



New Albany Planning Commission
Monday, May 6, 2024 Meeting Minutes - Approved

I. Call to order

The New Albany Planning Commission held an informal meeting on Monday, May 6, 2024 in the New Albany Village Hall. Chair Kirby called the meeting to order at 7:01 p.m. and asked to hear the roll.

II. Roll call

Those answering roll call:

Mr. Kirby	present
Mr. Wallace	present
Mr. Schell	present
Ms. Briggs	present
Mr. Larsen	present
Council Member Wiltout	present

Having all voting members present, the commission had a quorum to transact business.

Staff members present: Law Director Albrecht, Planning Engineer Albright, Planner II Christian, Planning Manager Mayer, Planner Saumenig, Deputy Clerk Madriguera.

III. Action on minutes: None.

Deputy Clerk stated that the April 15th minutes had been distributed and the commission had the discretion to vote on them at tonight's meeting or at the next meeting.

Chair Kirby noted they were not listed on the schedule.

Commissioner Wallace stated that he had not read them entirely.

Chair Kirby moved to table the April 15, 2024 meeting minutes until the next regularly scheduled meeting. Commissioner Wallace seconded the motion.

Chair Kirby asked whether there was any discussion on the motion. Hearing none, he asked to hear the roll.

Upon roll call: Mr. Kirby yes, Mr. Wallace yes, Mr. Schell yes, Ms. Briggs yes, Mr. Larsen yes. Having five yes votes, the motion passed and the April 15, 2024 meeting minutes were laid upon the table.

IV. Additions or corrections to the agenda

Chair Kirby asked whether there were any additions or corrections to the agenda.

Planning Manager Mayer asked if the two items of other business could be flipped, so C.O. 1187 Subdivision Regulations would be presented first and Urban Center Code Amendments would be presented second.

Chair Kirby and the commission agreed.

V. Hearing of visitors for items not on tonight's agenda

Chair Kirby asked if there were any visitors present who wished to address the commission on an item that was not on the agenda.

Greg Mantor approached the lectern and said that he was interested in hearing the presentation on minor residential subdivisions and the commission's discussion of the topic, and further, on what qualified as a subdivision.

Chair Kirby responded that if he did not receive that answer in the presentation, a chat with staff could answer his questions.

Mr. Mantor thanked him.

VI. Cases: None.

VII. Other business – Code Update Informal Workshop

C.O. 1187 Subdivision Regulations

Planning Manager Mayer delivered the staff report which included a proposal for adding minor residential subdivisions to code, and process and procedures update. He explained that staff was working on drafting language to provide for minor residential subdivisions. Once completed, the commission would review the language and make a recommendation to the city council. In advance of a formal presentation to the commission, staff was seeking the commission's feedback on the following minor residential subdivision criteria:

- May be granted by the Community Development Director or designee.
- No plat required.
- No more than five (5) lots are created after the original parcel has been completely divided.
- Does not require the provision parkland and open space.
- The proposed division is located along an existing public road, has frontage along a public street and involves no opening, or extension of any street.
- The proposed subdivision is not contrary to other subdivision, zoning, and other applicable regulations.

Chair Kirby clarified that parkland has to be accessible but open space does not.

Planning Manager Mayer agreed, as a technical matter and noted that it was difficult and burdensome to property owners to provide open space.

Commissioner Wallace asked whether there were size restrictions on the lot.

Planning Manager Mayer answered that lot size restrictions were part of zoning regulations.

Chair Kirby asked whether there was any way to prevent the installation of a private road.

Planning Manager Mayer responded that that is a good question and staff will make sure to cover that.

Chair Kirby asked who would review minor residential subdivisions.

Planning Manager Mayer answered that staff would review them.

Planner II Christian added that all streets must be reviewed.

Chair Kirby asked Law Director Albrecht whether the minor residential subdivisions could be required to join a community authority or home owners' association at a higher rate so that over time the village is made whole with parkland money.

Law Director Albrecht responded that he would have to look into it, but it was a good question.

Planning Manager Mayer added that there is existing code language that all new lots, whether annexed or developed or lot split, have to enter into the authority. It is a consistent requirement.

Chair Kirby stated that his preference would be that they are on the hook for the amenities that they did not provide, just not up front.

Planning Manager Mayer stated that the goal was to retain the requirement that developers provide infrastructure amenities such as leisure trails and street trees. New minor residential subdivision language would not allow this property to be divided into a maximum of 2 lots.

Commissioner Schell observed that this would make it easier to add housing and asked whether staff had an idea of school impact.

Planning Manager Mayer answered yes, but it was unclear how many areas would be affected. He noted that it was probably not as many as one would think. These provisions would mainly apply along old township roads (Kitzmilller, Harlem, Bevelhymmer) and they would not give a developer discretion to split a lot and put in as many houses as they wish.

Chair Kirby asked where the 200 foot minimum lot frontage came from.

Planning Manager Mayer responded that the 200 should say 150.

Council Member Wiltout referenced the example Planning Manager Mayer was explaining and asked what zoning classification would they need to seek in order to get it to 150 feet. Would they need to request an R-1.

Planning Manager Mayer responded yes, probably an R-1 would work.

Council Member Wiltout observed then that the minor residential subdivision was an option that a developer could choose.

Planning Manager Mayer agreed and that the minor residential subdivision is another path for development and would allow the lot to be split. It would not change any of the uses.

Commissioner Larsen asked what the key was to the 150 feet.

Planning Manager Mayer answered that the size is tied to the zoning regulation. He then explained the are four main residential zoning classifications. As the number gets higher so does the permissible density. R-1 are rural, R-4 are smaller and more urbanized.

Chair Kirby explained that R-1 was the easiest sell and that the higher density zoning classifications were a harder sell to boards and commissions.

Commissioner Wallace asked staff to review the lot size and qualifications of minor residential subdivisions. He noted that a developer could come in with a piece of property and build five megamansions and, if they provided the frontage, would qualify for the minor residential subdivision classification.

Planning Manager Mayer responded that was correct. There was no size requirement, that developers had to meet minimum frontage requirements. The zoning district, residential and some commercial have a minimum but not a maximum size.

Chair Kirby noted that the hypothetical posed by Commissioner Wallace would already meet the R-1 classification. He further observed that this would allow the former farms to be divided into minor residential subdivisions.

Planning Manager Mayer answered yes.

Commissioner Wallace asked whether, under this rubrik, each lot would have to have frontage and noted that depending on how the lot was configured a street could run through the lot.

Chair Kirby stated that he would strongly object to the installation of private roads to enable this.

Planning Manager Mayer agreed and continued that the city has learned lessons about that and that is the reason for the requirement for provision of frontage to public streets. This ensures accessibility to visitors and not just property owners.

Chair Kirby confirmed that this applies to residential and not to commercial. He asked where Agricultural fell, noting that it had to be five acres.

Planning Manager Mayer responded Agricultural would fall under residential because it allows for residential uses. He continued that R-1 has to be one acre, and R-4 has to be four acres.

Commissioner Larsen observed that there could be a 20-acre lot that is R-1 and not able to be subdivided because there was insufficient frontage.

Planning Manager Mayer agreed and noted that there were large, flag-shaped lots that would not qualify as minor residential subdivisions.

Commissioner Wallace remarked that he was sure the commission would see situations they had not contemplated.

Council Member Wiltout stated that she liked that it is tied to the spirit and intent of the zoning code.

Planning Manager Mayer stated that staff had made every effort to do their due diligence and that they feel pretty solid on this proposal. He further remarked that almost every other community has a minor residential subdivision archetype and this would be a good tool for New Albany. Most of New Albany's subdivisions are PUD.

Commissioner Larsen asked if there was property with a road on each side with 150 frontage, a landowner could put in two houses.

Planning Manager Mayer responded that such a proposal would require a variance that would need to be justified to and approved by a board or commission. As a practical matter, creating a triangle lot would be difficult for a developer.

C.O. 1187: Process and Procedure

Planning Manager Mayer delivered a slide presentation and explained that the updates were clarifying and aligning the process with practice and not changing development standards.

Chair Kirby asked whether under the existing code, engineering approval was needed before the final plat.

Planning Manager Mayer answered that the goal is that all engineering conditions are approved and reflected in the final plat.

Chair Kirby continued that his concern was that an engineering issue would arise after approval of the final development plan, and he would not want to see a final plat that had not been reviewed by engineering.

Commissioner Wallace confirmed that what he heard Planning Manager Mayer say was that engineering must review the final plat.

Planning Manager Mayer agreed and stated that items such as driveways are part of permitting rather than a final plat. The final plat is parcel boundaries and engineering does not always review the final development plan which includes setting up lot sizes and driveways.

Commissioner Wallace asked the question a bit differently and asked what would happen if an engineering issue arose after approval of the final development plan.

Planning Manager Mayer responded that after approval of the final plat, the city engineer is only allowed to make changes to an easement. Anything more significant would have to come before the commission for review and approval.

Chair Kirby stated that after approval of the final development plan, the city engineer is only permitted to put in easement, if something other than an easement was contemplated, approval would be required. He continued that the commission was just wanting to be sure that there was proper review.

Commissioner Wallace confirmed that this code update was being recommended because the code language did not align with practice.

Chair Kirby stated that here we have engineering and final development as parallel and the code says they are serial.

Planning Manager Mayer responded yes, that this was largely an update to process rather than substance. The draft would show a lot of red. He continued that there was a caveat. Staff was considering whether to ask council to change when the infrastructure acceptance to the final development stage, which would make it at pre-approval rather than post-approval.

Planner II Christian added that it would happen after construction but prior to final approval by council or designated to the city engineer.

Commissioner Wallace stated that he was not sure how the infrastructure acceptance worked at council, and before he voted on a change to infrastructure acceptance code provisions, he would like to have a better sense of how it works.

Planning Manager Mayer responded that the developers do the construction. Staff goes into the field and performs surveys and hires professional engineers to do the inspections. Once the infrastructure is approved staff goes to council with a proposed ordinance to accept the infrastructure. Following that, construction can begin. He stated that staff thinks there is time-savings with this parallel process. All the same checks and verifications remain, but the process was slightly different.

