

\* Amended by Council vote on 7/18/23. See minutes.



**ORDINANCE O-84-2023**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 63.5 +/- ACRES OF LAND GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION AT CENTRAL COLLEGE ROAD AND JUG STREET ROAD FOR AN AREA TO BE KNOWN AS THE “COURTYARDS AT HAINES CREEK ZONING DISTRICT” FROM ITS CURRENT ZONING OF AGRICULTURAL (AG) TO “I-PUD” INFILL-PLANNED UNIT DEVELOPMENT AS REQUESTED BY EC NEW VISION OHIO LLC, C/O AARON L. UNDERHILL, ESQ. \***

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

**WHEREAS**, the Rocky Fork-Blacklick Accord, Planning Commission, and 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 EC New Vision Ohio LLC, c/o Aaron L. Underhill, Esq., the Rocky Fork-Blacklick Accord and Planning Commission 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 hereby amends the zoning ordinance map of the city of New Albany to change the zoning classification of the following described site:

- A. A 63.5 ± acre area of land generally located at the northwest corner of the intersection at Central College Road and Jug Street Rd for an area to be known as the “Courtyards at Haines Creek Zoning District” from its current zoning of Agricultural District (AG) to Infill-Planned Unit Development (I-PUD).
- B. The zoning district’s zoning text and preliminary development plan are 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 adoption of this legislation were adopted in an open meeting of 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 Section 121 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

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

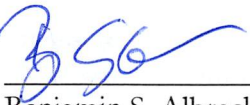
**CERTIFIED AS ADOPTED** this 18 day of July, 2023.

**Attest:**

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

**Approved as to form:**

  
Benjamin S. Albrecht  
Law Director

Legislation dates:	
Prepared:	06/23/2023
Introduced:	07/05/2023
Revised:	07/18/2023 *by council
Adopted:	07/18/2023 vote
Effective:	08/18/2023

**COURTYARDS AT HAINES CREEK ZONING DISTRICT**

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

**August 18, 2023**

I **Introduction:** The Courtyards at Haines Creek Zoning District will facilitate the development of an age-restricted residential community. The vast majority of this zoning district will consist of housing that is age restricted in accordance with the “Housing for Older Persons Exemption” (codified at 42 U.S.C. § 3607) (the “HOPA Exemption”) of The Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3601–3619) (the “Act”). The Act and the HOPA Exemption provide in part that, in order for a residential development to meet the requirements to be age-restricted, at least 80 percent of the units in the development must have at least one occupant who is 55 years of age or older. The applicant, Epcon Communities, commits to exceed the minimum percentage of age-restricted units by increasing it to 90% of the units. Furthermore, the applicant shall prohibit any permanent residents within the 90% age-restricted units who are under the age of 21 to the extent permitted by law.

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

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

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

center/clubhouse. Construction of model homes and/or the private amenities center/clubhouse may occur in advance of, or in conjunction with, installation of public infrastructure for the subdivision.

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

IV. Age Restriction: Homes within this zoning district shall be age restricted in accordance with the Act and the HOPA Exemption so that 90% of the homes shall be required to have at least one occupant that is age 55 or older. Should the Act and/or the HOPA Exemption be amended at any time following the effective date of this zoning text so that it becomes illegal to market and operate this zoning district in accordance with the immediately preceding sentence, then this zoning district shall be permitted to be developed and operated in accordance with the amended law. The applicant further agrees that the community shall not permit permanent residents within the 90% age-restricted units who are under the age of 21 to the extent permitted by law.

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

Also, prior to the issuance of the first building permit for construction of a home in this zoning district, the applicant/developer shall provide evidence to the City that it has recorded, with the Office of the Recorder of Franklin County, Ohio and against all portions of the zoning district, a written restriction (a "Recorded Restriction") requiring that the property may only be developed and operated in accordance with the Act and the HOPA Exemption as described in the immediately preceding paragraph. The Recorded Restriction shall provide the City with the legal right, as a third-party beneficiary thereunder, to compel the applicant/developer and all other future owners of any portion of real property that is the subject of the final plat to adhere to the requirements of the Act and the HOPA Exemption. Prior to recording the Recorded Restriction, the applicant/developer shall deliver a draft copy of the Recorded Restriction to the City's Law Director for reasonable review and confirmation (which shall not be unreasonably withheld or delayed) that the instrument does, in fact, require the real property which is the subject thereof to adhere to the requirements of the Act and the HOPA Exemption.

