



Prepared: 03/07/2019  
Introduced: 03/19/2019  
Revised: 03/21/2019  
Adopted: 05/07/2019  
Effective: 06/07/2019

## ORDINANCE O-09-2019

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 12.47 +/- ACRES OF LAND GENERALLY LOCATED NORTH OF AND ADJACENT TO U.S. 62/JOHNSTOWN ROAD, SOUTH OF AND ADJACENT TO BEVELHYMER ROAD, AND EAST OF AND ADJACENT TO WALTON PARKWAY FOR AN AREA TO BE KNOWN AS THE "WALTON-62 COMMERCE DISTRICT" FROM ITS CURRENT ZONING OF "I-PUD" INFILL PLANNED UNIT DEVELOPMENT AND "R-1" RESIDENTIAL DISTRICT TO "I-PUD" INFILL PLANNED UNIT DEVELOPMENT AS REQUESTED BY THE NEW ALBANY COMPANY LLC C/O AARON UNDERHILL, ESQ.

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

**WHEREAS**, pursuant to the application by The New Albany Company LLC c/o Aaron Underhill, the Rocky Fork Blacklick Accord and Planning Commission of the City of New Albany has reviewed the proposed ordinance amendment and recommended its approval.

**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 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 site:

- A. A 12.47 ± acre area of land general located to the north of and adjacent to U.S. 62/Johnstown Road, south of and adjacent to Bevelhymer Road, and east of and adjacent to Walton Parkway for an area to be known as the "Walton-62 Commerce District" from its current zoning of "IPUD" Infill Planned Unit Development and "R-1" Residential District to "I-PUD" Infill Planned Unit Development;
- B. The zoning district's zoning text and site plan is hereby attached and marked Exhibit A.


**Section 2.** 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.

CERTIFIED AS ADOPTED this 7<sup>th</sup> day of May, 2019.

**Attest:**

  
\_\_\_\_\_  
Sloan T. Spalding  
Mayor

  
\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

**Approved as to form:**

  
\_\_\_\_\_  
Mitchell H. Banchefsky  
Law Director

**WALTON-62 COMMERCE DISTRICT**

**I-PUD**

**March 8, 2019**

The Walton-62 Commerce District (the "Zoning District") consists of 12.47+/- acres located to the north of and adjacent to the intersection of U.S. Route 62/Johnstown Road and Walton Parkway, near various existing commercial uses in the area. The intent of this rezoning is to update development standards for portions of the property which are presently zoned I-PUD and to allow for commercial development on other real property which is presently zoned R-1 in accordance with standards which are uniform across the property that is the subject of this text.

Unless otherwise specified in the submitted drawings or in this written text, the development standards of Part Eleven, Title Five of the Codified Ordinances of the City of New Albany shall apply to this Zoning District. In the event of a conflict between the standards contained in this text and those which are contained in the Codified Ordinances, this text shall govern. Where this text is silent on any standard, the standard contained in the Codified Ordinances shall be applied.

**I. SUBAREA A:**

**A. Summary:** Subarea A is located in the northern portion of the Zoning District and consists of 4.27+/- acres with frontage on Walton Parkway and Bevelhymer Road. Prior to the filing of this zoning application, the majority of Subarea A (consisting of approximately the western two-thirds of the new subarea) is zoned under the 1998 NACO PUD to allow for the development and operation of the same uses as will apply to the entirety of Subarea A upon approval of this text. The balance of Subarea A is presently zoned R-1. This rezoning is intended to provide for uniform use and development standards within all of the property that will constitute Subarea A.

**B. Permitted Uses:** The following uses shall be permitted in Subarea A:

Except as expressly prohibited below, the permitted uses contained in the Codified Ordinances of the City of New Albany, C-3 Highway Business District, Section 1149.02. Conditional uses contained in Section 1149.03 of the Codified Ordinances shall be allowed in this subarea, provided that the conditional uses comply with and are reviewed in accordance with Chapter 1115 of the Codified Ordinances. The following uses shall be prohibited in Subarea A:

1. Motor vehicle and/or new and used car sales establishments
2. Billboards and other off-premises signs, subject to the regulations of Section 1169.08(e)
3. Armory
4. Adult bookstore, adult motion picture theater, or adults' only entertainment establishment.
5. Carry out food and beverage establishments with drive-thru facilities. To clarify, this prohibited use is intended to include uses such as drive-thru and carry-out beer and wine sales and is not intended to apply to restaurants with drive-thrus.
6. Self-service laundries
7. Commercial recreational facilities such as community and public swimming pools, skating rinks, bowling alleys, physical fitness centers

8. Commercial radio transmitting or television station and appurtenances
9. Funeral Parlor
10. Gasoline service stations, or retail convenience stores selling gasoline as an ancillary activity.

## **II. SUBAREA B:**

**A. Summary:** Subarea B is located to the north and northeast of the intersection of Walton Parkway and U.S. Route 62/Johnstown Road. It consists of 8.20+/- acres. Prior to the filing of this rezoning application, the majority of this Subarea B (consisting of approximately the western one-half of the new subarea) is zoned under the 1998 NACO PUD to allow for the development and operation of the same uses as will apply to the entirety of Subarea B upon approval of this text. The balance of Subarea B is presently zoned R-1. This rezoning is intended to provide for uniform use and development standards within Subarea B.

