



**ORDINANCE O-14-2020**

**AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1  
ANNEXATION OF 2.9+/- ACRES FROM JERSEY TOWNSHIP,  
LICKING COUNTY TO THE CITY OF NEW ALBANY**

**WHEREAS**, pursuant to the petition filed by Wesley W. Gilliland, Esq., agent for petitioner, with the Licking County Development and Planning Department, on June 25, 2020, and

**WHEREAS**, the foregoing Resolution #105-138 of the Licking County Commissioners granting the petition was delivered to the City of New Albany on July 16, 2020, and more than sixty (60) days have lapsed since the Resolution of the Board of County Commissioners was transmitted to the City of New Albany, and

**WHEREAS**, pursuant to Resolution R-104-2014 of the City of New Albany, the New Albany City Manager was authorized to enter into a Roadway Maintenance Agreement with the Licking County Board of Commissioners for the maintenance of sections of roadways impacted by this annexation.

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

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

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

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

**Section 1:** The application of property owners set forth in Licking County requesting the annexation of 2.9+/- acres, which is contiguous to the City of New Albany, is hereby accepted, and the corporate boundaries of New Albany shall be extended to include the territory, more particularly described in Exhibit A, attached hereto and incorporated herein as if fully written.

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

**Section 3:** Council of the City of New Albany hereby accepts the annexation of a 2.9+/-acre tract, situated in Jersey Township, Licking County, Ohio, the same being land of the owners set forth above, for annexation to the City of New Albany.

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

**Section 5.** It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 197 effective March 27, 2020.

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

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**Attest:**

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

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

**Approved as to form:**

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

**Legislation dates:**

Prepared: 09/04/2020  
Introduced: 09/18/2020  
Revised:  
Adopted:  
Effective:

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

I certify that copies of Ordinance **O-14-2020** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on \_\_\_\_\_, 2020.

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

\_\_\_\_\_  
Date



February 20, 2020

2740 East Main Street  
Bexley, Ohio 45209-2577  
(614) 838-8877  
Telefax (614) 838-4889  
Email: info@myerssurveying.com

+/-2.9 Acre Proposed Annexation  
From: Jersey Township  
To: City of New Albany

Situate in the State of Ohio, County of Licking, Township of Jersey, being part of Lot 32, Quarter Township 2, Township 2, Range 15, United States Military Lands, also being part of the 3.452 Acre tract conveyed to John G. Lassel and Marcia T. Lassel in Official Record 371, Page 505, all records being of the Recorder's Office, Licking County, Ohio and being more particularly bounded and described as follows:

**BEGINNING** at the southeast corner of Beech Road, 40 feet wide and the southwest corner of Reserve "B" as delineated on Smith's Mill Road, Smith's Mill Road North and Beech Road Dedication and Easements as recorded in Instrument Number 201108120014948, at the northeast corner of a 0.041 Acre tract conveyed to City of New Albany in Instrument Number 201510080021905 and in the north line of said 3.452 Acre tract;

Thence, Easterly, along part of the north line of said 3.452 Acre tract and along the south line of said Reserve "B", approximately 355 feet to the northeast corner of said 3.452 Acre tract, the southeast corner of said Reserve "B" and in the west line of a 19.365 Acre tract conveyed to Tri-Tech Laboratories, Inc. in Instrument Number 201012210026352;

Thence, Southerly, along the east line of said 3.452 Acre tract and along part of the west line of said 19.365 Acre tract, approximately 381 feet to the southeast corner of said 3.452 Acre tract and the northeast corner of Reserve "C" of said Smith's Mill Road, Smith's Mill Road North and Beech Road Dedication and Easements;

Thence, Westerly, along part of the south line of said 3.452 Acre tract and the north line of said Reserve "C", approximately 307 feet to the northwest corner of said Reserve "C", the northeast corner of a 6.681 Acre tract conveyed to Board of Commissioners of Licking County, Ohio in Instrument Number 200510280034302 and the southeast corner of a 0.469 Acre tract conveyed to The Board of Licking County Commissioners in Instrument Number 200712120031621;

Thence, Northerly, across part of said 3.452 Acre tract and along part of the east line of said 0.469 Acre tract, approximately 129 feet;

Thence, Northerly, continuing across part of said 3.452 Acre tract and along part of the east line of said 0.469 Acre tract, approximately 212 feet to the northeast corner of said 0.469 Acre tract and the southeast corner of said 0.041 Acre tract;

Thence, Northerly, continuing across part of said 3.452 Acre tract and along the east line of said 0.041 Acre tract, approximately 45 feet to the **POINT OF BEGINNING**, **CONTAINING 2.9 ACRES, MORE OR LESS**. This description was prepared from record information only and is not based on a field survey. This description is for annexation purposes only.