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

In addition to the foregoing, once the last home in this zoning district has been sold by the applicant/developer to a third-party purchaser, the HOA shall be responsible for undertaking all actions which are necessary in order for the community to comply with the requirements of the Act and HOPA Exemption as contemplated in this zoning test. 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 homes in the zoning district as "55 or older" housing; and (ii) compliance with the Department of Housing and Urban Development's (HUD's) regulatory requirements for age verification of residents. No later than thirty (30) days after filing reports and any other required information with HUD or other regulatory authorities as required by the Act, the HOPA Exemption, and applicable federal administrative regulations, the applicant/developer (until such time as the last home in this zoning district is sold to a third party) or the HOA (after such time as the last home in this zoning district is sold to a third party) shall file copies of the same with the City for its records.

VI. Density, Lot and Setback Commitments:

A. Number of Units; Locations: There shall be a maximum of 151 units in this zoning district. In addition, one private amenities center/clubhouse shall be permitted with ancillary recreational uses. The relocation of up to 4 lots/homes as shown on the approved preliminary development plan from the western perimeter boundary line of this zoning district to other locations within the zoning district shall be determined as part of a final development plan to provide additional tree preservation on the west boundary.

B. Unit Types: Single-family units shall be permitted on all lots. Units may be front-loaded or rear-loaded. Rear-loaded units shall be accessed from a public "lane" and shall be referred to herein as "Lane Units."

C. Minimum Square Footage: A maximum of 25% of the single-family homes may be a minimum of 1,400 square feet of living area. All other single-family homes shall have a minimum of 1,600 square feet of living area. Square footage of living area for any home shall be exclusive of garages, basements, and porches.

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

- E. **Minimum Lot Depths:** The minimum lot depth shall be 115 feet.
- F. **Minimum Setbacks:**
1. **Central College and Jug Street:** There shall be a minimum building and pavement setback of 100 feet as measured from the edge of the right of way of Central College Road/Jug Street, except that homes and other improvements on Lots 71 and 72 shall be permitted within this setback.
  2. **Front Yards:** The minimum front yard setback shall be 20 feet from the edge of right-of-way for each home except for the Lane Homes facing Street 9 (such term being defined in Section VI), which shall have a minimum front yard setback of 15 feet.
  3. **Side Yards:** The minimum side yard setback shall be 5 feet between the lot line and structures for all homes.
  4. **Rear Yards:** The minimum rear yard setbacks shall be as follows:
    - a. On lots with rear boundary lines which also serve as the eastern and western perimeter boundary of this zoning district the minimum rear yard setback shall be 50 feet.
    - b. On all lots other than those which are described in the immediately preceding subsection 4.a., the minimum rear yard setback shall be 15 feet.
- G. **Tree Preservation Zones:** "Tree Preservation Zones" shall apply (1) for a minimum distance of 100 feet from the right-of-way of Central College Road and Jug Street in Reserve A, in areas to the south of the intersection of Jug Street and a new public street connecting it to the new subdivision, (2) within the northwest corner of the zoning district, (3) covering the tree line along the north property line of Reserve C, all as generally shown on the Preliminary Development Plan, and , and (4) within a distance of 30 feet from the rear property line on any lots where a minimum rear yard setback of 50 feet is required, provided as to this subsection G.(4) trees shall be preserved in accordance with the recommendations of a certified arborist and subject to staff approval. Within these areas, only the construction of roads, paths/trails/sidewalks, underground utility lines and underground storm water management infrastructure shall be permitted. Healthy mature trees and understory vegetation shall be preserved within these areas unless they conflict with the installation of permitted utility or storm water infrastructure. Trees and understory vegetation within the tree preservation zone plan may be trimmed, cut, or removed if they are diseased, dead, or of a noxious species or if they present a threat of danger to persons or property. When trees are removed from the Tree Preservation Zones due to utility installation, reasonable efforts shall be made to plant new trees in areas within or outside of (but near to) the Tree Preservation Zone in order to provide buffering from adjacent parcels outside of this zoning district. The number, species, and locations of new trees shall be reviewed by the Planning Commission as part of a final development plan and confirmed with a landscape plan provided with final engineering. Trees

shall not be required to be planted in easements and/or locations that may harm the health of preserved trees or unreasonably encroach into the rear yards of lots.