**B. Permitted Uses:** The following uses shall be permitted in Subarea B:

Except as expressly prohibited hereunder, the permitted uses contained in the Codified Ordinances of the City of New Albany, C-3 Highway Business District, Section 1149.02. Conditional uses contained in Section 1149.03 of the Codified Ordinances shall be allowed in this subarea, provided that the conditional uses comply with and are reviewed in accordance with Chapter 1115 of the Codified Ordinances, except that a maximum of one gasoline service station or retail convenience store selling gasoline as an ancillary activity shall be permitted in this subarea. Gasoline service stations shall also follow Codified Ordinances Sections 1165.10(b), (f), (g) and, (h). In addition, vehicle charging stations shall be deemed to be permitted uses in this subarea.

The following uses shall be prohibited in Subarea B:

1. Motor vehicle and/or new and used car sales establishments
2. Billboards and other off-premises signs, subject to the regulations of Section 1169.08(e)
3. Armory
4. Adult bookstore, adult motion picture theater, or adults' only entertainment establishment.
5. Carry out food and beverage establishments with drive-through facilities. To clarify, this prohibited use is intended to include uses such as drive-through and carry-out beer and wine sales and is not intended to apply to restaurants with drive-thrus.
6. Self-service laundries
7. Commercial recreational facilities such as community and public swimming pools, skating rinks, bowling alleys, physical fitness centers
8. Commercial radio transmitting or television station and appurtenances
9. Funeral Parlor
10. Hotels and motels

### **III. DEVELOPMENT STANDARDS FOR BOTH SUBAREA A AND SUBAREA B:**

#### **A. Lot and Setback Commitments**

1. Minimum Parcel Size and Frontage: Each parcel within this Zoning District shall be a minimum of 0.75 acres in size and shall have a minimum of 100 feet of frontage on a public street.
2. Limitation on Single Retail Users: No single retail user in this Zoning District shall occupy more than 15,000 square feet of gross floor area of a building.
3. Walton Parkway: There shall be a minimum pavement and building setback of 65 feet as measured from the centerline of Walton Parkway. For purposes of this text, gas station canopies shall be considered to be buildings.
4. Bevelhymer Road: There shall be a minimum pavement and building setback of 65 feet as measured from the centerline of Bevelhymer Road.
5. Johnstown Road (US Route 62): There shall be a minimum 50 foot pavement and building setback from the right-of-way of U.S. Route 62/Johnstown Road.
6. Location of Gasoline Service Station: Gasoline service station pumps and vehicle charging stations shall be located as follows:
  - a. Not less than 75 feet from the portion of the northern boundary of Subarea B which is not shared with the southern boundary of Subarea A where the parcel on which the pumps or charging stations will be located is adjacent to property outside of the Zoning District where residential uses exist or are permitted to be developed. Otherwise, such pumps and charging stations shall be located not less than 50 feet from portions of the northern boundary of Subarea B which do not share a boundary lien with Subarea A;
  - b. Not less than 50 feet from the portion of the eastern boundary of Subarea B where the parcel on which the pumps or charging stations will be located is adjacent to property located outside of the Zoning District where residential uses exist or are permitted to be developed. Otherwise, such pumps and charging stations shall be located not less than 25 feet from such boundary;
  - c. Not less than 50 feet from the rights-of-way of public streets; and
  - d. Not less than 10 feet from any interior parcel lines within the Zoning District.
7. Perimeters: Except as provided in the immediately preceding Section II.A.5 above, there shall be a minimum pavement setback of 10 feet and a minimum building setback of 30 feet from all perimeter boundary lines of this Zoning District which do not abut a public street right-of-way. There shall be a zero minimum pavement setback and a

minimum building setback of 30 feet from the shared boundary line between Subarea A and Subarea B.

8. Interior Boundaries: Setbacks along all internal property boundaries between adjoining parcels within this Zoning District shall be zero for all buildings and pavement unless otherwise specified in this text.

9. Lot Coverage: There shall be a maximum lot coverage of 80% in this Zoning District. Individual parcels may exceed this limitation provided that the overall lot coverage in the Zoning District does not exceed this percentage.

**B. Access, Loading, Parking and Other Traffic Commitments**

1. Vehicular Parking: Vehicular parking for each use shall be provided per Section 1167 of the Codified Ordinances unless otherwise approved as part of a final development plan. In the event that a particular use does not have a parking requirement defined by such section of the Codified Ordinances, the Planning Commission shall review and approve the amount of parking required for that use as part of a final development plan taking into account customary parking ratios for similar uses and/or data from the proposed user in support of the number of spaces being provided.

2. Bicycle Parking: Bicycle parking shall be provided on each parcel at the rate of one space per 2,500 square feet of gross building floor area located on that parcel, provided that in no circumstance shall any parcel be required to provide more than 10 bicycle parking spaces.