Contiguity = 73%

Myers Surveying Company, Inc.

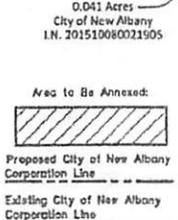
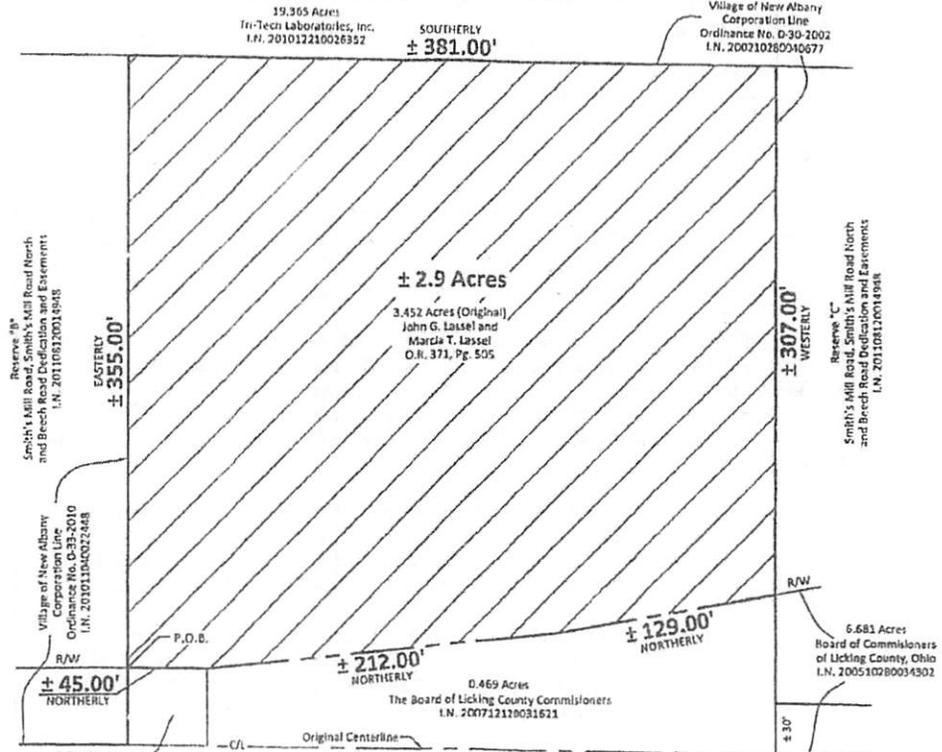
*Paul T. Dinan Feb. 20, 2020*  
Paul T. Dinan Professional Surveyor 7312  
PTD/ptd  
(302122020BeechRoadAnnexation)



Exhibit B - O-14-2020

ANNEXATION OF 2.9± ACRES  
TO THE CITY OF NEW ALBANY FROM JERSEY TOWNSHIP

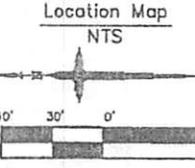
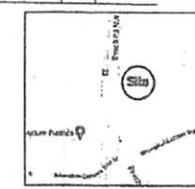
LOT 32, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15  
UNITED STATES MILITARY LANDS  
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO



**BEECH ROAD**  
(Twp. Rd. B8)

Proposed Annexation  
of 2.9 ± acre to the City of New Albany

The within map marked exhibit "A" and made a part of the petition of annexation filed with the Board of Commissioners of Licking County, Ohio on \_\_\_\_\_, 20\_\_\_\_ under Chapter 709 of the Ohio Revised Code, is submitted as an accurate map of the territory in said petition described under the requirements of said Chapter 709 of the Ohio Revised Code.



**Concurrence Note:**  
Total Perimeter of annexation area is 1429.0 feet, of which 1043.0 feet is contiguous with the City of New Albany by Ordinance Number 6-33-2010 and 6-30-2002, giving 73.0% perimeter contiguity.