Commissioner Schell observed that this could potentially save months in the process.

Planning Manager Mayer agreed. He noted that this was just infrastructure, construction of the buildings cannot begin until the infrastructure is approved. There is time-savings if council can be taken out of it.

Chair Kirby remarked that this is a way to streamline the process to one public hearing before council before reviews it.

Law Director Albrecht confirmed that unless there was an emergency, the two-reading process would need to be followed.

Council Member Wiltout confirmed that council's review of the final plat was before construction.

Commissioner Wallace asked for the location of the requirement that for council review.

Planning Manager Mayer answered that it required by the Charter.

Council Member Wiltout clarified that infrastructure acceptance did not involve determination of the location of the roads, it involved a determination of the sufficiency of the infrastructure itself. She further remarked that there is not a lot the commission can do. She wondered whether there was a notice and hearing process to determine whether everything was sound, and whether notice would be given.

Law Director Albrecht stated that council would need to be involved in the process.

Council Member Wiltout asked whether that was something that could be done by resolution.

Law Director Albrecht responded that he would have to look into it, but it would likely be more of an ordinance.

Commissioner Larsen remarked that things change during construction and asked about oversight and enforcement.

Planning Manager Mayer responded that if things change in the field, the developer would have to change the engineering plans to account for that. The city would get notice of that. Further as a matter of enforcement the city has letters of credit, and the city can also impose a bond.

Commissioner Schell remarked that he could not imagine council approving an ordinance over engineering's objection.

Council Member Wiltout remarked that she could foresee such a time, if it happened that residents came forward in opposition. The meat of the issue was that there needed to be some sort of hearing.

Planning Manager Mayer responded that the commission's feedback was very helpful and this was all part of the potential update.

Chair Kirby asked about the enforcement process and whether there was a warranty on the infrastructure and whether there was an ordinance to cover damages.

Development Engineer Albright responded yes, there are two-year and five-year settlement bonds. Inspections are performed after those times to make sure the infrastructure was what it was supposed to be.

Council Member Wiltout added, if there was an issue and we delegated it to the engineers to accept the infrastructure, if the infrastructure failed there would still be an opportunity for rectifying the issue. The issue would then be how the public would know.

Engineer Albright wondered how the public would know if engineering was not met in the first two years.

Planning Manager Mayer answered that there is no public notice requirement.

Commissioner Schell asked whether there is an enforcement procedure in place before the bonds become due.

Planning Manager Mayer answered yes, the city has performance bonds that promises that the infrastructure is completed at no cost to the city.

Commissioner Schell added that underwriting of performance bonds is rigorous.

Urban Center Code Amendment: Village Center Parkland and Open Space Requirements

Planner II Christian delivered a slide presentation. He explained that staff was workshopping this issue and was not asking for a formal vote.

Chair Kirby asked about Windsor park and the park dedication to the city.

Planner II Christian answered that Windsor Park was constructed prior to the enactment of the Urban Center Code.

Chair Kirby responded that Windsor Park proves that a preexisting park can be treated under the current code. The park in Windsor gets a lot of use. He continued that he was hesitant about the yellow triangle area getting relief.

Planner II Christian responded that was correct, and asked for other questions.

Commissioner Larsen observed that the yellow area on the site map indicated Rural Residential and asked whether that could be taken out of the urban center in order to permit higher density.

Planning Manager Mayer responded that it was a fair question. As the village center continues to grow perhaps that classification could go away but it makes sense to have it now.

Commissioner Larsen continued that if the city wants to increase density it made sense to get rid of it.

Chair Kirby referenced an area on the site map and asked whether the school owns it, because if so, that means it will always be public.

Planner II Christian stated that the school owned quite a bit of that.

Planning Manager Mayer responded that this is the zoning map today and it shows zoning districts. Rezoning could be discussed as part of an application.

Chair Kirby asked, referencing Commissioner Schell's earlier question, what Rose Run was currently zoned and the parkland proximity requirement.

Planner II Christian answered that it was zoned under the 1998 PUD text and the standard for parkland and open space in that text was within 1200 linear feet which was about a five-minute walk.

Chair Kirby clarified that the area within the dashed lines were within a five minute walk of parkland and open space. He further asked about the triangle-shaped in the east and why it got that shape.

Planning Manager Mayer responded that it was from the strategic plan and the triangle is residential district and has been rezoned to require parks and open space in that area.

Commissioner Wallace remarked that the fact that there is a park within 5 minute walk of a residence does not warrant removal of the park requirement for a bigger development, and he was not sure it is a great idea to make this change. Removal of the requirement made sense for apartments, but made less sense for residential developments.

Planning Manager Mayer stated that the 1200 foot requirement is based on the five minute walk. He continued that just as the commission reviews final development plans, the Architectural Review Board reviews each application within the village center.

Planner II Christian demonstrated other public spaces in Franklin County and made the pointed out that those examples were diverse in size and organization but each provided moments of relief in urban environments. He added that New Albany's Village Center residences are within a five-minute walk of parkland or open space. And further that New Albany's Village Center is 13.4% parkland and open space and the city as a whole is only 10% parkspace.

Commissioner Larsen wondered how this proposal increases density and whether that was the intent.

Planning Manager Mayer responded that since the early 2000s the city has wanted more density in the village center. Under the current code developers have to provide 2400 feet of open space in addition to the 20% required by the zoning code. Here we have created an urbanized core this code update proposes a clarification and staff believes this is the right thing to do.

Planner II Christian added that there are 85 acres of parkland and open space in New Albany's Village Center and the national average is about 13 acres of parkland and open space in a like-sized city center.

Chair Kirby remarked that if a developer wants to build single family detached, the cap does not apply. Windsor did it and Ganton could do it. If it is a higher density then the cap should apply.

Planning Manager Mayer remarked that the parkland and open space could still be required but it would be part of the zoning text. The beauty of the form-based code is that it provides more structure.

Chair Kirby asked whether the numbers from Windsor to the east bank of Rose Run to the tip of the triangle, would that be enough parkland to meet the requirement.

Planning Manager Mayer responded that the calculation could be run, but he was unsure whether it would meet the requirement.

Commissioner Briggs pointed out that there is a recurring theme that this exercise is about increasing residential density. However she did not view it that way. She viewed it as two separate things, the reality is that the Ganton parkway property could be rezoned. There could be something there other than residential. Thus there are two separate issues, development at Ganton and density.

Planning Manager Mayer agreed. He stated this was not about density. It is about development pattern. This allows a wide variety of uses. It is not about density per se, it is about making sure we achieve the town center forms.

Chair Kirby asked for other questions.

Hearing none, he polled the members for comment.

VIII. Poll members for comment

Commissioner Larsen stated that May 14, 2024 is the public meeting for the US-62 workgroup.

Planning Manager Mayer invited the commission to call with any questions or specific deliverables for the formal code update presentation.

Chair Kirby responded that he wanted staff to check on the tax and the relevant authority, and to check on the public and private roads.

IX. Adjournment

Having no further business, Chair Kirby adjourned the May 6, 2024 meeting of the New Albany Planning Commission at 8:43 p.m.

Submitted by Deputy Clerk Madriguera, Esq.

Appendix

C.O. 1187 Subdivision Regulations

Minor Residential Subdivisions presentation

Process and Procedure Changes presentation

Urban Center Code Amendment: Village Center Parkland and Open Space Requirements presentation.



To: Planning Commission
From: Community Development Department
Re: Chapter 1187 Subdivision Process and Minor Residential Subdivision Updates
Regulations
Date: May 20, 2024

The city staff proposes two updates to chapter 1187 of the codified ordinance (Subdivision Regulations). The updates include:

1. Adding minor residential subdivisions
2. Updating the process and procedures for subdivision to reflect current practices

During the May 20th Planning Commission meeting, staff asks the board to review and make a formal recommendation to the city council to adopt these code changes. Proposed changes are indicated in red within the code section and an unmarked version is also attached. Please feel free to contact city staff if you have any questions.

Minor Residential Subdivision:

At the direction of the city council, the city staff researched and are proposing adding minor residential subdivisions within the city. The city code defines a subdivision as the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of the transfer of ownership provided. The result is splitting smaller parcels is considered a subdivision which requires all of the same requirements as traditional subdivisions.

The update is necessary because the city subdivision regulations are overly burdensome to property owners who want to split their property into just a couple of lots. Chapter 1187 has a one-size-fits-all regulation so all “subdivisions” are treated the same. This means that a two-lot subdivision has the same requirements as a 200-lot subdivision for example. Since subdivisions have to be platted, it requires the hiring of an engineer which is costly. Additionally, subdivisions require parkland and open space dedication. Smaller subdivisions can’t provide parkland and open space that is meaningful to the overall community.

The city subdivision chapter already contains minor commercial subdivisions. The city staff has modeled the minor residential subdivisions after that code section. With the adoption of this proposed minor residential subdivision property owners will no longer be required to plat or provide the typical infrastructure requirements if less than five lots are being created and there no new public streets being created.

After a lot is split, the city code still requires street trees and leisure trail/sidewalks be constructed at the time of development. Those items are reviewed for compliance at the time of a building permit submittal.

Process and Procedure Updates:

The majority of this update is to ensure the required process and procedures for subdivisions reflect current city practices. Recently it has come to the city staff's attention that strict interpretation of the subdivision regulations results in a change in the approval process. This code update is necessary to ensure the city remains competitive in the commercial and residential markets.

The process and procedures contained in the city subdivision chapter haven't been updated or amended since their adoption in 1991. The city staff, technology, and construction methods have changed substantially since 1991 and accordingly, this proposal includes updates that reflect current best practices and technology. Examples of these changes include:

- Submittal requirements for engineering plans;
- The type of deposits required for pre and post construction;
- Clarifying the definition of a subdivision;
- Clarifying time frame requirements; and
- Optimizing acceptance practices.

