



ORDINANCE O-01-2021

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 3.35 +/- ACRES OF LAND LOCATED AT 4093 REYNOLDSBURG NEW ALBANY ROAD AND 6 HAWKSMOOR DRIVE FROM ITS CURRENT ZONING OF RESIDENTIAL ESTATE (R-1) AND INFILL PLANNED UNIT DEVELOPMENT (I-PUD) TO INFILL PLANNED UNIT DEVELOPMENT (I-PUD) AS REQUESTED BY D&H HAWKSMOOR PROPERTIES LTD., 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 to promote orderly growth and development of lands; and

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

WHEREAS, pursuant to the application by D&H Hawksmoor Properties Ltd., c/o Aaron Underhill, Esq., the Planning Commission has reviewed the proposed ordinance amendment and recommended its approval.

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

Section 1. 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 3.35 ± acre area of land located at 4093 Reynoldsburg New Albany Road (PID: 222-000630) and 6 Hawksmoor Drive (PID: 222-004874) from its current zoning of Residential Estate District (R-1) and Infill Planned Unit Development (I-PUD) to Infill Planned Unit Development (I-PUD).
- B. The zoning district's preliminary development plan and text 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 _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 12/22/2020

Introduced: 01/05/2021

Revised:

Adopted:

Effective:

HAWKSMOOR NORTH
INFILL PLANNED UNIT DEVELOPMENT (I-PUD) TEXT

December 3, 2020

I. Introduction and Summary:

The property that is the subject of this zoning text consists of 3.35± acres configured in an “L” shape with frontage on Hawksmoor Drive and Reynoldsburg-New Albany Road. The western portion of the property consists of Lot 6A of the Hawksmoor subdivision (1.14+/- acres), while the balance of the property (2.21+/- acres) consists of a separate parcel extending to Reynoldsburg-New Albany Road which includes an existing home and a detached garage/accessory building. The intent of this text is to rezone the property to modify parcel sizes to make them more balanced, creating a western parcel of 1.72+/- acres, and an eastern parcel of 1.63+/- acres. It will also provide development standards to facilitate the removal of existing structures and the construction of up to two estate homes that will be consistent in quality and design with the existing Hawksmoor development and other newer homes in the general vicinity.

The present zoning of the property that is contained within Lot 6A of the Hawksmoor subdivision is I-PUD, allowing for the construction of one single-family home thereon. The current zoning classification for the balance of the subject property is R-1, Residential Estate District, which allows for two homes. Therefore, this zoning will allow for the development of two homes rather than the three homes that are permitted prior to this application.

II. Permitted Uses:

Permitted uses in this zoning district will include the permitted uses contained in the Codified Ordinances of the City of New Albany, R-1 Single-Family Residential District, Section 1131.02, and the accessory uses contained in Section 1131.03. No conditional uses will apply to this zoning district.

III. Development Standards:

Unless otherwise specified in the submitted drawings or in this written text, the development standards of Part Eleven of the Codified Ordinances of the City of New Albany shall apply to this zoning district. In the event that any development standard which is set forth in this text conflicts with an otherwise applicable provision of the Codified Ordinances, then the development standard contained in this text shall govern. When this text is silent as to a particular development standard, then the standard contained in the Codified Ordinances shall govern.

A. Density: There shall be a maximum of two single-family homes permitted in this zoning district, with one home to be located on each of the two parcels contemplated herein.

B. Setbacks and Lot Commitments:

1. Street Frontages: The western parcel in this zoning district shall have a minimum of 120 feet of frontage on Hawksmoor Drive. The eastern parcel shall have a minimum of 150 feet of frontage on Reynoldsburg-New Albany Road.

2. Home Orientation: The western parcel shall be developed with a home that is oriented in one of two ways: With its front façade oriented toward Hawksmoor Drive in a similar manner as existing homes located to the east on the same street, or alternatively, with its front façade oriented to the west, provided that the latter circumstance shall be permitted only if the home is located to the north of the shared property line between the western parcel and Lots 3, 4, and 5 of the Hawksmoor subdivision and to the north of a line extending westward from that shared boundary line to the western boundary of the western parcel. The eastern parcel shall be developed with a home with its front façade being oriented toward Reynoldsburg-New Albany Road.

