



Prepared: 12/11/2018  
Introduced: 01/02/2019  
Revised:  
Adopted:  
Effective:

## ORDINANCE O-01-2019

**AN ORDINANCE FINDING THAT THE PROPOSED ADDITION OF LAND TO THE NEW ALBANY EAST COMMUNITY AUTHORITY WILL BE CONDUCIVE TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE AND WELFARE, AND WILL NOT JEOPARDIZE THE PLAN FOR THE DEVELOPMENT OF ITS "NEW COMMUNITY" AS DEFINED IN SECTION 349.01(A) OF THE OHIO REVISED CODE; AND REDEFINING THE BOUNDARY OF THE AUTHORITY'S COMMUNITY DISTRICT TO REFLECT THAT ADDITION OF LAND**

**WHEREAS**, pursuant to Chapter 349 of the Ohio Revised Code, MBJ Holdings, LLC (the "Developer") filed a petition (the "Original Petition") with the Clerk of this Council and in the office of the Clerk of Licking County Board of Commissioners, both as then required by Chapter 349.03(A) of the Ohio Revised Code, with that Petition being for the establishment of The New Albany East Community Authority (the "Authority") and its proposed new community district comprised of approximately 742 acres (the "Original District"); and

**WHEREAS**, pursuant to Section 349.03 of the Ohio Revised Code, this City Council by its Resolution No. R-95-2014 adopted on December 2, 2014, as amended by its Resolution No. R-2-2015 adopted on January 6, 2015, accepted that Original Petition after determining it was sufficient and in compliance as to form and substance with the requirements of Section 349.03 of the Ohio Revised Code; and

**WHEREAS**, after a public hearing on that Original Petition, held after notice published in accordance with Section 349.03 of the Ohio Revised Code, this City Council by its Ordinance No. O-16-2015 passed on February 24, 2015, declared the Authority to be organized and a body politic and corporate with the boundaries of the Authority's new community Original District defined as set forth in that Ordinance; and

**WHEREAS**, pursuant to Section 349.03(B) of the Ohio Revised Code, the Developer filed a supplement to the Original Petition (the "First Supplemental Petition") with the Clerk of this Council to a (i) add to the Authority's Original District additional land aggregating in amount approximately 141.979 acres and (ii) delete from the Authority's Original District land aggregating in amount approximately 35 acres; and

**WHEREAS**, pursuant to Section 349.03 of the Ohio Revised Code, this City Council by its Resolution No. R-28-2018 adopted on July 5, 2017, accepted that First Supplemental Petition after determining it was sufficient and in compliance as to form and substance with the requirements of Section 349.03 of the Ohio Revised Code; and

**WHEREAS**, after a public hearing on that First Supplemental Petition, held after notice published in accordance with Section 349.03 of the Ohio Revised Code, this City Council by its Ordinance No. O-10-2017 passed on August 8, 2017, declared that Original District be redefined to include the approximately 141.979 +/- acres of land added in the First Supplemental Petition and to remove the approximately 35 +/- acres of land deleted in the First Supplemental Petition (together with the Original District, the "District"), and determined that the District would not jeopardize the plan for the development of its "new community"

as that term is defined in Section 349.01(A) of the Ohio Revised Code, and that the District would continue to be conducive to public health, safety, convenience and welfare; and

**WHEREAS**, this Council continues to be the "organizational board of commissioners" for the Authority as that term is defined in Section 349.01(F) of the Ohio Revised Code; and

**WHEREAS**, pursuant to Section 349.03(B) of the Ohio Revised Code the "Developer" has filed an application (the "Second Supplemental Petition") to further supplement that Original Petition with the Clerk of this Council to add to the Authority's District additional land aggregating in amount approximately 441.345 acres; and

**WHEREAS**, the Second Supplemental Petition provides that with the proposed addition to the Authority's District the Authority will continue to be conducive to the public health, safety, convenience and welfare and intended to result in the development of a "new community" as that term is defined in Section 349.01(A) of the Ohio Revised Code, and that such additional land to be included in the District is owned by or under the control of the Developer within the meaning of Section 349.01(E) of the Ohio Revised Code; and

**WHEREAS**, this Council reviewed the Second Supplemental Petition and determined in its Resolution No. R-51-2018 adopted December 10, 2018, that it complies with the requirements of Section 349.03 of the Ohio Revised Code as to form and substance, fixed a time and place of a public hearing on the Second Supplemental Petition, being January 15, 2019, commencing at 6:30 p.m., in Council Chambers in Village Hall, which time is not less than 30 days nor more than 45 days from the date the Second Supplemental Petition was filed with the Clerk of this Council, and desires that notice of the public hearing be given, all pursuant to Section 349.03(A) of the Ohio Revised Code; and

**WHEREAS**, this Ordinance redefines the boundary of the Authority's District by adding 441.345 +/- acres of land to the District, all of which is located in the City of New Albany and the County of Franklin; and

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

**Section 1.** Findings and Determinations. This Council finds and determines that the District, as its boundaries are redefined by this Ordinance, will be conducive to the public health, safety and convenience and welfare and the District, as so redefined, will not jeopardize the plan for the development of its "new community" as that term is defined in Section 349.01(A) of the Ohio Revised Code.

**Section 2.** Approval of Second Supplemental Petition. The Second Supplemental Petition is hereby accepted and shall be recorded, along with this Ordinance, in the official minutes of this Council, as the organizational board of commissioners.

**Section 3.** Revision of New Community District Boundaries. The District is hereby redefined to include the approximate 441.345 +/- acres of land being added, all as set forth in the Second Supplemental Petition, and shall have boundaries reflecting that additional of land.

**Section 4.** Compliance with Law. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

**Section 5.** Effective Date. Pursuant to Article VI, Section 6.07(B) of the charter of the City of New Albany, this ordinance shall be in effect on and after the earliest period allowed by law.

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**Attest:**

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

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

**Approved as to form:**

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

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

I hereby certify that copies of this Ordinance O-01-2019 were duly posted in accordance with Section 6.12 of the Charter of the City for at least 30 days starting on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jennifer Mason, Clerk of Council

\_\_\_\_\_  
Date



Prepared: 01/02/2019  
Introduced: 01/15/2019  
Revised:  
Adopted:  
Effective:

## ORDINANCE O-02-2019

### AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 357.2 +/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY

**WHEREAS**, pursuant to the petition filed by Aaron L. Underhill and David Hodge, agent for petitioners, with the Licking County Development and Planning Department, on November 6, 2018, and

**WHEREAS**, the foregoing Resolution #97-97 of the Licking County Commissioners granting the petition was delivered to the City of New Albany on November 13, 2018, and more than sixty (60) days have lapsed since the Resolution of the Board of County Commissioners was transmitted to the City of New Albany, and

**WHEREAS**, pursuant to Resolution R-34-2018 of the City of New Albany, the New Albany City Manager was authorized to enter into a Roadway Maintenance Agreement with the Licking County Board of Commissioners for the maintenance of sections of roadways impacted by this annexation.

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

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

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

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

**Section 1:** The application of property owners set forth in Licking County requesting the annexation of 357.2+/- acres, which is contiguous to the City of New Albany, is hereby accepted, and the corporate boundaries of New Albany shall be extended to include the territory, more particularly described in Exhibit A, attached hereto and incorporated herein as if fully written.

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

**Section 3:** City Council of the City of New Albany hereby accepts the annexation of a 357.2+/-acre tract, situated in Jersey Township, Licking County, Ohio, the same being land of the owners set forth above, for annexation to the City of New Albany.

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

**Section 5.** It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

**Section 6.** Pursuant to Article VI, Section 6.07(b) of the charter of the City of New Albany, this ordinance shall be in effect on and after the earliest period allowed by law.

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**Attest:**

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

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

**Approved as to form:**

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

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

I certify that copies of Ordinance **O-02-2019** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jennifer Mason, Clerk of Council

\_\_\_\_\_  
Date

Exhibit A - 0-02-2019

**PROPOSED ANNEXATION  
357.2± ACRES**

<b>PRE-APPROVAL</b>	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: [Signature]	DATE: 11/15/16

**FROM: JERSEY TOWNSHIP, LICKING COUNTY OHIO  
TO: CITY OF NEW ALBANY**

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Sections 17 and 24, Township 2, Range 15, United States Military District, and being all of that 50.000 acre tract conveyed to Robert A. Carr and Deborah B. Carr by deed of record in Instrument Number 201007260014254, all of that 80.00 acre tract conveyed to Paul Herb and Suzanne Herb by deed of record in Instrument Number 201007260014251, all of that 16.99 acre tract conveyed to Paul Herb and Suzanne Herb by deed of record in Instrument Number 201007260014251, all of that 175.548 acre tract conveyed to Robert A. Carr and Deborah B. Carr by deed of record in Instrument Number 201809270020358, all of that 10 acre tract conveyed to KW Ltd., by deed of record in Official Record 704, Page 639, all of that 8 acre tract conveyed to Blanco Investments, LLC by deed of record in Instrument Number 200511070035506, all of that 8.061 acre tract conveyed to Blanco Investments, LLC by deed of record in Instrument Number 200511280037568, and all of that 6 acre tract conveyed to Blanco Investments, LLC by deed of record in Instrument Number 200712280032705, (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