The city staff proposes one change to the current overall development process. Currently, the city council is required to review and accept public infrastructure constructed by the developer via ordinance after it has been fully inspected and approved by the city staff in the field. The city staff proposes that infrastructure no longer requires a public hearing and the infrastructure can be accepted by the city engineer after it has been fully inspected and approved. The city staff commits to providing the city council with annual updates on the infrastructure installed and accepted within the city.

1187.01 DEFINITIONS.

The following words and phrases when used in this chapter shall have the meaning here described.

- (a) "Easement" means a grant by property owner(s) to another party or parties for a specific use of a described portion of property.
- (b) "Improvements" means street pavements, with or without curbs and/or gutters, sidewalks, water mains, sanitary and storm sewers, stormwater management facilities, erosion and sedimentation measures, grading and shaping, street lights, landscaping, screening and buffering and other related matters normally associated with the development of land into development sites.
- (c) "Lot" means a division of land and described on a recorded subdivision plat or recorded deed by metes and bounds description.
- (d) "Minor commercial subdivision" means a commercially zoned parcel, with an approved Final Development Plan or equivalent plan, with public road frontage, which does not involve the opening, widening or extension of a public street and does not involve more than five (5) lots after the original tract has been completely subdivided.
- (e) "Minor residential subdivision" means the division of any parcel of land into five (5) or fewer parcels, sites, or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of residential use and does not involve new, widening or the extension of any public street.
- (e) "Plat" means a map of a subdivision described by accurate distances and bearings.
- (f) "Right-of-way" means the width between property lines of a street, roadway, easement.
- (g) "Subdivision" means the division of any parcel of land into more than five (5) parcels, sites, or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of residential, commercial or industrial uses. This definition does not include:
 - The sale, exchange or boundary adjustment of existing properties where such action does not create additional building sites; and
 - The division or partition of land into parcels, sites, or lots more than five (5) where such action does not involve new, the extension of public streets; and means the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of the transfer of ownership provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, or the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempt. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except for private streets serving industrial structures, the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.
 - The division or allocation of land as open spaces for common use by owners; or the division or allocation of land for the extension and maintenance of public sewer, water, storm drainage or other public facilities.
 - Minor commercial and residential subdivisions.

(Ord. 77-91. Passed 10-15-91; Ord. 08-2007. Passed 2-20-07; Ord. 31-2007. Passed 8-21-07.)

1187.02 REQUIRED IMPROVEMENTS.

The subdivider or developer of land shall provide and pay the entire cost of improvements to such land as follows:

- (a) Street improvements shall consist of grading the right-of-way for full width; construction of curbs or curbed gutters and pavement; construction of draining structures and appurtenances. Two (2) roof drain openings shall be provided in curb for each lot, or shall be machine cored by the builder.
- (b) Sanitary sewers, including mains, manholes, services and all appurtenances.
- (c) Water distribution system, including mains, services, valves, fire hydrants and all appurtenances.
- (d) Concrete sidewalks on both sides of street, except where Leisure Trails are required in accordance with the Village's Strategic Plan or as recommended by the Parks and Trails Advisory Board. Sidewalks shall be linked to external trails or sidewalks. Where special circumstances exist for sidewalk construction a fee in-lieu may be considered according to the procedure in Section 1187.18.
- (e) Leisure Trails in accordance with the Village's Strategic Plan or as recommended by the Parks and Trails Advisory Board. Trails shall be linked to external trails or sidewalks. Where special circumstances exist for trail construction a fee in-lieu may be considered according to the procedure in Section 1187.18.
- (f) Storm sewers, including manholes, inlets or catch basins, and all appurtenances, stormwater management features and facilities.
- (g) Landscaping, screening and buffering features, if required by these regulations or the Zoning Code.
- (h) Street lighting above public right-of-way which meets minimum illumination specifications approved by the Municipal Engineer. Light standards shall be approved by the Municipality.
- (i) Erosion and sedimentation control measures and practices.

All phases of the improvement shall be approved by the Municipal Engineer and shall be constructed in accordance with Municipal specifications and standards as approved by the Municipal Engineer.

(Ord. 77-91. Passed 10-15-91; Ord. 31-2007. Passed 8-21-07.)

1187.03 ~~APPLICATION PLAN, PRELIMINARY PLAT PROCESS~~

~~a) Preliminary Plat: A preliminary plat may be submitted to the Planning Commission for review, subject to the regulations of this chapter. Approval of a preliminary plat application shall not be required prior to the approval of a final plat application. shall be~~

~~b) Preliminary Plat Contents~~

~~The subdivider shall submit an application to the City Manager's designee a minimum of 30 days prior to the meeting of the Planning Commission which the subdivider desires their application to be heard. If the City Manager's designee finds that the application is not complete and does not meet requirements of this section, they shall notify the applicant in writing of the deficiencies. The applicant may make the necessary additions and/or revisions. No hearing shall be held or action of approval taken by the Planning Commission until a complete application meeting all requirements of this section has been filed with and accepted by the City Manager's designee.~~

~~A subdivider or developer may submit a sketch, prepared by a registered engineer or surveyor, of the proposed subdivision to the Planning Commissioner for informed comments and suggestions. The preliminary plat shall contain the following:~~

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- (1) Scale - Minimum of one inch equals one hundred (100) feet.
 - (2) The proposed name of the subdivision.
 - (3) Key map showing location within the Municipality.
 - (4) Names and addresses of owners, developers and the surveyor who developed the plat.
 - (5) Date of submission.
 - (6) North point.
 - (7) Signature block for applicant and applicant's engineer and surveyor.

The following existing conditions shall be shown:

- (8) Boundary lines and approximate acreage included.
- (9) Locations, widths and names of all existing or prior platted streets or alleys, railroad and utility rights-of-way, parks and public open spaces, community ownership association, permanent buildings and structures, all section and corporation lines within or adjacent to the tract.
- (10) Existing sewers, water mains, culverts and other underground facilities within the tract, indicating pipe size, elevations and grades (if readily available) and locations (if known or available).
- (11) Existing easements on subject acreage and easements within fifty (50) feet on adjacent subdivided plat. Proposed developer utility and proposed public utility easements are not expected to be shown.
- (12) Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land with deed book and page number or official record volume.
- (13) Boundary lines of adjacent tracts of unsubdivided and subdivided land, within one hundred (100) feet of boundary line.
- (14) Existing zoning or deed restrictions (if known) for subject and surrounding acreage.
- (15) Existing contours, with intervals of five (5) feet where the slope is greater than ten percent (10%) and two (2) feet where the slope is less than ten percent (10%).
- (16) Drainage channels, wooded areas, water courses and other significant physical features.
- (17) All elevations shall be based on sea level datum as determined by the U.S. Coast and Geodetic survey or the U.S. Geological Survey.
- (18) FEMA floodplain areas.

The following proposed conditions shall be shown:

- (19) Layout of streets and right-of-way widths.
- (20) Layout, numbers and dimensions of lots. Lots shall be numbered sequentially for each plat from one, or continue from the last number used on previous section in multiple phase developments.
- (21) Parcels of land intended to be dedicated or temporarily reserved for public use, and proposed method of maintenance and control of same.
- (22) Building setback lines shown graphically with dimensions or standards indicated in current Zoning Ordinance.
- (23) Names of new streets shall not duplicate names of any existing dedicated streets within the northeastern quadrant of Franklin County and/or its incorporated areas.

(24) New streets, which are extensions of or in alignment with existing streets, shall bear the names of the existing streets of which they are extensions, or with which they are in alignment.

(25) All new streets shall be named and shall be subject to the approval of the Planning Commission.

In addition to the aforementioned requirements, the developer shall submit a written statement which shall include:

(26) The impact, if any, of the proposed development on area drainage and other lands at lower elevations in the vicinity.

(27) Potential impact of this development on area traffic loads and fire protection capability.

(28) Potential impact of this development on the local school district(s).

(29) Verification that an application, if required, has been submitted to the Ohio Environmental Protection Agency in compliance with Section 401 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain a Water Quality Certification Permit from the Ohio Environmental Protection Agency. In the case of an isolated wetland, either a general state or individual state isolated wetland permit must be obtained from the Ohio Environmental Protection Agency (Sections 6111.021 - 6111.024 of House Bill 231).

(30) Verification that an application, if required, has been submitted to the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain either a nationwide or individual permit from the U.S. Army Corps of Engineers.

c) Approval of Preliminary Plat

1) The Planning Commission review of a preliminary plat application shall be based on the requirements of this chapter.

2) After action by the Planning Commission on an application for preliminary plat approval, the City Manager's designee shall record the action taken. Copies of action taken shall be forwarded to the applicant.

~~The approval of a preliminary plat shall be effective for a period of twelve (12) months, or for such other time as approved by the Planning Commission.~~

3) No construction work on the proposed subdivision, including grading, shall be commenced until approval is received of a final plat. The subdivider shall not transfer any lot, parcel or tract therefrom before the final plat has been recorded.

~~1)~~

(Ord. 77-91. Passed 10-15-91; Ord. 31-2007. Passed 8-21-07.)

1187.04 PRELIMINARY PLAT.

The subdivider shall submit an application with a total of thirteen (13) copies of the preliminary plat to the Village Administrator's designee a minimum of fifteen (15) working days prior to the meeting of the Planning Commission at which the subdivider desires his application to be heard.

The Village Administrator's designee shall, within five (5) working days, review the application and plat for completeness and compliance with the requirements in this section. If he finds the application is complete and meets the requirements, he shall, at least five (5) working days prior to the meeting at which the plat will be heard, forward copies to the Municipal Engineer, Planner and Administrator for review and comment, and to all members of the Planning Commission. He shall also place one copy on file in the zoning office.

If the Village Administrator's designee finds that the application is not complete and does not meet requirements of this section, he shall notify the applicant in writing of the deficiencies. The applicant may make the necessary additions and/or revisions. No hearing shall be held or action of approval taken by the Planning Commission until a complete application meeting all requirements of this section has been filed with and accepted by the Village Administrator's designee.