3. Western Parcel Setbacks: The following setback requirements shall apply to the primary structure on the western parcel:

a. Southern Parcel Line: The minimum building setback shall be 40 feet as measured from the right-of-way of Hawksmoor Drive.

b. Western Parcel Line: There shall be a minimum building setback of 10 feet from the western boundary of the western parcel in the circumstance where the home on the parcel is oriented to face Hawksmoor Drive, subject to any larger setbacks resulting from the tree preservation areas that is contemplated later in this text. There shall be a minimum building setback of 50 feet from the western boundary of the western parcel in the circumstance where the home on the parcel is oriented to face to the west.

c. Northern and Southern Parcel Lines: There shall be a minimum building setback of 20 feet from each of the northern and southern boundaries of the western parcel.

d. Eastern Parcel Line: There shall be a minimum building setback of 50 feet from the shared boundary between the eastern and western parcels in this zoning district.

4. Eastern Parcel Setbacks: The following setback requirements shall apply to the primary structure on the eastern parcel:

a. Eastern Parcel Line: The minimum building setback shall be 130 feet as measured from the right-of-way of Reynoldsburg-New Albany Road.

b. Western Parcel Line: There shall be a minimum building setback of 50 feet from the shared boundary between the eastern and western parcels in this zoning district.

c. Northern and Southern Parcel Lines: There shall be a minimum building setback of 20 feet from each of the northern and southern boundaries of the western parcel.

5. Other Setbacks: Setbacks for permitted accessory structures and other accessory improvements shall be permitted in accordance with applicable provisions of the Codified Ordinances.

C. Access, Parking and Traffic-Related Commitments:

1. Parking: A garage attached to each primary residential structure shall be provided with a minimum of two vehicular parking spaces.

2. Vehicular Access: The primary vehicular access to and from the western parcel shall be provided using a driveway connecting to Hawksmoor Drive. The primary vehicular access to and from the eastern parcel shall be provided using a driveway connecting to Reynoldsburg-New Albany Road.

3. Pedestrian Access: An existing sidewalk is located along the zoning district's frontage on Hawksmoor Drive. An existing paved leisure trail exists along the zoning district's frontage on Reynoldsburg-New Albany Road. No additional pedestrian access improvements shall be required along these streets.

4. Public Street Rights-of-Way; Street Improvements: No additional street rights-of-way shall be required to be dedicated to the City from this zoning district. No street improvements shall be required as a result of the development of the property.

D. Architectural Standards:

1. Maximum building heights: The maximum building height for the primary residential structure shall be forty-five (45) feet as measured per the Codified Ordinances. Any other permitted structures shall not exceed the lesser of (a) 25 feet or (b) the height of the primary residential structure.

2. Exterior Materials:

a. Wall finish materials: Brick, stone, wood siding, and composite siding materials (Hardi-plank, its equivalent, or of higher quality) shall be permitted as primary exterior façade materials. Exterior wall finish materials must be used to complete massing elements. The application of brick to a single building facade is prohibited.

b. Brick: House brick shall be of a "handmade appearance". Traditional brick detailing is required, such as, but not limited to, traditional bonds, watertable caps, sills, jack arches, segmental arches and soldier courses.

c. Siding: Siding shall be cedar shiplit wood siding or composite material with a natural appearance. Houses with wood or composite siding shall have brick chimneys and brick plinths to the height of the watertable.

d. Roof: Pitched roofs shall be required to have a minimum 6:12 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, 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.

e. Windows: Windows shall be of traditional themes. Simulated or true divided lite windows shall be required.

f. 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).

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

h. Skylights: Skylights in the roof shall be permitted, provided they are not visible from off-site. Cupolas, dormers, lanterns, belvederes or window bays shall be permitted, provided they are consistent with the architectural theme.

i. Accessory Structures. Permitted accessory structures shall be of an architectural design, character, and theme that is consistent with or complimentary to the primary residential structure.

j. Design Approval: The design of the primary residential structures and any permitted accessory structures shall be reviewed as part of a final development plan. Architectural designs for structures shall meet the requirements of the City's Design Guidelines and Requirements unless a deviation or variance therefrom is expressly requested and approved as part of a final development plan. It is anticipated that, due to the nature of the proposed homes and related structures as custom "estate homes", architectural designs may continue to evolve beyond the date of final development plan approval and the property owner should be afforded flexibility in this regard in the same manner as would apply to a home being constructed in the City in a subdivision with numerous homes. To this end, architecture approved as part of a final development plan may be modified after the approval of final development plan without further review by the Planning Commission and with the approval of City staff if (a) the modifications are permitted under the City's Design Guidelines and Requirements or by a variance granted therefrom which has been previously approved by the Planning Commission, (b) do not otherwise cause the need for a variance from this text or other relevant provisions of the Codified Ordinances, and (c) will not cause a substantial deviation from the massing or design of the home or other structure when compared to that which was approved by the Planning Commission. The intent is not to provide an overly stringent design review

procedure in this zoning district when compared to homes in other areas of the City, but rather to provide the Planning Commission with oversight over major components of design while leaving more minor components to the review and approval of City staff in the same manner as other homes in the City.

