



Prepared: 12/21/2016  
Introduced: 01/03/2017  
Revised:  
Adopted:  
Effective:

## ORDINANCE O-01-2017

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 92.6 +/- ACRES OF LAND GENERALLY LOCATED WEST OF STATE ROUTE 605 / NEW ALBANY CONDIT ROAD, SOUTH OF WALNUT STREET, AND EAST AND WEST OF SCHLEPPI ROAD FOR AN AREA TO BE KNOWN AS "NEW ALBANY NORTH ZONING DISTRICT" FROM ITS CURRENT ZONING OF "AG" AGRICULTURAL AND "L-GE" LIMITED GENERAL EMPLOYMENT TO "I-PUD" INFILL-PLANNED UNIT DEVELOPMENT AS REQUESTED BY PULTE HOMES C/O AARON UNDERHILL ESQ**

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

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

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

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

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

- A. A 92.6 ± acre area of land located generally located west of State Route 605/New Albany-Condit Road, south of Walnut Street, and east and west of Schleppe Road for an area to be known as "New Albany North Zoning District" from its current zoning of "AG" Agricultural and "L-GE" Limited General Employment to "I-PUD" Infill Planned Unit Development;
- B. The zoning district's text and site plan is hereby attached and marked as Exhibit A.

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

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

CERTIFIED AS ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**Attest:**

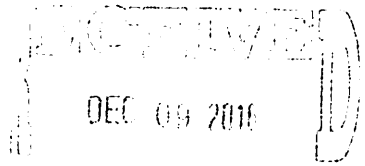
\_\_\_\_\_  
Sloan T. Spalding  
Mayor

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

**Approved as to form:**

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

PROPOSED



**NEW ALBANY NORTH ZONING DISTRICT**

**INFILL PLANNED UNIT DEVELOPMENT (I-PUD) ZONING TEXT**

**December 9, 2016**

**I. SUMMARY:**

A. Introduction: The New Albany North Zoning District will facilitate the development of a first-of-its-kind residential community in the City of New Albany. The vast majority of this zoning district will consist of single-family housing that is age restricted in accordance with the “Housing for Older Persons Exemption” (codified at 42 U.S.C. § 3607) (the “HOPA Exemption”) of The Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3601–3619) (the “Act”). The Act and the HOPA Exemption provide in part that, in order for a residential development to meet the requirements to be age-restricted, at least 80 percent of the units in the development must have at least one occupant who is 55 years of age or older. The applicant, Pulte Homes, is making the commitment to subject this community to the requirements of this law.

For several years, the local housing market in New Albany has been demanding expanded residential opportunities for members of the community who desire to continue to live in the City but seek to transition to smaller homes after their children have grown and moved away. In other parts of the City smaller efforts have been made to serve this group, but the market is demanding a project of greater substance. The product being provided on this property will be unique in many respects, providing age-restricted housing within a community that includes universal lawn maintenance, a private amenities center to serve the community, an extensive leisure path system, and a large green space in the southern portion of the community. This project will be the only one in New Albany that has made the commitment to subject itself to the age restriction provisions of federal law. The homes in this community will be sold at a price point that differentiates it from most other offerings in the City. This community will immediately and positively diversify the City’s housing opportunities.

Some of the property is zoned with an AG, Agricultural District designation, while much of the property is zoned with an L-GE, Limited General Employment District classification which has been in place since 2010. The latter district allows a range of non-residential uses such as warehousing and distribution, data centers, offices, and light manufacturing. While this site has been offered to potential purchasers and developers of these types of uses, the availability of other more strategically located properties has, on every occasion, led them to other locations in the City. The information that the market is providing with respect to those uses, when combined with the demand for active adult housing, makes this a strong location for the uses that this zoning will allow. While the zoning will change the permitted uses on the property from commercial to residential, the age restriction that will be placed on the property still will provide a major financial benefit for the New Albany Plain Local School District.

In addition to the residential development that is contemplated, a small portion of this zoning district, consisting of 3.8 +/- acres, will accommodate the development of a limited amount of neighborhood retail and office uses along the southern portion of the site's frontage on State Route 605/New Albany-Condit Road. This will provide for a small pocket of convenient commercial opportunities to serve not only this neighborhood but also those working in nearby employment centers and traffic that passes this site regularly when going to and from the Metro Park and Bevelhymmer Park located to the northeast of this site.

B. Organization of the Zoning District: This development consists of 92.6+/- acres and is divided into two subareas. Subarea A consists of 88.7+/- acres which will include the age-restricted residential uses described above. It is located to the west of and adjacent to State Route 605/New Albany-Condit Road, to the south of Walnut Street, and to the east and west of and adjacent to Schleppe Road. Subarea B will include 3.8+/- acres located in the southeastern portion of the zoning district with frontage along State Route 605/ New Albany-Condit Road.

## II. SUBAREA A:

A. Permitted Uses: Permitted uses in Subarea A shall be as follows:

1. Single-family detached residences, subject to the age restriction requirements which are detailed in Section II.C below;
2. Publicly or privately owned parks and open spaces;
3. One private amenities center/clubhouse, which may include a fitness center, gathering spaces, an outdoor pool, and/or other recreational and social facilities, amenities, and improvements serving only the residents living in this zoning district; and
4. A maximum of 2 residential model homes at any given time. A temporary sales office shall be permitted to be operated in Subarea A until the first model home is open for use. The temporary sales office shall consist of a temporary structure used by a homebuilder or developer to display home styles and lot availability in the subdivision to promote the sale of new housing units. The model homes and temporary sales office may be staffed and furnished. Model homes and temporary sales offices shall be subject to the review and approval of the Planning Commission in accordance with Section 1133.04(d) of the Codified Ordinances of the City of New Albany. Notwithstanding anything to the contrary in the City's Codified Ordinances, upon approval of a final plat by the City the developer may commence construction of one or both model homes. Construction of model homes may occur in advance of, or in conjunction with, installation of public infrastructure for the subdivision.

B. Development Standards: Homes shall comply with the design guidelines of the development standards in this text. Unless otherwise specified in the submitted drawings or in this written text the development standards of Title Five of Part Eleven of the Codified

Ordinances of the City of New Albany shall apply to this subarea. If there is a conflict between the development standards contained in the Codified Ordinances and this text, the standards contained in this text shall govern.