(a) ~~The preliminary plat shall contain the following:~~

- ~~(1) Scale – Minimum of one inch equals one hundred (100) feet.~~
- ~~(2) The proposed name of the subdivision.~~
- ~~(3) Key map showing location within the Municipality.~~
- ~~(4) Names and addresses of owners, developers and the surveyor who developed the plat.~~
- ~~(5) Date of submission.~~
- ~~(6) North point.~~
- ~~(7) Signature block for applicant and applicant's engineer and surveyor.~~

(b) ~~The following existing conditions shall be shown:~~

- ~~(1) Boundary lines and approximate acreage included.~~
- ~~(2) Locations, widths and names of all existing or prior platted streets or alleys, railroad and utility rights-of-way, parks and public open spaces, community ownership association, permanent buildings and structures, all section and corporation lines within or adjacent to the tract.~~
- ~~(3) Existing sewers, water mains, culverts and other underground facilities within the tract, indicating pipe size, elevations and grades (if readily available) and locations (if known or available).~~
- ~~(4) Existing easements on subject acreage and easements within fifty (50) feet on adjacent subdivided plat. Proposed developer utility and proposed public utility easements are not expected to be shown.~~
- ~~(5) Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land with deed book and page number or official record volume.~~
- ~~(6) Boundary lines of adjacent tracts of unsubdivided and subdivided land, within one hundred (100) feet of boundary line.~~
- ~~(7) Existing zoning or deed restrictions (if known) for subject and surrounding acreage.~~
- ~~(8) Existing contours, with intervals of five (5) feet where the slope is greater than ten percent (10%) and two (2) feet where the slope is less than ten percent (10%).~~
- ~~(9) Drainage channels, wooded areas, water courses and other significant physical features.~~
- ~~(10) All elevations shall be based on sea level datum as determined by the U.S. Coast and Geodetic survey or the U.S. Geological Survey.~~
- ~~(11) FEMA floodplain areas.~~

(c) ~~The following proposed conditions shall be shown:~~

- ~~(1) Layout of streets and right-of-way widths.~~
- ~~(2) Layout, numbers and dimensions of lots. Lots shall be numbered sequentially for each plat from one, or continue from the last number used on previous section in multiple phase developments.~~
- ~~(3) Parcels of land intended to be dedicated or temporarily reserved for public use, and proposed method of maintenance and control of same.~~

-
- ~~(4) Building setback lines shown graphically with dimensions or standards indicated in current Zoning Ordinance.~~
 - ~~(5) Names of new streets shall not duplicate names of any existing dedicated streets within the northeastern quadrant of Franklin County and/or its incorporated areas.~~
 - ~~(6) New streets, which are extensions of or in alignment with existing streets, shall bear the names of the existing streets of which they are extensions, or with which they are in alignment.~~
 - ~~(7) All new streets shall be named and shall be subject to the approval of the Planning Commission.~~
 - ~~(d) In addition to the aforementioned requirements, the developer shall submit a written statement which shall include:
 - ~~(1) The impact, if any, of the proposed development on area drainage and other lands at lower elevations in the vicinity.~~
 - ~~(2) Potential impact of this development on area traffic loads and fire protection capability.~~
 - ~~(3) Potential impact of this development on the local school district(s).~~
 - ~~(4) Verification that an application, if required, has been submitted to the Ohio Environmental Protection Agency in compliance with Section 401 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain a Water Quality Certification Permit from the Ohio Environmental Protection Agency. In the case of an isolated wetland, either a general state or individual state isolated wetland permit must be obtained from the Ohio Environmental Protection Agency (Sections 6111.021—6111.024 of House Bill 231).~~
 - ~~(5) Verification that an application, if required, has been submitted to the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain either a nationwide or individual permit from the U.S. Army Corps of Engineers.~~~~

~~(Ord. 28-2004. Passed 6-15-04; Ord. 31-2007. Passed 8-21-07.)~~

1187.045 APPROVAL OF PRELIMINARY PLAT.FINAL PLAT PROCESS

After action by the Planning Commission on an application for preliminary plat approval, the Clerk of the Commission shall record the action taken as follows:

- ~~(a) If the application was approved, three (3) copies of the approved preliminary plat shall be stamped "Approved by Planning Commission in an official meeting held (date) with the following additional provisions: (list or attach the specific provisions or contingencies, if none so note)" and shall be signed by the Chairman or Clerk attesting to action taken.~~
- ~~(b) If application is disapproved, three (3) copies of the disapproved preliminary plat shall be stamped "Disapproved by the Planning Commission in an official meeting held (date) for the following reasons: (list or attach the specific reasons for denial)" and shall sign same attesting to action taken.~~

~~Two (2) copies of the signed preliminary plat shall be forwarded to the applicant and one copy retained in the permanent files in the zoning office.~~

~~The approval of a preliminary plat shall be effective for a period of twelve (12) months, or for such other time as approved by the Planning Commission.~~

- ~~(a)(Ord. 77-91. Passed 10-15-91; Ord. 31-2007. Passed 8-21-07.)~~

a) Final Plat: A final plat shall be submitted to the Planning Commission for review of subdivisions as defined in C.O. 1187.01(g).

b) Final Plat Contents

The subdivider shall submit an application to the City Manager's designee a minimum of 30 days prior to the meeting of the Planning Commission which the subdivider desires their application to be heard. If the City Manager's designee finds that the application is not complete and does not meet requirements of this section, they shall notify the applicant in writing of the deficiencies. The applicant may make the necessary additions and/or revisions. No hearing shall be held or action of approval taken by the Planning Commission until a complete application meeting all requirements of this section has been filed with and accepted by the City Manager's designee.

1187.06 FINAL PLAT.

~~The owner shall submit an application with a total of thirteen (13) copies of the final plat to the Village Administrator's designee at least fifteen (15) working days prior to the meeting of the Planning Commission at which the subdivider desires his application to be heard.~~

~~The Village Administrator's designee shall review the application and plat for completeness and compliance with the requirements in this section. If he finds the application is complete and meets the requirements, he shall forward copies to the Municipal Engineer, Planner and Administrator for review and comment, and to all members of the Planning Commission at least five (5) working days prior to the meeting at which the plat will be heard. He shall also place one copy on file in the zoning office.~~

~~If the Village Administrator's designee finds that the application is not complete and does not meet requirements of this section, he shall notify the applicant, who shall be allowed to make the necessary revisions. No hearing shall be held or action of approval taken by the Planning Commission until a complete application meeting all requirements of this section has been filed with and accepted by the Village Administrator's designee.~~

~~Action will be taken by the Commission and Council within thirty (30) days after acceptance of the final plat by the Village Administrator's designee. See Section 1187.07 for approval of the final plat. If not recorded in twelve (12) months, such approval of Council and the Commission shall become null and void.~~

~~(a) — The final plat shall contain the followingsubmitted shall contain the following:~~

- (1) Boundary of plat, based on an accurate distances and bearings.
- (2) Where the subdivision does not abut to an existing subdivision, the true angle and distance to the nearest street intersection, accurately described on the plat.
- (3) Municipal, Township, County or Section lines accurately tied to the lines of the subdivision by distances and angles.
- (4) Radii, arcs and chords, points of curvature and tangency. Central angles for all curvilinear streets and radius for all rounded corners.
- (5) All lot numbers and lines with accurate dimensions in decimals of a foot and bearings in degrees, minutes and seconds.
- (6) One inch iron pins, thirty (30) inches long, with plastic caps identifying the surveyor shall be placed at such locations that the subdivisions can be readily resurveyed. As a minimum, all extreme corners shall be monumented.
- (7) Accurate location, width of right-of-way and name of all streets or other public ways.
- (8) All proposed developer easements, such as water, sanitary and storm sewers shall be shown. All proposed public utility easements shall be shown if they are available.

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- (9) Minimum building setback lines along all streets and other public ways.
 - (10) Accurate outlines and delineation of all drainage easements, one hundred (100) year floodway routing, flood hazard areas and other watercourses contained within or contiguous to the plat boundaries.
 - (11) Accurate outlines of any areas to be dedicated or reserved for public use, with purposes indicated thereon, and of any areas to be reserved by deed covenant, for the common use of all property owners.
 - (12) Other information deemed necessary by the Municipal Engineer or the Planning Commission in order to fully describe any special conditions or circumstances affecting the proposed plat.
 - (13) If more than one sheet is required for the plat, an index map, at a smaller scale, showing all of the lots on one contiguous drawing shall be shown on the first sheet.

~~(b)~~—The final plat submittal shall also contain:

- ~~(141)~~ A certification by a registered surveyor that the plat represents a survey made by him and that the monuments shown exist as located, or will be set one foot below proposed grade prior to beginning of construction, and that all dimensional and geodetic details are correct. The plat shall be prepared in accordance with the minimum plat requirements as established by the Franklin County Engineer's Office.
- ~~(152)~~ A notarized certification by the owner/owners of the adoption of the plat and the dedication by them to public use of the streets and other public areas shown on the plat. No property should extend to center of rights-of-way.
- ~~(163)~~ Proper form for the approval of the Planning Commission, with space for signature of the Chairperson.
- ~~(174)~~ Space for approval by signature of the Mayor, Municipal Engineer, Council representative to Planning Commission and Finance Director. The signature of the Engineer shall be withheld until all easements are shown.
- ~~(185)~~ Proper form for approval and acceptance by the Council, showing resolution number.
- ~~(196)~~ Within ten (10) working days after the review comments have been transmitted to the developer, and the tracing (final plat drawing) has been revised to reflect the review comments, it shall be submitted to the Municipal Engineer for the permanent filing.

Any additions or changes to the plat shall be made in the Engineer's office unless otherwise authorized by the Engineer.