3. Vehicular and Pedestrian Standards:

a. Garages:

i. Garage Doors (Vehicular): Individual bay doors are required, double wide garage doors are prohibited. The width of garage doors shall not exceed nine (9) feet. All garage doors shall be solid paneled. No glazing shall be permitted on garage doors unless they are consistent with the architectural theme.

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

b. Driveways and Entry Courts: Driveways shall be made of a durable material. Appropriate materials are brick, dark color concrete pavers, asphalt with controlled edges, and rolled-in stone topping. Concrete driveways are prohibited where visible from off-site.

4. Screened Porches: Screened porches are permitted on the rear or side of the primary residential structure. 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. Roof lines of screened porches shall conform to the architectural style of the home and blend into the massing of the home.

6. Service Areas: Air conditioners/heat pumps, garbage cans and carts, irrigation controllers, pumps, generators, and meters which are visible from any point outside of the zoning district shall be entirely enclosed by a privacy wall, a fence, and/or landscaping that is a minimum of four feet high.

6. Swimming Pools/Spas:

a. All swimming pools/spas shall be located to meet the minimum building setback requirements on the site, and shall be completely enclosed and adequately screened from adjoining properties in accordance with the City's Codified Ordinances. Screening and enclosure of swimming pools/spas may be accomplished by installing and maintaining fencing that terminates at a structure so that the combination of fencing and walls of structures provides for complete enclosure of the pool or spa. For purposes of clarification, the foregoing provision is intended to allow complete enclosure of a pool/spa using a combination of fencing and structure walls and is not intended to allow for any gaps between fencing and walls that are large enough to allow a person to enter

and exit the pool/spa area through such a gap and the requirements of Codified Ordinances Chapter 1173 must still be met.

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

c. Spas may be constructed provided that they shall be flush with the top of the paving. Spas shall be completely screened from off-site view by fencing or landscaping.

7. **Storage:**

a. **Equipment Storage:** Storage of all maintenance equipment shall be within garages or permitted storage structures or screened from off-site view. Such items should not be visible from streets and adjacent lots or developments.

b. **Vehicle Storage:** All campers, off-road vehicles, and boats must be parked within an enclosed garage. No undrivable vehicles or parts of vehicles may be stored outside.

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

1. **Tree Preservation Zone:** Within tree preservation areas, no structures or pavement shall be permitted, and healthy mature trees shall be preserved unless they present a danger to persons or property or are of a noxious or invasive species. A 30-foot wide tree preservation area exists pursuant to the approved plat that created Hawksmoor subdivision Lot 6A, and is generally located in the northwestern portion of this zoning district. This tree preservation area shall remain. In addition, a 20-foot wide tree preservation zone will be created along a portion of the western boundary line of the western parcel as shown on the accompanying preliminary development plan.

2. **Street Trees:** Street trees exist within the rights-of-way of Hawksmoor Drive and Reynoldsburg-New Albany Road just outside of the boundaries of this zoning district. These trees shall remain and no additional street tree plantings shall be required in these locations. Any street trees which are damaged by construction traffic serving this zoning district shall be replaced by the property owner at its expense.

3. **Fencing and Walls:**

a. **Along Reynoldsburg-New Albany Road:** A four board white horse fence exists along Reynoldsburg-New Albany Road and shall remain.

b. **Temporary Fencing:** Standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the

installation of snow fencing at the drip line. All temporary fences must be removed prior to the issuance of a certificate of occupancy.

c. Hawksmoor Drive: The landscaping hedge that exists along the zoning district's frontage on Hawksmoor Drive shall remain, except that limited portions may be removed to install a driveway and decorative brick piers on each side of the driveway so as to be consistent with similar features for other parcels on Hawksmoor Drive.

F. Miscellaneous Commitments:

1. Prohibited Storage Buildings: Pre-fabricated storage buildings are prohibited.
2. Sport and Recreational Equipment: Basketball backboards and supports, swing sets and other children's play facilities shall be permitted, provided they are screened from adjoining properties.
3. Utilities: All proposed utilities shall be placed underground. Utility easement locations and widths shall be determined in the final development plan.
4. Lighting: Lighting shall be permitted in accordance with the requirements of the Codified Ordinances. One yard light shall be required to be located in the portion of the yard near Hawksmoor Drive to the east of the driveway providing access to and from this street, with a location, size, color, and fixtures which are consistent with those located on other lots within the Hawksmoor subdivision. The yard light shall have a photocell light sensor.
5. Garbage Cans: All garbage cans and other waste containers shall be kept in a garage, within buildings, or within other screened areas so that they cannot be viewed from off-site.