C. Age Restriction: Homes within this subarea shall be age restricted in accordance with the Act and the HOPA Exemption so that a minimum of 80% of the homes shall be required to have at least one occupant that is age 55 or older. Should the Act and/or the HOPA Exemption be amended at any time following the effective date of this zoning text so that it becomes illegal to market and operate this subarea in accordance with the immediately preceding sentence, then this subarea shall be permitted to be developed and operated in accordance with the amended law. Prior to being issued a temporary or permanent certificate of occupancy for the first home in this subarea, the applicant/developer shall deliver written and legally binding documentation to the City to provide confirmation that the project legally complies with the Act and the HOPA Exemption. The City's confirmation shall be evidenced by a letter issued by the City's Law Director. Neither the issuance of the confirmation letter nor the issuance of a zoning compliance permit, building permit, or any other permit required to be issued by the City for the development of this subarea shall constitute a representation or warranty by the City or any of its administrative or elected officials that the development project does, in fact, comply with the requirements of the Act and/or the HOPA Exemption. Compliance with the Act and the HOPA Exemption shall be the sole responsibility of the property owner(s), the applicant/developer of the property, and the HOA (as such term is defined in the next paragraph).

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

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

information with HUD or other regulatory authorities as required by the Act, the HOPA Exemption, and applicable federal administrative regulations, the applicant/developer (until such time as the last home in this subarea is sold to a third party) or the HOA (after such time as the last home in this subarea is sold to a third party) shall file copies of the same with the City for its records.

E. Density, Lot and Setback Commitments:

1. Number of Units: There shall be a maximum of 225 single-family units in this subarea. In addition, one private amenities center/clubhouse shall be permitted.
2. Minimum Square Footage: Each home shall have a minimum of 1,600 square feet of living area, exclusive of garages, basements, and porches.
3. Minimum Lot Area: There shall be a minimum lot area of 6,000 square feet for each lot.
4. Minimum Lot Widths: There shall be a minimum lot width of 50 feet at the building line, provided, however, that at least 50 lots shall have a minimum width of 70 feet at the building line. The minimum lot width at the building line to be provided for each individual lot shall be approved as part of the final development plan.
5. Lot Setbacks: The minimum front yard setback shall be 20 feet for each home. The minimum rear yard setback shall be 20 feet, except that along those portions of the northern perimeter boundary of this subarea that abut existing residential uses the minimum rear yard setback shall be 25 feet. The minimum side yard setback shall be 5 feet.
6. Encroachments: Stoops, steps, and covered porches shall be permitted to encroach a maximum of 5 feet within the front yard setback line. They shall not be permitted to encroach within rights-of-way or easements. Decks, patios, and screened porches may encroach a maximum of 5 feet into the minimum required rear yard setback.
7. “No-Build Zone”: A “No-Build Zone” shall apply to all portions of this subarea located within 100 feet from the right-of-way for each of State Route 605/New Albany-Condit Road and Walnut Street. Within this No-Build Zone, only the following improvements shall be permitted: (a) The construction of a public street extending from and generally running perpendicular to Walnut Street; (b) the construction of underground utility lines and underground storm water management infrastructure; (c) fences, trees, bushes, and other landscaping as approved as part of the final development plan for this subarea; and (d) a sign and related entry feature improvements at each of the entrances into the subarea from State Route 605/New Albany-Condit Road and Walnut Street.

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

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

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

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

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

4. Walnut Street: Prior to the issuance of the first building permit for any structure to be built in this subarea, the applicant/developer shall dedicate right-of-way to the City for a distance that extends 50 feet from the centerline of Walnut Street.

5. Internal street widths and rights-of-way: All streets within this development shall be public and shall be constructed to required public specifications. The right-of-way for internal streets within the development shall be 50 feet in width. Pavement for all internal streets shall be 27 feet in width, measured from back-of-curb to back-of-curb.

6. Schleppi Road: A portion of the right-of-way for Schleppi Road shall be vacated and/or the pavement shall be reconfigured into a cul-de-sac within the northern portion of this subarea and/or to the north of this subarea in order to discourage vehicular traffic from traveling to or from Walnut Street on the north. The applicant shall be required to obtain all necessary approvals from City Council to allow for the vacation of the Schleppi Road right-of-way and the reconfiguration of pavement.

7. Public Sidewalks: A public sidewalk shall be located to the front of each lot within the right-of-way. Such sidewalks shall be 5 feet in width and shall be constructed using

concrete. Sidewalks on single-loaded or unloaded streets shall be provided only in locations that are approved in a final development plan.

8. Leisure Paths: Asphalt leisure trails with a width of 8 feet shall be constructed by the applicant/developer in the following locations in this subarea: (a) Within the right-of-way for State Route 605/New Albany-Condit Road from the northern to the southern boundaries of this subarea; (b) within the right-of-way for Walnut Street to connect the leisure trail along State Route 605/New Albany-Condit Road to the public street extending into the subdivision southward from Walnut Street; (c) within the parkland in the southern portion of the subarea from the western boundary to the eastern boundary of the subarea, and (d) around retention ponds in this subarea as might be identified in an approved final development plan. Once or more additional leisure paths may be constructed within the parkland. Final locations of leisure trails shall be approved as part of one or more final development plans.

G. Buffering, Landscaping, Open Space and/or Screening Commitments:

1. Parkland and Open Space: A park shall be provided within the southern portion of this subarea as generally shown on the preliminary development plan with a size and configuration that is approved as part of the first final development plan for this subarea. In addition, the green spaces abutting the northern boundary line of this subarea shall be dedicated to the City as parkland. Any green spaces or open spaces which are not dedicated to the City as contemplated herein shall be platted as reserve areas which shall be maintained in perpetuity by the HOA. The parkland shall be dedicated to the City following the recording of the relevant final plat for all or a portion of this subarea. The HOA shall be required to maintain and pay the costs of maintaining the parks for a period of 20 years following the date when the plat is recorded. The plat shall include this requirement. Within the parks, existing trees and vegetation shall be preserved and no buildings, pavement, or any ancillary or accessory structures that include a foundation or that otherwise require a building permit shall be permitted. Notwithstanding the foregoing, the following improvements and activities shall be permitted within the parks and easements may be reserved in favor of the developer and future property owners for the following:

- (a) Storm water detention or retention ponds and related underground storm water management infrastructure;
- (b) Underground utility lines and underground storm water management infrastructure;
- (c) One or more paved leisure trails in locations which are approved as part of a final development plan for this subarea;



(d) Planting and maintenance of trees, bushes, and other landscaping as approved as part of a final development plan for this subarea;

(e) Benches, pedestrian trash receptacles, and wayfinding signage; and

(f) Preservation and maintenance of wooded and forested areas in keeping with good forestry management practices, including, but not necessarily limited to, the removal of dead, diseased, or decaying trees and the treatment or removal of noxious or invasive plant species.