- ~~(207)~~ Space for transfer by the County Auditor and recording by the County Recorder. A statement as to the expiration date of the municipal approval shall be placed just ahead of the space provided for the County Auditor's signature.
 - ~~(218)~~ Application fees specified by separate ordinance.
 - ~~(229)~~ Copies of any and all proposed deed covenants, deeds of right-of-way and deeds of easement.
- ~~(c)~~—In addition to the aforementioned requirements, the developer shall submit a written statement which shall include:
- ~~(231)~~ Evidence that the Ohio Environmental Protection Agency has considered the applicant's application and granted such permit or determined that such permit is not applicable. If a permit was granted, four (4) copies shall be supplied by the owner to the Village Administrator's designee for distribution.
 - ~~(242)~~ Evidence that the U.S. Army Corps of Engineers has considered the applicant's application and granted such permit or determined that such permit is not applicable. If a permit was granted, four (4) copies shall be supplied by the owner to the Village Administrator's designee for distribution. After the tracing

(final plat drawing) has been revised to reflect the review comments, eight (8) copies showing all approvals, shall be supplied by the owner to the Finance Director for distribution.

c) Approval of Final Plat

- ~~1) After the tracing (final plat drawing) has been revised to reflect the review comments, four (4) copies showing all approvals, shall be supplied by the owner to the Village Administrator's designee for distribution.~~
- 1) The Planning Commission review of a final plat application shall be based on the requirements of this chapter and provide a recommended action to City Council, who shall take final action on such application.
- 2) After action by City Council on an application for final plat approval, the action shall be documented by the Clerk of Council. The final plat may be recorded with the County Recorder's office provided compliance is made with other provisions of this chapter, only after full approval by the City Engineer. The City Manager may only add or revise easements after City Council has approved a final plat.
- 3) The approval of a final plat shall be effective for a period of twelve (12) months, or for such other time as approved by City Council.
- 4) The subdivider shall not transfer any lot, parcel or tract therefrom before the final plat has been recorded. No construction work on the proposed subdivision, including grading, shall be commenced until approval is received of a final plat and an engineering permit has been approved, in accordance with C.O. 909.

~~The subdivider shall not transfer any lot, parcel or tract therefrom before the final plat has been recorded. No construction work on the proposed subdivision, including grading, shall be commenced until approval is received of the final plat and provided compliance is made with the other provisions of this chapter. Only easements may be added or revised on the final plat after approval, and only after approval by the Municipal Engineer.~~

~~All construction work and materials used in connection with public improvements in the area platted will conform to requirements of the Municipal Engineer and Municipal specifications and be inspected by the Engineer.~~

~~After all easements have been placed on the plat, and the plat has been approved and received Council acceptance, it shall be recorded by the Municipal Engineer.~~

~~The developer shall furnish two (2) checks, one for the County Auditor and one for the County Recorder. (Ord. 28-2004. Passed 6-15-04; Ord. 31-2007. Passed 8-21-07.)~~

1187.07 IMPROVEMENT GUARANTEES.

- (a) The subdivider or developer shall, prior to construction, deposit with the Finance Director a sum of money as prescribed by Chapter 909 to defray the cost of inspection and the engineering services provided and any expense incurred by the Municipality due to the installation of the improvements and review of the plat and plans. The subdivider and developer shall hold the Municipality free and harmless from any and all claims for damages of every nature arising or growing out of the construction of such improvements, and shall defend, at his/her own cost and expense, each and every suit or action brought against said Municipality by reason thereof, until the improvement has been accepted by the Municipality.
- (b) The City Engineer, shall accept infrastructure within the subdivision after its construction and the appropriate bonds have been provided, as prescribed by Chapter 909.

Before the approval of the final plat, the subdivider or developer shall sign a developer's agreement and provide a two-year letter of credit (LC) acceptable to the Municipality guaranteeing the completion of all

improvements, including but not limited to streets, curbs, sidewalks, storm sewer mains and lines, sanitary sewer mains and lines, water main and lines, prior to the recording of the plat of the subject subdivision, or at such time as may be agreed to by Council. The LC shall be in an amount equal to the estimated cost of constructing the street, street-related and storm water control improvements and as approved by the Municipal Engineer. A maintenance bond in the amount of ten percent (10%) of the preliminary estimated or final construction costs shall be provided for a maintenance period of two (2) years, beginning with the date of acceptance of the subdivision and all its appurtenances by Council. A certified check in the amount of two and one-half percent (2.5%) of the initial inspection fee shall also be provided to the Village at the date of acceptance of the subdivision. This check will be applied toward the two-year maintenance inspection by the Village. An additional and separate maintenance bond in the amount of ten percent (10%) of said construction cost shall also be provided to address settlement related to the installation of storm sewer or sanitary sewer mains and lines in the front yard. This maintenance bond shall be provided for a maintenance period of five (5) years, beginning with the date of acceptance of the subdivision and all its appurtenances by Council. The Finance Director shall retain custody of the maintenance bond during that time period.

- ~~(b) The Engineer shall inspect the improvements prior to the expiration of the bond period. Upon his notification that there are no deficiencies, or that all deficiencies have been corrected to his satisfaction, the bond shall be released and the developer's guarantee shall be considered satisfied so long as all fees owed to the Municipality by the owner or developer are paid.~~
- ~~(c) The subdivider or developer shall, prior to construction, deposit with the Finance Director a sum of money as prescribed by Chapter 909 to defray the cost of inspection and the engineering services provided and any expense incurred by the Municipality due to the installation of the improvements and review of the plat and plans. The subdivider and developer shall hold the Municipality free and harmless from any and all claims for damages of every nature arising or growing out of the construction of such improvements, and shall defend, at his/her own cost and expense, each and every suit or action brought against said Municipality by reason thereof, until the improvement has been accepted by the Municipality.~~
- ~~(d) The subdivider or developer shall furnish to the Municipality at the time of commencing construction, proof of possession of liability insurance of not less than one million dollars (\$1,000,000.00) and property damage insurance of not less than three hundred thousand dollars (\$300,000.00).~~
- ~~(e) If any violation of, or non-compliance with, any of the provisions and stipulations of this chapter occurs, the Engineer or the Village Administrator's designee shall notify the Law Director of any violation. Before a stop work order is issued, the Law Director shall notify the developer of the violation. The developer has five (5) working days to correct any violations.~~

(Ord. 28-2004. Passed 6-15-04; Ord. 31-2007. Passed 8-21-07; Ord. 36-2008. Passed 10-21-08.)

1187.22 MINOR COMMERCIAL SUBDIVISIONS.

- (a) Notwithstanding anything to the contrary, approval without a plat of a minor commercial subdivision may be granted by the Community Development Director or designee if the proposed minor subdivision of a parcel of land meets all of the following conditions:
 - (1) A final development plan according to Chapter 1159 or an equivalent plan has been approved by ~~the Planning Commission~~ a city board or commission;
 - (2) The proposed subdivision is located along an existing public road, has frontage along a public street and involves no opening, widening or extension of any street;
 - (3) No more than five (5) lots are created after the original parcel has been completely subdivided;
 - (4) The proposed subdivision is not contrary to other subdivision, zoning, and other applicable regulations; and

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- (5) The property has been surveyed and a survey drawing, legal description of the property and other information as may be pertinent or required for appropriate action are submitted with the application.
 - (b) If approval is given under these provisions, the Community Development Director or designee shall, within ten (10) working days after submission, approve such proposed minor subdivision and, upon presentation of a conveyance for said parcel, shall stamp "Approved by New Albany; No Plat Required", and the authorized representative of the Commission shall sign the conveyance.

~~(c) — For the purpose of this section, "original parcel" means the parcel existing as of the effective date of this section of the Subdivision Regulations (February 20, 2007).~~

(Ord. 08-2007. Passed 2-20-07; Ord. 31-2007. Passed 8-21-07.)

1187.23 MINOR RESIDENTIAL SUBDIVISIONS.

- (a) Notwithstanding anything to the contrary, approval without a plat of a minor residential subdivision may be granted by the Community Development Director or designee if the proposed minor subdivision of a parcel of land meets all of the following conditions:
 - (1) The proposed subdivision is located along an existing public road, has frontage along a public street and involves no extension of any street;
 - (2) No more than five (5) lots are created after the original parcel has been completely subdivided;
 - (3) The proposed subdivision is not contrary to other subdivision, zoning, and other applicable regulations; and
 - (4) The property has been surveyed and a survey drawing, legal description of the property and other information as may be pertinent or required for appropriate action are submitted with the application.
- (b) If approval is given under these provisions, the Community Development Director or designee shall, within ten (10) working days after submission, approve such proposed minor subdivision and, upon presentation of a conveyance for said parcel, shall stamp "Approved by New Albany; No Plat Required", and the authorized representative of the Commission shall sign the conveyance.

1187.01 DEFINITIONS.

The following words and phrases when used in this chapter shall have the meaning here described.

- (a) "Easement" means a grant by property owner(s) to another party or parties for a specific use of a described portion of property.
- (b) "Improvements" means street pavements, with or without curbs and/or gutters, sidewalks, water mains, sanitary and storm sewers, stormwater management facilities, erosion and sedimentation measures, grading and shaping, street lights, landscaping, screening and buffering and other related matters normally associated with the development of land into development sites.
- (c) "Lot" means a division of land and described on a recorded subdivision plat or recorded deed by metes and bounds description.
- (d) "Minor commercial subdivision" means a commercially zoned parcel, with an approved Final Development Plan or equivalent plan, with public road frontage, which does not involve the opening, widening or extension of a public street and does not involve more than five (5) lots after the original tract has been completely subdivided.
- (e) "Minor residential subdivision" means the division of any parcel of land into five (5) or fewer parcels, sites, or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of residential use and does not involve new, widening or the extension of any public street.
- (e) "Plat" means a map of a subdivision described by accurate distances and bearings.
- (f) "Right-of-way" means the width between property lines of a street, roadway, easement.
- (g) "Subdivision" means the division of any parcel of land into more than five (5) parcels, sites, or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of residential, commercial or industrial uses. This definition does not include:
 - The sale, exchange or boundary adjustment of existing properties where such action does not create additional building sites; and
 - The division or partition of land into parcels, sites, or lots more than five (5) where such action does not involve new, the extension of public streets; and
 - The division or allocation of land as open spaces for common use by owners; or the division or allocation of land for the extension and maintenance of public sewer, water, storm drainage or other public facilities.
 - Minor commercial and residential subdivisions.