3. Vehicular Access: Vehicular access to the Zoning District shall be provided from (a) one full movement access point on Bevelhymer Road, (b) a right-in, right out access point on Walton Parkway which is located at or near the shared boundary line between Subareas A and B and generally aligning with the existing vehicular access point across Walton Parkway, (c) from a private drive extending to U.S. Route 62/Johnstown Road generally through the middle of Subarea B to a point near the eastern terminus of the median within U.S. Route 62/Johnstown Road and with right-in, right-out turn movements, and (d) a right-in, right-out access point on U.S. Route 62/Johnstown Road which aligns with an existing access point on the south side of the street that serves the existing Turkey Hill gas station and convenience store. Final location of the proposed access points will be approved at such time of final development plan approval. There shall not be more than four proposed access points for the zoning district as shown in the preliminary development plan.

Vehicular circulation within Subareas A and B generally shall be provided in accordance with the circulation plan that accompanies this text, with final locations to be finalized at the time of final development plan approval. In conjunction with the filing of a final development plan with the City a traffic study shall be filed by the applicant unless the City waives this requirement or modifies it to require less than a full study. Internal drives which are in addition to those which are shown on the circulation plan may be

provided as approved as part of a final development plan to provide efficiency of traffic movement within individual parcels.

A declaration of reciprocal easements or a reciprocal easement agreement shall be recorded against the real property within this Zoning District prior to the issuance of the first building permit in the Zoning District in order to provide for perpetual vehicular and pedestrian cross access easements, cross utility easements, and other easements which are necessary or desirable for the efficient development of the Zoning District. Maintenance of private drives and sidewalks internal to this Zoning District shall be the responsibility of the owners of property within this Zoning District. A copy of the relevant recorded instrument as contemplated by this paragraph shall be submitted to the City along with the first application for a building permit in this Zoning District.

4. Pedestrian Access: A leisure trail shall be located along Walton Parkway, Bevelhymer Road, and U.S. Route 62/Johnstown Road. A 5-foot wide concrete private sidewalk shall be provided on the east side of the private drive to be constructed generally along or parallel to the private drive that runs along or near the shared boundary between Subareas A and B, and along both sides of the private drive extending from U.S. Route 62/Johnstown Road that is generally through the middle of Subarea B to the access road mentioned above. Sidewalks shall be installed at such time as private site development occurs. Also at the time of final development plan, an easement shall be provided for a future leisure trail along U.S.62/Johnstown Road, subject to the final sentence of subsection B.5 below. Individual parcels within Subareas A and B shall establish at least one pedestrian connection to the sidewalk in some form, to be reviewed at the time of final development plan. If such connection crosses a parking area it should be striped. Each building shall have a concrete sidewalk between its front façade and adjacent parking areas.

5. Rights-of-Way: No additional rights-of-way shall be required to be dedicated along Walton Parkway and Bevelhymer Road. Prior to or in conjunction with the issuance of the first building permit issued for a permanent structure within Subarea B, up to 5 feet of additional right-of-way shall be dedicated to the City as measured from the existing right-of-way for U.S. Route 62/Johnstown Road to accommodate a future right turn lane for turning onto Walton Parkway, with the final amount and boundary of such additional right-of-way to be determined as part of the review and approval of the first final development plan for Subarea B. To the extent necessary to provide for the installation and maintenance of streetscape improvements, public utility lines, and leisure paths, and in addition to and at the same time as the required right-of-way dedication along U.S. Route 62/Johnstown Road, an easement shall be granted in favor of the City which is adjacent to the right-of-way. The aforementioned right-of-way dedication, easement, and related anticipated improvements are subject to easement rights which exist within Subarea B on the date of this text. Private site improvements, such as but not limited to, landscaping, leisure path, and signage shall take into consideration future right-of-way dedication, and existing or future easement locations in order to avoid conflicts associated with such easements and the future right turn lane for turning onto Walton Parkway as contemplated above.

6. Loading and Service Areas: Loading and service areas shall be fully screened from off-site view by the use of walls, fences, and/or landscaping.

**C. Architectural Standards:**

1. Application of DGRs: Except as otherwise set forth in this text, the City's Design Guidelines and Requirements shall apply to this Zoning District, provided, however, that deviations from them shall be permitted if approved as part of a separate variance application reviewed by Planning Commission in conjunction with a final development plan application.

2. Style: Buildings shall be designed to be seen from 360 degrees with the same caliber of finish on all facades/elevations. Building additions, whether attached or detached, shall be of similar design, materials, and construction.

3. Height: The maximum building height (as measured per the Codified Ordinances) shall not exceed 35 feet, except that hotels shall not exceed 54 feet to the top of the parapet of the building. Screening for mechanical equipment on the roof of a hotel building may exceed this height limitation up to 5 feet, subject to applicable screening requirements. Otherwise, architectural elements such as monitors, chimneys, and cupolas may exceed the height limitations of this text as permitted by the Codified Ordinances.