**Note:**  
This annexation does not create islands of unincorporated areas within the limits of the area to be annexed.

**Agent for Petitioners**  
The Board of County Commissioners of Licking County, Ohio, having received a petition bearing the signed names and addresses of the parties interested in the annexation to the City of New Albany, Ohio, of the territory shown hereon and having given due consideration to the prayer of said petition, do hereby grant the same.

**Board of Licking County Commissioners**  
Petition Received \_\_\_\_\_ 20\_\_\_\_  
Petition Approved \_\_\_\_\_ 20\_\_\_\_

Scale: 1" = 60'  
February 20, 2019

*Paul T. Dineen*  
BY: Paul T. Dineen Date  
Professional Surveyor No. 7312



Transferred this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon the duplicates of this office  
Containing \_\_\_\_\_ acres  
Transfer fee \_\_\_\_\_

Received for record \_\_\_\_\_, 20\_\_\_\_ at (AM-PM) and recorded \_\_\_\_\_  
20\_\_\_\_ in plot, ordinance, petition, etc. in instrument number \_\_\_\_\_

Plot Fee \_\_\_\_\_  
Ordinance, etc. fee \_\_\_\_\_

Attest \_\_\_\_\_  
Clerk, City of New Albany



2740 E. Main St., Beavercreek, Ohio 45209-2577  
(614)235-8577 - (614)235-4339 fax  
info@myerssurveying.com

SHEET 1 OF 1

| m.s.# 3-02/12/2020 | 12122016.esj | X           | -  | T | - |
|--------------------|--------------|-------------|----|---|---|
| REVISIONS:         |              |             |    |   |   |
| No.                | Date         | Description | By |   |   |
|                    |              |             |    |   |   |



**ORDINANCE O-15-2020**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 2.9 +/- ACRES OF LAND LOCATED AT 2278 BEECH ROAD FOR AN AREA TO BE KNOWN AS THE "BEECH ROAD EAST ZONING DISTRICT" FROM ITS CURRENT ZONING OF AGRICULTURAL (AG) TO LIMITED GENERAL EMPLOYMENT (L-GE) AS REQUESTED BY JOHN & MARCIA LASSEL C/O WESLEY W. GILLILAND, 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 John & Marcia Lassel c/o Wesley W. Gilliland, the Planning Commission of the City of New Albany has reviewed the proposed ordinance amendment and recommended its approval.

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

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

- A. A 2.9 ± acre area of land located at 2278 Beech Road for an area to be known as the "Beech Road East Zoning District" from its current zoning of Agricultural (AG) to Limited General Employment (L-GE).
- B. The zoning district's zoning text and site 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 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 Section 121 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 197 effective March 27, 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 \_\_\_\_\_, 2020.

Attest:

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

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

Approved as to form:

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

**Legislation dates:**

Prepared: 09/04/2020

Introduced: 09/15/2020

Revised:

Adopted:

Effective:

**BEECH ROAD EAST ZONING DISTRICT**

**LIMITATION TEXT**

**September 2, 2020**

I. Introduction: The Beech Road East Zoning District seeks to extend similar zoning rights granted in other sections of the New Albany Business Park to include land being annexed to the City of New Albany. This new zoning district is intended to provide zoning standards and requirements that are very similar to those which apply to the Beech Road West zoning district and other surrounding commercial zoning districts directly north and south of this site. This zoning seeks to position the real property that is the subject of this application so that it attracts the types of successful development projects that have been realized in those areas. The property that is the subject of this zoning text consists of 2.9+/- acres located at 2278 Beech Road.

II. Zoning Designation: L-GE. Limited General Employment District.

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

- A. Industrial product sales (See Section 1153.03(a)(1))
- B. Off Premises Signs
- C. Industrial service (See Section 1153.03(a)(2))
- D. Mini-warehouses (See Section 1153.03(a)(4)(c))
- E. Personal service (See Section 1153.03 (b)(2)) and retail product sales and service (See Section 1153.03.03(b)(3)), except that such uses shall be allowed as accessory uses to a permitted use in this subarea
- F. Vehicle services (See Section 1153.03(b)(4))
- G. Radio/television broadcast facilities (See Section 1153.03(c)(1))
- H. Sexually-oriented businesses (See Section 1153.03(c)(3))

IV. Lot and Setback Commitments:

A. Lot Coverage: There shall be a maximum lot coverage in this subarea of 75%.

B. Setbacks:

- 1. Beech Road: There shall be a minimum pavement and building setback of 50 feet from Beech Road.