(Ord. 77-91. Passed 10-15-91; Ord. 08-2007. Passed 2-20-07; Ord. 31-2007. Passed 8-21-07.)

1187.02 REQUIRED IMPROVEMENTS.

The subdivider or developer of land shall provide and pay the entire cost of improvements to such land as follows:

- (a) Street improvements shall consist of grading the right- of-way for full width; construction of curbs or curbed gutters and pavement; construction of draining structures and appurtenances. Two (2) roof drain openings shall be provided in curb for each lot, or shall be machine cored by the builder.
- (b) Sanitary sewers, including mains, manholes, services and all appurtenances.

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- (c) Water distribution system, including mains, services, valves, fire hydrants and all appurtenances.
 - (d) Concrete sidewalks on both sides of street, except where Leisure Trails are required in accordance with the Village's Strategic Plan or as recommended by the Parks and Trails Advisory Board. Sidewalks shall be linked to external trails or sidewalks. Where special circumstances exist for sidewalk construction a fee in-lieu may be considered according to the procedure in Section 1187.18.
 - (e) Leisure Trails in accordance with the Village's Strategic Plan or as recommended by the Parks and Trails Advisory Board. Trails shall be linked to external trails or sidewalks. Where special circumstances exist for trail construction a fee in-lieu may be considered according to the procedure in Section 1187.18.
 - (f) Storm sewers, including manholes, inlets or catch basins, and all appurtenances, stormwater management features and facilities.
 - (g) Landscaping, screening and buffering features, if required by these regulations or the Zoning Code.
 - (h) Street lighting above public right-of-way which meets minimum illumination specifications approved by the Municipal Engineer. Light standards shall be approved by the Municipality.
 - (i) Erosion and sedimentation control measures and practices.

All phases of the improvement shall be approved by the Municipal Engineer and shall be constructed in accordance with Municipal specifications and standards as approved by the Municipal Engineer.

(Ord. 77-91. Passed 10-15-91; Ord. 31-2007. Passed 8-21-07.)

1187.03 PRELIMINARY PLAT PROCESS

a) Preliminary Plat: A preliminary plat may be submitted to the Planning Commission for review, subject to the regulations of this chapter. Approval of a preliminary plat application shall not be required prior to the approval of a final plat application.

b) Preliminary Plat Contents

The subdivider shall submit an application to the City Manager's designee a minimum of 30 days prior to the meeting of the Planning Commission which the subdivider desires their application to be heard. If the City Manager's designee finds that the application is not complete and does not meet requirements of this section, they shall notify the applicant in writing of the deficiencies. The applicant may make the necessary additions and/or revisions. No hearing shall be held or action of approval taken by the Planning Commission until a complete application meeting all requirements of this section has been filed with and accepted by the City Manager's designee.

The preliminary plat shall contain the following:

- (1) Scale - Minimum of one inch equals one hundred (100) feet.
- (2) The proposed name of the subdivision.
- (3) Key map showing location within the Municipality.
- (4) Names and addresses of owners, developers and the surveyor who developed the plat.
- (5) Date of submission.
- (6) North point.
- (7) Signature block for applicant and applicant's engineer and surveyor.

The following existing conditions shall be shown:

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- (8) Boundary lines and approximate acreage included.
 - (9) Locations, widths and names of all existing or prior platted streets or alleys, railroad and utility rights-of-way, parks and public open spaces, community ownership association, permanent buildings and structures, all section and corporation lines within or adjacent to the tract.
 - (10) Existing sewers, water mains, culverts and other underground facilities within the tract, indicating pipe size, elevations and grades (if readily available) and locations (if known or available).
 - (11) Existing easements on subject acreage and easements within fifty (50) feet on adjacent subdivided plat. Proposed developer utility and proposed public utility easements are not expected to be shown.
 - (12) Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land with deed book and page number or official record volume.
 - (13) Boundary lines of adjacent tracts of unsubdivided and subdivided land, within one hundred (100) feet of boundary line.
 - (14) Existing zoning or deed restrictions (if known) for subject and surrounding acreage.
 - (15) Existing contours, with intervals of five (5) feet where the slope is greater than ten percent (10%) and two (2) feet where the slope is less than ten percent (10%).
 - (16) Drainage channels, wooded areas, water courses and other significant physical features.
 - (17) All elevations shall be based on sea level datum as determined by the U.S. Coast and Geodetic survey or the U.S. Geological Survey.
 - (18) FEMA floodplain areas.

The following proposed conditions shall be shown:

- (19) Layout of streets and right-of-way widths.
- (20) Layout, numbers and dimensions of lots. Lots shall be numbered sequentially for each plat from one, or continue from the last number used on previous section in multiple phase developments.
- (21) Parcels of land intended to be dedicated or temporarily reserved for public use, and proposed method of maintenance and control of same.
- (22) Building setback lines shown graphically with dimensions or standards indicated in current Zoning Ordinance.
- (23) Names of new streets shall not duplicate names of any existing dedicated streets within the northeastern quadrant of Franklin County and/or its incorporated areas.
- (24) New streets, which are extensions of or in alignment with existing streets, shall bear the names of the existing streets of which they are extensions, or with which they are in alignment.
- (25) All new streets shall be named and shall be subject to the approval of the Planning Commission.

In addition to the aforementioned requirements, the developer shall submit a written statement which shall include:

- (26) The impact, if any, of the proposed development on area drainage and other lands at lower elevations in the vicinity.
- (27) Potential impact of this development on area traffic loads and fire protection capability.
- (28) Potential impact of this development on the local school district(s).

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- (29) Verification that an application, if required, has been submitted to the Ohio Environmental Protection Agency in compliance with Section 401 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain a Water Quality Certification Permit from the Ohio Environmental Protection Agency. In the case of an isolated wetland, either a general state or individual state isolated wetland permit must be obtained from the Ohio Environmental Protection Agency (Sections 6111.021 - 6111.024 of House Bill 231).
 - (30) Verification that an application, if required, has been submitted to the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain either a nationwide or individual permit from the U.S. Army Corps of Engineers.

c) Approval of Preliminary Plat

- 1) The Planning Commission review of a preliminary plat application shall be based on the requirements of this chapter.
- 2) After action by the Planning Commission on an application for preliminary plat approval, the City Manager's designee shall record the action taken. Copies of action taken shall be forwarded to the applicant.
- 3) No construction work on the proposed subdivision, including grading, shall be commenced until approval is received of a final plat. The subdivider shall not transfer any lot, parcel or tract therefrom before the final plat has been recorded.

1187.04 FINAL PLAT PROCESS

- a) Final Plat: A final plat shall be submitted to the Planning Commission for review of subdivisions as defined in C.O. 1187.01(g).

b) Final Plat Contents

The subdivider shall submit an application to the City Manager's designee a minimum of 30 days prior to the meeting of the Planning Commission which the subdivider desires their application to be heard. If the City Manager's designee finds that the application is not complete and does not meet requirements of this section, they shall notify the applicant in writing of the deficiencies. The applicant may make the necessary additions and/or revisions. No hearing shall be held or action of approval taken by the Planning Commission until a complete application meeting all requirements of this section has been filed with and accepted by the City Manager's designee.

The final plat shall contain the following:

- (1) Boundary of plat, based on an accurate distances and bearings.
- (2) Where the subdivision does not abut to an existing subdivision, the true angle and distance to the nearest street intersection, accurately described on the plat.
- (3) Municipal, Township, County or Section lines accurately tied to the lines of the subdivision by distances and angles.
- (4) Radii, arcs and chords, points of curvature and tangency. Central angles for all curvilinear streets and radius for all rounded corners.
- (5) All lot numbers and lines with accurate dimensions in decimals of a foot and bearings in degrees, minutes and seconds.

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- (6) One inch iron pins, thirty (30) inches long, with plastic caps identifying the surveyor shall be placed at such locations that the subdivisions can be readily resurveyed. As a minimum, all extreme corners shall be monumented.
 - (7) Accurate location, width of right-of-way and name of all streets or other public ways.
 - (8) All proposed developer easements, such as water, sanitary and storm sewers shall be shown. All proposed public utility easements shall be shown if they are available.
 - (9) Minimum building setback lines along all streets and other public ways.
 - (10) Accurate outlines and delineation of all drainage easements, one hundred (100) year floodway routing, flood hazard areas and other watercourses contained within or contiguous to the plat boundaries.
 - (11) Accurate outlines of any areas to be dedicated or reserved for public use, with purposes indicated thereon, and of any areas to be reserved by deed covenant, for the common use of all property owners.
 - (12) Other information deemed necessary by the Municipal Engineer or the Planning Commission in order to fully describe any special conditions or circumstances affecting the proposed plat.
 - (13) If more than one sheet is required for the plat, an index map, at a smaller scale, showing all of the lots on one contiguous drawing shall be shown on the first sheet.

The final plat submittal shall also contain:

- (14) A certification by a registered surveyor that the plat represents a survey made by him and that the monuments shown exist as located, or will be set one foot below proposed grade prior to beginning of construction, and that all dimensional and geodetic details are correct. The plat shall be prepared in accordance with the minimum plat requirements as established by the Franklin County Engineer's Office.
- (15) A notarized certification by the owner/owners of the adoption of the plat and the dedication by them to public use of the streets and other public areas shown on the plat. No property should extend to center of rights-of-way.
- (16) Proper form for the approval of the Planning Commission, with space for signature of the Chairperson.
- (17) Space for approval by signature of the Mayor, Municipal Engineer, Council representative to Planning Commission and Finance Director. The signature of the Engineer shall be withheld until all easements are shown.
- (18) Proper form for approval and acceptance by the Council, showing resolution number.
- (19) Within ten (10) working days after the review comments have been transmitted to the developer, and the tracing (final plat drawing) has been revised to reflect the review comments, it shall be submitted to the Municipal Engineer for the permanent filing.