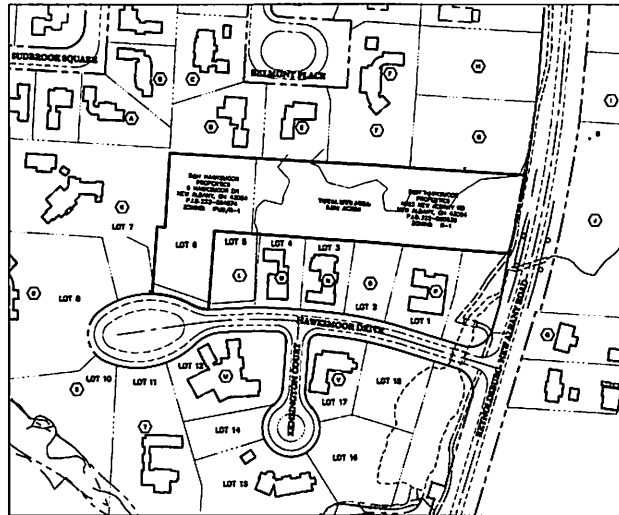
G. Variances and Appeals:

1. Nature of Variance: On this property, extraordinary circumstances may exist making a strict enforcement of the applicable development standards of this I-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.
2. 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.

CITY OF NEW ALBANY FRANKLIN COUNTY, OHIO HAWKSMOOR NORTH PRELIMINARY DEVELOPMENT PLAN

OWNER INFORMATION

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VICINITY MAP
SCALE 1"=100'



LOCATION MAP
SCALE NTS

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SHEET TITLE	SHEET NUMBER
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aaron@underhill.com

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DAK HAWKMOOR PROPERTIES LTD.
230 WEST STREET, SUITE 200
COLUMBUS, OHIO 43215
ATTN: SCOTT SMITH
PHONE (614) 230-5838
scott@hawkmoor.com