BEGINNING, in the common line to Section 17 and Section 24, in the centerline of Harrison Road of record in Road Record 2, Page 135, in the southwesterly corner of that 4.862 acre tract conveyed to Vicki Reed by deed of record in Instrument Number 200504140010935, the northwesterly corner of that 14 1/2 acre tract conveyed as Parcel Two, Tract One to Paul Herb and Suzanne Herb by deed of record in Instrument Number 201007260014251, the northeasterly corner of said 80.00 acre tract, the southeasterly corner of that 0.8808 acre tract conveyed to Athena M. Voda by deed of record in Instrument Number 201808130016692;

Thence South 03° 39' 35" West, with the centerline of said Harrison Road, with the easterly line of said 80.00 acre tract, with the easterly line of said 50.000 acre tract, with the westerly line of said 14 1/2 acre tract conveyed as Parcel Two, Tract One, with the westerly line of that 14 1/2 acre tract conveyed as Parcel Two, Tract Two to Paul Herb and Suzanne Herb by deed of record in Instrument Number 201007260014251, with the westerly line of that 54.421 acre tract conveyed to Ralph O. Corwin and Mary Jane Corwin, Trustees by deed of record in Instrument Number 200608310025526, a distance of 2151.03 feet to a point in the southeasterly corner of said 50.000 acre tract, in the northeasterly corner of that 5.097 acre tract conveyed to Jersey Baptist Church, an Ohio Corporation by deed of record in Instrument Number 200509270030373;

Thence North 85° 56' 05" West, with the southerly line of said 50.000 acre tract, with the northerly line of said 5.097 acre tract, with the northerly line of that 44.111 acre tract conveyed to Peggy June Casagrande by deed of record in Instrument Number 201202020002302, a distance of 2705.63 feet to a point in the common section line to Section 24 and Section 25, in the City of New Albany corporation line, established by Ordinance Number 0-15-2015, of record in Instrument Number 201506090011435, in the southwesterly corner of said 50.000 acre tract, in the northwesterly corner of said 44.111 acre tract, in the easterly line of that 323.145 acre tract conveyed to Sidecat LLC by deed of record in Instrument Number 201708310018468;

Thence North 03° 40' 09" East, with the common section line to Sections 24 and 25, with said City of New Albany corporation line (Ordinance Number 0-15-2015), with the City of New Albany corporation line, established by Ordinance Number 0-23-2011, of record in Instrument Number 201206120012996, with the westerly line of said 50.000 acre tract, with the westerly line of said 80.00 acre tract, with the easterly line of said 323.145 acre tract, a distance of 1485.20 feet to a point;

Thence North 03° 33' 59" East, continuing with said common section line, with said City of New Albany corporation line (Ordinance Number 0-23-2011), with the line common to said 80.00 acre tract and said 323.145 acre tract, a distance of 665.24 feet to a point in the corner common to Sections 16, 17, 24, and 25, in the northwesterly corner of said 80.00 acre tract, in the southwesterly corner of said 16.99 acre tract;

**357.2± ACRES**

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Thence South 02° 56' 37" West, with the easterly line of said 10 acre tract, with the westerly line of that 3.826 acre tract conveyed to Cecelia's Corner LTD., by deed of record in Instrument Number 200706260016483, with the westerly line of that 2.022 acre tract conveyed to Robert A. Carr and John J. Carr by deed of record in Instrument Number 200903090004713, with the westerly line of that 2.016 acre tract conveyed to Dianne M. Carr by deed of record in Instrument Number 201012030024740, with the westerly line of that 2.011 acre tract conveyed to John J. Carr by deed of record in Instrument Number 199801160001475, with the westerly line of that 2.005 acre tract conveyed to William R Carr and Lisa E Carr by deed of record in Instrument Number 201809100018814, with the westerly line of that 2.000 acre tract conveyed to Dianne M. Carr by deed of record in Instrument Number 200805080010761, a distance of 1119.23 feet to a point in the southwesterly corner of said 2.000 acre tract, in an southeasterly corner of said 10 acre tract, in the northerly line of that 49.533 acre tract conveyed to Robert A. Carr and Deborah B. Carr by deed of record in Instrument Number 201809270020360;

Thence North 86° 58' 18" West, with the line common to said 10 acre tract and said 49.533 acre tract, a distance of 46.47 feet to a point in a northwesterly corner of said 49.533 acre tract, in a northeasterly corner of said 175.548 acre tract;

Thence with the line common to said 175.548 acre tract and said 49.533 acre tract, the following courses and distances:

South 21° 25' 12" West, a distance of 412.73 feet to a point;  
South 14° 12' 56" West, a distance of 325.57 feet to a point;  
South 01° 26' 42" East, a distance of 412.13 feet to a point;  
South 41° 55' 37" West, a distance of 180.25 feet to a point;  
South 05° 08' 03" West, a distance of 766.00 feet to a point;  
South 71° 30' 29" West, a distance of 101.00 feet to a point;  
South 11° 37' 18" East, a distance of 92.00 feet to a point;  
South 78° 30' 16" East, a distance of 54.50 feet to a point;  
South 33° 00' 34" East, a distance of 259.00 feet to a point;  
South 43° 49' 15" West, a distance of 51.50 feet to a point;  
South 05° 18' 46" East, a distance of 57.00 feet to a point;  
North 89° 41' 50" East, a distance of 80.00 feet to a point;  
South 17° 26' 33" East, a distance of 219.79 feet to a point;  
South 28° 31' 53" West, a distance of 319.94 feet to a point;  
South 23° 37' 42" East, a distance of 629.00 feet to a point;  
South 88° 12' 10" East, a distance of 129.00 feet to a point;  
South 02° 32' 47" East, a distance of 105.90 feet to a point;  
South 12° 32' 49" East, a distance of 197.58 feet to a point; and

South 86° 04' 14" East, a distance of 244.57 feet to a point in the centerline of said Harrison Road, in a northeasterly corner of said 175.548 acre tract, in a southeasterly corner of said 49.533 acre tract, in the westerly line of that 2.000 acre tract conveyed as Tract Two to Michael H. Elkins by deed of record in Instrument Number 200907170015904;

Thence South 03° 37' 39" West, with the centerline of said Harrison Road, with the line common to said 175.548 acre tract and said 2.000 acre tract, a distance of 150.00 feet to a point in a southeasterly corner of said 175.548 acre tract, in the northeasterly corner of that 0.931 acre tract conveyed to James E. Winn, Trustee by deed of record in Instrument Number 200505030013126;

357.2± ACRES

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Thence North 86° 04' 14" West, with the line common to said 175.548 acre tract and said 0.931 acre tract, a distance of 325.00 feet to a point in the northwesterly corner of said 0.931 acre tract, in the northeasterly corner of said 16.99 acre tract;


Thence South 13° 47' 02" East, with the line common to said 16.99 acre tract and said 0.931 acre tract, a distance of 150.80 feet to a point in the southwesterly corner of said 0.931 acre tract, in the northwesterly corner of said 0.8808 acre tract;

Thence South 07° 12' 16" East, with the line common to said 16.99 acre tract and said 0.8808 acre tract, a distance of 146.97 feet to a point in the southeast corner of said 16.99 acre tract, in the southwest corner of said 0.8808 acre tract, in the northerly line of said 80.00 acre tract;

Thence South 85° 56' 50" East, with the line common to said 80.00 acre tract and said 0.8808 acre tract, a distance of 252.26 feet to the POINT OF BEGINNING, containing 357.2 acres, more or less.

This description is for annexation purposes only and is not for transfer.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