2. **Amenity Area:** The private amenities center/clubhouse shall be located on a parcel of real property located between the parkland within the southern portion of this subarea and Subarea B. This parcel shall be owned and maintained by the HOA. The final size and configuration of this parcel shall be identified in an approved final development plan.

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

4. **Leisure trails:** A leisure trail shall be constructed by the developer within the right-of-way for State Route 605/New Albany-Condit Road from the northern boundary to the southern boundary of this zoning district. A leisure trail also shall be constructed by the developer within the Preservation Area to provide a connection from the existing residential community to the west of this subarea to the leisure trail to be constructed within the State Route 605/New Albany-Condit Road right-of-way. Leisure trails shall be 8 feet wide and constructed of asphalt. Final locations for leisure trails shall be provided in approved final development plans.

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

H. Architectural Standards – Homes:

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

2. Exterior Materials:

(a) Appearance: Home designs shall utilize traditional American architectural themes and shall be designed in accordance with the architectural character of the homes which are depicted in the architectural elevations and/or renderings that have been filed with the preliminary development plan application. Final, more detailed architectural elevations and/or renderings shall be submitted for approval by the Planning Commission as part of the final development plan application. The Planning Commission shall not have approval rights over each specific home to be constructed in this subarea, but instead shall approve a baseline set of architectural requirements and guidelines from which each home design will be based. Each home shall be at least 1 ½ stories in appearance.

(b) Wall finish materials: Brick, brick veneer, vinyl beaded siding, cementitious/composite siding, and board and batten siding shall be permitted as exterior façade materials. Exterior wall finish materials must be used to complete massing elements. The application of brick, brick veneer, stone, or stone veneer to a single building facade is prohibited. Exposed concrete foundation walls shall be prohibited, and brick or brick veneer foundations shall be required.

(c) Four-sided architecture: Four-sided architecture shall be required on all homes, meaning that there shall be a consistent use of materials and design elements on all sides of the structure. Blank walls shall be prohibited.

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

(e) Brick: Traditional brick detailing is required, such as, but not limited to, traditional bonds, watertable caps, sills, jack arches, segmental arches and soldier courses.

(f) Roofs: Pitched roofs shall be required to have greater than a 6:12 rise over run. Minor gables, dormers, and porch pediments are permitted to have minimum pitches of 4:12 rise over run. When the primary pitched roof of a house is a gabled roof with the pedimented end oriented toward the street, a minimum roof pitch of 4:12 shall be permitted. Roof pitches with rise over run of less than 6:12 are permitted on minor roofs (i.e. entry porches, dormers, etc.). Flat roofs shall be permitted, but must integrate strong cornice lines. Roofs may be of natural slate

wood shake or wood shingle, metal standing seam, or an architectural grade fiberglass asphalt shingle.

(g) Windows: Windows shall be of traditional themes. Simulated or true divided lite windows shall be required.

(h) Shutters: Where used, shutters shall be sized to cover the adjacent window and appear operable. Shutters shall be mounted on appropriate shutter hardware (hinges and shutter dogs). Shutters must be painted and may be solid paneled (raised paneled) or louvered.

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

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

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

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

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

3. Lighting:

(a) Each home shall have a minimum of 1 approved yard light near the sidewalk at the front entry and a minimum of 1 wall mounted porch light at the front door. Lamp locations shall be consistent from house to house. All yard lights shall have a photocell light sensor. Yard light posts and fixtures shall be the same or substantially similar across all lots/homes.

(b) Uplighting of the exterior of a home shall be prohibited.

(c) Security lighting, when used, shall be of a motion sensor type.

(d) Light poles within parking lot areas near the private amenities center/clubhouse shall not exceed 18 feet in height. All parking lot and 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.

4. Vehicular and Pedestrian Standards:

(a) Garages:

(i) Garages shall be attached and may front on a public street. Each home shall have a 2-car garage or a 3-car garage.

(ii) Individual bay doors or double wide garage doors that have the appearance of individual bay doors when closed shall be required. The scale of the garage shall be minimized by low, one-story roof lines and low fascia lines.

(iii) Garages may be front-loaded. Front-loaded garages shall not extend beyond the front façade of the home. The front façade of a home shall be the single plane of a home's front façade or the forward-most plane of a front porch that is located closest to the front property line of the lot.

(iv) Garage doors (Vehicular): All garage doors shall be solid paneled. No glazing shall be permitted on garage doors unless they are consistent with the architectural theme.

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

(b) Driveways and Entry Courts: The appearance of driveways and entry courts shall be consistent throughout the neighborhood. Driveways shall be made of a durable material. Appropriate materials are brick, dark color concrete pavers, and asphalt with controlled edges. Concrete driveways are prohibited.

5. Attached Structures:

(a) Front Porches: Front porches shall be permitted, provided that each porch has a roof and is not screened.

(b) Screened Porches: Screened porches are encouraged on the rear or sides of homes but shall not be permitted on the front. Detailing shall be traditional wood with a break in screening at rail height. Columns or full height vertical wood members shall be at least 6" x 6". All screened porch trim shall be painted or stained. Roof lines of screened porches shall conform to the architectural style of the home and blend into the massing of the home.

6. Swimming Pools/Spas:

(a) All swimming pools/spas shall be located in the rear yard, within the building line of the site, completely enclosed by fencing and screened from adjoining properties.

(b) All swimming pools/spas shall be in-ground construction. The swimming pool/spa equipment shall be within an enclosure and completely screened from adjoining properties.

(c) Spas may be constructed as part of the house and shall be flush with the top of the paving. Spas shall be completely screened from adjoining properties by fencing or landscaping.