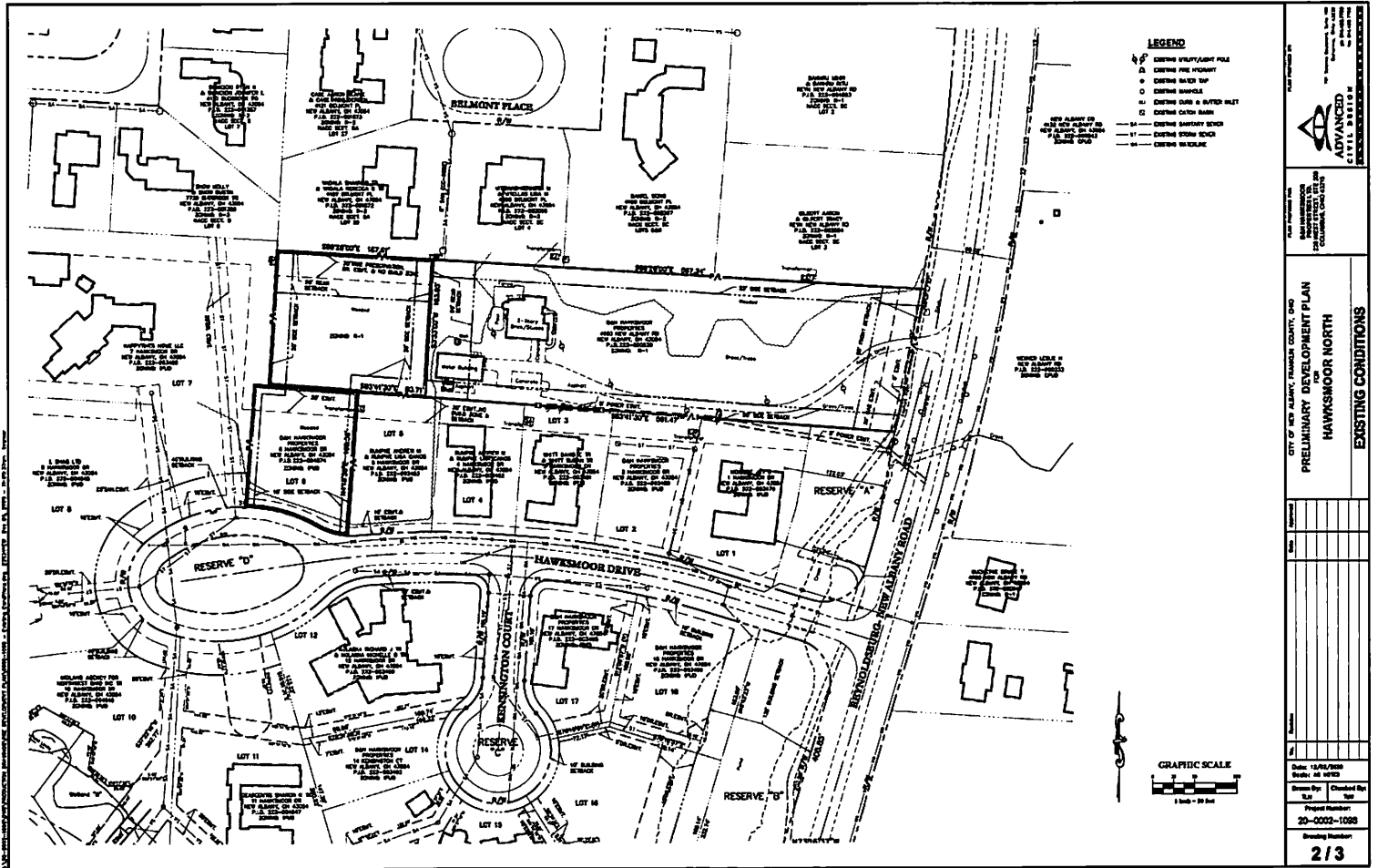
ADVANCED CIVIL DESIGN

CITY OF NEW ALBANY, FRANKLIN COUNTY, OHIO
PRELIMINARY DEVELOPMENT PLAN
HAWKSMOOR NORTH

TITLE SHEET

Scale: 1/4"=100'
Sheet: 1 of 3

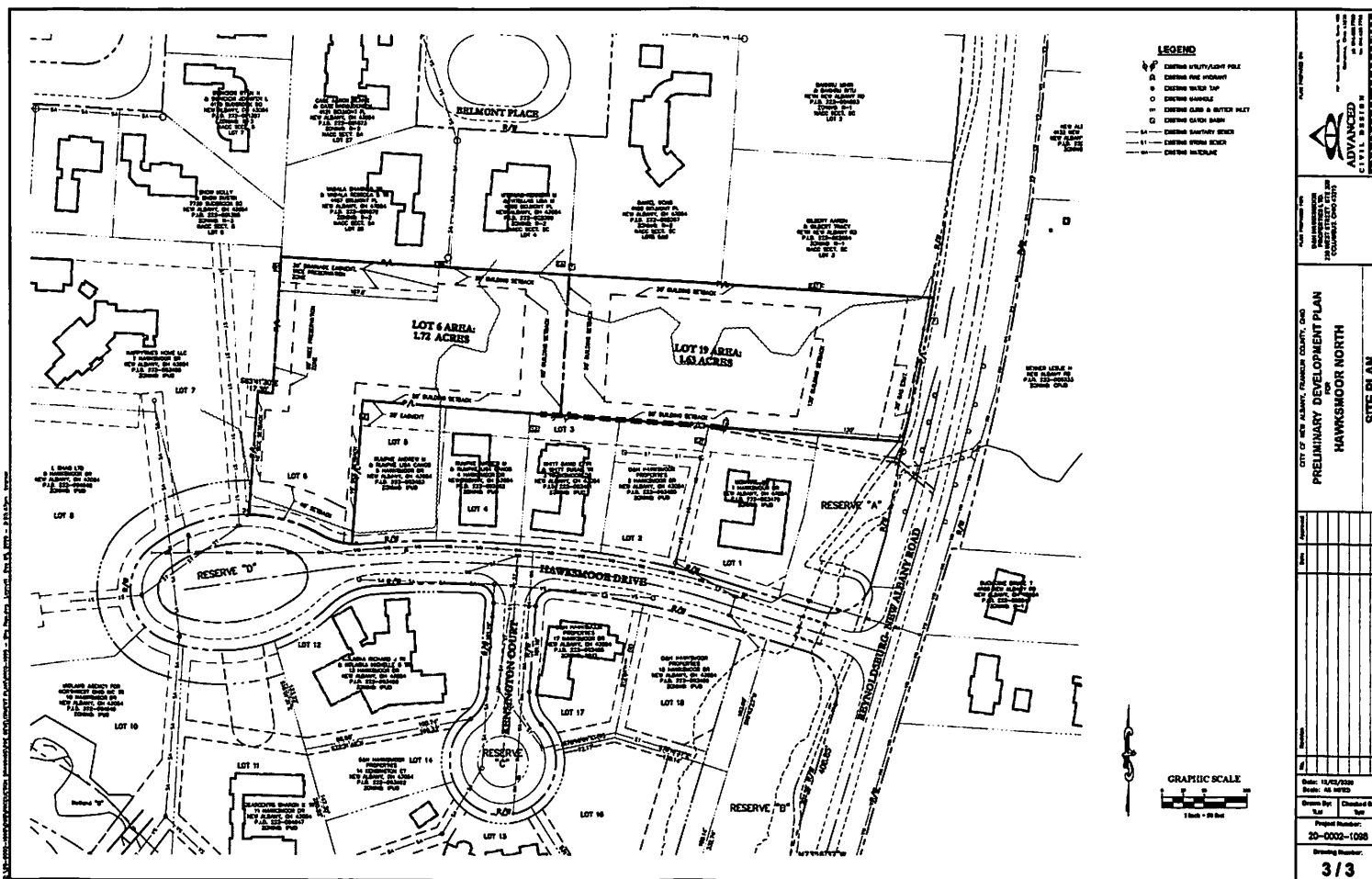
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Drawing Number: 1/3