11-2-2018

Joshua M. Meyer  
Professional Surveyor No. 8485

Date

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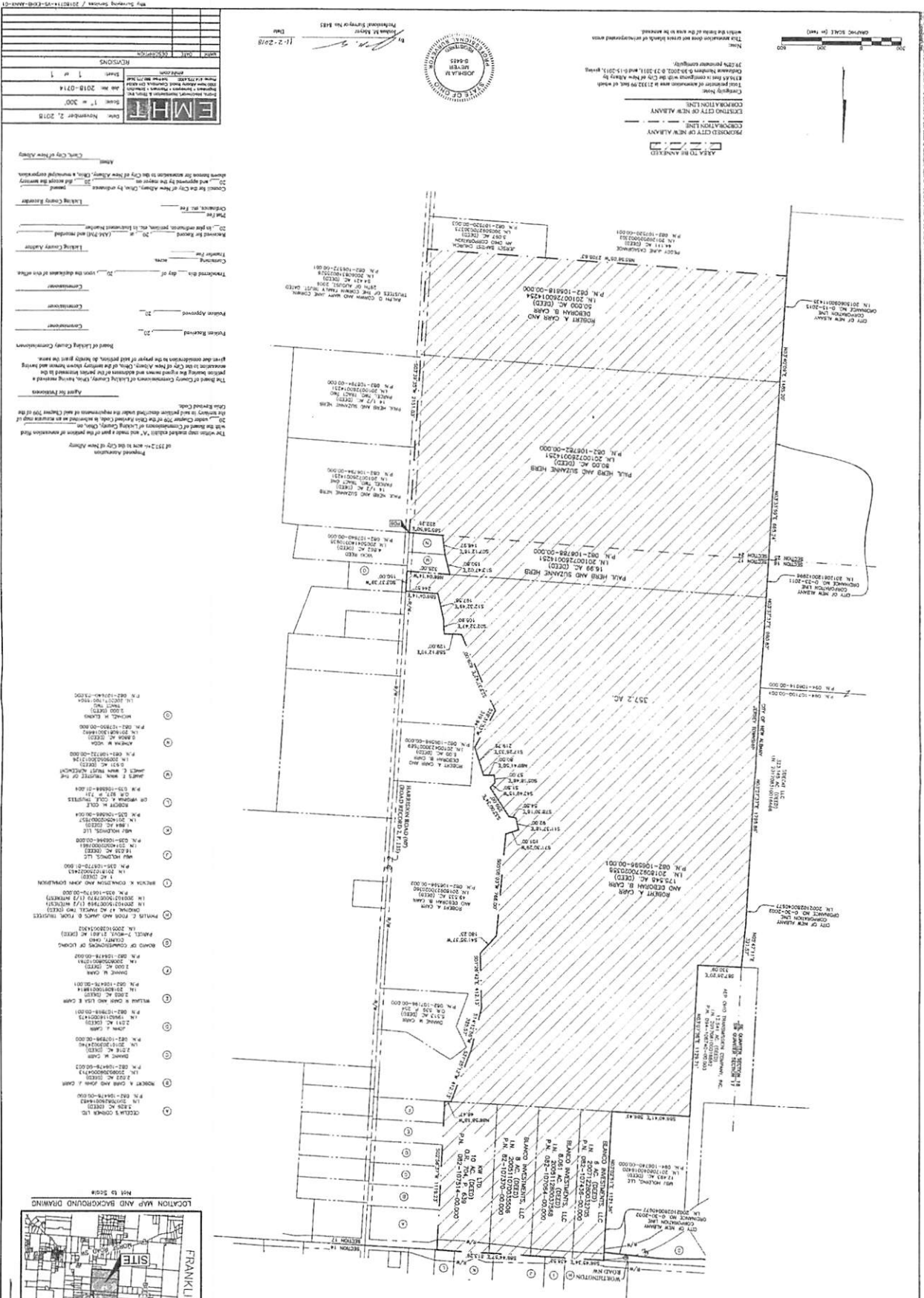
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## EXHIBIT B - O-02-2019





Prepared: 11/30/2018  
Introduced: 01/15/2019  
Revised:  
Adopted:  
Effective:

## ORDINANCE O-03-2019

**AN ORDINANCE TO DECLARE THE IMPROVEMENT TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, EXEMPT 100% OF THAT IMPROVEMENT FROM REAL PROPERTY TAXATION, REQUIRE THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, PROVIDE FOR THE DISTRIBUTION OF THE APPLICABLE PORTION OF THOSE SERVICE PAYMENTS TO THE LICKING HEIGHTS LOCAL SCHOOL DISTRICT AND THE CAREER AND TECHNOLOGY EDUCATION CENTERS OF LICKING COUNTY, ESTABLISH A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE REMAINDER OF THOSE SERVICE PAYMENTS, SPECIFY THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT DIRECTLY BENEFIT THOSE PARCELS, AND APPROVE AND AUTHORIZE THE EXECUTION OF ONE OR MORE TAX INCREMENT FINANCING AGREEMENTS**

**WHEREAS**, Sections 5709.40, 5709.42 and 5709.43 of the Ohio Revised Code (collectively, the "*TIF Statutes*") authorize this Council to declare the improvement to certain parcels of real property located within the City of New Albany, Ohio (the "*City*") to be a public purpose and exempt from taxation, require the owner of those parcels to make service payments in lieu of taxes, provide for the distribution of the applicable portion of those service payments to the Licking Heights Local School District and the Career and Technology Education Centers of Licking County, (each, a "*School District*"), establish a municipal public improvement tax increment equivalent fund for the deposit of the remainder of those service payments and specify public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit, those parcels; and

**WHEREAS**, the parcels of real property identified and depicted in Exhibit A attached hereto (each, as now or hereafter configured on the tax list and duplicate of real and public utility property, a "*Parcel*", and collectively, the "*Parcels*") are located in the City, and this Council has determined to declare the Improvement (as defined in Section 1 of this Ordinance) to each Parcel to be a public purpose; and

**WHEREAS**, this Council has determined that it is necessary and appropriate and in the best interest of the City to exempt from taxation one hundred percent (100%) of the Improvement to each Parcel as permitted and provided in Section 5709.40(B) of the Ohio Revised Code for thirty (30) years and to simultaneously direct and require the current and future owner of each Parcel (each such owner individually, an "*Owner*," and collectively, the "*Owners*") to make annual Service Payments (as defined in Section 2 of this Ordinance); and

**WHEREAS**, the City has determined that a portion of the Service Payments shall be paid directly to each School District in an amount equal to the real property taxes that the School District would have received if the Improvement to the Parcels had not been exempted from taxation pursuant to this Ordinance; and

**WHEREAS**, pursuant to Section 5709.43(A) of the Ohio Revised Code, this Council has determined to establish a municipal public improvement tax increment equivalent fund in which there shall be deposited the remaining Service Payments distributed to the City; and

**WHEREAS**, this Council has determined to designate the public infrastructure improvements described in Exhibit B attached hereto (the "*Public Infrastructure Improvements*") as public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit, the Parcels; and

**WHEREAS**, this Council has determined to provide for the execution and delivery of one or more Tax Increment Financing Agreements (each, a "*TIF Agreement*"), which will more fully provide for the collection of Service Payments; and

**WHEREAS**, notice of this proposed Ordinance has been delivered to the Board of Education of the Licking Heights Local School District in accordance with, and within the time periods prescribed by, Sections 5709.40 and 5709.83 of the Ohio Revised Code and in furtherance of the commitment made by the City in the Compensation Agreement entered into between the Board of Education of the Licking Heights Local School District, and the City; and

**WHEREAS**, notice of this proposed Ordinance has been delivered to the Board of Education of Career and Technology Education Centers of Licking County (C-TEC) in accordance with, and within the time periods prescribed by, Section 5709.83 of the Ohio Revised Code;

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

**Section 1.**        Authorization of Tax Exemption. Pursuant to and in accordance with the provisions of Section 5709.40(B) of the Ohio Revised Code, one hundred percent (100%) of the increase in assessed value of each Parcel that is used or to be used for non-residential purposes and that would first appear on the tax list and duplicate of real and public utility property after the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the "*Improvement*", as further defined in Section 5709.40(A) of the Ohio Revised Code) is hereby declared to be a public purpose and shall be exempt from taxation for a period commencing with the first tax year that begins after the effective date of this Ordinance and in which an Improvement attributable to a new structure on that Parcel first appears on the tax list and duplicate of real and public utility property for that Parcel and ending on the earlier of (a) thirty (30) years after such commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Statutes. The real property tax exemption granted pursuant to this Section and the payment obligation established pursuant to Section 2 are subject and subordinate to any real property tax exemption granted pursuant to Sections 3735.65 to 3735.70 or Sections 5709.61 to 5709.69 of the Ohio Revised Code.

**Section 2.**        Service Payments and Property Tax Rollback Payments. Pursuant to Section 5709.42 of the Ohio Revised Code, this Council hereby directs and requires the Owner of each Parcel to make annual service payments in lieu of taxes with respect to the Improvement allocable thereto to the Treasurer of Licking County, Ohio (the "*County Treasurer*") on or before the final dates for payment of real property taxes. The service payment in lieu of taxes for each Parcel, including any penalties and interest at the then current rate established under Sections 323.121(B)(1) and 5703.47 of the Ohio Revised Code, as the same may be amended or supplemented from time to time, or any other applicable provisions of the Ohio Revised Code

(collectively, the "Service Payments"), shall be charged to each Parcel and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement to that Parcel if it were not exempt from taxation pursuant to Section 1 of this Ordinance, all in accordance with Section 5709.42 of the Ohio Revised Code. The Service Payments, and any other payments with respect to the Improvement that are received by the County Treasurer in connection with the reduction required by Sections 319.302, 321.24, 323.152 and 323.156 of the Ohio Revised Code, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time, or any other applicable provisions of the Ohio Revised Code (collectively, the "Property Tax Rollback Payments"), shall be allocated and distributed in accordance with Section 4 of this Ordinance.

**Section 3.**        Tax Increment Equivalent Fund. This Council hereby establishes, pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the Oak Grove II Public Tax Increment Equivalent Fund (the "Fund"). The Fund shall be maintained in the custody of the City and shall receive all distributions to be made to the City pursuant to Section 4 of this Ordinance. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement to each Parcel and so deposited pursuant to Section 5709.42 of the Ohio Revised Code shall be used solely for the purposes authorized in the TIF Statutes and this Ordinance, as the same may be amended from time to time. The Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the Fund shall be dissolved and any incidental surplus funds remaining therein transferred to the City's General Fund, all in accordance with Section 5709.43 of the Ohio Revised Code.