7. Storage Buildings:

(a) Storage Sheds: Storage sheds shall be prohibited.

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

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

8. Mailboxes: Each residence shall be required to install and maintain a standard mailbox as detailed in the final development plan for this subarea.

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

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

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

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

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

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

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

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

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

### **III. SUBAREA B:**

A. Permitted Uses: Permitted uses in Subarea B shall be as follows:

1. Those uses listed in Section 1145.02 of the Codified Ordinances, C-1 Neighborhood Business District, but excluding funeral services. The conditional use listed in Section 1145.03(a) of the Codified Ordinances (veterinary offices, not including outside boarding of animals) shall be a conditional use in this subarea, provided that such conditional use shall be reviewed and approved in accordance with Chapter 1115 of the Codified Ordinances. The conditional use listed in Section 1145.03(b) of the Codified Ordinances (multi-family residences) shall not be permitted in this subarea.

2. Dry cleaning establishments.

3. Drive-thrus in association with a permitted use shall be conditional uses in this subarea and shall be reviewed in accordance with Chapter 1115 of the Codified Ordinances.

4. No more than one telecommunications Tower, Antenna Support Structure, and related Wireless Telecommunications Facilities (as such terms are defined in Section 1179.03 of

the Codified Ordinances) and associated improvements as they exist on the effective date of this zoning text, and as may be altered, modified, and/or replaced as provided in Chapter 1179 of the Codified Ordinances.

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

C. Density, Lot and Setback Commitments:

1. Density: A maximum of 10,000 square feet per gross acre of real property shall be permitted in this subarea.

2. Minimum Lot Area: There shall be no minimum lot area in this subarea.

3. Setbacks:

(a) State Route 605/New Albany-Condit Road: The minimum setbacks from the right-of-way for State Route 605/New Albany-Condit Road (as measured after the public right-of-way dedication required by this text is made to the City) shall be 50 feet for pavement and 100 feet for buildings.

(b) Northern Boundary: The minimum setbacks from those portions of the northern boundary line of this subarea that are adjacent to the public right-of-way of the street to be constructed to the north of this subarea shall be 25 feet for pavement and 50 feet for buildings, as measured from the edge of such right-of-way. The minimum setbacks from all other portions of the northern boundary line of this subarea shall be 25 feet for pavement and buildings.

(c) Southern Boundary: The minimum setback from the southern perimeter boundary line of this subarea shall be 25 feet for pavement and buildings.

(d) Western Boundary: The minimum setbacks from the western boundary of this subarea shall be 25 feet for pavement and buildings.

(e) Interior Parcel Lines: There shall be a zero setback requirement for pavement and buildings with respect to interior parcel lines within this subarea.

(f) Lot Coverage: There shall be a maximum lot coverage of 80% in this subarea.

D. Architectural Standards: Buildings in this subarea shall be subject to the following architectural standards:

1. Style: If there is more than one building in this subarea, the architectural details, materials and colors of all buildings shall be compatible. Buildings shall be designed with a comparable level of detail on all sides. Buildings shall be constructed so that they can accommodate more than one tenant, even if a single tenant occupies the building. So-called “outparcels” and outparcel buildings shall be prohibited in this subarea.

2. Height: Buildings shall have exterior elevations that are a minimum of 1 story and a maximum of 2 stories in terms of function or appearance but in no instance shall exceed thirty-five (35) feet in height above the adjacent finished grade. Architectural elements such as parapets, cupolas, mechanical screening, or similar features may exceed these maximum building heights.

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

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

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

- (a) Consistency of Finish: The same palette of exterior finishes and color shall be used on all sides of each building. Unfinished rear facades of buildings shall be prohibited.
- (b) Exterior Wall Finish: Cementitious products such as Hardiplank or its equivalent cementitious product, brick, brick veneer, metal, EIFS and composite



material may be used as exterior wall finish materials where appropriate. Exterior wall finish materials must be used to complete massing elements. The application of brick or brick veneer to a single building façade is prohibited.

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

(d) Parapets: Parapets shall use a classical cornice not to exceed three (3) feet in height with molded shapes made of any of the following durable materials: stone, cast stone, architectural pre-cast concrete, gypsum fiber reinforced concrete, expanded insulation finish system (EIFS), or similar materials.

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

(f) Gutters and Downspouts: Sloped roofs shall be required to employ gutters and downspouts for drainage.

(g) Gutter Specifications: Gutters shall be of a metal type and shall be painted to match fascias.

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

(i) Drive-thrus: Pick-up units shall include architectural details that are comparable and consistent with the architecture in the balance of the subarea. Drive-thru windows and speakers shall not be located along the front façade of a building.

(j) Playgrounds: Outdoor playgrounds are prohibited.

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

1. Vehicular Access: The number, locations and spacing of vehicular access points on public rights-of-way shall be determined and approved at the time that a final development plan is approved for this subarea. This subarea shall be permitted (a) at least one vehicular access point on State Route 605/New Albany Condit Road with a minimum permitted vehicular turn movement of right-in, right-out, and (b) at least one vehicular access point on the new public street to be constructed to the north of the

subarea which extends westward into this zoning district from State Route 605/New Albany-Condit Road.

2. Parking and Loading Spaces: Parking and loading spaces shall be provided for each use as per Chapter 1167 of the Codified Ordinances of the City of New Albany.

3. Leisure Paths: Asphalt leisure trails with a width of 8 feet shall be constructed by the applicant/developer within the right-of-way for State Route 605/New Albany-Condit Road from the northern to the southern boundaries of this subarea.

4. Schleppi Road: All or a portion of the right-of-way for Schleppi Road shall be vacated and the pavement within such right-of-way shall be removed within this subarea. The applicant shall be required to obtain all necessary approvals from City Council to allow for the vacation of the Schleppi Road right-of-way and the removal of pavement.

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

1. Screening of Parking: A landscape buffer to screen parking areas shall be located within the pavement setbacks along all public rights-of-way. This buffer may contain landscape material, mounding, or a combination of both and shall have a minimum height of four (4) feet and a minimum opacity of 75%.

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

3. Landscape Plans: All landscape plans in this subarea are subject to review and approval by the City Landscape Architect.

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 18 feet in height.

4. Landscape uplighting from a concealed source shall not be permitted.

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 the City's Codified Ordinances.