4. Features: The following architectural features shall be required and shall be scaled according to the size of the individual tenant. These features may be scaled to a group of smaller side-by-side tenants when architecturally appropriate:

- a. Roofs may be sloped or flat, provided that flat roofs utilize a heavy cornice;
- b. Roof elements that emphasize and reduce the building scale at the building storefront such as, but not limited to, dormers, cupolas, roof spires, and hip and gable roofs;
- c. Complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided in order to screen the equipment from off-site view and to buffer sound generated by such equipment; and
- d. Complete screening of all ground-mounted mechanical and other equipment at ground level by walls, fencing, or landscaping that is consistent and harmonious with the materials on and character of the nearest primary building shall be required.



5. Exterior Elevations: All exterior elevations of each building shall be required to have the following characteristics:

a. Consistency of Finish: The same palette of exterior finishes and color shall be used on all sides of a building. Unfinished rear facades of buildings shall be prohibited.

b. Exterior Wall Finish: Brick, brick veneer, metal, cementitious products such as Hardiplank or its equivalent, wood, EIFS and composite material may be used as exterior wall finish materials where appropriate. Exterior wall finish materials must be used to complete massing elements. The application of brick or brick veneer to a single building façade is prohibited. Tinted glass shall be permitted, reflective or mirrored glass shall be prohibited.

c. Roofs: General roof massing shall incorporate pitched or flat roofs. If a flat roof is used, strong cornice lines must be integrated. Acceptable roof materials include dimensional asphalt shingles, natural and synthetic slate, cedar shake, and standing seam metal.

d. Parapets: Parapets shall use a classical cornice with molded shapes made of any of the following durable materials: stone, cast stone, architectural pre-cast concrete, gypsum fiber reinforced concrete, expanded insulation finish system (EIFS), or similar materials.

e. Fascias: Roof fascias shall be proportioned to the scale of the roof element and shall employ classical molding details such as crown molding. The same material shall be used for fascias and cornices.

f. Gutters and Downspouts: Sloped roofs shall be required to employ gutters and downspouts for drainage. All gutters shall be of a metal type and shall be painted to match fascias.

g. Exterior Doors: All exterior doors other than doors whose primary purpose is for the entry or exit of customers shall be made of a heavy gauge metal.

h. Prefabricated Buildings: Prefabricated metal buildings, untreated masonry block structures, and buildings featuring an exterior finish entirely of glass are also prohibited.

6. Operable Doors: For hotels only, where the City's Design Guidelines and Requirements require an operable and active front door to be provided along all public and private roads, a door shall be considered to be operable and active if it provides for key card or similar access by visitors and/or employees. These key card or similar access entrances shall be made sufficiently prominent so that they can be easily identified from a distance, in order to maintain a presence on the street, through porches, awnings, or

similar. Provided that there is at least one operable and active door oriented toward one public right-of-way.

**D. Buffering, Landscaping, Open Space and Screening Commitments**

**1. Landscape Standards Along Public Rights-of-Way:**

a. Street Trees: Deciduous street trees are required within the rights-of-way along Walton Parkway, Bevelhymer Road, and U.S. Route 62/Johnstown Road. Trees are to be a minimum of three inch caliper and shall be spaced at a minimum distance of thirty feet on center. If any additional street trees are not currently installed within the zoning district, they are required to be shall be installed using the same species of existing trees along that frontage and with similar spacing as the existing trees. Along the unnamed road connection to the Canini Trust Corp, a double row of street trees shall be provided to maintain the aesthetic which has been installed within the Canini Trust Corp. Any trees requiring removal or which are damaged or destroyed during development of this Zoning District shall be replaced in the same locations. Street trees shall not obstruct site distance or signage, subject to staff approval.

b. Fencing: A four-board white horse fence shall be installed along Walton Parkway, and Bevelhymer Road, and U.S. Route 62/Johnstown Road except where vehicular or pedestrian access points for the Zoning District are provided. The white horse fence shall be extended along the entire boundary of this Zoning District on U.S. Route 62/Johnstown Road.

c. Screening of Parking: Any surface parking areas adjacent to Walton Parkway and/or Bevelhymer Road shall be screened from the respective rights-of-way with a minimum of a 30-inch tall continuous planting hedge, fence, wall or earth mound or any combination of the foregoing. The 30-inch height shall be measured from the adjacent parking area. Within the required minimum pavement setback area there shall be a minimum of 6 trees per 100 lineal feet. Trees may be deciduous, ornamental, evergreens, or any combination thereof. This planting requirement shall not apply in areas where pedestrian or vehicular ingress and/or egress are provided, or where existing trees are found.

d. Perimeter Landscape Requirements: Throughout the setback areas along Johnstown Road (U.S. Route 62) and Walton Parkway there shall be a minimum of eight trees per 100 lineal feet. Throughout the setback area along Bevelhymer Road there shall be a minimum of five trees per 100 lineal feet. These trees shall be either 2 ½ inch caliper deciduous shade trees, 1 1/2 inch caliper ornamental trees, or a combination of both. These trees shall be placed within the setback areas in accordance with a landscape plan that will be submitted as a part of the Final Development Plan. These trees are in addition to the regular street tree requirement.