**Section 4.**        Distribution of Funds. Pursuant to the TIF Statutes, the County Treasurer is hereby requested and directed to distribute the Service Payments and Property Tax Rollback Payments as follows:

(i)        to each School District, an amount equal to the amount the School District would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to each Parcel if the Improvement had not been exempt from taxation pursuant to this Ordinance; and

(ii)       to the City, all remaining amounts for further deposit into the Fund for payment of costs of the Public Infrastructure Improvements upon appropriation for that purpose by this Council. If so appropriated, such costs may but shall not be required to include, without limitation, all debt service payable on debt issued by the City or the New Albany Community Authority (the "Authority") to pay for Public Infrastructure Improvements, all amounts owed to any fund of the City or Authority to reimburse that fund for the costs of any Public Infrastructure Improvements previously paid from that fund, including interest payable on those amounts, and all amounts owed by the City or Authority to any third party for the construction of Public Infrastructure Improvements, including interest payable on those amounts.

**Section 5.**        Public Infrastructure Improvements. This Council hereby designates the Public Infrastructure Improvements described in Exhibit B attached hereto, and any other public infrastructure improvements hereafter designated by ordinance, as public infrastructure improvements made, to be made or in the process of being made by the City that directly benefit, or that once made will directly benefit, the Parcels.

**Section 6.**        Tax Increment Financing Agreement. The form of TIF Agreement presently on file with the Fiscal Officer is hereby approved and authorized with changes therein and amendments thereto not inconsistent with this Ordinance and not substantially adverse to the City and which shall be approved by the

City Manager. The City Manager, for and in the name of the City, is hereby authorized to execute and deliver one or more TIF Agreements with one or more owners of a Parcel or Parcels in substantially that form along with any changes therein and amendments thereto, provided that the approval of such changes and amendments by the City Manager, and the character of those changes and amendments as not being substantially adverse to the City or inconsistent with this Ordinance, shall be evidenced conclusively by the City Manager's execution thereof.

**Section 7.**            Further Authorizations. This Council hereby authorizes and directs the City Manager, the City Solicitor, the Fiscal Officer or other appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments from the Owners, including the preparation and filing of any necessary exemption applications. This Council further hereby authorizes and directs the City Manager, the City Solicitor, the Fiscal Officer or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance.

**Section 8.**            Filings with Ohio Department of Development. Pursuant to Section 5709.40(I) of the Ohio Revised Code, the City Manager or other appropriate officer of the City is hereby directed to deliver a copy of this Ordinance to the Director of Development of the State of Ohio within fifteen (15) days after its adoption. Further, on or before March 31 of each year that the exemption set forth in Section 1 of this Ordinance remains in effect, the City Manager or other appropriate officer of the City shall prepare and submit to the Director of Development of the State of Ohio the status report required under Section 5709.40(I) of the Ohio Revised Code.

**Section 9.**            Tax Incentive Review Council. This council hereby designates the Tax Incentive Review Council created pursuant to Resolution R-46-2009 as the tax incentive review council responsible for reviewing annually all exemptions from taxation resulting from the declarations set forth in this Ordinance and any other such matters as may properly come before that council, all in accordance with Section 5709.85 of the Ohio Revised Code.

**Section 10.**           Open Meetings. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

**Section 11.**           Effective Date. Pursuant to Article 6.07(b) of the New Albany Charter, this Ordinance shall become effective thirty (30) days after adoption.

**CERTIFIED AS ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

**Attest:**

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Sloan T. Spalding  
Mayor

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Jennifer H. Mason  
Clerk of Council

**Approved as to form:**

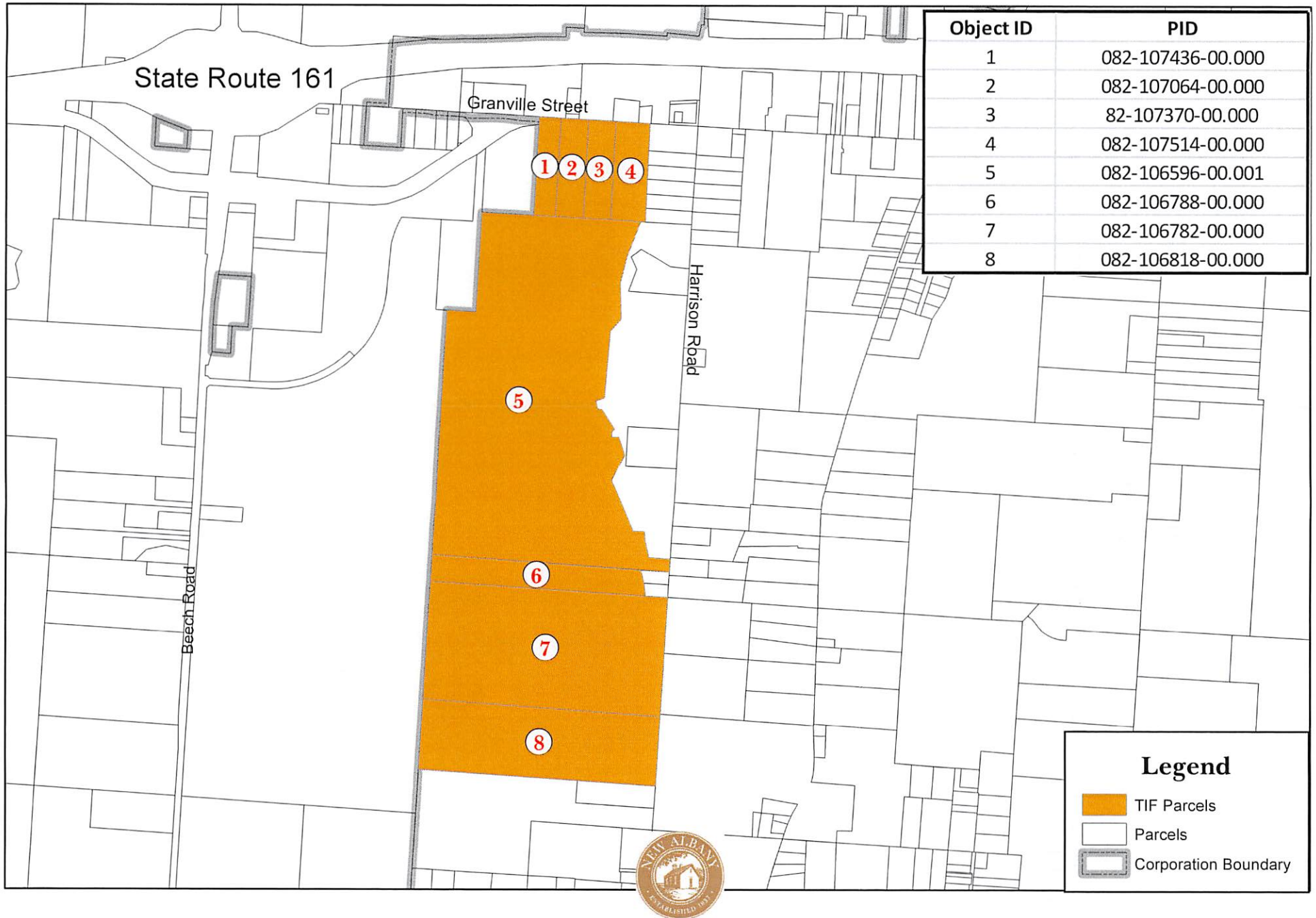
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Mitchell H. Banchevsky  
Law Director

## **EXHIBIT A**

### **PARCEL MAP**

The colored areas on the attached map specifically identify and depict the Parcels and constitutes part of this Exhibit A.



New Albany TIF Parcels - Business Park South Harrison Road Amendment  
City of New Albany, Ohio

## **EXHIBIT B**

### **PUBLIC INFRASTRUCTURE IMPROVEMENTS**

The Public Infrastructure Improvements include the construction of the following improvements that will directly benefit the Parcels and all related costs of permanent improvements (including, but not limited to, those costs listed in Section 133.15(B) of the Ohio Revised Code), along with any other improvements subsequently designated by Village Council:

- public roads and highways (including street realignments);
- water and sewer lines;
- leisure trails and connections;
- parks and public facilities;
- environmental remediation projects;
- stormwater and flood remediation projects, including such projects on private property when determined to be necessary for public health, safety and welfare;
- gas, electric and communications services facilities, including fiber optics;
- land acquisition, including acquisition in aid of industry, commerce, distribution, or research;
- demolition, including demolition on private property when determined to be necessary for economic development purposes;
- landscaping and signage, including brick retaining walls at roadway intersections; including in each case, design and other related costs (including traffic studies); any rights-of-way or real estate acquisition; curbs and gutters, medians, sidewalks, bikeways, and landscaping (including scenic fencing and irrigation); traffic signs and signalization (including overhead street signage); street lighting and signs; burial of utility lines (including fiber optics); erosion and sediment control measures; grading, drainage and other related work; survey work, soil engineering, inspection fees and construction staking; and all other costs and improvements necessary and appurtenant thereto.