H. Signage: All signage shall conform to the standards set forth in Chapter 1169 of the Codified Ordinances of the City of New Albany, unless otherwise approved as part of a final development plan for this subarea.

I. Utilities: All new electric lines along all new public roadways shall be installed underground.

#### **IV. Variations and Appeals:**

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

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

**ZONING EXHIBIT**  
 SECTION 8, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 16  
 UNITED STATES MILITARY LANDS  
 TOWNSHIP OF PLAIN, COUNTY OF FRANKLIN, STATE OF OHIO

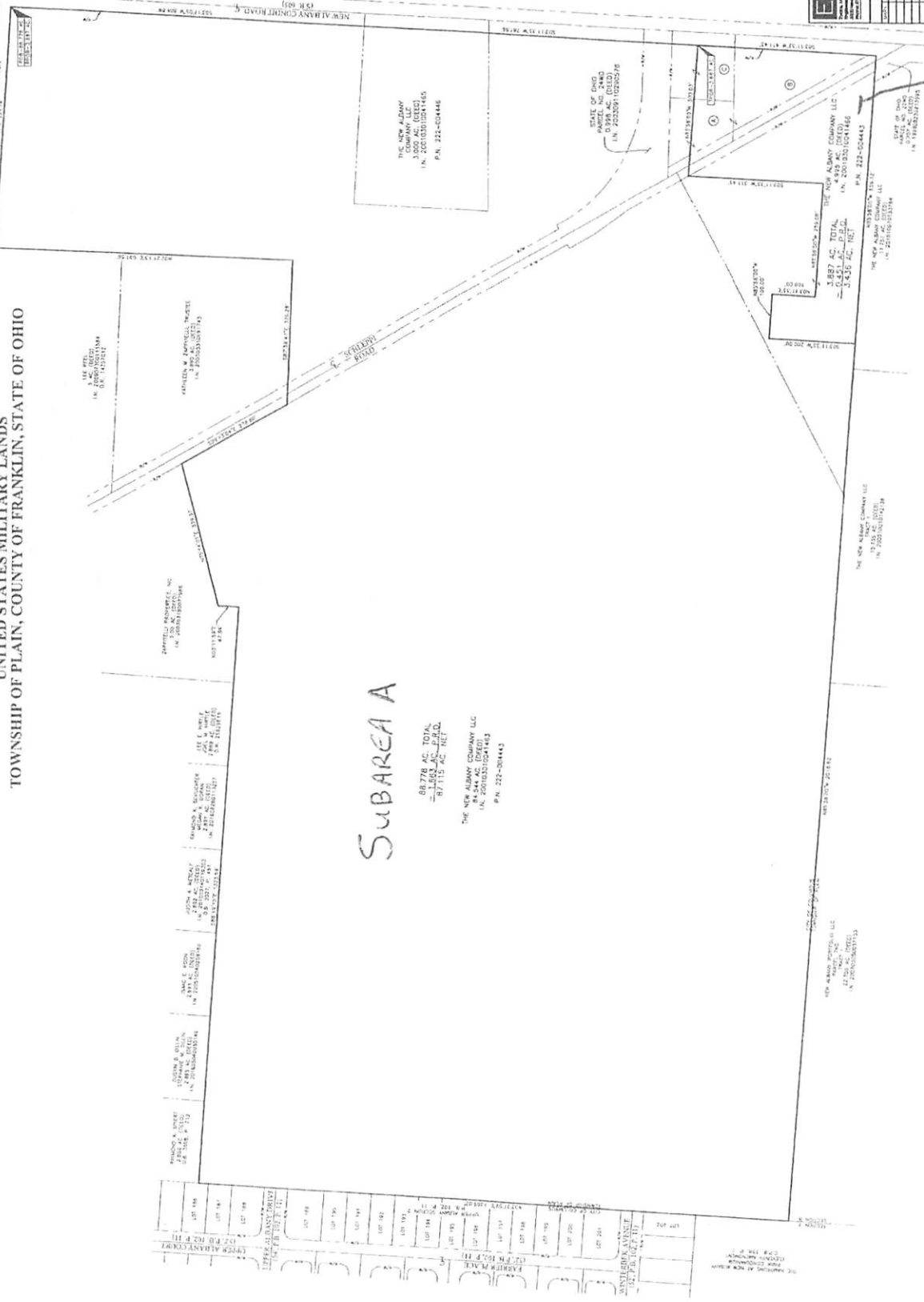
RECEIVED  
 DEC 09 2016  
 BY

- EXHIBIT NOTE:  
 This exhibit is for filing purposes only and is not to be used for location.
- ① THE NEW ALBANY COMPANY LLC  
 1.570 AC. (05/03)  
 IN. 20010301024145  
 P.N. 222-024443
  - ② THE NEW ALBANY COMPANY LLC  
 3.000 AC. (05/03)  
 IN. 20010301024145  
 P.N. 222-024443
  - ③ STATE OF OHIO  
 3.887 AC. (05/03)  
 IN. 20010301024145  
 P.N. 222-024443
  - ④ THE NEW ALBANY COMPANY LLC  
 0.557 AC. (05/03)  
 IN. 20010301024145  
 P.N. 222-024443



<b>EMHIT</b>	
DATE: December 1, 2016	SCALE: 1" = 100'
DRAWN BY: [Name]	CHECKED BY: [Name]
PROJECT NO: [Number]	DATE: [Date]
PROJECT NAME: [Name]	PROJECT LOCATION: [Location]
PROJECT DESCRIPTION: [Description]	PROJECT STATUS: [Status]
PROJECT OWNER: [Owner]	PROJECT CONTACT: [Contact]
PROJECT ADDRESS: [Address]	PROJECT PHONE: [Phone]
PROJECT FAX: [Fax]	PROJECT EMAIL: [Email]
PROJECT WEBSITE: [Website]	PROJECT URL: [URL]
PROJECT MAP: [Map]	PROJECT PLAN: [Plan]
PROJECT DRAWING: [Drawing]	PROJECT SHEET: [Sheet]
PROJECT TOTAL: [Total]	PROJECT TOTAL: [Total]

Survey: Book 618, Page 7, 2014 (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100)