2. Perimeter Boundaries: There shall be a minimum building and pavement setback of 25 feet from any perimeter boundary of this subarea that is not adjacent to a public right-of-way.
3. Elimination of Setbacks: In the event that a parcel located within this subarea and an adjacent parcel located outside of this subarea (a) come under common ownership or control, (b) are zoned to allow compatible non-residential uses, and (c) are combined into a single parcel, then any minimum building, pavement, or landscaping setbacks set forth in this text shall no longer apply with respect to these parcels.

V. Architectural Standards:

A. Building Height: The maximum building height for structures in this subarea shall be 65 feet.

B. Service and Loading Areas: Service areas and loading docks shall be screened in accordance with City Code.

C. Building Design:

1. Building designs shall not mix architectural elements or ornamentation from different styles.
2. Buildings shall be required to employ a comparable use of materials on all elevations.
3. The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance.
4. For office buildings and complexes, achieving a human or pedestrian scale is of less concern. When achieving such a scale is desired, it may be achieved by careful attention to width of facades, size and spacing of window and door openings, and floor to floor heights on exterior walls.
5. Use of elements such as shutters, cupolas, dormers, and roof balustrades shall be avoided in building designs that are not based on traditional American architectural styles. Such elements may be employed only when they are common elements of a specific style, and this style shall be replicated in its entirety. When shutters are employed, even if they are non-operable, they must be sized and mounted in a way that gives the appearance of operability.

6. Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, basement window enclosures, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact.

7. Accessory or ancillary buildings, whether attached or detached shall be of similar design, materials, and construction as the nearest primary structure. Fenestration themes that employ windows, panels and piers that are consistent with the architectural vocabulary of the building are encouraged. Accessory structures, generators, storage tanks, trash receptacles or any other similar improvement must be located behind the front façade of the primary building(s).

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

E. Building Form:

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

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

F. Materials:

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

2. Prefabricated metal buildings, untreated masonry block structures, and buildings featuring poured concrete exterior walls are prohibited.

3. Generally, the quantity of materials selected for a building shall be minimized. A single material selection for the independent building

components of roof, wall and accents is permitted (i.e., Architectural Grade shingle roof with Brick Masonry wall and EIFS Cornice and Accents).

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

5. Additional Standards for Uses Not Governed by DGRs: Buildings that are constructed to accommodate certain uses are not governed by the City's Design Guidelines and Requirements (DGRs). For example, buildings that are constructed for the operation of warehousing and/or distribution uses are not subject to the DGRs and can present challenges in meeting the community standard for architectural design. Such buildings are necessarily large and typically include long walls that together form a square or rectangular box. The goal for the development of buildings that are not subject to the DGRs is to balance the practical needs of these buildings with the desire to provide exterior designs that are attractive and complimentary to the architecture: that will be found elsewhere in this zoning district.

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

In conjunction with an application for a certificate of appropriateness for each building or structure in this subarea that is not subject to or governed by the DGRs, the applicant shall be required to submit to the City illustrations of the proposed exterior design of the building or structure for review and approval by the Design Review Committee contemplated in Section 1144.04(q) of the City Code. In designing such buildings, the user or applicant shall take into account the following, which are intended to set a level of expectation for the quality of design:

- a. Architectural design for all portions of a building or structure that are visible from a public right-of-way (excluding public rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) shall meet the community standard in terms of quality while taking into account the unique nature of the use(s) that will be found therein.

b. Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public right-of-way. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, the use of offsets, recesses and/or projections, banding, windows, and/or reveals scoring of building facades; color changes; texture or material changes; and variety in building height.

c. The use of one or more architectural or design elements may be used to soften the aesthetics of the building, such as but not limited to canopies, porticos, overhangs, arches, outdoor patios, community spaces, or similar devices.

d. Contemporary exterior designs, while not required, shall be encouraged in order to create architecture that does not look aged or dated even many years after the facility is built.

e. Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public rights-of-way.

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

A. One curb cut for this zoning district is permitted by right. Additional curb cuts may be approved by the City Manager or their designee in consultation with the developer at the time that a certificate of appropriateness is issued for a project in this subarea if supported and justified by a traffic analysis that is review and approved by the city engineer.

B. Parking and loading spaces shall be provided for each use per Section 1167 of the Codified Ordinances of the City of New Albany.