AMERICAN CIVIL ENGINEERS

CITY OF NEW ALBANY, HAWKMOOR NORTH, OHIO
PRELIMINARY DEVELOPMENT PLAN
FOR
HAWKMOOR NORTH
EXISTING CONDITIONS

NO.	DATE	REVISION
1	10/10/2008	DATE: 10/10/2008 DRAWN BY: JLD CHECKED BY: JLD PROJECT NUMBER: 20-0002-1098 DRAWING NUMBER: 213





ORDINANCE O-02-2021

AN ORDINANCE TO AMEND CODIFIED ORDINANCES OF THE CITY OF NEW ALBANY CHAPTER 113 "COUNCIL", SPECIFICALLY SECTIONS 113.01 "SALARY OF THE MAYOR" AND 113.02 "SALARY FOR MEMBERS OF COUNCIL"

WHEREAS, Section 4.04 of the New Albany Charter authorizes council, by ordinance, to annually determine its compensation and benefits, and Codified Ordinance Chapter 113 provides for salary levels of the mayor and members of council, and

WHEREAS, salary amounts for the mayor, members of council, and President *Pro Tem* who presides over Mayor's Court were last set via ordinance O-02-2020; and

WHEREAS, as the city grows, so does the work for council, and a cost of living increase of 1.5% for city staff was approved as part of the 2021 budget; 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. Chapter 113, specifically Sections 113.01, ~~and 113.02, and 113.03~~ of the New Albany Codified Ordinances, is hereby amended, ~~and a new section 113.03 created,~~ to read as follows:

113.01 SALARY OF THE MAYOR.

The annual salary of the Mayor shall be Twenty-Five Thousand One Hundred Fifty-Six dollars and Ninety-Five cents (\$25,156.95) ~~Twenty-Four Thousand Seven Hundred Eighty-Five dollars and Seventeen cents (\$24,785.17)~~ paid bi-weekly, ~~plus a payment of Nine Hundred Fifty-Three dollars and Twenty-Eight cents (\$953.28) to account for the extra pay period in 2020.~~

113.02 SALARY FOR MEMBERS OF COUNCIL.

The annual salary of each Council Member shall be Eleven Thousand Five Hundred Twenty-Eight dollars and Sixty-Two cents (\$11,528.62) ~~Eleven Thousand Three Hundred Fifty-Eight dollars and Twenty-Five cents (\$11,358.25)~~ paid bi-weekly, ~~plus a payment of Four Hundred Thirty-Six dollars and Eighty-Six cents (\$436.86) to account for the extra pay period in 2020.~~ The annual salary of the President *Pro Tem* shall be Eleven Thousand Five Hundred Twenty-Eight dollars and Sixty-Two cents (\$11,528.62) ~~Eleven Thousand Three Hundred Fifty-Eight dollars and Twenty-Five cents (\$11,358.25)~~ paid bi-weekly, ~~plus a payment of Four Hundred Thirty-Six dollars and Eighty-Six cents (\$436.86) to account for the extra pay period in 2020.~~

113.03 ADDITIONAL SALARY FOR PRESIDING OVER MAYOR'S COURT

The additional annual salary of the Mayor and/or the President *Pro Tem* and/or the designated council member who is regularly scheduled to preside in Mayor's Court, averaging two court sessions per month, shall be Five Thousand Seven Hundred Sixty-Nine dollars and Ninety-Four cents (\$5,769.94) ~~Five Thousand Six Hundred Eighty-Four dollars and Sixty-Seven cents (\$5,684.67)~~ paid bi-weekly. ~~, plus a payment of Two Hundred Eighteen dollars and Sixty-Four cents (\$218.64) to account for the extra pay period in 2020.~~

Section 2. The salary changes shall be effective as of January 1, 2021.