2. **North Perimeter Yard Landscaping:** Landscaping within the perimeter yard setback areas along portions of the northern boundary line of this Zoning District which are not adjacent to the right-of-way for Bevelhymer Road shall be planted with a mixture of deciduous shade trees, ornamental trees and evergreen trees and shrubs, and may be planted on an earth mound. Screening will achieve 75% opacity to 8 feet in height within 3 years of installation. Seven trees per 100 lineal feet of perimeter boundary line and 2 deciduous shrubs per tree shall be planted. These trees shall be planted in a hedgerow type manner. All areas not landscaped shall have grass (seed or sod). The landscaping requirement may be modified or waived to save existing trees.

3. **Tree Preservation:** Reasonable and good faith efforts will be made to preserve existing trees within this subarea. Consideration will be given to laying out service roads, lots, structures and parking areas to avoid the unnecessary destruction of existing trees. 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.

4. **General.**

a. **Minimum Tree Size.**

<u>Tree</u>	<u>Perimeter Minimum Tree Size</u>	<u>Parking Lot Minimum Tree Size</u>
Ornamental Tree	2" Caliper	2" Caliper
Deciduous Shade Trees	2 ½" Caliper	2 ½" Caliper
Evergreen Trees	6' – 8' tall	4' tall

b. **Perimeter Shrubbery.** Deciduous and evergreen shrubs are permitted and shall be a minimum size of 24 inches in height at installation.

c. **Interior Landscaping.** The required amount of interior landscaping shall be a minimum of eight percent (8%) of the total area of parking lot pavement. The landscaping areas shall include both shrubs and parking lot trees as required by Codified Ordinance 1171.06(a)(3) and be arranged in such a manner so as to visually break up large expanses of pavement.

**E. Dumpsters, Lighting, Outdoor Display Areas and other Environmental Commitments**

1. **Mechanical Equipment:** Any external mechanical equipment shall be screened at ground level from all adjacent public streets and from properties which are outside of but adjacent to this Zoning District with materials that are similar to or the same as used on the majority of the building, or with fencing or landscaping. Complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided in order to screen the equipment from off-site view and to buffer sound generated by such equipment. The screening of the mechanical equipment should be coordinated with the rest of the architecture so as to avoid being seen as an "add-on".

2. **Service Areas and Dumpsters:** All service areas (including, without limitation, loading docks) and dumpsters shall be fully screened from all public roads and from adjacent properties located outside of this Zoning District at ground level with walls, fencing, or landscaping. Walls shall be of the same materials used on the building walls and shall be complemented with landscaping. Exterior storage of materials, supplies, equipment, or products is prohibited.

3. **Lighting:**

a. **Street Lighting:** Public street lights may be removed, relocated, replaced, and/or supplemented if necessary to accommodate the installation and operation of access points onto public streets and to adequately light these areas, as approved as part of a final development plan. New street lights shall be the same or substantially similar style, color, and specifications as existing street lights.

b. **Parking Lots and Driveways:** All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Lighting along private drives internal to this subarea (if any) shall be presented for review and approval as part of a final development plan. Light poles within this subarea shall be black or New Albany green and constructed of metal and shall be consistent with the fixture shown in the attached Exhibit A. Parking lot lighting shall not exceed 18 feet in height. Parking lot lighting shall be from a controlled source in order to eliminate light spillage beyond the boundaries of the site. For any proposed development that is adjacent to property located outside of this Zoning District where residential uses exist or are permitted, a photometric plan demonstrating zero light spillage onto such properties shall be submitted for review and approval by the Planning Commission as part of a final development plan.

c. **Ground-Mounted Lighting:** Landscape uplighting from a concealed source shall not be permitted. Any ground lighting that is permitted shall be shielded and landscaped.

d. **Prohibited Lighting:** No permanent colored lights or neon lights shall be used on the exterior of any building.

- e. Security Lighting: Security lighting, when used, shall be of a motion-sensor type.
- f. Consistent Appearance: Exterior lighting fixtures shall be similar in appearance throughout this subarea. All exterior lighting mounted to a building shall be located on the first floor only. Uplighting of a building is prohibited.
- g. Other Requirements: All other lighting on the site shall be in accordance with the City's Codified Ordinances.