Prepared: 01/07/2019  
Introduced: 01/15/2019  
Revised:  
Adopted:  
Effective:

## ORDINANCE O-04-2019

### AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT WITH THE OHIO WATER DEVELOPMENT AUTHORITY FOR A LOCAL ECONOMIC DEVELOPMENT LOAN IN AN AMOUNT NOT TO EXCEED \$11,700,000

**WHEREAS**, on December 10, 2018, Montauk Innovations, LLC announced plans to open a 275,000 square foot data center in the New Albany International Business Park (the "Project"); and

**WHEREAS**, the Project is estimated to create fifty (50) new full-time jobs with an annual payroll of approximately \$4,000,000 and other jobs and economic activity are expected to stem from the construction and development of the Project; and

**WHEREAS**, the Council of this City, by its Resolution R-50-2018 adopted December 10, 2018, authorized the execution of agreements in furtherance of the Project, including a Development and Supply Agreement providing for, among other things, the extension of the Blacklick Creek Trunkline Sewer Part 2A (the "Water and Sewer Improvements"); and

**WHEREAS**, the City has submitted an application to the Ohio Water Development Authority ("OWDA") for a Local Economic Development ("LED") draw down loan in an amount up to \$11,700,000 to fund those Water and Sewer Improvements; and

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

**Section 1.** OWDA Loan to Finance Water and Sewer Improvements. The Council authorizes the City Manager to enter into a Loan Agreement with OWDA for an LED loan (the "OWDA Loan") in an amount not to exceed \$11,700,000 to finance the Water and Sewer Improvements, with the terms of that Loan being substantially the same as the terms reflected in the Loan Application previously submitted to the OWDA by the City.

**Section 2.** Appropriation. There is hereby appropriated for the Water and Sewer Improvements, from the City's Water and Sanitary Sewer Improvement Fund, Capital classification an additional amount not to exceed \$1,700,000 to supplement the previously approved \$10,000,000 appropriation from the 2019 Annual Budget Program, from the proceeds of the OWDA Loan.

**Section 3.** Further Authorizations. This Council hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Community Development Director, the Clerk of Council, or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other

actions (including but not limited to making application and preliminary agreements for financing that is then subject to formal approval by this Council) as may be appropriate to implement this Ordinance and the transactions referenced or contemplated herein.

**Section 4.** Compliance with the Law. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and any of its committees, and that all deliberations of this Council in any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with law including Section 121.22 of the Ohio Revised Code.

**Section 5.** Effective Date. Pursuant to Article VI, Section 6.07(B) of the Charter of the City of New Albany, this ordinance shall be in effect on and after the earliest period allowed by law.

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**Attest:**

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

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

**Approved as to form:**

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

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

I certify that copies of Ordinance **O-04-2019** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jennifer Mason, Clerk of Council

\_\_\_\_\_  
Date



Prepared: 01/07/2019  
Introduced: 01/15/2019  
Revised:  
Adopted:  
Effective:

## ORDINANCE O-05-2019

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 357.2 +/- ACRES OF LAND GENERALLY LOCATED WEST OF AND ADJACENT TO HARRISON ROAD, SOUTH OF AND ADJACENT TO WORTHINGTON ROAD, AND GENERALLY NORTH OF MORSE ROAD FOR AN AREA TO BE KNOWN AS THE "HARRISON ROAD SOUTH ZONING DISTRICT" FROM ITS CURRENT ZONING OF "AG" AGRICULTURAL DISTRICT TO "L-GE" LIMITED GENERAL EMPLOYMENT DISTRICT AS REQUESTED BY MBJ HOLDINGS LLC C/O AARON UNDERHILL, ESQ.**

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

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

**WHEREAS**, pursuant to the application by MJB Holdings LLC c/o Aaron Underhill, the Planning Commission of the City of New Albany has reviewed the proposed ordinance amendment and recommended its approval.

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

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

- A. A 357.2 ± acre area of land general located to the west of and adjacent to Harrison Road, south of and adjacent to Worthington Road, and generally north of Morse Road for an area to be known as the "Harrison Road South Zoning District" from its current zoning of "AG" Agricultural District to "L-GE" Limited General Employment District;
- B. The zoning district's limitation text and site plan is hereby attached and marked Exhibit A.

**Section 2.** It is hereby found and determined that all formal actions of this council concerning and relating to the passage of this ordinance were adopted in an open meeting of the council and any decision making bodies of the City of New Albany which resulted in such formal action were in meetings open to the public or in compliance with all legal requirements of the City of New Albany, Counties of Franklin and Licking, State of Ohio.

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

CERTIFIED AS ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**Attest:**

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

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

**Approved as to form:**

\_\_\_\_\_  
Mitchell H. Banchevsky  
Law Director

**HARRISON SOUTH ZONING DISTRICT**

**LIMITATION (L-GE) TEXT**

**DECEMBER 28, 2018**

The Harrison South Zoning District (hereinafter, the “Zoning District”) serves to extend the same or similar zoning and development standards to property being annexed to the City as currently apply to adjacent property to the east. The property that is the subject of this zoning text consists of 357.2+/- acres located partially adjacent to and to the west of Harrison Road, to the east of and adjacent to property owned by an affiliate of Facebook, to the south of and adjacent to Worthington Road, and generally to the north of Morse Road. To the extent that a standard in this text conflicts with a standard that is provided in the City of New Albany’s Codified Ordinances, the standard contained in this text shall govern. This Zoning District shall be governed by the relevant provisions of the City’s Codified Ordinances to the extent that this text is silent on any particular matter.

A. Zoning Designation: L-GE, Limited General Employment District

B. Permitted Uses: The permitted and conditional uses contained and described in the Codified Ordinances of the City of New Albany, GE, General Employment District, Sections 1153.02 and 1153.03, provided that conditional uses are approved in accordance with Chapter 1115, Conditional Uses. The following uses from these code sections shall be prohibited:

1. Industrial product sales (See Section 1153.03(a)(1));
2. Industrial service (See Section 1153.03(a)(2));
3. Mini-warehouses (See Section 1153.03(a)(4)(c)). For purposes of clarification, this prohibition applies only to such facilities that are made available for rental to the general public.
4. Personal service (See Section 1153.03(b)(2)) and retail product sales and service (See Section 1153.03(b)(3)), except that such uses shall be allowed as accessory uses to a permitted use in this Zoning District;
5. Vehicle services (See Section 1153.03(b)(4));
6. Radio/television broadcast facilities (See Section 1153.03(c)(1)); and
7. Sexually-oriented businesses (See Section 1153.03(c)(3)).

C. Access, Parking, Site Circulation, and Traffic Commitments:

1. The developer shall work with the City Manager or his designee to determine the appropriate timing and phasing of all required street improvements.
2. Subject to other provisions in this text, on public rights-of-way which exist on the date of this text the number, locations, and spacing of curbcuts shall be determined and approved by the City Manager or his designee in consultation with the developer at the time that a certificate of appropriateness is issued for a project in this Zoning District.
3. Parking and loading spaces shall be provided for each use per Section 1167 of the Codified Ordinances of the City of New Albany.
4. In conjunction with the filing of an application with the City for a plat or private site

development a traffic study shall be filed by the applicant unless the City waives this requirement or modifies it to require less than a full study. The developer shall dedicate property as directed by the City for public street right-of-way as follows:

a. Harrison Road: The total right-of-way for Harrison Road shall be 60 feet. Right-of-way shall be dedicated to the City within this Zoning District to a width of 30 feet as measured from the centerline of Harrison Road. The developer shall grant easements to the City which are adjacent to the aforementioned 60-foot right-of-way to the extent necessary to provide for the installation and maintenance of streetscape improvements, public utility lines, and leisure paths.

b. Worthington Road: The total right-of-way for Worthington Road shall be 60 feet. Right-of-way shall be dedicated to the City within this Zoning District to a width of 30 feet as measured from the centerline of Worthington Road. The developer shall grant easements to the City which are adjacent to the aforementioned 60-foot right-of-way to the extent necessary to provide for the installation and maintenance of streetscape improvements, public utility lines, and leisure paths.

c. New Public Streets: All other public streets constructed within this zoning district shall have a right-of-way width that is appropriate for the character and anticipated usage of such streets as guided by the City of New Albany 2014 Strategic Plan and determined by the aforementioned traffic study.

D. Lot and Setback Commitments:

1. Lot Coverage: There shall be a maximum lot coverage in this Zoning District of 75%.

2. Setbacks:

a. Harrison Road: There shall be a minimum building and pavement setback of 100 feet from the Harrison Road right-of-way, as measured after the required right-of-way dedication for this street is completed as provided in this text.

b. Worthington Road: There shall be a minimum pavement setback of 25 feet and a minimum building setback of 50 feet from the Worthington Road right-of-way as measured after the required right-of-way dedication for this street is completed as provided in this text.

c. New Public Streets: There shall be a minimum building and pavement setback of 25 feet from the right-of-way for any new public street within this Zoning District.

d. Perimeter Boundaries: Subject to Section J below, there shall be (i) a minimum pavement setback of 50 feet and a minimum building setback of 100 feet from all perimeter boundaries of this Zoning District which are adjacent to property on which residential uses are permitted, and (ii) a minimum pavement and building setback of 25 feet from all other perimeter boundaries that are not adjacent to a public right-of-way. Furthermore, where a parcel boundary follows or generally follows the centerline of a stream, the minimum pavement setback shall be 50 feet and the minimum building setback shall be 100 feet from the centerline of that stream.

e. From Streams: Subject to the immediately preceding subsection e., there shall be a minimum 100-foot wide stream corridor protection zone covering the existing stream which is located within the eastern portion of this Zoning District. The amount of the stream corridor protection zone which is located on each side of the centerline of the stream may vary, provided that no less than 25 feet of this protection zone shall be located on either side of the stream. Notwithstanding the foregoing, should any applicable permits from federal or state governmental authorities more restrictive widths for this stream corridor, then the requirements of such permits shall govern.

f. Elimination of Setbacks: In the event that a parcel located within this Zoning District and an adjacent parcel located within or outside of this Zoning District (i) come under common ownership or control, (ii) are zoned to allow compatible non-residential uses, and (iii) are combined into a single parcel, then any minimum building, pavement, or landscaping setbacks set forth in this text as they apply to common property lines shall no longer apply with respect to these parcels.