Subarea A

88,776 AC. TOTAL  
 87,112 AC. P.P.O.  
 1,664 AC. NET

THE NEW ALBANY COMPANY LLC  
 84,244 AC. (05/03)  
 IN. 20010301024145  
 P.N. 222-024443

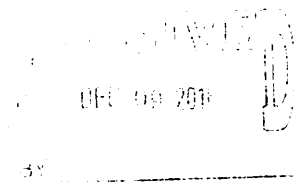
Subarea B

STATE OF OHIO  
 3.887 AC. (05/03)  
 IN. 20010301024145  
 P.N. 222-024443

THE NEW ALBANY COMPANY LLC  
 3.887 AC. TOTAL  
 3.432 AC. NET

THE NEW ALBANY COMPANY LLC  
 0.557 AC. (05/03)  
 IN. 20010301024145  
 P.N. 222-024443

107-108	107-109	107-110	107-111	107-112	107-113	107-114	107-115	107-116	107-117	107-118	107-119	107-120	107-121	107-122	107-123	107-124	107-125	107-126	107-127	107-128	107-129	107-130	107-131	107-132	107-133	107-134	107-135	107-136	107-137	107-138	107-139	107-140	107-141	107-142	107-143	107-144	107-145	107-146	107-147	107-148	107-149	107-150	107-151	107-152	107-153	107-154	107-155	107-156	107-157	107-158	107-159	107-160	107-161	107-162	107-163	107-164	107-165	107-166	107-167	107-168	107-169	107-170	107-171	107-172	107-173	107-174	107-175	107-176	107-177	107-178	107-179	107-180	107-181	107-182	107-183	107-184	107-185	107-186	107-187	107-188	107-189	107-190	107-191	107-192	107-193	107-194	107-195	107-196	107-197	107-198	107-199	107-200	107-201
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SUBAREA A

ZONING DESCRIPTION  
88.778 ACRES

Situated in the State of Ohio, County of Franklin, Township of Plain, lying in Section 8, Quarter Township 2, Township 2, Range 16, United States Military Lands, being part of that original 84.544 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 200103010041463, that 3.000 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 200103010041465, that 1.570 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 200512280272355, that 0.507 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 200601230013948, that 4.995 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 200103010041466 and that 0.998 acre tract conveyed as Parcel No. 24WD to State of Ohio by deed of record in Instrument Number 200309110290578 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at the intersection of the southerly right-of-way line of Walnut Street with the westerly right-of-way line of New Albany Condit Road (State Route 605);

Thence South 03° 17' 05" West, with said westerly right-of-way line, a distance of 806.88 feet to a point;

Thence South 03° 11' 33" West, continuing with said westerly right-of-way line, a distance of 787.56 feet to a point;

Thence crossing said The New Albany Company LLC tracts, the following courses and distances:

North 85° 58' 00" West, a distance of 300.03 feet to a point;

South 03° 11' 33" West, a distance of 311.43 feet to a point;

North 85° 58' 00" West, a distance of 259.08 feet to a point;

North 03° 11' 33" East, a distance of 100.00 feet to a point;

North 85° 58' 00" West, a distance of 100.00 feet to a point; and

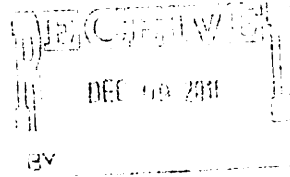
South 03° 11' 33" West, a distance of 200.00 feet to a point in the northerly line of that 11.751 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 201010070133764;

Thence North 85° 58' 00" West, with the northerly line of said 11.751 acre tract, that 15.735 acre tract conveyed as Tract 1 to The New Albany Company LLC by deed of record in Instrument Number 200910010142138 and that 22.700 acre tract conveyed as Parcel Two Tract 1 to New Albany Portfolio LLC by deed of record in Instrument Number 200703050037133, a distance of 2018.62 feet to a point in the easterly line of "The Hamptons at New Albany Park Condominium Eleventh Amendment", of record in Condominium Plat Book 18, Page 1;

Thence North 03° 37' 59" East, with the easterly line of said "The Hamptons at New Albany Park Condominium Eleventh Amendment" and that subdivision entitled "Upper Albany Section 2", of record in Plat Book 203, Page 11, a distance of 1369.02 feet to the southwest corner of that 2.896 acre tract conveyed to Raymond A. Spiert by deed of record in Deed Book 3608, Page 712;

Thence South 86° 19' 10" East, with the southerly line of said 2.896 acre tract, and that 2.895 acre tract conveyed to Dustin D. Dillin and Stephanie M. Dillin by deed of record in Instrument Number 201605040055149, that 2.893 acre tract conveyed to Isaac E. Koon by deed of record in Instrument Number 200510040208180, that 2.892 acre tract conveyed to Judith A. Metcalf by deeds of record in Instrument Number 201009140119303 and Deed Book 3027, Page 451, that 2.891 acre tract conveyed to Raymond K. Schuchter and Megan K. Doran by deed of record in Instrument Number 201608260113227, that 2.889 acre tract conveyed to Lee E. Hirtle and Joel M. Hirtle by deed of record in Official Record 25629E19 and that 5.00 acre tract conveyed to Zappitelli Properties, Inc. by deed of record in Instrument Number 200303180077986, a distance of 1323.69 feet to a point;

Thence North 03° 11' 59" East, continuing the southerly line of said 5.00 acre tract, a distance of 47.94 feet to a point;



**ZONING DESCRIPTION**  
**88.778 ACRES**

-2-

Thence North 75° 14' 01" East, continuing with said southerly line, a distance of 339.97 feet to a point in the westerly right-of-way line of Schleppi Road;

Thence South 29° 13' 04" East, with said westerly right-of-way line, a distance of 278.60 feet to a point;

Thence South 87° 38' 47" East, crossing said Schleppi Road and with the southerly line of that 3.890 acre tract conveyed to Kathleen M. Zappitelli, Trustee by deed of record in Instrument Number 200303310091743, a distance of 326.28 feet to the southeasterly corner thereof;

Thence North 02° 21' 13" East, with the westerly line of said 3.890 acre tract and that 5 acre tract conveyed to Lee Reel by deeds of record in Instrument Number 200907300111584 and Official Record 14357C12, a distance of 691.56 feet to a point in the southerly right-of-way line of said Walnut Street;

Thence South 86° 17' 47" East, with said southerly right-of-way line, a distance of 555.74 feet to the POINT OF BEGINNING, containing 88.778 acre, more or less, of which 1.663 acres lies within the right-of-way Schleppi Road.