H. **Buffering – Western and Eastern Perimeter Boundaries:** Along with the landscaping plan that is filed as part of a final development plan, the applicant shall submit a report from a certified arborist to detail the conditions of existing trees within the minimum required rear yard setbacks on lots of homes that back to the western perimeter boundary line of the zoning district and along that portion of the eastern perimeter boundary of the zoning district that serve as the rear lot lines for homes on Lots 62 through 72 as numbered on the preliminary development plan. The report also shall detail the anticipated need to remove trees within these areas in order to accommodate development, preserve the health of trees, and/or to ensure the safety of residents of homes that are to be constructed on those lots. The landscape plan shall identify which trees will be preserved based on the report and shall provide for the planting of replacement trees, landscaping, and/or other improvements to provide additional buffering between new homes and adjacent property to the west which is outside of this zoning district, and shall provide that understory located within 30 feet of the western perimeter boundary line of the zoning district shall remain, provided that removal of understory associated with permitted removal of trees or understory that is of a noxious or invasive species shall be allowed. New trees and landscaping may be planted on an adjacent parcel to achieve the buffering objective if permission is obtained from the owner of such parcel. The applicant shall share the arborist's report with the adjacent property owners and/or their authorized representatives on or before the date when the final development plan is filed with the City, and shall meet with the property owners (if they are willing) prior to the Planning Commission's hearing on the final development plan. Removal of trees within the areas which are subject to the arborist's report shall be subject to staff approval.

Homes on lots that back to the western perimeter boundary line of the zoning district and along that portion of the eastern perimeter boundary of the zoning district that serve as the rear lot lines for homes on Lots 63 through 72 (as numbered on the preliminary development plan) shall be screened so that their air conditioning units are obscured from the view of adjacent properties to the rears of those lots. In addition, the developer shall work in good faith with the owner of property to the south of Central College Road that is directly across from the intersection of Central College Road and the new street along the southern border of the zoning district to establish a screening plan and install landscaping on that owner's property (at the developer's expense) to provide some screening from both entrances/exits from the subdivision.

I. **Encroachments – Front Yards:** Stoops, steps, and covered porches shall be permitted to encroach a maximum of 5 feet within the front yard setback line. They shall not be permitted to encroach within rights-of-way or easements.

J. **Encroachments – Side Yards:** Paver patios and concrete patios with associated elements such as, but not necessarily limited to, landscaping, water features, trellises, fireplaces, fire pits, counters, grilling areas, and other related or similar outdoor amenities shall be permitted to encroach into the minimum side yard on a lot with a residential unit that contains a side courtyard, provided that when two side yards are adjacent to one another, only one of them

shall be permitted to have a side courtyard. Such courtyards may encroach past the shared lot line. Reciprocal easements burdening and benefiting each lot in this scenario shall be recorded to define the use and maintenance rights of the respective owners.

Where the courtyard condition is present and is not screened from the view of a public right-of-way by a structure or existing trees, a decorative fence, in locations to be approved as part of a final development plan, shall be installed and may extend past the building setback line to provide screening of the courtyard area from the right-of-way. Decorative fencing shall be permitted to the rear of a home, along with any other permitted fencing per the Codified Ordinances. A combination of landscaping and fencing also may be used to achieve the same screening objective, but solid fences shall be prohibited to provide this screening. Where the courtyard condition is adjacent to open space a decorative fence and landscaping may be installed between the lot line and the courtyard to provide screening. Screening shall have a minimum opacity of 75% to a height of 4 feet.

K. Encroachments (Easements): Encroachments shall not be allowed in storm or drainage easements in side or rear yards.

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

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

A. Off-Street Parking: All homes shall be required to have a minimum of 2 off-street parking spaces on their driveways in addition to a minimum of 2 parking spaces within the garage. Lane homes shall include a driveway that is a minimum of 18 feet in length and shall have a width sufficient to park two cars.

B. On-Street Parking: On-street parking shall be permitted on the side of public streets that do not contain fire hydrants in accordance with the City's Codified Ordinances.

C. Central College Road and Jug Street ROW: Prior to the issuance of the first building permit for any structure to be built in this zoning district, the applicant/developer shall dedicate right-of-way to the City for a distance that extends 40 feet from the centerlines of Central College Road and Jug Street.