Any additions or changes to the plat shall be made in the Engineer's office unless otherwise authorized by the Engineer.
- (20) Space for transfer by the County Auditor and recording by the County Recorder. A statement as to the expiration date of the municipal approval shall be placed just ahead of the space provided for the County Auditor's signature.
- (21) Application fees specified by separate ordinance.
- (22) Copies of any and all proposed deed covenants, deeds of right-of-way and deeds of easement.

In addition to the aforementioned requirements, the developer shall submit a written statement which shall include:

- (23) Evidence that the Ohio Environmental Protection Agency has considered the applicant's application and granted such permit or determined that such permit is not applicable. If a permit was granted, four (4) copies shall be supplied by the owner to the Village Administrator's designee for distribution.
- (24) Evidence that the U.S. Army Corps of Engineers has considered the applicant's application and granted such permit or determined that such permit is not applicable. If a permit was granted, four (4) copies shall be supplied by the owner to the Village Administrator's designee for distribution. After the tracing (final plat drawing) has been revised to reflect the review comments, eight (8) copies showing all approvals, shall be supplied by the owner to the Finance Director for distribution.

c) Approval of Final Plat

- 1) The Planning Commission review of a final plat application shall be based on the requirements of this chapter and provide a recommended action to City Council, who shall take final action on such application.
- 2) After action by City Council on an application for final plat approval, the action shall be documented by the Clerk of Council. The final plat may be recorded with the County Recorder's office provided compliance is made with other provisions of this chapter, only after full approval by the City Engineer. The City Manager may only add or revise easements after City Council has approved a final plat.
- 3) The approval of a final plat shall be effective for a period of twelve (12) months, or for such other time as approved by City Council.
- 4) The subdivider shall not transfer any lot, parcel or tract therefrom before the final plat has been recorded. No construction work on the proposed subdivision, including grading, shall be commenced until approval is received of a final plat and an engineering permit has been approved, in accordance with C.O. 909.

1187.07 IMPROVEMENT GUARANTEES.

- (a) The subdivider or developer shall, prior to construction, deposit with the Finance Director a sum of money as prescribed by Chapter 909 to defray the cost of inspection and the engineering services provided and any expense incurred by the Municipality due to the installation of the improvements and review of the plat and plans. The subdivider and developer shall hold the Municipality free and harmless from any and all claims for damages of every nature arising or growing out of the construction of such improvements, and shall defend, at his/her own cost and expense, each and every suit or action brought against said Municipality by reason thereof, until the improvement has been accepted by the Municipality.
- (b) The City Engineer shall accept infrastructure within the subdivision after its construction and the appropriate bonds have been provided, as prescribed by Chapter 909.

(Ord. 28-2004. Passed 6-15-04; Ord. 31-2007. Passed 8-21-07; Ord. 36-2008. Passed 10-21-08.)

1187.22 MINOR COMMERCIAL SUBDIVISIONS.

- (a) Notwithstanding anything to the contrary, approval without a plat of a minor commercial subdivision may be granted by the Community Development Director or designee if the proposed minor subdivision of a parcel of land meets all of the following conditions:
 - (1) A final development plan according to Chapter 1159 or an equivalent plan has been approved by a city board or commission;

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- (2) The proposed subdivision is located along an existing public road, has frontage along a public street and involves no opening, widening or extension of any street;
 - (3) No more than five (5) lots are created after the original parcel has been completely subdivided;
 - (4) The proposed subdivision is not contrary to other subdivision, zoning, and other applicable regulations; and
 - (5) The property has been surveyed and a survey drawing, legal description of the property and other information as may be pertinent or required for appropriate action are submitted with the application.
- (b) If approval is given under these provisions, the Community Development Director or designee shall, within ten (10) working days after submission, approve such proposed minor subdivision and, upon presentation of a conveyance for said parcel, shall stamp "Approved by New Albany; No Plat Required", and the authorized representative of the Commission shall sign the conveyance.

(Ord. 08-2007. Passed 2-20-07; Ord. 31-2007. Passed 8-21-07.)

1187.23 MINOR RESIDENTIAL SUBDIVISIONS.

- (a) Notwithstanding anything to the contrary, approval without a plat of a minor residential subdivision may be granted by the Community Development Director or designee if the proposed minor subdivision of a parcel of land meets all of the following conditions:
- (1) The proposed subdivision is located along an existing public road, has frontage along a public street and involves no extension of any street;
 - (2) No more than five (5) lots are created after the original parcel has been completely subdivided;
 - (3) The proposed subdivision is not contrary to other subdivision, zoning, and other applicable regulations; and
 - (4) The property has been surveyed and a survey drawing, legal description of the property and other information as may be pertinent or required for appropriate action are submitted with the application.
- (b) If approval is given under these provisions, the Community Development Director or designee shall, within ten (10) working days after submission, approve such proposed minor subdivision and, upon presentation of a conveyance for said parcel, shall stamp "Approved by New Albany; No Plat Required", and the authorized representative of the Commission shall sign the conveyance.



TO: Planning Commission

FROM: Community Development Department

DATE: April 8, 2024

RE: Urban Center Code Amendment: Village Center Parkland and Open Space Requirements

Introduction

Attached are the proposed Urban Center Code amendments to expressly exempt properties in the Village Center from meeting the parkland and open space development standards (as described in C.O. 1165.10(1)).

It has been widely recognized that the Village Center should be developed in a style that promotes a traditional town center form. The success of the Village Center is directly linked to the success of the urban design decisions for future development projects. The goal and intent of the Urban Center Code (UCC) is to remove suburban design elements in the Village Center to accomplish the desired traditional urban form.

There is a discrepancy between the zoning sub-districts found in the UCC and the city code parkland and open space development standards for new residential development. Adherence to both the UCC zoning designations and the city code development standards for parkland and open space dedication compromises the ability to create the desired urban form in the Village Center.

This memo provides an overview of existing parkland and open space regulations and how they should be modified to achieve the future development pattern as envisioned in the Engage New Albany strategic plan for properties in the Village Center.

Parkland and Open Space Regulations

Types of Regulations

Construction within the city is controlled through two types of regulations: zoning districts and development standards. A zoning district is an area delineated on a zoning map for which uniform use rules are specified. A development standard is a regulation pertaining to the modification of land. Development standards examples include setbacks, lot coverage, building heights, landscaping, and parking regulations.

Traditional Zoning Outside Village Center

There are two types of zoning districts in the city of New Albany. The first is a traditional, Euclidian (use-based) type of zoning for land outside of the Village Center. Parkland and open space is not an established zoning district. For these Euclidian zoning districts, parkland and open space are provided through separate development standards found in chapter 1165 of the city

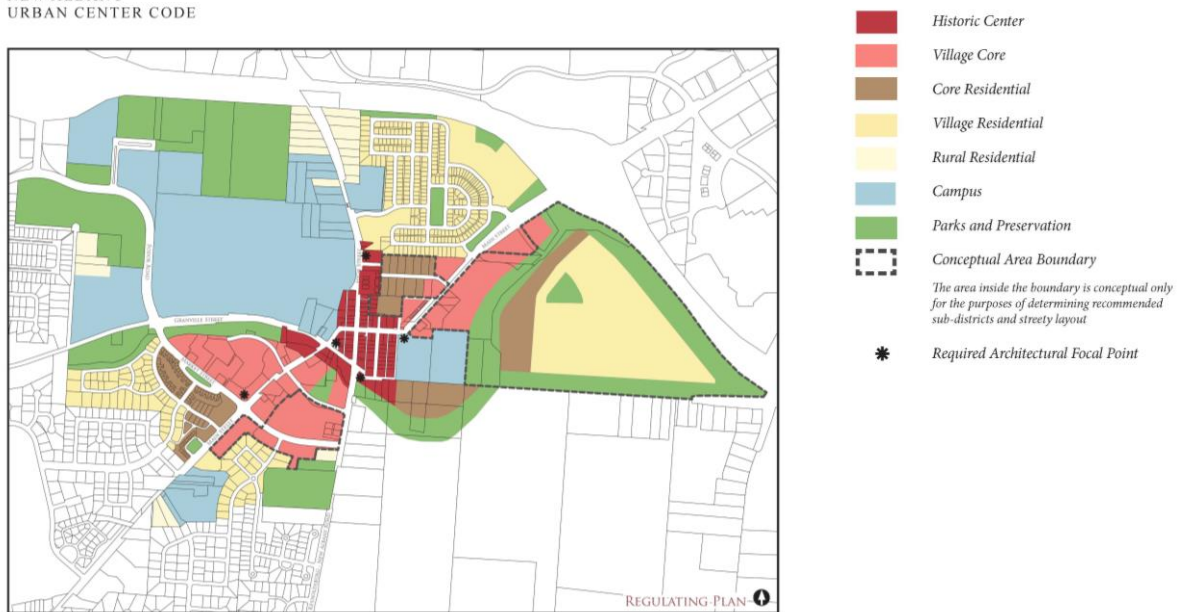
codified ordinances (C.O.). These standards are included in the table below and apply to all new residential developments in the city.

Development Type/Zoning	Parkland Dedication	Open Space Requirement
Residential “subdivisions” as defined in C.O. 1187.01(g)	2,400 sq. ft. per dwelling unit	In residential developments of two (2) acres or more, a minimum of twenty percent (20%) of the gross developed land area shall be common open space.

Urban Center Code Zoning Within the Village Center

The second type of zoning district in the city of New Albany is a form-based code, named the Urban Center Code (UCC), that is established only for land within the Village Center. The entire Village Center is zoned with different zoning districts from the UCC as shown in the graphic below. One of the UCC zoning districts is the Parks and Preservation (PP) District. The UCC only permits the development of government and recreational facilities, parks, and playgrounds within this district. The Parks and Preservation (PP) zoning district designates parkland and open space for the entire Village Center rather than relying on the development standards found in C.O. 1165.

NEW ALBANY
URBAN CENTER CODE



The Parks and Preservation (PP) zoning district serves the same purpose as C.O. 1165. However, the UCC does not expressly exempt the Village Center from the parkland and open space development standards found in C.O. 1165. Strict interpretation of city code results in requiring two parkland and open space regulations being applied within the Village Center (the first is the existing PP zoning district and the second is the development standard found in C.O. 1165). Adherence to both sets of regulations compromises the ability to create the desired urban form in the Village Center. The code needs to be updated so that a single parkland and open space regulation applies in the Village Center.