Note: This description is for zoning purposes only and is not to be used for transfer.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

SUBAREA B

**ZONING DESCRIPTION**  
**3.887 ACRES**

22WD  
09-09-2016

Situated in the State of Ohio, County of Franklin, Township of Plain, lying in Section 8, Quarter Township 2, Township 2, Range 16, United States Military Lands, being part of that 1.570 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 200512280272355, that 0.507 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 200601230013948 and that 4.995 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 200103010041466 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the intersection of the southerly right-of-way line of Walnut Street with the westerly right-of-way line of New Albany Condit Road (State Route 605);

Thence South 03° 17' 05" West, with said westerly right-of-way line, a distance of 806.88 feet to a point;

Thence South 03° 11' 33" West, continuing with said westerly right-of-way line, a distance of 787.56 feet to the TRUE POINT OF BEGINNING, for this description;

Thence South 03° 11' 33" West, continuing with said westerly right-of-way line and crossing said The New Albany Company LLC tract, a distance of 411.43 feet to a point;

Thence North 85° 58' 00" West, crossing said The New Albany Company LLC tract and with the northerly lines of that 0.707 acre tract conveyed as Parcel No. 22WD to State of Ohio by deed of record in Instrument Number 199908230213995 and that 11.751 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 201010070133764, a distance of 659.12 feet to a point;

Thence crossing said The New Albany Company LLC tracts, the following courses and distances:

North 03° 11' 33" East, a distance of 200.00 feet to a point;

South 85° 58' 00" East, a distance of 100.00 feet to a point;

South 03° 11' 33" West, a distance of 100.00 feet to a point;

South 85° 58' 00" East, a distance of 259.08 feet to a point;

North 03° 11' 33" East, a distance of 311.43 feet to a point; and

South 85° 58' 00" East, a distance of 300.03 feet to the TRUE POINT OF BEGINNING, containing 3.887 acres, more or less, of which 0.451 acre lies within the right-of-way Schleppi Road

Note: This description is for zoning purposes only and is not to be used for transfer.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



Prepared: 11/28/2016  
Introduced: 01/03/2017  
Revised:  
Adopted:  
Effective:

## RESOLUTION R-01-2017

### A RESOLUTION TO CLARIFY CERTAIN SECTIONS OF THE CITY OF NEW ALBANY'S PERSONNEL POLICIES TO DEFINE EARNABLE AND NON-EARNABLE SALARY AS REQUESTED BY THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM

**WHEREAS**, the Ohio Public Employees Retirement System (OPERS) has requested annual clarification of the city's Codified Ordinance Sections 155.08, 155.10, and 155.11 to determine pensionable earnable salary eligibility; and

**WHEREAS**, the Ohio Public Employees Retirement System (OPERS) has also requested that the city confirm its definition of salary, **which is not** pensionable; and

**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.** Pursuant to ORC Section 145.01 and the OAC 145.1-26, the City of New Albany has executed a plan for the conversion of sick leave to cash for leave that is accrued, but not used, during the calendar year, as defined as January 1 to December 31, as part of an annual conversion plan. These earnings are earnable salary on which employee and employer contributions shall be remitted to OPERS.

**Section 2.** Sick leave shall be converted on a last in, first out (LIFO) basis. The leave to be considered earnable salary is the leave accrued to date in the current calendar year, less any leave used to date in the same calendar year.

**Section 3.** Retiring employees' sick leave conversion payments must occur according to the plan and either prior to or during the month of their termination date for this earnable salary to be included in the calculation of Final Average Salary.

**Section 4.** The following payments made to employees shall not have retirement contributions withheld as the payments do not meet the definition of earnable salary for OPERS purposes:

- Leave in excess of the annual amount of leave accrued January 1 to December 31 less leave used January 1 to time of payment
- Leave earned in previous calendar years (*other than payments made in January for leave accrued but not used during the previous calendar year*)



- Conversion of leave to employees separating employment
- Conversion of leave to retiring employees outside the regular payment schedule

**Section 5.** The city's accrual policy for Sick, Vacation and Personal Leave is summarized in attached Exhibit A.

**Section 6.** 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 7.** Pursuant to the Article VI of the charter of the City of New Albany, this resolution shall take effect upon passage.

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**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 R-01-2017 were posted in accordance with Section 6.12 of the Charter, for 30 days starting on \_\_\_\_\_, 2017.

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

\_\_\_\_\_  
Date

**EXHIBIT A**

**155.10 SICK LEAVE.**

(a) All full-time employees and officials shall be credited sick leave at the rate of 4.615 hours for each pay period.

(b) Sick leave may be accumulated without limit.

(c) When used, sick leave shall be deducted from the cumulative total on an hour-for-hour basis.

(d) Employees may use leave for absence due to personal illness, pregnancy, injury, exposure of contagious disease which could be communicated to other employees, and to illness or injury of the employee's spouse, child, mother, father, or other relative residing in the employee's household. Sick leave may also be used for medical, vision or dental related examination and care.

(e) Employees may be required to furnish proof of illness by furnishing a doctor's statement if the duration of the illness exceeds three (3) working days.

(f) Absence due to sickness in the immediate family not residing in the employee's household, and requiring the continuing presence of the employee to make arrangements for hospitalization or other care shall not exceed three consecutive workdays. The City Manager may approve additional absences for this purpose.

(g) Excessive use, abuse of, or misuse of sick leave may be cause for disciplinary action or dismissal.

(h) Employees for whom a replacement must be found and who are unable to report to work for any reason listed herein must report their anticipated absence to their supervisor at least one hour prior to the start of their shift on the first day of their absence. Other employees must report their anticipated absence before the expiration of the first half-hour of the start of their shift. All employees shall report accordingly on each succeeding day of their absence unless other arrangements are authorized.

(i) Sick leave may be transferable between employees due to exigent circumstances, with the approval of the City Manager.

(j) Use of sick leave is limited to employee absence due to illness or non-work related injury and quarantine of the employee by health authorities. For family medical incidents, an employee may use up to four (4) days for each discrete incident.