**F. Graphics and Signage Commitment**

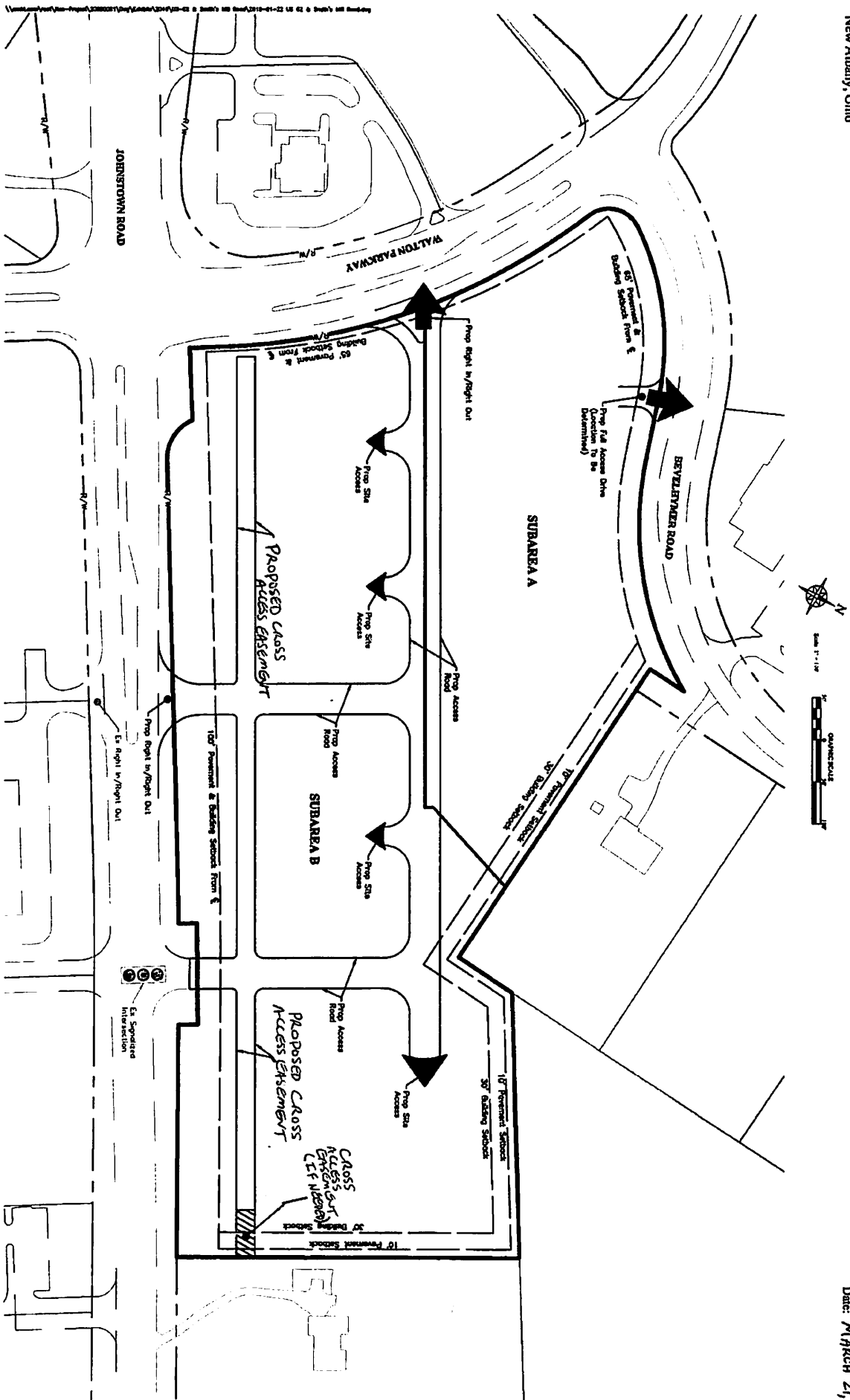
1. Locations; Master Sign Plan: Locations for ground signs and building signs will be unique to specific user and therefore shall be presented for review and approval by the Planning Commission as part of a final development plan. An applicant or property owner shall be permitted to submit a master sign plan for the entirety of this Zoning District with the first final development plan application submittal for this subarea.
2. Specifications: Permitted sizes, designs, colors, shapes, and other specifications for ground and building signs shall be consistent with the 2013 Trust Corp Signage Recommendations Plan which was approved by the City in 2013 for the real property located to the southeast of this Zoning District across U.S. Route 62/Johnstown Road. Any changes to or deviations from that plan shall require the review and approval of the Planning Commission.
3. Entry Signs: An identification sign shall be permitted at each vehicular access point into this subarea from a public street in order to identify up to three (3) users within this Zoning District.
4. Illumination: Backlighting of individual letters on wall-mounted signage shall be permitted. Internally illuminated wall-mounted and ground-mounted signage shall be prohibited.
5. Prohibited Signs: No signs shall be painted directly on the surface of the building, wall or fence. No wall murals shall be allowed. No roof signs or parapet signs shall be permitted nor shall a sign extend higher than the roof of a building. No flashing, traveling animated or intermittently illuminated signs or banners, tethered balloons or pennants shall be used. Temporary interior window advertisements are prohibited. Gas station pricing signs shall not be permitted to be digital.

The following signs are not permitted as permanent signs: Banner or streamers, sidewalk or curb signs (sandwich type), portable displays or mobile signs, gas filled devices, roof-mounted signs, revolving or rotating signs, neon signs, and signs installed on gas station fueling area canopies.

6. Other Requirements: All signage shall conform to the standards set forth in Section 1169 of the Codified Ordinances, unless otherwise stated above.

I. Utilities. All new utilities in this subarea shall be installed underground.

**THE NEW ALBANY COMPANY**  
Date: *MARCH 21, 2019*





Prepared: 04/08/2019  
Introduced: 04/16/2019  
Revised:  
Adopted: 05/07/2019  
Effective: 06/07/2019

## ORDINANCE O-12-2019

### AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 484.4 +/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY

**WHEREAS**, pursuant to the petition filed by Aaron L. Underhill and David Hodge, agent for petitioners, with the Licking County Development and Planning Department, on January 31, 2019, and

**WHEREAS**, the foregoing Resolution #98-174 of the Licking County Commissioners granting the petition was delivered to the City of New Albany on February 8, 2019, and more than sixty (60) days have lapsed since the Resolution of the Board of County Commissioners was transmitted to the City of New Albany, and

**WHEREAS**, pursuant to Resolution R-48-2018 and R-49-2018 of the City of New Albany, the New Albany City Manager was authorized to enter into two Roadway Maintenance Agreements with the Licking County Board of Commissioners for the maintenance of sections of roadways impacted by this annexation.