The city staff researched and determined that this code change is consistent with best practices.

Parkland and Open Space Best Practices

New Albany city code section 1165.10(a) states that the land required to be dedicated as part of new development shall be suitable for municipally owned and operated parks, recreation facilities, and open space. Every year, the city includes a breakdown of existing municipal land use categories as percentages in the city's annual report. Today, there are 1,132 acres of open space, parkland, and preserved areas in the city which is 9.54% of the total city area. Within the Village Center, there are 94 acres which is 13.4% of the total Village Center area. Private parks and open spaces, such as golf courses, are included in this calculation.

As noted in the Engage New Albany Strategic Plan, parks and open space are intrinsic to the character of New Albany and these spaces take many different forms, serving different purposes throughout the community. These spaces consist of formal greens, city parks, rural corridor setbacks, environmentally sensitive lands, and others. Existing green spaces in the city complement the development pattern in which they are located, including the Village Center. In a 2023 report, the National Recreation and Park Association (NRPA) states that the organization does not provide standards as every community is unique with its own set of desires and needs.

In a memo published by the American Planning Association, David Barth states that there are no national standards for the optimal number of parks and other recreational facilities provided in a community (Barth, 2016). The article identifies and describes the most common park and recreation Level of Service (LOS) metrics, including acres per capita. Barth recommends that communities only include lands that could have otherwise been developed, are publicly accessible, and are able to be used for recreation in their acreage LOS metric. However, the author recognizes that there is no standard answer for what lands should and should not be included in this metric (Barth, 2016).

If the existing land use numbers are applied to an acreage LOS metric, there are approximately 96 acres of parkland, open space, and preserved areas per 1,000 residents in the entire city. Within the Village Center, there are approximately 85 acres of the same type of space per 1,000 residents. Surveying 1,000 park and recreation agencies, the NRPA reports that the median parkland acreage provided in cities with a population of less than 20,000 people is 13 with an upper quartile of 21.1 acres (National Recreation and Park Association, 2023).

Conclusion

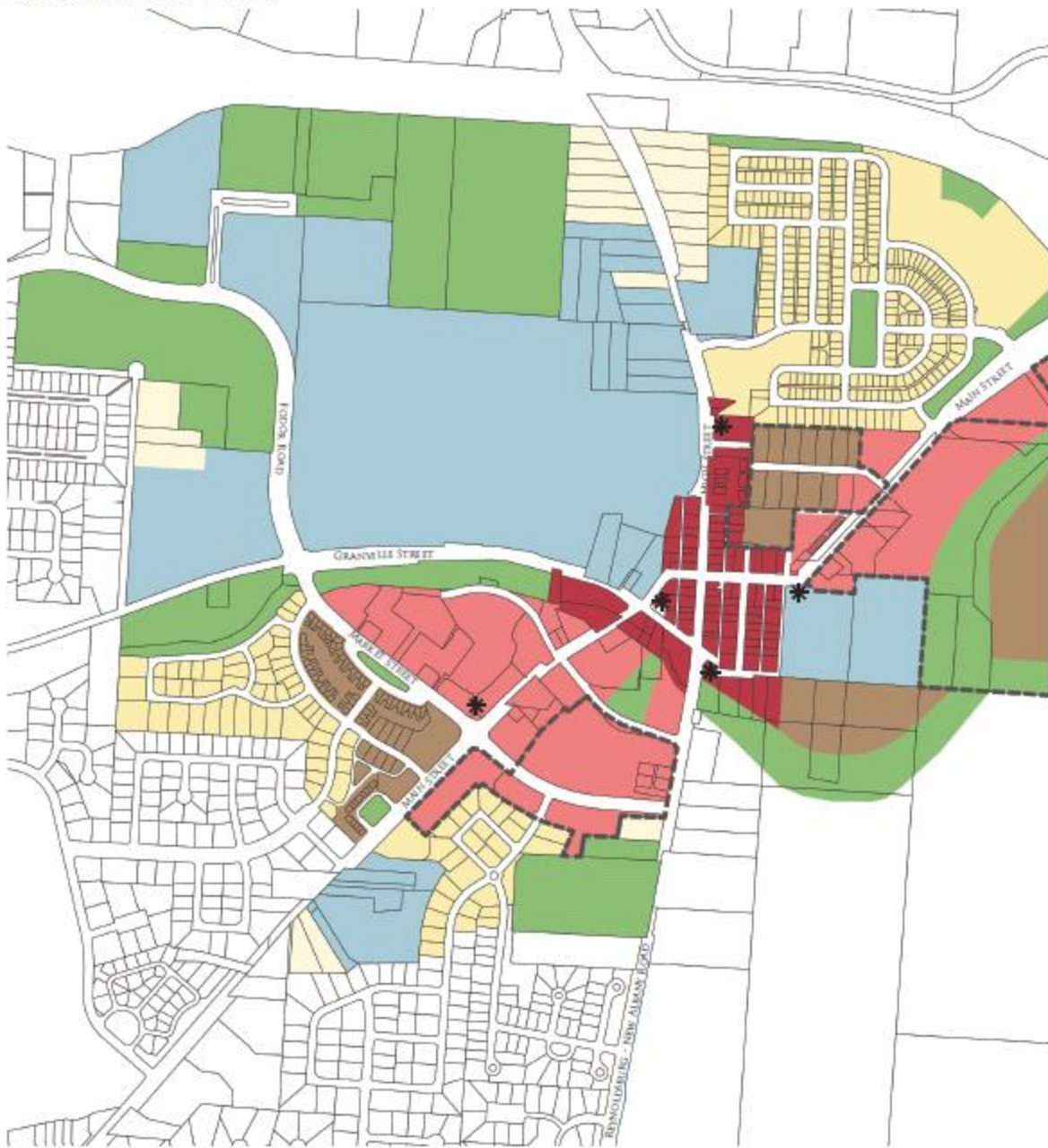
Parkland, open space, and preserved areas within the Village Center have historically been provided in a manner generally consistent with the regulating plan of the UCC. The intent of the UCC is to provide an appropriate arrangement of development that creates a vibrant, mixed-use district including a certain balance of greenspace and developed ground. This has resulted in an abundance of green spaces in the Village Center including key amenities such as Swickward Woods, Rose Run Park and the New Albany Wetland and Nature Preserve. Development in the Village Center is complimented by these greenspaces and when considered together, accomplishes the vision of the UCC.

To preserve the intent of the UCC and continue to promote cohesive development in the Village Center, the UCC should be modified so that properties in the Village Center are not required to meet the parkland and open space development standards (as described in C.O. 1165.10(1)).

Recommended Code Changes

The UCC should be updated to expressly exempt properties in the Village Center from meeting the parkland and open space development standards (as described in C.O. 1165.10(1)). The proposed modifications to the Urban Center Code are attached to this memo.

REGULATING PLAN





Street Standards Plan
 Refer to the Street Standards Plan for required and recommended street, alley, and building envelope standards.

1.1 Regulating Plan

- 1.1.1 The Regulating Plan divides the Urban Center District into sub-districts. These sub-districts identify areas of common building form based upon existing conditions and recommended future conditions from the Village Center Strategic Plan.
- 1.1.2 The sub-districts allocate the location of building forms, building frontages, and other development considerations to create the desired urban design standards for each.
- 1.1.3 The conceptual area boundary indicates a required arrangement of sub-districts and conceptual street layout for areas where the existing condition does not match the desired future building form or street layout. Modifications to sub-district boundaries can be made through the amendment process (Chapter 1111). Acceptable circumstances for modifications to the Regulating Plan would include the following:
 - a. modifications to the street standards plan
 - b. protection of natural features not previously identified
 - c. revisions to the Village Center Strategic Plan
- 1.1.4 Multiple locations within the Urban Center District have been identified as important visual termini. The locations should be seen as opportunities to highlight architectural interest through building orientation, unique massing, or frontage treatments. Refer to Section 3.3 for additional guidelines for required architectural focal points.
- 1.1.5 Some form of open space or parkland shall be provided within 1,200 linear feet of all new residential buildings. These spaces shall be programmed to meet the needs of residents in the surrounding area.

- Historic Center*
- Village Core*
- Core Residential*
- Village Residential*
- Rural Residential*
- Campus*
- Parks and Preservation*
- Conceptual Area Boundary*
- Required Architectural Focal Point*

the desired placement in a sub-district.

- 2.2.3 New building typologies shall be project specific and cannot be used for other development applications.

2.3 Wide Buildings

- 2.3.1 Buildings with lot widths that are longer than 300 feet should be sensitive to adjacent building patterns.
- 2.3.2 If a wide building is across from an existing set of buildings with significantly narrow lot widths, the wide building must mitigate the facade length by creating the appearance of smaller lot widths.
- 2.3.3 Wide buildings may implement vertical architectural elements to the building facade, changes in material, color, breaks in plane to the facade, or a varied roof line.

2.4 Reference Regulations

- 2.4.1 Unless otherwise specified in this document, the development standards of Part Eleven of the Codified Ordinances of New Albany shall apply.
- 2.4.2 Decks are permitted and shall be regulated by Codified Ordinance Chapter 1165.
- 2.4.3 Open-sided structures are permitted and shall be regulated by Codified Ordinance Chapter 1165.
- 2.4.4 Swimming pools shall be regulated by Codified Ordinance Chapter 1173.
- 2.4.5 Fencing and hedges shall be regulated by Codified Ordinance Chapter 1175.
- 2.4.6 Satellite antennas shall be regulated by Codified Ordinance Chapter 1177.
- 2.4.7 Wireless Telecommunication Facilities shall be regulated by Codified Ordinance Chapter 1179.
- 2.4.8 Properties located within the Regulating Plan boundary are not required to meet the Parkland and Open Space Dedication Requirements in Codified Ordinance Chapter 1165.