(k) Following the fourth (4th) occurrence of sick leave absence of one day or more in a twelve month period of time, the employee may be required to secure and present a certificate from a doctor giving information as to the circumstances involved or nature of the illness to receive pay for each subsequent absence involving sick leave in the remainder of that twelve month period. The documentation shall be sent to the Personnel Officer to be placed in the individual's personnel file.

(l) Sick leave accumulated during former employment with the City or with another public agency may be credited to the employee upon his/her re-employment or hire with the City provided such re-employment/employment takes place within ten (10) years of the former termination date.

a. Up to 1,920 hours of previously accumulated sick leave from another public agency may be transferred to the employee's credit at a rate of

two (2) to one (1) for each hour accrued as an employee of the City of New Albany.

b. Rate of accrual shall be in conformance with C.O. 155.10(a).

(m) Upon retirement or separation in good standing, full-time employees may convert unused accrued sick leave to a lump sum monetary payment on the following conditions:

(1) For the first 120 hours (15 days) of sick leave accrued, payment shall be hour for hour. Accumulated sick leave above 120 hours shall be paid at the rate of eight (8) hours pay for every 24 hours accumulated.

(2) Payment will be at the hourly rate in effect at the time of retirement or termination.

(3) Employees terminated for cause or who fail to give two weeks written notice of intent to terminate are not eligible for the sick leave conversion benefit.

### 155.11 SICK LEAVE RECIPROCITY

(a) During January, each permanent full-time non-union employee may receive payment in cash for a portion of unused accrued sick leave hours at the end of the preceding fiscal year, provided such employee was entitled to sick leave benefits during all of the twenty-six (26) pay periods of the previous year and did not use more than 40 hours of paid sick leave or injury leave during the calendar year. Conversion of sick leave shall be based on the following table:

<b>Hours of Sick Leave or Injury Leave Taken</b>	<b>Maximum Cash Benefit Sick Leave Hours Allowed</b>
0 - 8 hours	48 hours
9 - 16 hours	32 hours
17 - 24 hours	24 hours
25 - 32 hours	16 hours
33 - 40 hours	8 hours
>40 hours	0 hours

(b) The number of reciprocity hours paid each employee will be subtracted from the total accrued unused sick leave. The balance of unused sick leave will be carried forward each year as the current sick leave account.

(a) Employee elections to participate in the program will be made during the December preceding the year of participation. If the employee remains eligible at the conclusion of the participation year and still opts to participate in the program based upon the chart above, the sick leave reciprocity payments will be made in January of the year following the year of participation. Payment will be calculated at the employee's hourly rate in effect as of the final pay period of the fiscal year preceding payment. The participating employee can opt to convert sick leave hours at any level up to the maximum amount described.

(b) Cash benefit hours taken cannot reduce eligible employee's year-end sick balance below 480 hours.



Prepared: 12/21/2016  
Introduced: 01/03/2017  
Revised:  
Adopted:  
Effective:

## RESOLUTION R-03-2017

**A RESOLUTION TO WAIVE THE COMPETITIVE BIDDING REQUIREMENT AS SET FORTH IN SECTION 9.04 (C) OF THE NEW ALBANY CHARTER AND AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH STOOPS FREIGHTLINER OF DAYTON FOR THE PURCHASE OF A SINGLE AXLE DUMP TRUCK WITH SNOW PACKAGE AT A PRICE NOT TO EXCEED \$152,000 FOR THE PUBLIC SERVICE DEPARTMENT**

**WHEREAS**, the City of New Albany needs to replace an existing single axle dump truck with snow package for the Public Service Department for the purpose of plowing and salting public streets, performing right of way maintenance, and curbside leaf collection; and

**WHEREAS**, the city's existing 2002 International Dump Truck used for these operations has reached its useful life and performing needed repairs is not cost effective; and

**WHEREAS**, Stoops Freightliner of Dayton has a new 2016 Freightliner dump truck with snow package built and ready for purchase at a cost less than competitive bid pricing; and

**WHEREAS**, the city has available funds in the 2017 budget for this purchase.

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

**Section 1.** The City Council of New Albany hereby waives the competitive bidding requirement as set forth in section 9.04 (C) of the New Albany Charter and authorizes the city manager to enter into an agreement with Stoops Freightliner of Dayton for the purchase of a single axle dump truck with snow package at a price not to exceed \$152,000 for the Public Service Department.

**Section 2.** 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 3.** Pursuant to the Article VI of the Charter of the City of New Albany, this resolution shall take effect upon passage.

CERTIFIED AS ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Attest:

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

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

Approved as to form:

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

PROPOSED



Prepared: 12/22/2016  
Introduced: 01/03/2017  
Adopted:  
Effective:

## RESOLUTION R-04-2016

### **A RESOLUTION PURSUANT TO ORC §135.12 TO DESIGNATE PARK NATIONAL BANK AS THE DEPOSITORY OF ACTIVE PUBLIC MONIES FOR THE CITY OF NEW ALBANY, AND TO AUTHORIZE THE DIRECTOR OF FINANCE TO ENTER INTO AN AGREEMENT FOR ACTIVE DEPOSITS AND BANKING SERVICES FOR THE CITY OF NEW ALBANY.**

**WHEREAS**, Ohio Revised Code §135.12 requires council to designate every five (5) years the depository of active public monies for the city; and

**WHEREAS**, the current agreement for active deposits and banking services expired on June 12, 2016, and

**WHEREAS**, proposals were solicited from banking institutions maintaining an office within an acceptable proximity of Village Hall, 99 West Main Street; and

**WHEREAS**, proposals were received from five financial institutions: Huntington National Bank, Park National Bank, US Bank, First Commonwealth Bank, and Key Bank; and

**WHEREAS**, all of the proposals received were thoroughly analyzed and reviewed.

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

**Section 1.** Council hereby designates Park National Bank to be the depository of active public monies for the City of New Albany effective January 1, 2017.

**Section 2.** The Director of Finance is authorized and hereby directed to enter into an agreement with Park National Bank for depository and other related banking services for the period January 1, 2017 through December 31, 2019, with the authority to extend such agreement through December 31, 2021.

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

**Section 4.** Pursuant to the Article VI, § 6.07(A) of the Charter of the City of New Albany, this resolution shall take effect upon passage.

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**Attest:**

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

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

**Approved as to form:**

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

PROPOSED