D. Access Points: The primary access points to the site will be from Central College Road and Jug Street in the general locations shown on the approved preliminary development plan and with final locations as approved as part of a final development plan. Right-of-way shall be dedicated for the future extension of two streets to the western boundary line of this zoning district, both as more specifically detailed in Section IV.E, as generally shown on the preliminary development plan, and as specifically approved as part of a final development plan.

E. Internal street and alley widths and rights-of-way: Internal vehicular routes within this zoning district shall consist of public streets and public Lanes. For purposes of this text, a "Lane" shall be defined to mean "a public lane providing vehicular access to and from garages located on the rears of residential units."

1. Lanes: The right-of-way for Lanes shall be a minimum of 20 feet with a minimum of 16 feet of pavement.

2. Streets: The right-of-way for internal streets within the development shall be 50 feet in width with the exception of the North-South Street that is to extend from Central College Road to the northern portion of the zoning district. The "North-South Street" shall have a right-of-way of 60 feet in width. Pavement for all internal streets shall be 26 feet in width, measured from face to face of curbs. Public streets located in the northwestern and southwestern portions of the zoning district may be extended to the western property line by a party other than the developer at some future date, as shown on the preliminary development plan. In recognition that these street extensions may never be necessary (or will be necessary only with the redevelopment of property located to the west), the developer of this zoning district shall be required to construct the extension for a distance of 10 feet from its westernmost intersection internally within the zoning district. Signage shall be installed at the end of the 10-foot stubs which indicate that these streets may be extended in the future as a through street. The design of such signage shall be subject to staff approval. Disclosure of the likelihood of the future street extension shall be included as part of the land sale contract for the lots located immediately adjacent to the right-of-way for the extensions.

F. Public Sidewalks: A public sidewalk shall be located within the right-of-way on each street other than the North-South Street (south of the intersection with Streets 5 and 8), the south side of Street 2 and the north side of Street 8 in the general locations shown in the preliminary development plan and with final locations as approved in a final development plan. Sidewalks shall be 5 feet in width and shall be constructed of concrete. Sidewalks shall not be required within rights-of-way of Lanes.

G. Leisure Paths: Asphalt leisure trails with a width of 8 feet shall be constructed by the applicant/developer in the following locations in this zoning district: (i) Along the north side of Central College and west side of Jug Street rights of way, (ii) along both sides of the North-South Street north to the intersection with Streets 5 and 8 and (iii) along the north side of Street 8.

H. Additional Pedestrian Connectivity: The applicant/developer will work with staff on the feasibility, location and material of a path with a minimum width of 8 feet to be constructed

along the south side of the pond in Reserve A except that the path may be reduced to a minimum width of 5 feet in areas restricted by site conditions (trees, grading, etc.) Details shall be presented for review with a final development plan and finalized at time of final engineering. Additional leisure trails or paths may be presented for review with a final development plan.

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

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

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

C. Street Trees: Street trees shall be required on both sides of internal public streets, except that this requirement shall not apply to Lanes or to the sides of streets which abut parks, open space or reserve areas (the planting requirements, if any, for these areas shall be approved as part of the relevant final development plan). Trees shall be a minimum of 2 ½ inches in caliper at installation and shall be spaced at an average distance of 30 feet on center, except that a double row of trees shall be provided along the proposed North-South Street at an average distance of 24 feet on center. These trees may be grouped, provided the quantity is equivalent to 1 tree per 30 feet or fraction thereof or 1 tree per 24 feet or fraction thereof, as applicable. Notwithstanding the foregoing, tree spacing on public streets may deviate from this spacing requirement if necessary or appropriate to provide a desirable streetscape, or to avoid interfering with other required improvements. Trees shall not obstruct sight distance or signage, subject to staff approval. Street tree and signage locations shall be shown on a final development plan for review and approval. Trees will be preserved within the Tree Preservation Zone along Central College Road and Jug Street as generally shown in the preliminary development plan. The applicant will coordinate with staff on a plan that incorporates the use of existing trees and credits them toward street tree requirements along these roads.

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

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

F. Landscaping: Except as otherwise provided in other sections of this text, the minimum landscaping size at installation shall be 2 inches caliper for deciduous shade and ornamental trees and 6 feet high for evergreen trees for the open spaces, amenity area, and parkland. Artificial turf shall be permitted to be utilized within the fenced pool area of the amenity building, the bocce court and the fenced side and rear courtyards on individual lots.