**WHEREAS**, the real estate is located in Licking County and is subject to the "New Albany East Community Authority" and subject to a special property assessment in compliance therewith, and

**WHEREAS**, pursuant to New Albany Codified Ordinance 1125.05, all newly annexed areas shall immediately be zoned into the Agricultural District and shall be subject to the regulations and restrictions pertaining thereto, and

**WHEREAS**, The New Albany City Council has determined that annexation of the real estate is in the best interests of the residents of the City of New Albany.

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

**Section 1:** The application of property owners set forth in Licking County requesting the annexation of 484.4+/- acres, which is contiguous to the City of New Albany, is hereby accepted, and the corporate boundaries of New Albany shall be extended to include the territory, more particularly described in Exhibit A, attached hereto and incorporated herein as if fully written.

**Section 2:** An accurate map of the territory attached as Exhibit B, the petition for its annexation, other related documents, and a certified transcript of the proceedings of the Licking County Board of Commissioners regarding the annexation proceedings have been on file with the Clerk of Council of the City of New Albany for sixty (60) days prior to being presented to this Council as required by law, and are hereby accepted.



**Section 3:** City Council of the City of New Albany hereby accepts the annexation of a 484.4+/-acre tract, situated in Jersey Township, Licking County, Ohio, the same being land of the owners set forth above, for annexation to the City of New Albany.

**Section 4:** The Clerk is herewith directed to deliver certified copies of this ordinance and other Proceedings relative to the annexation to the County Auditor, County Recorder, and the Secretary of State.

**Section 5.** 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 6.** Pursuant to Article VI, Section 6.07(B) 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 7<sup>th</sup> day of May, 2019.

Attest:

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
Mitchell H. Banchevsky  
Law Director

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

I certify that copies of Ordinance **O-12-2019** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on May 8, 2019.

  
Jennifer Mason, Clerk of Council

5/8/19  
Date

EXHIBIT A - O-12-2019

**PROPOSED ANNEXATION  
484.8± ACRES**

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="checked" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: <i>[Signature]</i>	DATE: <i>1/17/19</i>

**TO: VILLAGE OF NEW ALBANY**

**FROM: JERSEY TOWNSHIP**

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Farm Lots 19, 20, 28, 29 and 30, Quarter Township 2, Township 2, Range 15, United States Military Lands, and being all of that 125.774 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201901080000387, all of that 10.01 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201901070000273, all of those 27.014 and 4.659 acre tracts conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201811280025169, all of that 33.1900 acre tract conveyed to Denise R. Daniels by deed of record in Instrument Number 200602160004641 and Denise R. Daniels, Trustee of the R. Mitchell Daniels Trust dated 01-12-2006 by deed of record in Instrument Number 201809040018372, all of that 150.000 acre tract conveyed to Denise R. Daniels by deed of record in Instrument Number 200602160004642 and Denise R. Daniels, Trustee of the R. Mitchell Daniels Trust dated 01-12-2006 by deed of record in Instrument Number 201809040018371, all of that 1.101 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201901070000271, all of that 11.868 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201901070000276, all of that 2.05 acre tract conveyed to 3304 Beech Road LTD by deed of record in Instrument Number 201601110000508, all of that 10.936 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201901070000272, all of that 4.447 acre tract conveyed to S. Todd Dodderer and Rhonda L. Dodderer by deed of record in Instrument Number 200109140033401, all of that 4.855 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201811140024161, all of that 42.336 acre tract conveyed to Kathleen Marie Shaw by deed of record in Official Record 180, Page 708, all of that 1 acre tract conveyed to Steven Todd Dodderer and Rhonda L. Dodderer by deed of record in Official Record 770, Page 166, all of that 49 acre tract conveyed to Steven Todd Dodderer and Rhonda L. Dodderer by deed of record in Official Record 636, Page 697, all of that 1.0 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201810160021659, all of that 1.366 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201901160000963, and all of that 1.171 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201901160000962, (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

BEGINNING, at the centerline intersection of Jug Street Road and Beech Road, being the southwesterly corner of said 47.899 acre tract, being an angle point in the City of New Albany Corporation Line established in Ordinance Number O-33-2010 and of record in Instrument Number 201011040022449;

Thence North 03° 18' 15" East, with said centerline of Beech Road, a distance of 2302.49 feet to a point in the corner common of said 10.936 acre tract and that 1.171 acre tract conveyed to Kristen M. Kropat and Susan E. Kropat by deed of record in Official Record 71, Page 852;

Thence South 86° 13' 05" East, with a line common to said 10.936 and 1.171 acre tracts, a distance of 340.00 feet to a point at the southeasterly corner of said 1.171 acre tract;