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

A. Tree Preservation: Standard tree preservation practices will be put into place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line. Preservation Zones shall be deemed to include all minimum pavement setbacks along the perimeter boundaries of this zoning district that

are not adjacent to a public right-of-way. Within the Preservation Zones located within these perimeter setbacks, the developer shall preserve existing healthy and mature trees and vegetation but shall be permitted to place utilities within or allow them to cross through these areas, provided, however, that the developer shall use good faith efforts to place utilities in a manner that minimizes the impact on healthy and mature trees. Trees within these areas may be removed if they present a danger to persons or property.

**B. Landscaping Along Major Street Corridors:** Subject to Section VII.C below, landscaping within the pavement setbacks along Beech Road shall be coordinated and consistent throughout this zoning district. Within the required minimum building and pavement setbacks along Beech Road, the developer shall preserve existing trees stands to provide a buffer between the public right-of-way and development within the zoning district, or provide landscaping as described in this section or both. Landscaping, when installed within these setbacks, shall be provided in accordance with the following standards:

1. A minimum of ten (10) deciduous trees shall be installed for every 100 feet of frontage on the public right-of-way. Such trees shall be planted in random locations (i.e., not in rows). No more than 30% of such trees shall be of a single species.
2. Mounding shall be permitted but not required. When utilized, mounding shall have a minimum height of 3 feet and a maximum height of 12 feet. The slope of mounds shall not exceed 3:1 from the crest of the mound extending toward the private site, and shall not exceed a 6:1 slope from the crest of the mound extending toward the public right-of-way.
3. A standard New Albany white four-board horse fence may (but shall not be required to) be provided within the public right-of-way.

**C. Landscaping Required Adjacent to Residential Uses:** For those perimeter boundaries which abut residentially zoned and used properties (if two contiguous properties have an intervening public street right-of-way between them. they shall still be considered to be abutting) that are not owned by the developer, then the required landscaping and/or mounding (or some combination thereof) within minimum required pavement setback areas shall be enhanced to provide an opacity or 75% on the date that is five (5) years after planting to a total height of 10 feet above ground level when viewed from ort site. Existing trees may be utilized to meet this opacity requirement.

**D. Street Trees:** A street tree row shall be established along all publicly dedicated rights-of-way within or adjacent to this subarea and shall contain one (1) tree for every thirty (30) feet of road frontage. Trees may be grouped or regularly spaced. Street trees

shall be located within the right-of-way. Minimum street tree size at installation shall be three (3) caliper inches. This requirement may be waived in areas where existing vegetation occurs, subject to approval of the City Landscape Architect.

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

F. Pedestrian Circulation: An internal pedestrian circulation system shall be created so that a pedestrian using a public sidewalk along a public street can access the adjacent buildings through their parking lots as delineated with markings, crosswalks, and/or different materials, directing foot traffic, where possible, away from primary access drives.

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

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

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

#### VIII. Lighting:

A. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.

B. All parking lot lighting shall be of the same light source type and style. Building, pedestrian, and landscape lighting may be incandescent or metal halide.

C. All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed 30 feet in height.

D. Landscape uplighting from a concealed source shall be subject to staff approval. All uplighting fixtures must be screened by landscaping. Lighting details shall be