E. Architectural Standards:

1. Building Height: The maximum building height for structures in this Zoning District shall be 65 feet, subject to adjustments as contemplated in Section J below.

2. Service and Loading Areas: Service areas and loading docks shall be screened to limit visibility from off-site.

3. Building Design:

a. Building designs shall not mix architectural elements or ornamentation from different styles.

b. Buildings shall be required to employ a comparable use of materials on all elevations.

c. The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance.

d. For office buildings and complexes, achieving a human or pedestrian scale is of less concern. When achieving such a scale is desired, it may be achieved by careful attention to width of facades, size and spacing of window and door openings, and floor to floor heights on exterior walls.

e. Use of elements such as shutters, cupolas, dormers, and roof balustrades shall be avoided in building designs that are not based on traditional American architectural styles. Such elements may be employed only when they are common elements of a specific style, and this style shall be replicated in its entirety. When shutters are employed, even if they are non-operable, they must be sized and mounted in a way that gives the appearance of operability.

f. Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, basement window enclosures, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact from off-site. Solar energy systems shall be excluded from the requirements of this section.

g. Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure. Fenestration themes that employ windows, panels and piers that are consistent with the architectural vocabulary of the building are encouraged.

#### 4. Building Form:

a. All building elevations shall be designed to be compatible with each other and to reflect a consistent design approach.

b. Gable or hip roofs shall be avoided unless a building design replicates a traditional American architectural style that employs such roof forms. In non-stylistic contemporary designs, low or flat roofs may be employed. Roof visibility shall be minimized.

#### 5. Materials:

a. Exterior building materials shall be appropriate for contemporary suburban designs and shall avoid overly reflective surfaces. Traditional materials such as, but not limited to, wood, stone, brick, and concrete shall be permitted, along with contemporary materials such as, but not limited to, aluminum, metal, glass, stucco, or cementitious fiberboard (e.g., hardiplank or equivalent) shall be permitted on buildings not employing traditional styles. The use of reflective or mirrored glass shall be prohibited.

b. Prefabricated metal buildings, untreated masonry block structures, and buildings featuring poured concrete exterior walls are prohibited. Notwithstanding the foregoing, ancillary structures built and operated for the purpose of enclosing equipment and which are not occupied by a tenants or persons on a regular basis may be constructed using pre-engineered metal.

c. Generally, the quantity of materials selected for a building shall be minimized. A single material selection for the independent building components of roof, wall and accents is permitted (i.e., Architectural Grade shingle roof with Brick Masonry wall and EIFS Cornice and Accents).

d. Loading docks are not required to have the same degree of finish as a main entry unless they are visible from a public right-of-way.

e. Additional Standards for Uses Not Governed by DGRs: Buildings that are constructed to accommodate certain uses are not governed by the City's Design Guidelines and Requirements (DGRs). For example, buildings that are constructed for the operation of warehousing and/or distribution uses are not subject to the DGRs and can present challenges in meeting the community standard for architectural design. Such buildings are necessarily large and typically include long walls that together form a square or rectangular box. The goal for the development of buildings that are not subject to the DGRs is to

balance the practical needs of these buildings with the desire to provide exterior designs that are attractive and complimentary to the architecture that will be found elsewhere in this zoning district.

Architecture by its nature is a subjective medium, meaning that the adoption of strict objective standards in all instances may not provide the best means for achieving appropriate design. In recognition of this fact, the standards set forth herein provide guidelines and suggestions for designing buildings that are not subject to the DGRs in an effort to set expectations for the quality of architecture that will be expected for these structures. On the other hand, these standards are meant to allow for some flexibility to encourage innovative design provided that the spirit and intent of these provisions are met.

In conjunction with an application for a certificate of appropriateness for each building or structure in this Zoning District that is not subject to or governed by the DGRs, and subject to Section J of this text, the applicant shall be required to submit to the City illustrations of the proposed exterior design of the building or structure for review and approval by the Design Review Committee contemplated in Section 1157.08(a)(1)(D) of the City Code. In designing such buildings, the user or applicant shall take into account the following, which are intended to set a level of expectation for the quality of design:

- i. Architectural design for all portions of a building or structure that are visible from a public right-of-way (excluding public rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) shall meet the community standard in terms of quality while taking into account the unique nature of the use(s) that will be found therein.
- ii. Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public right-of-way. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, the use of offsets, recesses and/or projections, banding, windows, and/or reveals; scoring of building facades; color changes; texture or material changes; and variety in building height.
- iii. The use of one or more architectural or design elements may be used to soften the aesthetics of the building, such as but not limited to canopies, porticos, overhangs, arches, outdoor patios, community spaces, or similar devices.
- iv. Contemporary exterior designs, while not required, shall be encouraged in order to create architecture that does not look aged or dated even many years after the facility is built.
- v. Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public rights-of-way.
- vi. HVAC, generators and similar equipment and associated gravel or concrete yards or pads shall be located subject to the minimum building setbacks.

6. Roof-Mounted Equipment: Complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided in order to screen the equipment from off-site view and to buffer sound generated by such equipment.

F. Buffering, Landscaping, Open Space, and Screening: The following landscaping requirements shall apply to this Zoning District:

1. Tree Preservation: Standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.

2. Street Trees: A street tree row shall be established along all publicly dedicated rights-of-way within or adjacent to this Zoning District and shall contain one (1) tree for every thirty (30) feet of road frontage. Trees may be grouped or regularly spaced. Minimum street tree size at installation shall be three (3) caliper inches. This requirement may be waived in areas where existing vegetation occurs, subject to approval of the City Landscape Architect.

3. Parking Areas: Within this Zoning District, there shall be no less than one (1) tree planted for every ten (10) parking spaces located therein. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or treed areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles.

4. Minimum On-Site Tree Sizes: Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.

5. Pedestrian Circulation: Unless they are part of a campus which for safety or security reasons requires access by the public to be restricted, for buildings whose primary use is office, an internal pedestrian circulation system shall be created so that a pedestrian using a public sidewalk along a public sidewalk along a public street can access the adjacent buildings through their parking lots as delineated with markings, crosswalks, and/or different materials, directing foot traffic, where possible, away from primary access drives. Pedestrian connections shall be provided between parking lots and the front of buildings. A building shall be considered to have offices as its primary use when greater than 50% of its total square footage is occupied by office uses. The requirements of this paragraph shall not apply to any building with a main entrance which is located 500 feet or more from a public right-of-way.

6. All street trees that are not installed prior to infrastructure acceptance shall be bonded to guarantee installation.

7. All project landscape plans are subject to review and approval by the City Landscape Architect.

8. Screening – Residential Uses: For those perimeter boundaries which abut properties containing existing residential uses or, as determined at the time that an application is filed for a building permit ("Building Permit") in this Zoning District, has a zoning classification which permits the development and operation of residential uses thereon that are not owned by the developer (any real property meeting either of the foregoing criteria to be referred to herein as "Residential Property"), a minimum six (6) foot high mound shall be installed along the property

line and shall include a landscape buffer on the mound which shall consist of a mixture of deciduous trees, evergreens and bushes to provide an opacity of 75% on the date that is 5 years after planting to a total height of 10 feet above ground level. These mounds shall be installed within the minimum pavement setback area as required by this zoning text and may encroach on the abutting property if that owner is in agreement with the mound's installation on his/her property. The plan for these areas must be reviewed and approved by the City's Landscape Architect. For purposes of determining which properties qualify as a Residential Property hereunder, if two properties have an intervening public street right-of-way between them, they shall still be considered abutting.

If there are existing trees within this perimeter area and the City Landscape Architect recommends preservation of them then the mounding may be omitted and the existing trees may be utilized as the required screening. The requirement for 75% opacity 5 years after installation is still applicable with this alternative and, therefore, if necessary, additional landscaping materials (i.e., deciduous trees, evergreens or bushes) shall be planted along those perimeter boundary areas to meet the 75% opacity requirement. The plan for these areas must be reviewed and approved by the City's Landscape Architect.

Utilities and permitted access drives may be placed within or cross through perimeter boundaries which abut residentially zoned and used properties and the screening provided for above, provided, however, that the developer shall use good faith efforts to place utilities in a manner that minimizes the impact on the required screening.

In recognition of the amount of land area contained within this Zoning District, the following provisions shall apply to the installation of the required mounding and landscaping contemplated in this Section F.8:

- a. Such mounding and landscaping shall be required to be installed along the entirety of the perimeter boundaries of any individual tax parcel, or project phase within a tax parcel, which includes a perimeter boundary line of this Zoning District that abuts Residential Property and upon which construction of buildings and/or pavement is to be undertaken pursuant to the issuance of a Building Permit by the City and installation shall be complete prior to the issuance of a Certificate of Occupancy; or
- b. If the perimeter boundary line of the tax parcel, or project phase within a tax parcel, on which construction is to occur does not include a perimeter boundary line of this Zoning District that abuts a Residential Property, but an application for a Building Permit has been issued by the City with respect to that tax parcel, or project phase within a tax parcel, which allows for construction of a structure or pavement within 500 feet of a perimeter boundary line of a Residential Property, then the mounding and landscaping required by this Section F.8 shall be required to be installed along the entirety of the shared boundary line with that Residential Property and installation shall be complete prior to the issuance of a Certificate of Occupancy.