Thence North 03° 18' 15" East, continuing with said common line, a distance of 150.00 feet to a point at a common corner of said 1.171 acre (MJB Holdings) tract and said 1.171 acre (Kropat) tract;

Thence North 86° 14' 47" West, with the line common to said 1.171 acre tracts, a distance of 340.00 feet to a point in the centerline of said Beech Road;

Thence North 03° 18' 15" East, with said centerline of Beech Road, a distance of 1826.77 feet to a point at the common corner of said 49 acre tract and that 50 acre tract conveyed to Hendren One, LLC by deed of record in Instrument Number 201304180009917;

**PROPOSED ANNEXATION  
484.8± ACRES**

-2-

Thence South 85° 58' 34" East, with the line common to said 49 and 50 acre tracts, a distance of 2758.36 feet to a point at a common corner of said 49 and 50 acre tracts, in the westerly line that 53.979 acre tract conveyed to Henry S. Cook and Joyce A. Cook, Co-Trustees of the "Cook Family Trust No. 2", dated May 11th, 2012 by deed of record in Instrument Number 201212310031018;

Thence South 03° 19' 30" West, with the line common to said 49 and 53.979 acre tract, a distance of 804.68 feet to the corner common of said 49, 53.979, 27.014 and 42.336 acre tracts;

Thence South 86° 32' 09" East, with the northerly line of said 27.014, 33.1900, 150.000 acre tracts, the southerly line of said 53.979 acre tract, that 53.979 acre tract conveyed to Mary L. Cook, Trustee of "The Mary L. Cook Trust No. 2", dated 11th day of May, 2012, by deed of record in Instrument Number 201212310031017, and that subdivision entitled "Wagoner Farms Section 2", of record in Plat Book 16, Pages 146-150, a distance of 2721.28 feet to the common corner of said 150.000 acre tract and said "Wagoner Farms Section 2", in the westerly line of that 128.851 acre tract conveyed to Robert A. Carr and Deborah B. Carr by deed of record in Instrument Number 201004060006281;

Thence South 03° 26' 09" West, with the easterly line of said 150.000 acre tract, the westerly line of said 128.851 acre tract, that 31.878 acre tract conveyed to Paul J. Roehrenbeck and Angela M. Roehrenbeck by deed of record in Instrument Number 199812290050206 and that 5.00 acre tract conveyed to Richard Lee Bando and Gwendolyn J. Bando by deed of record in Official Record 767, Page 293, a distance of 3461.70 feet to a point in the centerline of said Jug Street Road;

Thence North 86° 23' 12" West, with said centerline, partially with said existing City of New Albany Corporation Line, a distance of 5471.25 feet to the POINT OF BEGINNING, containing 484.8 acres, more or less.

The above description and corresponding map were prepared from Licking County Auditor's GIS information, and said description is not intended for transfer.

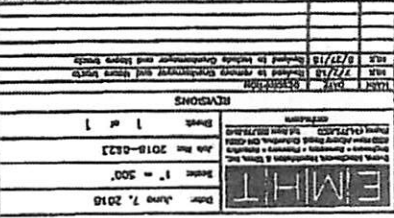


EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King  
Professional Surveyor No. 8307

Date

**PROPOSED ANNEXATION OF 484.8± ACRES  
CITY OF NEW ALBANY FROM JERSEY TOWNSHIP  
FARM LOTS 19, 20, 28, 29 & 30, QUARTER TOWNSHIP 2, RANGE 15  
UNITED STATES MILITARY LANDS  
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO**





Prepared: 04/25/2019  
Introduced: 05/07/2019  
Revised:  
Adopted: 05/07/2019  
Effective: 05/07/2019

## RESOLUTION R-28-2019

### A RESOLUTION OF SUPPORT AUTHORIZING THE CITY MANAGER TO ENTER A GRANT APPLICATION FOR FUNDS THROUGH THE FEDERAL TRANSIT ADMINISTRATION DEPARTMENT OF TRANSPORTATION FOR THE LOW OR NO EMISSION GRANT PROGRAM

**WHEREAS**, the Federal Transit Administration (FTA), through the Department of Transportation (DOT), is currently accepting applications for funding public transportation through the Low or No Emission Grant Program; and

**WHEREAS**, the city of New Albany desires to apply for a grant which will be used to provide first mile last mile public transportation replacing the current SmartRide shuttles with battery-electric busses reducing harmful emissions furthering our commitment to clean energy; and

**WHEREAS**, as part of the Low or No Emission Grant Program, it is recommended a resolution of local support from City Council be adopted demonstrating commitment to the project; and

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

**Section 1.** The city manager is hereby authorized to apply to the Department of Transportation for the Low or No Emission Grant Program for funds to acquire two battery-electric busses.

**Section 2.** The city manager is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance in conjunction with the recommendations of the city engineer, and approved as to form by the city law director in accordance with all authority granted to and limitations upon by the city's director of finance.


**Section 3.** 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 4.** Pursuant to the Article VI, Section 6.07(A) of the charter of the city of New Albany, this Resolution shall take effect upon passage.

CERTIFIED AS ADOPTED this 7 day of May, 2019.

Attest:

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
Mitchell H. Banchefsky  
Law Director