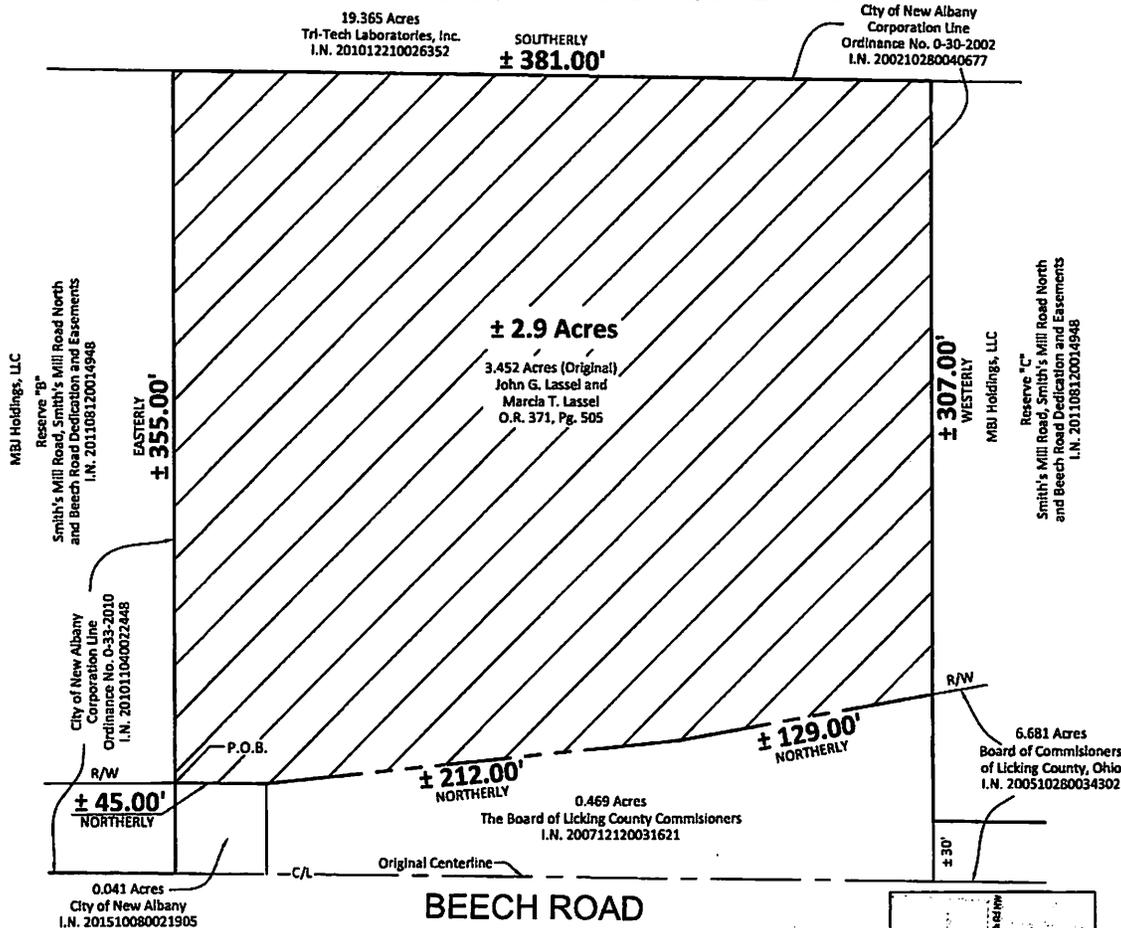
included in the landscape plan which is subject to review and approval by the City Landscape Architect.

- E. A detailed photometric plan, showing zero candle foot light intensity at the property lines must be submitted prior to the issuance of an engineering or building permit.
  - F. No permanent colored lights or neon lights shall be used on the exterior of any building.
  - G. All new electrical utilities that are installed in this subarea shall be located underground.
  - H. All other lighting on the site shall be in accordance with City Code.
  - I. Street lighting must meet the City Standards and Specifications.
- IX. Signage: Unless otherwise permitted in the Personal Care and Beauty Campus Master Landscape and Signage Plan, all signage shall conform to the standards set forth in Chapter 1169 of the Codified Ordinances of the City of New Albany.
- X. Utilities: All utilities shall be installed underground.
- XI. Outdoor Speaker Systems: Outdoor speaker systems shall be prohibited in this Zoning District.

# ZONING MAP

## ANNEXATION OF 2.9± ACRES TO THE CITY OF NEW ALBANY FROM JERSEY TOWNSHIP

LOT 32, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15  
UNITED STATES MILITARY LANDS  
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO



Area to Be Annexed:



Proposed City of New Albany Corporation Line

Existing City of New Albany Corporation Line

Proposed Annexation  
of 2.9 +/- acre to the City of New Albany

The within map marked exhibit "A" and made a part of the petition of annexation filed with the Board of Commissioners of Licking County, Ohio on \_\_\_\_\_, 20\_\_\_\_ under Chapter 709 of the Ohio Revised Code, is submitted as an accurate map of the territory in said petition described under the requirements of said Chapter 709 of the Ohio Revised Code.

Agent for Petitioners

The Board of County Commissioners of Licking County, Ohio, having received a petition bearing the signed names and addresses of the parties interested in the annexation to the City of New Albany, Ohio, of the territory shown hereon and having given due consideration to the prayer of said petition, do hereby grant the same.

Board of Licking County Commissioners

Petition Received \_\_\_\_\_ 20\_\_\_\_  
 Commissioner \_\_\_\_\_  
 Petition Approved \_\_\_\_\_ 20\_\_\_\_  
 Commissioner \_\_\_\_\_  
 Commissioner \_\_\_\_\_

Transferred this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon the duplicates of this office

Containing \_\_\_\_\_ acres.