9. Harrison Road and Worthington Road:

- a. Landscaping along Worthington Road: Within the required minimum pavement setback along Worthington Road, a minimum of seven (7) deciduous trees shall be installed for every 100 feet of frontage on the public right-of-way. Such trees shall be planted in

random locations (i.e., not in rows). No more than 30% of such trees shall be of a single species. Where existing healthy and mature trees are found within these pavement setbacks, such trees may be preserved in lieu of installing the trees described in this paragraph, provided that a similar amount of vegetation is being preserved when compared to that which would otherwise be required to be installed. A standard New Albany white four-board horse fence may (but shall not be required to) be provided within the public right-of-way. Notwithstanding the foregoing and if proposed by the developer, the City's Landscape Architect shall be permitted to approve deviations from the planting requirements that are detailed in the immediately preceding paragraph. Such deviations shall be permitted to provide variations in the landscape treatment of long street frontages, when it is desirable to create or preserve viewsheds into any portion of the site where architectural or natural features within the site add visual character or aesthetic appeal when viewed from the street, and/or to protect the health of vegetation or the safety of people or property. Mounding shall be permitted within minimum pavement setback areas from the Worthington Road right-of-way but not required. When utilized, mounding shall have a minimum height of 3 feet and a maximum height of 12 feet. The slope of mounds shall not exceed 3:1 from the crest of the mound extending toward the private site, and shall not exceed a 6:1 slope from the crest of the mound extending toward the public right-of-way.

b. Landscaping along Harrison Road: Along portions of Harrison Road where the requirements of Section F.8 of this text do not apply, the developer may elect to either install the landscaping and/or mounding improvements described in Section F.8A or provide landscaping in accordance with this paragraph. Should the developer elect to comply with the requirements of this paragraph, a landscape buffer shall be located within the required minimum pavement setback along Harrison Road. The buffer shall be planted with a minimum quantity of one tree per 25 feet, in addition to street trees. Trees shall be randomly planted to create a naturalized appearance. Trees shall be of native species. Evergreen trees or shrubs shall not be permitted in the area between the buffer landscape and the edge of street pavement. For landscaping which is not used to meet zoning text, codified ordinance and street tree requirements, the minimum caliper of tree material may be reduced to 1" caliper to gain additional plant material. A four-board white horse fence may be located 1 foot from the edge of the right-of-way along Babbitt Road.

c. The landscape buffer contemplated in the immediately preceding paragraph may consist of mounding. Mounding, when used in this circumstance, shall be a maximum of 12 feet in height. Trees shall be planted on the mound with a minimum of 70% of the trees occurring on the street side. No trees shall be located within the upper quartile of the crest of the mound.

10. Preservation Areas: Certain portions of the Zoning District contain environmentally sensitive elements that will be preserved and protected. These "Preservation Zones" are generally identified on the attached Preservation Plan. The intent of the Preservation Plan is to generally depict the portions of the Zoning District that will not be developed or disturbed. In addition to preservation zones which are noted on the Preservation Plan, Preservation Zones shall be deemed to include all required minimum pavement setbacks along the perimeter boundaries of the Zoning District that are not adjacent to a public right-of-way. Notwithstanding the foregoing, Preservation Zones shall not apply to such minimum pavement setback areas which are eliminated pursuant to Section D.2.f of this text and, upon the elimination of required setbacks pursuant to that provision, driveways, pavement, structures, and other improvements shall be

permitted within such areas which otherwise would be considered to be Preservation Zones. Within the Preservation Zones located within these perimeter setbacks, the developer shall preserve existing healthy and mature trees and vegetation but shall be permitted to place utilities within or allow them to cross through these areas, provided, however, that the developer shall use good faith efforts to place utilities in a manner that minimizes the impact on healthy and mature trees. Trees that are in good health and that are at least four (4) caliper inches in diameter at a height of three (3) feet above the ground shall be preserved where reasonably practical. Trees within these areas may be removed if they present a danger to persons or property.

The Preservation Zones that are located outside of the minimum required perimeter pavement setbacks as shown on the Preservation Plan illustrate the land that has been preserved pursuant to applicable federal and state permits that have been issued or will be preserved once they are approved and issued by the Ohio Environmental Protection Agency and the U.S. Army Corps of Engineers. These Preservation Areas shall be maintained, protected, and preserved in accordance with such permits. The Preservation Plan is being provided for illustrative purposes only, and the final boundaries of the Preservation Zones that are located outside of the minimum required perimeter pavement setbacks shall be the same as the boundaries of the portions of the site that will be required to be preserved under applicable federal and state permits, as may be amended from time-to-time. Prior to commencing development in a portion of the Zoning District that contains a Preservation Zone that is located outside of the minimum required perimeter pavement setbacks, the developer shall provide detailed legal descriptions of such Preservation Zone to the Director of Development for record-keeping and enforcement purposes. Should the boundaries of any Preservation Zone that is located outside of the minimum required perimeter pavement setbacks change in the future as a result of amendments to or replacements of relevant federal and state permits, then the developer shall provide updated legal descriptions and an updated Preservation Plan to the Director of Development within a reasonable amount of time after such information is available, and the Preservation Plan then shall be considered to be enforceable as amended.

Preservation Areas which qualify as stream corridor protection zones as provide in Section D.2.e. should be used as site amenities and to provide public access for leisure trail and linear park space except where such uses would (i) violate the provisions of any applicable conservation easement, (ii) are incompatible with the security requirements of an existing or proposed permitted or approved conditional use, (iii) are inconsistent with a proposed plan for a large multi-building "campus" type development, or (iv) health, safety, or other development factors mitigate against such uses.

**G. Lighting:**

1. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.
2. All parking lot lighting shall be of the same light source type and style. Building, pedestrian, and landscape lighting may be incandescent or metal halide.
3. All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed 30 feet in height.
4. Landscape uplighting from a concealed source shall be subject to staff approval. All uplighting

fixtures must be screened by landscaping. Lighting details shall be included in the landscape plan which is subject to review and approval by the City Landscape Architect.

5. No permanent colored lights or neon lights shall be used on the exterior of any building.
6. All other lighting on the site shall be in accordance with City Code.
7. Street lighting must meet the City Standards and Specifications.

H. Signage: All signage shall conform to the standards set forth in Chapter 1169 of the Codified Ordinances of the City of New Albany.

I. Utilities: All new utilities within this Zoning District shall be installed underground.

J. Height Adjustments: It is anticipated that technology-oriented companies and other large parcel users may have certain operational and design requirements necessitating the development of buildings in excess of 65 feet in height. The Planning Commission shall have the authority, upon application from a property owner or other applicant as provided in Section J.1 below, to increase the allowable height for a building to a maximum of 85 feet within this Zoning District. This Section J shall not be read or applied to override or supersede the provisions of Section 1165.05 of the Codified Ordinances as they relate to the right for certain elements of a building to exceed the maximum height provided for in this text in the absence of a request for an increase in building height.

1. Procedure for Approval: A property owner or other applicant seeking an increase in building height as contemplated in this Section J shall request the Planning Commission's review by filing an application with the City on a form that is prescribed by its zoning staff. Such an application and any decisions made thereon by the Planning Commission shall not be considered to be a variance, but instead shall be considered to be administrative in nature in that the Planning Commission's function will be to apply and administer the requirements of Section J.2 below to any application made pursuant hereto. The Planning Commission shall hold a public hearing on the application at its first meeting following the date that is 30 days after the application is filed in a manner that is deemed to be complete by the City's zoning staff or on such later date as may be agreed by the applicant. The Planning Commission may vote on the application at any time following such public hearing, provided that in no circumstance shall such a vote occur later than the next meeting of the Planning Commission which immediately follows the meeting when the public hearing occurred (unless the applicant otherwise consents). The Planning Commission's decision to approve or disapprove the application shall be based upon its consideration of the matters contemplated in Section J.2 below, and a decision to approve the application may be issued with conditions that are not inconsistent with the requirements set forth in Section J.2.