G. Perimeters: The landscaping plan that is provided with the final development plan shall, in addition to other required items, indicate whether or not trees presently exist on this property along the northern, western and eastern boundary lines. The landscaping plan shall identify locations where grading, utility crossings and associated easements will occur that necessitate the removal of trees from within the Tree Preservation Zone or within the required setback from the boundary lines of the zoning district. Within the area between the northern perimeter boundary line of this zoning district and extending southward to the upper limit of a drainage swale that will be installed within the large open space/reserve area in the northern portion of the site (such location to be determined at the time of final engineering), the application of fertilizer or other lawn treatment chemicals shall be prohibited. Within this area, prairie grass shall be planted and maintained and the landscape plan shall provide for the planting of additional trees to increase buffering of the site from the properties to the north.

IX. Architectural Standards – Homes:

A. Design Intent: The design of this neighborhood borrows from the tradition of the summer retreat camps popular in the 1900s. Examples include the Oak Bluffs Meeting Camp on Martha's Vineyard and Lakeside Ohio. These camps were a collection of small cottages around a central meeting house and green. In the proposed neighborhood an architectural aesthetic is employed which is consistent with the character of New Albany architecture, specifically referencing the "Rectangular Form Houses" which are described on Pages 10 and 11 of the City's Design Guidelines and Requirements as they exist on the date of this text. The homes in this community will be simple in their forms, generally rectangular in shape.

B. Maximum building height: All homes shall be a minimum of 1.5 stories or 1.5 stories in appearance from the front elevation. Maximum building height shall be 35 feet.

C. Exterior Materials:

1. Appearance: The residences in this community will serve a very specific market, which demands efficiently designed homes with components that serve the particular

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

2. Wall finish materials: Brick, brick veneer, and cementitious/composite siding or equivalent shall be permitted as exterior façade materials. Vinyl siding shall be prohibited. Cementitious/composite siding or equivalent on a home shall have colors as generally noted in the architectural drawings provided with the preliminary development plan and as approved in one or more final development plans. Exterior wall finish materials must be used to complete massing elements. Each exterior façade of a home shall utilize one primary material, and that material shall be used on all elevations of that home. Exposed concrete foundation walls shall be prohibited and, unless otherwise approved as part of a final development plan, shall be covered by (a) brick or brick veneer or (b) an extension of the primary building façade material to the surrounding grade.

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

a. The same materials and details used on front elevations of homes shall be carried through to and utilized on all other elevations of the home in a manner that creates continuity and balance among all facades;

b. The side and rear elevations of each home shall display a high level of architectural quality and interest. Side elevations oriented towards another home's side courtyard shall not be required to install architectural elements, such as windows, that will impede on the privacy of the courtyard. Other architectural detailing and elements must be continued on the courtyard-oriented elevation. The Base Elevations and Bonus Elevations for each home

type as identified in the architectural drawings that accompany this text shall be deemed to meet the requirements of this subsection.

c. Any side or rear elevation of a home that faces a public street on a corner lot and any side elevation of a home that is adjacent to open space or parkland shall include two or more windows trimmed in a color that distinguishes the trim from the color of the façade's siding (except that houses with a primary façade color that is white shall be permitted to have white trim). In addition, such elevations shall include at least one of the design elements from the following list:

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

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

1. Doors;
2. Porches;
3. Two or more windows (bay windows count as a window);
4. Bay windows or bay elements;
5. Chimney;
6. Decorative louvers;
7. Shutters which appear to be open and appear to be operable and mounted on appropriate shutter hardware (hinges and shutter dogs); or

8. Closed shutters that appear to completely cover one or more windows, although no window shall be required to be installed behind such shutters.

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

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

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

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

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

j. Exterior paint colors: Exterior paint colors for siding, doors, shutters, fascias, cornices, soffits and miscellaneous trim shall be selected from pre-approved color guide of historic colors, which shall be provided for review and

approval as part of the first final development plan and be based on historical color palette for this zoning district.

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

l. Skylights: Skylights in the roof shall be permitted, provided they are not visible from the street directly in front of the home.

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

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

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

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

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

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

X. Lighting:

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

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

- C. Security lighting, when used, shall be of a motion sensor type.
- D. Light poles, if provided within parking lot areas near the private amenities center/clubhouse shall not exceed 18 feet in height, shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.
- E. Street lighting shall be provided at each street intersection with the fixture, color and spacing to be approved at time of final development plan. Street light height shall not exceed 18 feet in height. Street light poles and fixtures shall be consistent in height, color, and appearance throughout the zoning district.
- F. Lighting of entry features and any additional proposed lighting shall be provided and approved at time of final development plan. Ground mounted lighting shall be shielded and landscaped.
- G. Fully shielded, downcast, cut-off type lighting fixtures shall be required. Exterior lighting fixtures shall be similar in appearance throughout this zoning district.
- H. Except as otherwise expressly provided in this text, lighting shall be provided in accordance with the City's Codified Ordinances.