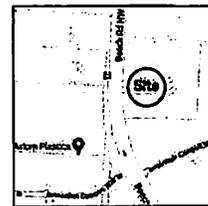
Transfer fee \_\_\_\_\_

Received for Record \_\_\_\_\_ 20\_\_\_\_ at \_\_\_\_\_ (AM-PM) and recorded \_\_\_\_\_ 20\_\_\_\_ in plat, ordinance, petition, etc. in Instrument Number \_\_\_\_\_

Plat Fee \_\_\_\_\_  
 Ordinance, etc., Fee \_\_\_\_\_  
 Licking County Auditor \_\_\_\_\_  
 Licking County Recorder \_\_\_\_\_

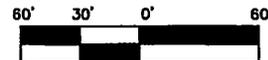
Council for the City of New Albany, Ohio, by Ordinance \_\_\_\_\_ passed \_\_\_\_\_ 20\_\_\_\_ and approved by the mayor on \_\_\_\_\_ 20\_\_\_\_ did accept the territory shown hereon for annexation to the City of New Albany, Ohio, a municipal corporation.

Attest \_\_\_\_\_  
 Clerk, City of New Albany



Location Map

NTS



Scale: 1" = 60'  
 February 20, 2019

BY: Paul T. Dinan  
 Professional Surveyor No. 7312

**Myers Surveying**  
 COMPANY

2740 E. Main St., Bexley, Ohio 43209-2577  
 (614) 235-8577 ~ (614) 235-4559 fax  
 info@myerssurveying.com

SHEET 1 OF 1



| m.o.# 3-02/12/2020 | 12122018.scj  | X -         | T - |
|--------------------|---------------|-------------|-----|
| REVISIONS:         |               |             |     |
| No.                | Date          | Description | By  |
| 1                  | June 16, 2020 | Adj. Names  | PTD |
|                    |               |             |     |
|                    |               |             |     |
|                    |               |             |     |



**ORDINANCE O-16-2020**

**AN ORDINANCE TO ALLOW THE CITY MANAGER TO APPOINT CANDIDATES AS POLICE OFFICERS REGARDLESS OF THE MAXIMUM AGE LIMITATION PROVIDED IN OHIO REVISED CODE, SECTION 124.41 ENTITLED "POLICE DEPARTMENT QUALIFICATIONS - POLICE CADET PROGRAM"**

**WHEREAS**, Ohio Revised Code Section 124.41, Department of Administrative Services, Section 41 Police department qualifications - police cadet program states, in pertinent part, "Except as otherwise provided in this section, no person is eligible to receive an original appointment when the person is thirty-five years of age or older, and no person can be declared disqualified as over age prior to that time. The maximum age limitation established by this section does not apply to a city in which an ordinance establishes a different maximum age limitation for an original appointment to the police department..."", and

**WHEREAS**, the City of New Albany has an ongoing need to hire police officers, and

**WHEREAS**, the city desires to hire the best qualified applicants for police officer who reflect the values of the community and skills necessary to be police officers, and

**WHEREAS**, the Ohio Revised Code allows a city to establish a different maximum age limitation for an original appointment to the police department.

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

**Section 1:** The city manager has the authority to hire applicants for police officer regardless of the maximum age limitation provided in the Ohio Revised Code Section 124.41.

**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 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 Section 121 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 197 effective March 27, 2020.

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

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**Attest:**

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Sloan T. Spalding  
Mayor

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Jennifer H. Mason  
Clerk of Council

**Approved as to form:**

**Legislation dates:**

Prepared: 09/23/2020

Introduced: 10/06/2020

Revised:

Adopted:

Effective:

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Mitchell H. Banchefsky  
Law Director



ORDINANCE O-17-2020

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

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

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

**WHEREAS**, this Council has determined that it is necessary and appropriate and in the best interest of the City to exempt from taxation one hundred percent (100%) of the Improvement to each Parcel as permitted and provided in Section 5709.40(B) of the Ohio Revised Code for thirty (30) years and to simultaneously direct and require the current and future owner of each Parcel (each

such owner individually, an “*Owner*,” and collectively, the “*Owners*”) to make annual Service Payments (as defined in Section 2 of this Ordinance); and

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

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

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

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

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

**WHEREAS**, notice of this proposed Ordinance has been delivered to the Board of Education of Eastland Fairfield Career and Technical School in accordance with, and within the time periods prescribed by, Section 5709.83 of the Ohio Revised Code;

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

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

granted pursuant to Sections 3735.65 to 3735.70 or Sections 5709.61 to 5709.69 of the Ohio Revised Code.

