION BY CLERK OF COUNCIL
OF PUBLICATION OF LEGISLATION**

I certify that copies of Resolution R-16-2018 were posted for 30 days starting on 5-16, 2018.



Jennifer H. Mason, Clerk of Council

5/16/18
Date