XI. Garage Standards:

A. Garages:

1. Garages shall be attached and may front on a public street. Each home shall provide a 2-car garage.
2. Individual bay doors or double wide garage doors that have the appearance of individual bay doors when closed shall be required. All garage doors shall contain decorative features and shall be of a color and style that is consistent with architecture of the home. The exterior color palates for each home shall be selected and designed in a manner which de-emphasizes the location and placement of the garage door. Garage doors that are white in color shall only be used in the circumstance when white is the primary exterior color of the individual home.
3. Garages may be front-loaded or rear-loaded. Each garage shall be set back a minimum of 2 feet, 8 inches from the front façade of the home. The "front façade of a home" shall be considered to be the single plane of a home's front façade or the forward-most plane of a front porch that is located closest to the front property line of the lot.



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

B. Driveways: The appearance of driveways shall be consistent throughout the neighborhood. Driveways shall be made of a durable material. Appropriate materials are brick, dark color concrete pavers, and asphalt with controlled edges. Concrete driveways are prohibited. The driveway may extend up to 1 foot to the outside of both sides of the garage. All driveway aprons (curb-cuts) shall be constructed to accommodate a maximum sixteen-foot-wide driveway at the right-of-way line. All driveways shall have a maximum grade of 8%.

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

- A. Maximum building height: The maximum height of the private amenities center/clubhouse shall be 35 feet as measured from finished grade at the front door to the ridge on the roof.
- B. Appearance: The amenities center/private clubhouse shall be 1 ½ stories in appearance or two stories in height. The architectural design and appearance of this structure shall be complimentary to and consistent with the homes in this zoning district.
- C. Parking: A parking lot may be provided near the private amenities center/clubhouse to provide for the parking needs of residents and other visitors of the residents in the community. The location of the parking lot and the number of spaces to be provided shall be determined at the time of approval of a final development plan for this zoning district.

XIII. Miscellaneous Standards:

- A. Graphics and Signage Commitments: This zoning district shall utilize standard City of New Albany street regulatory signage. Entry feature signage at the public street entries into the zoning district from Central College Road and Jug Street shall be permitted with designs that are approved by the Planning Commission as part of a final development plan for this zoning district. Entry feature signage may be provided at the entry into the zoning district along its northern perimeter at any time after the North-South Street extends northward past the northern perimeter boundary line of this zoning district. Other signage may be used subject to approval by the City of New Albany Planning Commission.
- B. Swimming Pools/Spas: Swimming pools shall be prohibited in this zoning district except on the exterior of the private amenities clubhouse. When installed, spas shall be located in the side yard within courtyards and shall be completely enclosed by a minimum of 48-inch high

fencing and screened from adjoining properties. No minimum setback shall be required for spas located in courtyards.

C. Storage:

1. Storage Sheds: Storage sheds shall be prohibited.
2. Equipment Storage: Storage of all maintenance equipment shall be within garages or otherwise screened from off-site view. Such items should not be visible from streets, common open spaces, adjacent lots or developments.
3. Vehicle Storage: All campers, off-road vehicles (i.e. box trucks), and boats, must be parked within an enclosed garage. No undrivable vehicles or parts of vehicles may be stored outside.

D. Centralized Mailbox Units: Location, design, and landscaping for grouped mailbox units shall be included in an application for a final development plan for review and approval by the Planning Commission.

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

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

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

H. Fencing shall be prohibited along the eastern perimeter boundary line in the northeast corner of the zoning district that is adjacent to the large open space/reserve area.

I. Phasing: This zoning district may be developed in one or more phases. Each phase of development shall require the review and approval of a final development plan.

J. The existing barn in the southern portion of the zoning district may be removed.

XIV. Variances and Appeals:

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

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

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

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I certify that copies of Ordinance **O-84-2023** were posted in accordance with Article VI, Section 6.12 of the Charter of the City of New Albany, for 30 days starting on August 18, 2023.



Jennifer Mason, Clerk of Council

8/18/23

Date

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