**Section 2.** Service Payments and Property Tax Rollback Payments. Pursuant to Section 5709.42 of the Ohio Revised Code, this Council hereby directs and requires the Owner of each Parcel to make annual service payments in lieu of taxes with respect to the Improvement allocable thereto to the Treasurer of Franklin County, Ohio (the “*County Treasurer*”) on or before the final dates for payment of real property taxes. The service payment in lieu of taxes for each Parcel, including any penalties and interest at the then current rate established under Sections 323.121(B)(1) and 5703.47 of the Ohio Revised Code, as the same may be amended or supplemented from time to time, or any other applicable provisions of the Ohio Revised Code (collectively, the “*Service Payments*”), shall be charged to each Parcel and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement to that Parcel if it were not exempt from taxation pursuant to Section 1 of this Ordinance, all in accordance with Section 5709.42 of the Ohio Revised Code. The Service Payments, and any other payments with respect to the Improvement that are received by the County Treasurer in connection with the reduction required by Sections 319.302, 321.24, 323.152 and 323.156 of the Ohio Revised Code, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time, or any other applicable provisions of the Ohio Revised Code (collectively, the “*Property Tax Rollback Payments*”), shall be allocated and distributed in accordance with Section 4 of this Ordinance.

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

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

- (i) to each School District, an amount equal to the amount the School District would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to each Parcel if the Improvement had not been exempt from taxation pursuant to this Ordinance; and
- (ii) to the City, all remaining amounts for further deposit into the Fund for payment of costs of the Public Infrastructure Improvements upon appropriation for that purpose by this Council. If so appropriated, such costs may but shall not be required to

include, without limitation, all debt service payable on debt issued by the City or the New Albany Community Authority (the “*Authority*”) to pay for Public Infrastructure Improvements, all amounts owed to any fund of the City or Authority to reimburse that fund for the costs of any Public Infrastructure Improvements previously paid from that fund, including interest payable on those amounts, and all amounts owed by the City or Authority to any third party for the construction of Public Infrastructure Improvements, including interest payable on those amounts.

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

**Section 6.** Tax Increment Financing Agreement. The form of TIF Agreement presently on file with the Fiscal Officer is hereby approved and authorized with changes therein and amendments thereto not inconsistent with this Ordinance and not substantially adverse to the City and which shall be approved by the City Manager. The City Manager, for and in the name of the City, is hereby authorized to execute and deliver one or more TIF Agreements with one or more owners of a Parcel or Parcels in substantially that form along with any changes therein and amendments thereto, provided that the approval of such changes and amendments by the City Manager, and the character of those changes and amendments as not being substantially adverse to the City or inconsistent with this Ordinance, shall be evidenced conclusively by the City Manager’s execution thereof.

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

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

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

**Section 10.** It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 197 effective March 27, 2020.

**Section 11.** 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 \_\_\_\_\_, 2020.

**Attest:**

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

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

**Approved as to form:**

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

**Legislation dates:**

|             |            |
|-------------|------------|
| Prepared:   | 08/14/2020 |
| Introduced: | 10/06/2020 |
| Revised:    |            |
| Adopted:    |            |
| Effective:  |            |

EXHIBIT A

PARCEL MAP

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



|    | PARCEL ID  |
|----|------------|
| 1  | 222-004468 |
| 2  | 222-004553 |
| 3  | 222-004554 |
| 4  | 222-000279 |
| 5  | 222-000265 |
| 6  | 222-000274 |
| 7  | 222-000276 |
| 8  | 222-000264 |
| 9  | 222-000266 |
| 10 | 222-000272 |
| 11 | 222-000263 |
| 12 | 222-000271 |
| 13 | 222-004470 |
| 14 | 222-000273 |
| 15 | 222-000275 |
| 16 | 222-000277 |
| 17 | 222-000278 |
| 18 | 222-000267 |
| 19 | 222-000268 |
| 20 | 222-004469 |
| 21 | 222-000269 |

**Legend**

- TIF Parcels
- Parcel
- CorporationBoundary

≡
**NEW ALBANY**
≡  
 COMMUNITY CONNECTS US

**New Albany TIF Parcels - Blacklick II-Forest Drive**

## EXHIBIT B

### PUBLIC INFRASTRUCTURE IMPROVEMENTS

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

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