Section 3. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of 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 4. Pursuant to Article VI, Section 6.07(B) of the charter of the City of New Albany, this ordinance shall be in effect on and after the earliest period allowed by law.

CERTIFIED AS ADOPTED this _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 12/28/2020
Introduced: 01/05/2021
Revised:
Adopted:
Effective:



RESOLUTION R-01-2021

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 the attached Exhibit A.

Section 6. It is hereby found and determined that all formal actions of 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 7. Pursuant to the Article VI of the charter of the City of New Albany, this resolution shall take effect upon passage, and shall be retroactive to January 1, 2021.

CERTIFIED AS ADOPTED this _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 12/18/2020
Introduced: 01/05/2021
Revised:
Adopted:
Effective:

Exhibit A - R-01-2021

155.08 PERSONAL LEAVE.

(a) In addition to the observed holidays set forth in C.O. 155.07(a), all full-time employees shall be authorized to observe sixteen (16) hours designated as "personal leave". Such time shall be scheduled as far in advance as possible and approved by the supervisor, except that no reasonable request shall be denied. Wages shall be computed on the basis of the employee's existing rate of compensation at the time the leave is taken. Any unused personal leave remaining after the last pay period of the same year or when an employee terminates his/her employment shall be forfeited.

(b) New employees hired before June 30 will be authorized to observe sixteen (16) hours of personal leave. New employees hired between July 1 and November 30 will be authorized to observe eight (8) hours of personal leave. New employees hired December 1 or after will not be eligible for any personal leave that year.

155.09 VACATION.

(a) Full-time, non-exempt employees shall accrue vacation on the following schedule:

(1) At employment up to the completion of the 4th year of employment - 3.077 hours per pay period

(2) Upon completion of the 4th year of employment up to the completion of the 9th year of employment - 4.615 hours per pay period

(3) Upon completion of the 9th year of employment up to the completion of the 14th year of employment - 6.154 hours per pay period

(4) Upon completion of the 14th year of employment and beyond - 7.70 hours per pay period

(b) The annual vacation schedule for full-time, exempt employees shall be as follows:

(1) At appointment - three weeks. Employees who move from a non-exempt position to an exempt position will be provided three weeks upon appointment to the exempt position and continue to accrue at the rate otherwise qualified for based on length of continuous service with the City.

(2) Upon completion of the 1st year of employment up to the completion of the 4th year of employment – 4.615 hours per pay period

(3) Upon completion of the 4th year of employment up to the completion of the 7th year of employment – 6.154 hours per pay period

(4) Upon completion of the 7th year of employment and beyond - 7.70 hours per pay period.

(c) Vacations shall be at full pay at the current salary rate.

(d) Each full-time employee and official shall be permitted an annual standard maximum carryover of three (3) times the annual vacation accrual rate. Any accrued vacation leave in excess of the appropriate above maximum carryover limits standing to the credit of the

Exhibit A - R-01-2021

employee on December 1 shall become void on December 31 unless used by the employee or carried over to the subsequent calendar year following the submission to and approval of such request by the City Manager on December 1. Approval of such requests will be limited to instances where factors beyond the employee's control or directly related to the operational needs of the City prevented the employee from using the accrued vacation.

(e) No advance of vacation is permitted. Only requests for vacation less than or equal to the accrued balance will be approved.

(f) Leave is accrued on the basis of an 80 hour pay period such that any time not in paid status during a pay period will result in a reduced, pro-rated accrual for that pay period.

(g) In order to recruit and retain qualified persons, employees shall accrue vacation leave as provided in (a) or (b), above, except that accrual rates above the minimum may be authorized if the Department Head and the Human Resources Officer submit adequate reasons in writing and the action is approved by the City Manager. Approval will be based upon the exceptional qualification of the applicant or the inability to employ adequately qualified personnel. In awarding a higher accrual rate, consideration shall be given to the applicant's qualifications, work experience, the level of responsibility required in the position and the availability of qualified applicants or other relevant market factors. Employees granted higher accrual rates shall move to the next accrual rate upon completion of four (4) years of employment with the City.