2. Basis for Approval: The Planning Commission shall approve the request for an increase in permissible building height if it determines that the following requirements are met (or waived by the Planning Commission based on the facts and circumstances of the particular proposal):

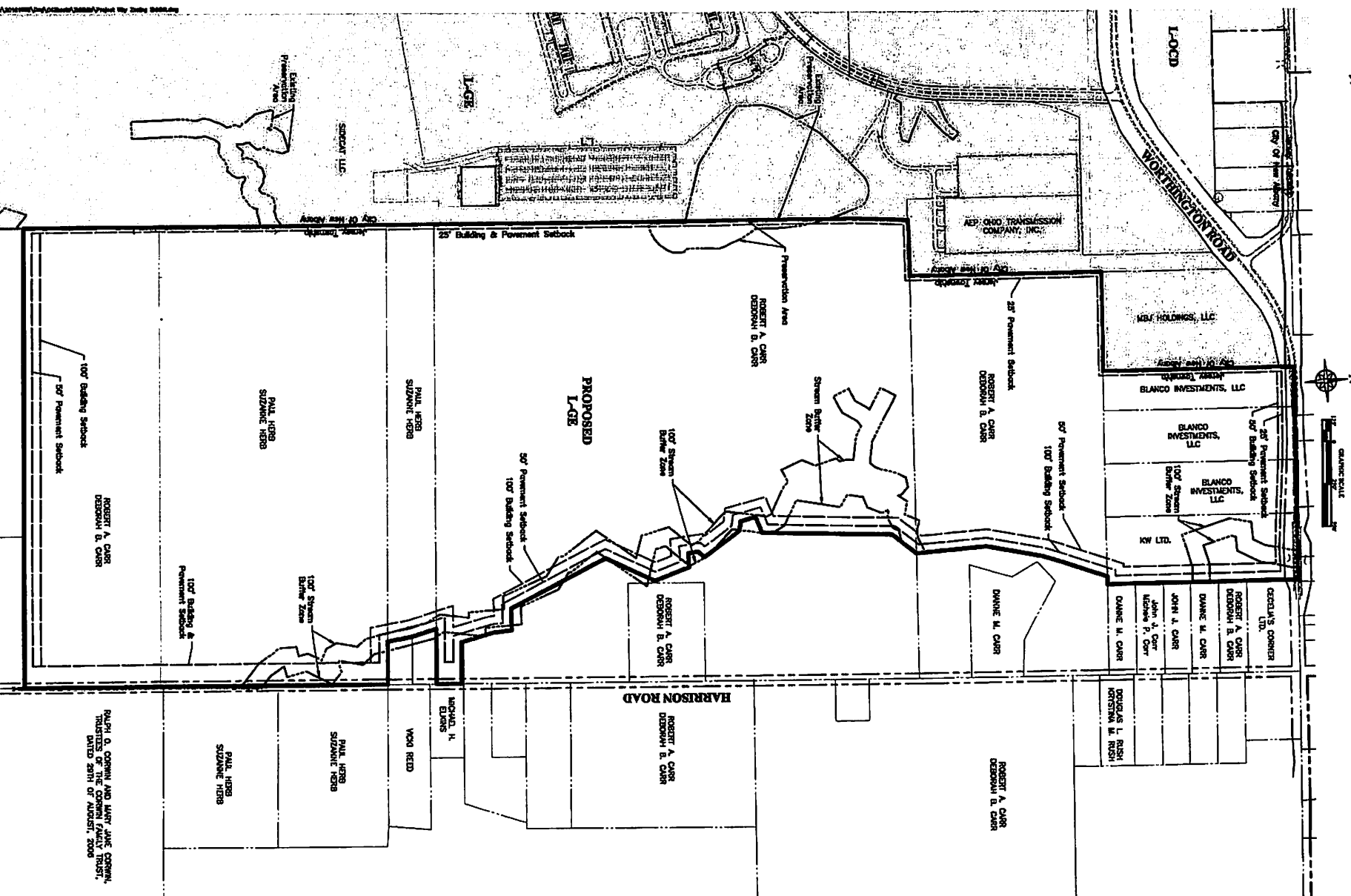
- a. Buildings exceeding 65 feet in height shall:
  - i. Have a minimum setback of 300 feet as measured from the centerline of each of Harrison Road and Worthington Road; and

- ii. Have a minimum setback of 200 feet from any parcel as to which the current zoning permits residential uses and on which a residence exists on the date that the Planning Commission reviews the application for increased building height if the request is for a building height of up to 75 feet, and a minimum setback of 250 feet from any such parcel if the request for an increase in building height is between 76 feet and 85 feet.
- b. The need for an increase in building height (a) is the result of a technological or operational need or other function that cannot be reasonably, practically, or economically addressed or accommodated in a building that complies with the height requirement contained in Section E.1 above, or (b) reflects best or favored practices in the relevant industry;
- c. Roof-mounted mechanical equipment and other appurtenant building elements shall be screened to limit from view from the rights-of-way for Harrison Road and Worthington Road;
- d. No lights or signage shall be installed on the building at a height greater than that which would be permitted without the increase in building height;
- e. The design of the building with the additional height:
  - i. Incorporates, into the portions of the primary architectural elements of the building that exceed 65 feet, two or more of the architectural design elements contemplated in Section 5.e.ii of this text in order to reduce or eliminate the appearance of the building as being monolithic in form (or other design elements as reasonably determined by the Planning Commission to meet this objective);
  - ii. Does not include blank facades which are visible from a public right-of-way. For purposes of this text, a “blank facade” shall be defined to mean “the use of a single exterior façade material without any variations using other materials, patterns, textures, colors, or other means of creating visual interest extending full height in a vertical direction and 100 feet in a horizontal direction, unless otherwise approved by the Planning Commission based on sound architectural design principles”;
  - iii. Shall meet the architectural requirements set forth in Section E.2 through Section E.6 of this text, it being the intent that that the requirements of this Section J are in addition to other requirements for buildings as provided in this text;
- f. The proposed building will utilize a sprinkler system; and
- g. The relevant provider of fire protection services for the proposed building has confirmed that it will be able to provide adequate fire suppression services to the building with the increased height.



**New Albany, Ohio**

Date: December 6, 2018

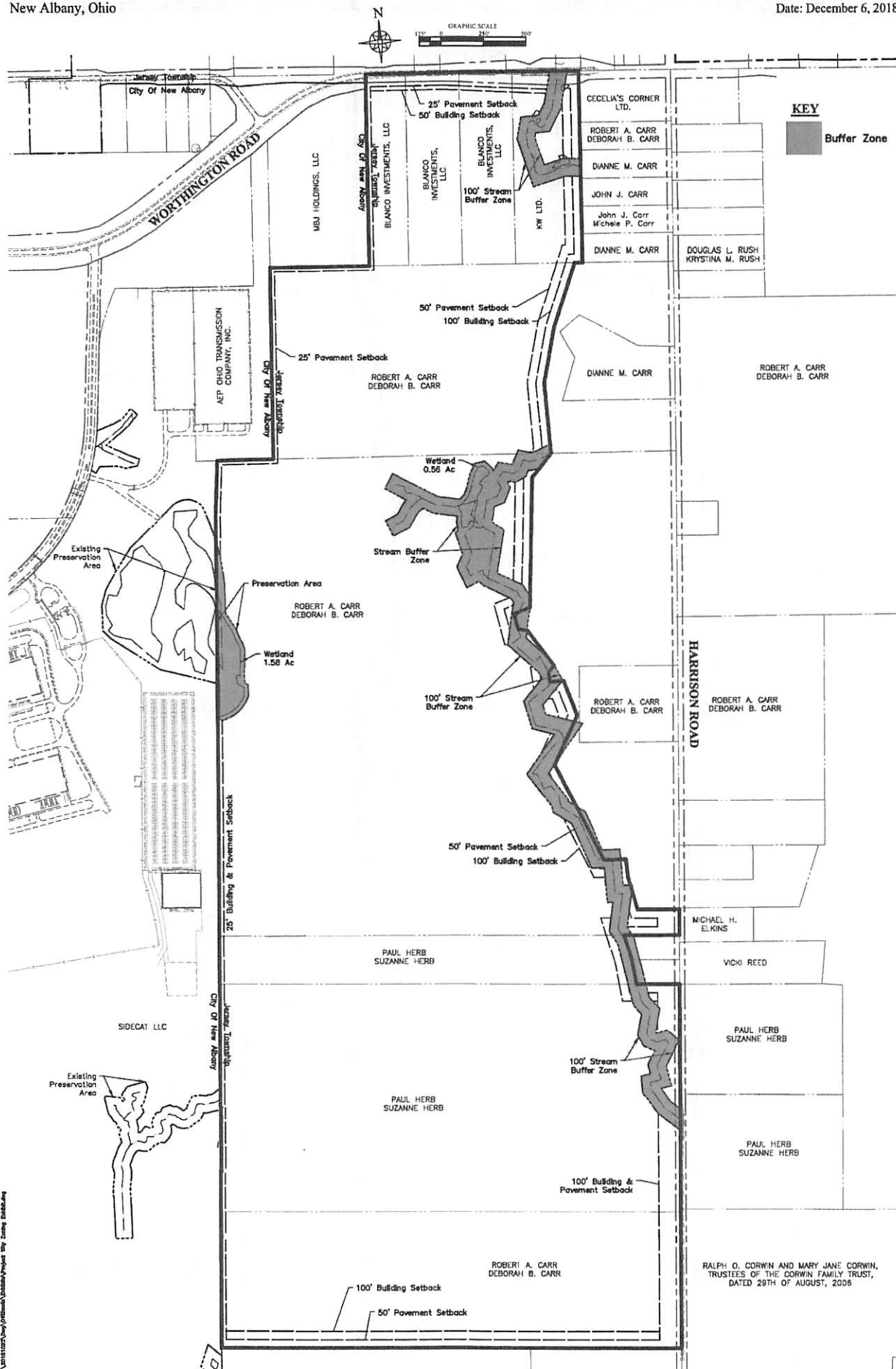


# HARRISON SOUTH ZONING DISTRICT

New Albany, Ohio

THE NEW ALBANY COMPANY

Date: December 6, 2018



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