(h) Compensation for vacation leave in lieu of time off shall not be granted.

(i) Vacation leave shall be scheduled as far in advance as possible and at the discretion of the supervisor. In the event of conflicting requests, the Department Head shall resolve the conflict based on the operating needs of the department/division.

(j) Where an employee becomes deceased while in paid status in municipal employment, any accrued vacation leave to his/her credit shall be paid in a lump sum first to the surviving spouse, then to the deceased's estate.

(k) Upon retirement or termination, unused accrued vacation leave will be cashed out in the form of a lump sum monetary payment.

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. Leave is accrued on the basis of an 80 hour pay period such that any hours not in paid status during a pay period will result in a reduced pro-rated accrual for that pay period.

(b) Sick leave may be accumulated without limit.

(c) When used, sick leave shall be deducted from the cumulative total on a quarter-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

Exhibit A - R-01-2021

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 Human Resources 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:

Exhibit A - R-01-2021

(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. Additionally, in order to participate, an employee must have at least 480 hours of sick leave after cash benefit hours are taken. Those who are eligible may cash in up to 48 hours of sick leave. Eligible employees must elect, no later than September 1 of each year, to convert up to forty-eight (48) hours of sick leave for payment in the first full pay period in January of the next calendar year (payable at the employees base rate of pay as of December 31 of the year of the election).

(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.



RESOLUTION R-02-2021

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ADVERTISE A BID AS PART OF A CONSORTIUM FOR THE ACCEPTANCE OF AND PROCESSING OF RESIDENTIAL RECYCLABLE MATERIALS GENERATED WITHIN THE CITY OF NEW ALBANY, OHIO

WHEREAS, the City of New Albany and other Central Ohio communities have determined that to foster competition and provide for experienced waste collection, disposal and processing services, bidding together as a Consortium is desirable; and

WHEREAS, pursuant to Section 715.43 of the Ohio Revised Code, the city may establish such collection systems and solid waste facilities as may be necessary or appropriate to provide for the safe and sanitary management of solid waste, including recyclable materials, generated within the city; and

WHEREAS, the city has determined that it may be in the best interests of its residents that the city arrange for the acceptance of and processing of all recyclable materials generated at residential units and municipal facilities located within the city from a single contractor on an exclusive basis ("Recycling Services"); and

WHEREAS, the current Recycling Services Agreement between the City of New Albany and Rumpke of Ohio will expire on December 31, 2021, unless extended.

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: That the city manager is hereby authorized to participate in a bid for the acceptance of and processing of all recyclable materials generated at residential units and municipal facilities located within the City of New Albany, together with other Central Ohio Consortium Communities.

Section 2. It is hereby found and determined that all formal actions of council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

Section 3. Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 12/23/2020

Introduced: 01/05/2021

Revised:

Adopted:

Effective:



RESOLUTION R-03-2021

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO DESIGN CONTRACTS AND ADVERTISE, BID, AWARD AND EXECUTE ALL CONTRACTS RELATED TO THE CONSTRUCTION OF TAYLOR FARM PHASE 1 IMPROVEMENTS

WHEREAS, the city has completed the Parks Framework Plan, a comprehensive evaluation of its park system and a strategy for the future park and recreational improvements, and, in accordance with the plan's recommendations, council desires to develop a destination park that is to be known as Taylor Farm; and

WHEREAS, the city is working with the owners of the real property where the park is to be located and is expected to acquire the property in the first quarter of 2021; and

WHEREAS, improvements needed to develop the park are anticipated to be phased with the first phase including a trail network, parking, landscaping, and seating areas; and

WHEREAS, the funding for Taylor Farm was provided for in the Annual Appropriations Ordinance (O-26-2020), and construction of the improvements are expected to cost approximately \$500,000; and

WHEREAS, the city will engage with design firms to prepare construction drawings and will advertise for and award bids in accordance with the Codified Ordinances of New Albany and the Ohio Revised Code for these improvements.

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 manager is hereby authorized and directed to enter into design contracts and to advertise, bid, award and execute all contracts related to the construction of the Taylor Farm Phase 1 Improvements.

Section 2. It is hereby found and determined that all formal actions of 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 all legal requirements, including 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(a) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchevsky
Law Director

Legislation dates:

Prepared: 12/23/2021

Introduced: 01/05/2021

Revised:

Adopted:

Effective: