



**ORDINANCE O-03-2022**

**AN ORDINANCE TO AMEND CHAPTERS 1105, 1143, 1144, AND 1153 OF THE PLANNING AND ZONING CODE OF THE CITY OF NEW ALBANY, OHIO'S CODIFIED ORDINANCES AS REQUESTED BY THE CITY OF NEW ALBANY**

**WHEREAS**, it has been found that the Codified Ordinances of the City of New Albany, Chapters 1105, 1143, 1144, and 1153 need to be amended to allow for secondary and higher educational institutions as a conditional use in the business park; and

**WHEREAS**, the city recognizes the link between education and employment; and

**WHEREAS**, this amendment will encourage partnerships to grow the future workforce to support the business park; and

**WHEREAS**, the Planning Commission has held a public hearing and received public input into the amendments and recommended approval of the proposed amendments to the codified ordinance at its meeting on February 7, 2022.

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

**Section 1:** That portions of Codified Ordinance Chapters 1105, 1143, 1144, and 1153 be amended as set forth in Exhibit A, which depicts these amendments in colored ink.

**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 121.22 of the Ohio Revised Code.

**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 \_\_\_\_\_, 2022.

**Attest:**

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

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

**Approved as to form:**

\_\_\_\_\_  
Benjamin S. Albrecht  
Interim Law Director

**Legislation dates:**

Prepared: 01/21/2022

Introduced: 02/01/2022

Revised:

Adopted:

Effective:

## **CHAPTER 1105 DEFINITIONS<sup>1</sup>**

### **1105.01 INTERPRETATION.**

For the purpose of this Zoning Ordinance, certain terms and words are to be defined as found in this chapter. Words and terms specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include plural and plural shall include singular. The word "shall" is intended to be mandatory. "Occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."

Specific terms related to swimming pools, signs, and landscaping, are defined within the specific sections of the Zoning Ordinance where those requirements are found.

(Ord. 08-2006. Passed 9-5-06.)

### **1105.02 DEFINITIONS.**

As used in this Zoning Ordinance, the following terms shall be defined as follows:

- (a) "Accessory use" means a use subordinate, secondary, incidental to, and customary in connection with the principal building or use and located on the same lot as the principal building or use.
- (b) "Accessory building" or "accessory structure" means a building or structure occupied by an accessory use.
- (c) "Administrative and business offices" means offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.
- (d) "Agriculture" means the use of land for growing crops in the open, dairying, pasturage, horticulture, floriculture and necessary accessory uses, as further defined and specified in Section 1129.02.
- (e) "Alley" means a public right-of-way ten (10) to twenty (20) feet wide which provides only secondary means of access to abutting property.

(Ord. 20-90. Passed 6-19-90.)

- (f) "Appurtenance" means something that belongs to or goes with another thing.
- (g) "Basement" means a story whose floor level is two (2) feet or more below grade level, but having less than half its clear height above grade level.
- (h) "Building" means a structure permanently affixed to the land with one or more floors and a roof supported by columns or walls, used or intended to be used for shelter or enclosure of persons, animals and/or property.
  - (1) "Height of building" means:
    - A. The vertical distance from the average existing grade level around the foundation of the new work to the highest point of the coping of a flat roof or mansard roof or to the top of the highest ridge line of gable, hip or gambrel roofs on the new work. The average existing grade level is

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<sup>1</sup>Cross reference(s)—General definitions - see ADM. 101.02

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determined by measuring at four (4) specific points around the foundation, as follows: two (2) front corners and two (2) rear corners.

- B. For new work not requiring a grading plan and spot elevations, building height shall be determined by measuring from the average existing contact ground level for each building elevation to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the top of the highest ridge line for gable, hip or gambrel roofs on that building elevation. The highest as measured for each building elevation shall then be combined and divided by the number of measurements taken to determine the height of the building in relation to this subsection.
- (2) "Building line" means the front yard setback line established by this Zoning Ordinance generally parallel with and measured perpendicularly from the front lot line, defining the limits of a front yard in which no building or structure may be located as provided by this Zoning Ordinance.
- (i) "Principal building" means a building in which is conducted the main or principal use of the property on which such building is located.
- (j) "Business services" means any profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.
- (k) "Cemetery" means land used or intended to be used for the burial of human dead.
- (l) "Certificate of occupancy" means a certificate issued by the Zoning Inspector, pursuant to Section 1109.09, confirming that the requirements of this Zoning Code have been met, and the building can be occupied.
- (m) "Clinic, human" means an establishment where patients who are not lodged overnight are admitted for examination and/or treatment by a physician or group of physicians.
- (n) "Conditional use" means an uncommon or infrequent use which may be permitted in specific zoning districts subject to compliance with certain standards, explicit conditions, and the granting of a conditional use permit as specified in Chapter 1115.
- (o) "Data Center" means real and personal property consisting of buildings or structures specifically designed or modified to house networked computers and data and transaction processing equipment and related infrastructure support equipment, including, without limitation, power and cooling equipment, used primarily to provide, as a service to persons other than the company operating the data center, data and transaction processing services, outsource information technology services and computer equipment colocation services, or, used primarily to provide, to a single user, including the user's affiliates, customers, lessees, vendors and other persons authorized by the user, data and transaction processing services.
- (p) "Drive-through facilities" mean a designated place, in conjunction with a retail or service establishment, from which persons can conduct the major portion of their business without leaving their motor vehicle.
- (q) "Dwelling" or "residence" means any building or portion thereof which is designed or used for residential purposes, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.
- (1) "Multiple-family dwelling" or "multiple-family residence" means a building designed or used as a residence for three (3) or more families living independently and doing their own cooking therein.
- (2) "Single family dwelling" or "single family residence" means a building designed for or occupied exclusively by one family.
- (3) "Two-family dwelling" or "two-family residence" means a building designed for or occupied exclusively by two families living independently.

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- (r) "Essential services" means the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare, but not including buildings.
- (s) "Failure of delivery" means that a particular notice was not received, due to circumstances beyond the control of the Village, and does not include the lack of mailing of the subject notices in the matter specified in the Zoning Code.
- (t) "Floor area" of a building means the sum of the gross horizontal areas of the building floors, measured from the exterior faces of exterior walls. "Floor area" shall not include basements, elevator and stair bulkheads, unfinished attic spaces, terraces, breezeways, open porches, uncovered steps, or garages.
- (u) "Frontage" or "lot frontage" means that portion of the lot that directly abuts the street, and has direct access thereto. "Lot frontage" shall be measured along the minimum building setback line for the district within which such lot is located.
- (v) "Garage, private" means a building, or portion of building, designed or used for the storage of motor-driven vehicles owned and/or used by the occupants of the principal use of the property.
- (w) "Gasoline service station" means any building or land used for the sale, offering for sale, and/or dispensing of any vehicular fuels, oils or accessories, including the lubrication of automobiles or motor vehicles and replacement or installation of minor parts and accessories, but not including major repair work, such as motor replacement, body and fender repair, or painting and finishing.
- (x) "Gross density" means a unit of measurement of the number of dwelling units per acre of land divided by the total number of dwelling units within the particular project, development or subdivision excluding all dedicated public streets therein.
- (y) "Home occupations" means any occupation or profession conducted primarily by immediate resident family members, which is clearly incidental and secondary to the dwelling's residential use. A home occupation must meet the standards and requirements specified in Section 1165.09.
- (z) "Hospital" means a building or structure containing beds for at least four (4) patients allowing for overnight or continuous care, diagnosis and treatment of human ailments.
- (aa) "Hotel" or "motel" means a building in which lodging is provided or offered to the public for compensation and which is open to transient guests, in contradiction to a boarding house or lodging house operated on a membership basis.
- (bb) "Institution" means an organization providing social, cultural, educational, religious or health services to member agencies, organizations, and individuals, or to the general public.
- (cc) "Loading space" is a space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of trucks.
- (dd) "Lot" means a division of land separated from other divisions for purposes of sale, lease, or separate use, described on recorded subdivision plat, recorded map or by metes and bound, and includes the terms "plat" and "parcel."
- (1) "Corner lot" means any lot at the junction of and abutting on two (2) or more intersecting streets, where the angle of intersection is not more than one hundred thirty-five (135) degrees.
- (2) "Lot coverage" means the ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

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- (3) "Rear lot line" means that lot line which is opposite and furthest removed from the front lot line. In such a lot where the side lot lines meet to the rear of the lot, or where the rear lot line is less than ten (10) feet, the minimum rear yard shall be computed from the point of intersection of the side lot lines on an imaginary line that is at equal angles from each side lot line. In the case of a corner lot, the rear lot line is opposite and furthest removed from the front lot line of least dimension.
  - (4) "Side lot line" means the lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.
  - (5) "Lot of record" means any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder, Franklin County, Ohio, as of the effective date of this Zoning Code.
  - (6) "Minimum area of lot" means the area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.
  - (7) "Lot width" is the width of a lot at the building setback line measured at right angles to its depth.
  - (ee) "Manufacturing" means any production or industrial process, including food processing, which combines one or more raw materials or components into a product or which changes the nature of the materials entering the process, and which by the nature of the materials, equipment and/or process utilized is not objectionable by reason of odor, noise, vibration, gas fumes, dust, smoke, refuse, or water-carried wastes.
  - (ff) "Nonconforming use" means the use of land or a building, or a portion thereof, which does not conform with the use regulations of the district in which it is situated, which use was lawful prior to the enactment of this Zoning Ordinance.
  - (gg) "Nonresidential use" means a premises not used primarily for human habitation.
  - (hh) "Nursery" or "day care center" means a facility which temporarily assumes responsibility for more than four (4) children other than those related to the resident of the premises. Such responsibility shall consist of administering to the needs of those children during any part of a twenty-four (24) hour day for a period of two (2) consecutive days.
  - (ii) "Nursing home" includes convalescent and extended care facilities; an establishment which specializes in providing necessary care, shelter and nursing services and services to those unable to be responsible for themselves.
  - (jj) "Open space" means that part of a zoned property, including courts or yards, which is open and unobstructed from its lowest level to the sky, accessible to all tenants upon the zoning property.
  - (kk) "Off-street parking space" means any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in Chapter 1167.
  - (ll) "Park" is a public area of land, usually in a natural state, having facilities for rest and recreation.
  - (mm) "Parking area" or "parking lot" means any area other than street, drive, or alley used or intended to be used for the storage of motor vehicles, with or without a fee.
  - (nn) "Personal services" means any enterprise, conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, retail dry cleaning, barber and beauty shops, and related activities.
  - (oo) "Private road" means a strip of privately owned land providing access to abutting properties.
  - (pp) "Professional offices" means the offices which engage in the providing to the general public services of a professional nature such as legal, medical, accounting, and architectural services.
  - (qq) "Recreational facilities" means public or privately-operated uses such as country clubs, golf courses, swimming pools, or other areas maintained for the purpose of providing active and passive recreation.

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- (rr) "Religious exercise facility" means any use, building or conversion of real property for the purpose of any exercise of religion, whether or not compelled by, or central to a system of religious belief and shall be considered to be religious exercise of a person or entity that uses or intends to use the property for that purpose.
- (ss) "Residence" - see "Dwelling."
- (tt) "Restaurant" means a business establishment where food and beverages are prepared and presented for human consumption on the premises.
- (uu) "Retail stores" means stores primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.
- (vv) "Right-of-way" means a strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features required by the topography or treatment such as grade separation, landscaped areas, viaducts and bridges.
- (~~www~~) "Secondary school" means an institution that provides secondary education offered after a primary school and before higher, optional education. Secondary schools may also be referred to as junior high, middle, senior high, or high schools and may include public, alternative, technical, vocational, private, or parochial schools.
- (~~xx~~) "Similar use" means a use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the classification, according to the procedures and requirements of Section 1127.02(e).
- (~~xyy~~) "Street" or "thoroughfare" means a public way for the purpose of vehicular travel, including the entire area within the right-of-way.
- (~~yyzz~~) "Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including, among other things, walls, buildings, and patios. "Structure" does not include fences.
- (~~zzaaa~~) "Structural alteration" means any change which would replace or tend to prolong the life of a supporting member of a structure, such as bearing walls, columns, beams, or girders.
- (~~aaabbb~~) "Use" means the purpose for which a building is arranged, designed, or intended, or for which either land, lot, piece or parcel thereof or a building located thereon or may be occupied or maintained.
- (~~bbbccc~~) "Variance" means a modification from the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of action by the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.
- (~~eedddd~~) "Yard" means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general level of the graded lot upward.
- (1) "Front yard" means that portion of a lot extending across the front of the lot between the side lot lines and being the minimum horizontal distance between the street right-of-way and the front of the building or structure.
- (2) "Rear yard" means that portion of a lot extending across the rear of the lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the building or structure.
- (~~eddeee~~) "Side yard" means that portion of a lot that is located between the side lot line and the nearest building or structure.

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(eeefff) "Zoning permit" means an official statement certifying that a proposed building or use complies with all the provisions of this Zoning Code.

(ffggg) "Zoning district" means a portion of the Village within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Code.

(ggghhh) "Zoning district map" means the zoning district of the Village, together with all amendments subsequently adopted by Village Council.

(hhhhii) "Zoning Inspector" means the zoning enforcement officer of the Village, hired by the Village Council who is charged with the duty of enforcing the provisions of the Zoning Code.

(iiijjj) "Zoning Ordinance" or "this Ordinance" means Ordinance 20-90, passed June 19, 1990, as amended, which is codified as Titles One to Five of this Part Eleven - Planning and Zoning Code.

(jjkkkk) "Medical marijuana" means marijuana, as defined in ORC 3719.01, that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose. In accordance with Chapter 1127 of the Codified Ordinances, the cultivation, processing and dispensing of medical marijuana shall not be permitted in any zoning district within the city.

(Ord. 20-90. Passed 6-19-90; Ord. 72-92. Passed 12-15-92; Ord. 30-2001. Passed 8-21-01; Ord. 08-2006. Passed 9-5-06; ; Ord. O-07-2015 . Passed 3-3-15; Ord. O-19-2017 . Passed 11-28-17.)

## ***CHAPTER 1143 O OFFICE DISTRICT<sup>2</sup>***

### **1143.01 PURPOSE.**

The purpose of the O Office District is to provide locations for administrative, business and professional offices, recognizing that such uses may provide a suitable transition between residential areas and commercial areas which have a higher intensity of use. Development standards are provided to ensure the compatibility of such office uses with the area to which they are adjacent while still meeting the needs of the general office user related to traffic accessibility and visibility.

(Ord. 08-2006. Passed 9-5-06.)

### **1143.02 PERMITTED USES.**

(a) Administrative and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers consisting of:

- (1) Brokers and dealers in securities, investments and associated services, not including commercial banks and savings institutions.
- (2) Insurance agents and brokers and associated services.
- (3) Real estate sales and associated services.

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<sup>2</sup>Cross reference(s)—District established - see P. & Z. Ch. 1125.01;  
Off-street parking and loading - see P. & Z. Ch. 1167;  
Signs - see P. & Z. Ch. 1169



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- (b) Professional offices engaged in providing services to the general public consisting of:
- (1) Medical and medical-related activities, but not including veterinary offices or animal hospitals.
  - (2) Other health or allied medical facilities.
  - (3) Professional, legal, engineering and architectural services, not including the outside storage of equipment.
  - (4) Accounting, auditing and other bookkeeping services.
- (c) Organizations and associations organized on a profit or non-profit basis for promotion of membership interests, including:
- (1) Business associations.
  - (2) Professional membership organizations.
  - (3) Civic, social and fraternal organizations.
  - (4) Charitable organizations.
- (d) Religious exercise facilities and related uses.
- (Ord. 08-2006. Passed 9-5-06.)

#### **1143.03 CONDITIONAL USES.**

- (a) Limited personal services, generally involving the care of the person and/or personal effects, consisting of:
- (1) Commercial photography.
  - (2) Barber and beauty shops, having not more than two (2) chairs or work stations.
  - (3) Funeral homes, mortuaries and related facilities.
- (b) Veterinary offices and animal hospitals, not including facilities for outside boarding or exercising of animals.
- (c) Nursery schools and/or day care facilities.
- (d) Limited educational institutions offering educational courses and having no rooms regularly used for housing or sleeping of students, as well as ancillary uses typical of that found on a school campus including but not limited to parking lots, signs, gymnasiums, auditoriums, cafeterias, administrative offices, and indoor or outdoor recreational facilities. Limited educational institutions include:
- (1) Secondary schools.
  - (2) Higher education institutions including junior colleges, community colleges, colleges, and universities.

(Ord. 08-2006. Passed 9-5-06.)

#### **1143.04 DEVELOPMENT STANDARDS.**

- (a) Minimum Lot Area. No minimum lot area is required; however, the lot size shall be adequate to provide for parking and yard requirements.
- (b) Minimum Lot Width. No minimum lot width is required; however, all lots shall abut a publicly dedicated and improved street or highway, and shall have adequate width to provide for yard space requirements pursuant to this section.

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- (c) Minimum Front Yard Depth. Twenty-five (25) feet.
  - (d) Minimum Side Yard Width. Fifteen (15) feet to any structure; however, if the yard is located adjacent to any district where residences are a permitted use, the minimum side yard width shall be fifteen (15) feet to any paved area, and twenty-five (25) feet to any structure.
  - (e) Minimum Rear Yard Depth. Twenty (20) feet to any structure; however, if the yard is located adjacent to any district where residences are a permitted use, the minimum rear yard depth shall be twenty (20) feet to any paved area, and forty-five (45) feet to any structure.
  - (f) Maximum Building Height. Forty-five (45) feet.
  - (g) Parking and Loading. Parking and loading requirements shall be as specified in Chapter 1165. In addition, parking spaces shall be designated to allow a minimum of five (5) feet between any structure and any parked vehicle.
  - (h) Landscaping. The landscape of parking and service areas shall be required to meet the requirements of Chapter 1171. If side or rear yards are located adjacent to any district where residences are a permitted use, landscaping and screening shall be required in those yards to meet the requirements of Chapter 1171.
  - (i) Trash and Garbage Control. All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. Screening of trash and garbage areas shall meet the requirements of Chapter 1171.

(Ord. 20-90. Passed 6-19-90; Ord. 72-92. Passed 12-15-92; Ord. 08-2006. Passed 9-5-06.)

## ***CHAPTER 1144 OCD OFFICE CAMPUS DISTRICT<sup>3</sup>***

### **1144.01 PURPOSE.**

The purpose of the Office Campus District (OCD) is to provide for office use to be developed in a "campus setting." Development standards are provided to ensure the compatibility of such office campus uses within the District and with adjacent properties, while still meeting the needs of the general office uses related to traffic, accessibility and visibility. The Office Campus District is intended to accommodate multiple or large acreage users.

(Ord. 82-96. Passed 1-21-97; Ord. 08-2006. Passed 9-5-06; Ord. 07-2007. Passed 2-20-07.)

### **1144.02 PERMITTED USES.**

- (a) Administrative business and professional offices as specified in Sections 1143.02(a), (b), and (c).
- (b) General offices and general office buildings designed for leased space, including but not limited to, operational, administrative and executive offices for personnel engaged in general administration, operations, purchasing, accounting, telemarketing, credit card processing, bank processing, other administrative processing, and other similar business activities in accordance with Section 1127.02(e) of the Planning and Zoning Code.

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<sup>3</sup>Cross reference(s)—District established - see P & Z Chap. 1125.01;  
Off-street parking and loading - see P & Z Chap. 1167;  
Signs - see P & Z Chap. 1169;  
Satellite signal receiving antennas - see P & Z Chap. 1177

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- (c) Uses located in building where the primary use in the building is permitted in divisions (a) or (b) shall include the following, when such use is clearly incidental to and located within the same building as the primary permitted use:
- (1) Drug Store.
  - (2) Deli/Restaurant/Food Service.
  - (3) Office Supply and Service.
  - (4) Travel Agent.
  - (5) Personal Services such as Barber/Beauty Salons, Dry Cleaning Pickup Station, ATM, and Health Offices.
  - (6) Newsstand.
  - (7) Health and Fitness Center.
  - (8) Training Facility.
  - (9) Storage Facilities.
  - (10) Day Care Facility.
  - (11) Other similar uses in accordance with Section 1127.02(e) of the Planning and Zoning Code.
- (d) Religious exercise facilities and related uses.
- (e) Temporary parking lots in accordance with Chapter 1167 of the Planning and Zoning Code.
- (f) A park-and-ride facility providing daily parking as the principle use which may include accessory shelters for mass transit passengers or carpooling that typically includes parking lots and associated structures located along or near public transit routes.
- (g) Data Centers.
- (Ord. 82-96. Passed 1-21-97; Ord. 08-2006. Passed 9-5-06; Ord. 07-2007. Passed 2-20-07; Ord. O-15-2013 . Passed 6-4-13; Ord. O-07-2015 . Passed 3-3-15.)

### **1144.03 CONDITIONAL USES.**

The following uses shall be allowed in the Office Campus District (OCD), subject to approval in accordance with Chapter 1115, Conditional Uses:

- (a) Drive-through facilities to be developed in association with a permitted use.
- (b) Research facility for research, analysis, and development, which can be characterized as clean, non-hazardous and light use, and activities incidental or necessary to the conduct of such research, analysis, and development.
- (c) Miscellaneous accessory uses when the primary use of the building is permitted in Section 1144.02(a) or (b), such as show room, distribution, repair shop, light assembly and similar ancillary uses.
- (d) Hotel/Motel including conference and banquet facilities.
- (e) Limited educational institutions offering educational courses and having no rooms regularly used for housing or sleeping of students, as well as ancillary uses typical of that found on a school campus including but not limited to parking lots, signs, gymnasiums, auditoriums, cafeterias, administrative offices, and indoor or outdoor recreational facilities. Limited educational institutions include:
  - (1) Secondary schools.

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(2) Higher education institutions including junior colleges, community colleges, colleges, and universities.

(Ord. 82-96. Passed 1-21-97; Ord. 08-2006. Passed 9-5-06; Ord. 07-2007. Passed 2-20-07.)

#### **1144.04 DEVELOPMENT STANDARDS.**

- (a) Minimum Lot Area . No minimum lot areas required, however, the lot size shall be adequate to provide for on-site parking/loading and yard requirements.
- (b) Minimum Lot Width . No minimum lot width is required, however, all lots shall abut a publicly dedicated and improved street or highway, and shall have adequate width to provide for yard space requirements pursuant to this section.
- (c) Minimum Front Yard Depth . Fifty-five (55) feet except fences, gate houses, entry features and ancillary structures shall be allowed in the front yard setback when approved by the Development Standards Review Committee.
- (d) Minimum Side Yard Width . Fifteen (15) feet to any paved area and thirty (30) feet to any structure.
- (e) Minimum Rear Yard Depth . Twenty (20) feet to any paved area and forty (40) feet to any structure.
- (f) Lot Coverage . The total lot coverage, which includes all areas of parking and building coverage, shall not exceed 80% of the total lot area.
- (g) Maximum Building Height . Sixty-five (65) feet, except an increased height may be approved by the Planning Commission upon a showing that the height of the building is harmonious and in accordance with the general objectives, or with any specific objectives or purpose, of the Zoning Ordinance.
- (h) Parking and Loading .
  - (1) Except as otherwise provided herein, parking and loading requirements shall be as specified in Chapter 1167. Parking spaces shall be designated to allow a minimum of five (5) feet between any structure and any parked vehicle. Seventy-five to ninety (75—90) degree angle parking shall have a minimum width (measured in feet parallel to the aisle) of nine (9) feet and a minimum length of eighteen (18) feet with a twenty-four (24) foot wide maneuvering aisle. One loading space shall be provided per dock space.
  - (2) Where appropriate, adequate provisions shall be made for the use of public transportation by employees and visitors.
  - (3) All entry drives shall be coordinated with improvements in road rights-of-way and with landscaping within the site.
- (i) Service Areas and Dumpsters . All service areas including loading docks, exterior storage of materials, supplies, equipment or products and trash containers shall be screened from all public roads and/or adjacent properties at ground level with walls or landscaping. Any walls shall be of the same materials used on the building walls and shall be complemented with landscaping.
- (j) Signage . Signage standards shall comply with those delineated in Chapter 1169. However, the sign area for a wall or free standing sign may be one square foot of sign (as measured in Section 1169.06) per one thousand (1,000) square feet of usable floor space but shall not exceed a maximum sign area of one hundred twenty (120) square feet per side. A building less than thirty-two thousand (32,000) square feet usable floor space may have a sign of thirty-two (32) square feet per side. Signs shall be located so that no part of the sign shall protrude beyond the wall on which it is located. The use of neon roof mounted and internally illuminated signs is prohibited.

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- (k) Satellite Signal Receiving Antennas. Roof mounted dish antennas shall be permitted as an accessory use to permitted uses in this District, and upon application for installation of a satellite signal receiving antenna, it shall be reviewed for safety, compatibility with surrounding development, and for other design measures that screen or otherwise make the dish antenna appear less obtrusive. Otherwise, the standards set forth in Chapter 1177 shall apply to the placement of satellite signal receiving antennas.
- (l) Utilities. All utility lines including water supply, sanitary sewer service, electricity, telephone and gas, and their connections or feeder lines shall be placed underground. Meters, transformers, etc. may be placed above ground, but must be clustered and screened from view. To the extent possible utility line placement shall be sensitive to existing vegetation.
- (m) Mechanical Equipment. Any external mechanical equipment shall be totally screened from all public roads and/or adjacent properties from ground level with materials that are similar to or the same as used on the majority of the building or if screened by landscaping the landscaping shall provide one hundred percent (100%) opacity. This section includes rooftop equipment, satellite dishes (excluding communication devices where technically impracticable), as well as ground mounted equipment. The screening of the mechanical equipment shall be coordinated with the rest of the architecture so as to avoid being seen as an "add on".
- (n) Lighting.
- (1) All external lighting shall be cut off type fixtures and down cast to reduce "spillage".
  - (2) All types of parking, pedestrian and other lighting fixtures shall be of the same type and style and shall be wall mounted cut-off fixtures or located on poles having a maximum height of thirty (30) feet.
  - (3) Luminaries should have a minimum cut-off of forty-five (45) degrees, so as to provide glare control to pedestrian and vehicular traffic, as well as a distinct beam cut-off on the outer perimeter of the setback areas.
  - (4) All light poles and standards shall be in dark color.
  - (5) Landscape uplighting from a concealed source shall be permitted. All upright fixtures must be screened by landscaping.
  - (6) No permanent colored lights or neon lights shall be used when visible from the exterior of the building. Flood lighting of buildings is prohibited, except that accent lighting, from a concealed source, is permitted. Nothing in this subsection shall prohibit lighting required for employee security.
- (o) Architecture. As part of the plans submitted pursuant to Division (q), front, rear and side building elevations shall be shown indicating building material color and height. The following elements shall be considered:
- (1) Materials, texture and color compatibility.
    - A. Earth tones, muted and natural tones are permitted. Brighter hues are permitted only as accent features (such as awnings, doors, limited trim, etc.).
    - B. Materials: Brick, precast wall panels, stone, concrete, coated metals and woods are permitted. Other materials may be permitted, but are subject to approval for intent and compatibility. All glass or highly reflective buildings (or buildings that appear as such), prefabricated metal or untreated masonry block buildings are not permitted.
  - (2) Signage with relationship to the building and building facade.
- (p) Landscaping. Landscaping shall follow the guidelines herein established except that incidental modifications may be approved by the Development Standards Review Committee. The developer may deviate from the landscape guidelines if an alternate landscape plan is approved by the Planning Commission.

- (1) Areas not developed may remain in their natural state or may be used for agriculture purposes, otherwise all undeveloped areas shall be maintained at a maximum of eighteen (18) inch field height and provide an appearance of rural character.
- (2) Pond(s) which are located within the setback areas shall be designed and landscaped to be rural in character.
- (3) Side lot landscaping shall be planted with a mixture of deciduous shade trees and evergreen trees and shrubs. Five (5) trees shall be planted per one hundred (100) L.F. of side lot and one deciduous shrub per tree. All side lot areas not landscaped shall have grass (seed or sod).
- (4) Interior landscaping within parking areas shall be a minimum of five percent (5%) of the total area of the parking lot pavement. The landscaped areas shall be arranged in such a manner so as to visually break up large expanses of pavement and provide landscaped walking paths between parking lots and the main buildings.
- (5) Shrubbery should be Native Deciduous Shrubs and shall be a minimum size of thirty (30) inches height at installation.
- (6) The minimum tree size at installation shall be as follows:

Perimeter Ornamental Tree	2" caliper
Perimeter Deciduous Shade Tree	2"—3" caliper
Perimeter Evergreen Tree	6'—8' tall
Parking lot Ornamental Tree	2" caliper
Parking lot Deciduous Shade Tree	2" caliper
Parking lot Evergreen Tree	4' tall

- (7) No existing trees within the undeveloped areas shall be removed or destroyed unless they are shown to be diseased, interfere with utilities, or are part of a development plan.
- (8) Street areas shall be landscaped and maintained in accordance with Section 1171.04.
- (9) Where a required side yard abuts any district where a residence is a permitted use landscaping in accordance with Section 1171.05 shall be provided.
- (q) Development Standards Review Committee . The Development Standards Review Committee shall, prior to the issuance of any permits, approve all plans and elevations necessary to demonstrate compliance to the development standards established for the Office Campus District. Within thirty-five (35) days of submission of plans the Committee shall issue a statement of compliance or noncompliance with the development standards established for this District. The Committee shall be comprised of the following persons or their designee:

Administrator

Municipal Planner

Chief Building Official

Municipal Engineer

(Ord. 82-96. Passed 1-21-97; Ord. 08-2006. Passed 9-5-06; Ord. 07-2007. Passed 2-20-07.)

## **CHAPTER 1153 LI LIMITED INDUSTRIAL AND GE GENERAL EMPLOYMENT DISTRICTS<sup>4</sup>**

### **1153.01 PURPOSE.**

These regulations are established to provide for a range of industrial and other employment-generating activity, while protecting the health, safety and welfare of the users of the district and residents of the City. Two (2) separate industrial districts are established.

- (a) **LI - Limited Industrial District**. This district provides areas where most industrial and industrial related activities may locate. Retail activities are limited and residential uses are prohibited. The district is intended for areas which are primarily undeveloped, having larger lots and irregular block patterns.
- (b) **GE - General Employment District**. This district provides areas for a wider range of employment opportunities. The district allows for a more restricted range of industrial activities, but a wider range of office, business and retail uses. As with the LI District, this district is intended for areas which are primarily undeveloped.

(Ord. 08-2006. Passed 9-5-06; Ord. 07-2007. Passed 2-20-07; Ord. 20-2008. Passed 7-15-08; Ord. O-15-2011. Passed 8-16-11; Ord. O-07-2015 . Passed 3-3-15.)

### **1153.02 PERMITTED AND CONDITIONAL ACTIVITIES.**

Permitted and conditional activities in each district are as shown on the following table. Descriptions and characteristics of activity categories listed are contained in Section 1153.03.

Activity	District	
	LI	GE
<b>Industrial Categories</b>		
• Industrial Product Sales	P	C
• Industrial Service	P	C
• Industrial Manufacturing and Assembly	C	C
• Manufacturing and Production	P	P
• Warehouse and Distribution	P	P
• Research and Production	P	P
• General Office Activities & Data Centers	C	P
• Personal Service	C	P
• Retail Product Sales and Service	C	P
• Vehicle Service	P	P
<b>Other Activities</b>		
• Radio/Television Broadcast Facility	P	C

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<sup>4</sup>Cross reference(s)—Districts established - see P. & Z. Ch. 1125;  
Noxious or offensive odors - see GEN. OFF. 521.09

• Off-Premises Signs	P	P
• Sexually Oriented Businesses	N	P
• Religious exercise facilities and related uses	P	P
• Car fleet and truck fleet parking	C	C
• Park-and-Ride Facility	P	P
• Limited Educational Institutions	N	C
P = Permitted Activity		
C = Conditional Activity		
N = Not Permitted or Conditional		

(Ord. 36-2003. Passed 1-13-04; Ord. 08-2006. Passed 9-5-06; Ord. 07-2007. Passed 2-20-07; Ord. 20-2008. Passed 7-15-08; Ord. O-15-2011. Passed 8-16-11; Ord. O-15-2013 . Passed 6-4-13; Ord. O-07-2015 . Passed 3-3-15; Ord. O-16-2021 . Passed 4-20-2021.)

### 1153.03 ACTIVITY CATEGORIES FOR INDUSTRIAL AND GENERAL EMPLOYMENT DISTRICTS.

#### (a) Industrial and General Employment Categories.

##### (1) Industrial product sales.

- A. Characteristics. Firms are involved in the sale, rent or lease of products generally intended for industrial or commercial users. Sales may be wholesale or retail. Emphasis is on on-site sales or order taking and may include display areas. Products may be delivered to the customer.
- B. Accessory activities. Accessory activities may include administrative offices, product repair, and warehouses.
- C. Examples. Industrial product sales activities may include: sale of machinery, and equipment, special trade tools, electrical supplies, janitorial supplies, restaurant equipment, office furniture, and store fixtures. Industrial product sales also include industrial equipment and vehicle rentals.
- D. Exceptions. Firms that primarily engage in retail sales to the general public are classified as retail product, sales and service.

##### (2) Industrial service.

- A. Characteristics. Firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment or products. Few customers especially the general public, come to the site.
- B. Accessory activities. Accessory activities may include administrative offices.
- C. Examples. Industrial service activities may include welding shops; machine shops; tool and appliance repair; electric motor repair, truck and large equipment repair, storage and salvage; headquarters for building, heating, plumbing, or electrical contractors; printing, publishing and blueprinting; janitorial and building maintenance services; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.

##### (3) Industrial manufacturing and assembly.

- A. Characteristics. Firms are involved in heavy manufacturing, processing, fabrication, packaging, or assembly of goods for industrial or construction industries. Raw, secondary, or partially completed materials may be used. Goods are generally not displayed or sold on-site. Relatively few customers come to the manufacturing site.



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- B. Accessory activities. Accessory activities may include administrative offices, cafeterias, employee recreational facilities, warehouse, storage yards, outlets, and caretaker's quarters. Retail outlets as an accessory to industrial manufacturing and assembly plants shall be treated as retail product sales and service.
  - C. Examples of heavy industrial manufacturing and assembly include, but are not limited to, metal stamping; pressing and buffing; tool and die shops; machine, sheet metal and welding shops; construction related and building material manufacturing (including milling, planning and joining); vehicle and/or vehicle part manufacturing and fabrication; construction equipment and/or construction equipment part manufacturing; recycling or creation of materials, textiles, lumber, paper, rubber, batteries, etc.
- (4) Manufacturing and production.
- A. Characteristics. Firms are involved in the manufacturing, processing, packaging, or assembly of goods or materials using clean or advanced automated or semi-automated technology. Raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on-site. Relatively few customers come to the manufacturing site.
  - B. Accessory activities. Accessory activities may include administrative offices, cafeterias, employee recreational facilities, warehouse, storage yards, outlets, caretaker's quarters, scientific research facilities, and medical and dental laboratories. Retail outlet as an accessory to manufacturing plants shall be treated as retail product sales and service.
  - C. Exceptions. Manufacturing of goods to be sold primarily on-site and to the general public are classified in the retail product sales and service category. Manufacturing of products related to research activities under Section 1153.03(a)(5).
- (5) Warehouse and distribution.
- A. Characteristics. Firms are involved in the movement, storage and/or sales of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer. The category includes wholesale sales which are not open to the general public and where on-site sales are low.
  - B. Accessory activities. Accessory activities may include administrative offices, truck fleet parking and maintenance areas, repackaging of goods, and showrooms or display areas, but generally not for direct sale.
  - C. Examples. Warehouse and distribution firms may include warehouse used by retail stores such as furniture and appliance stores; food and hardware distributors; household moving and general freight storage; distribution of industrial items; building materials, plumbing and electrical distributors; truck terminals; parcel services; major post offices; mail order houses; and public mini-warehouses.
- (6) Research and production.
- A. Characteristics. Firms engaged in research, synthesis, analysis, development and testing laboratories, including the fabrication, assembly, mixing and preparation of equipment, materials (raw and processed) and components incidental or convenient or necessary to the conduct of such activities. The category also includes production facilities that require the continual or recurrent application of research knowledge and activity as an integral part of the manufacturing process. Such production facilities may produce commercial quantities of products intended for wholesale sales and distribution. An allowed use in this district shall operate entirely within an

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enclosed structure, emitting no vibrations, dust, smoke, noxious gas, odor or toxic fumes. Noise shall not be emitted past the property limits, if such sound levels exceed typical traffic background noise.

- B. Accessory activities. Accessory activities may include administrative and executive offices for personnel engaged in general administrative, supervisory, purchasing, accounting and other functions related to office operations.
- C. Examples. Firms engaged in pharmaceutical, food science, life science, medical, research, production, development, clinical testing facilities, synthesis, analysis, development, pharmaceutical compounding and testing laboratories; technology and biotechnology firms.
- D. HVAC equipment, emergency power systems and similar operating equipment shall be screened from public rights-of-way and residential districts in accordance with Chapter 1171 of these Codified Ordinances.

(b) Sales and Service Categories.

(1) General office activities and data centers.

- A. Characteristics. Firms where activities are conducted in an office setting and generally focus on business or personal services. If the office activity is part of a larger firm, it does not need to be on the same site as the primary activity. Most people coming to the site are employees.
- B. Accessory activities. Accessory uses may include: cafeterias, health facilities, or other amenities primarily for the use of employees in the firm or building.
- C. Examples. Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as brokerage houses, lenders, or realtors; data-processing; sales offices; industrial or commercial company headquarters when not adjacent with other portions of the firm; and government offices.

(2) Personal service.

- A. Characteristics. These establishments provide on-site personal services or entertainment to the general public or business person.
- B. Accessory activities. Accessory uses may include administrative offices, product sales and laboratories.
- C. Examples. Examples include barbers, hair salons and personal care services; banks, savings and loans, and credit unions; continuous entertainment activities such as arcades, bowling alleys, ice rinks libraries, and museums; cafes, restaurants, bars, and taverns, day care facilities; laundromats; business and trade schools; dance and martial arts schools; health clubs, gyms, racquet centers, membership clubs, and lodges; medical related offices such as doctors, dentists, optometrist and veterinarians; public service agencies such as employment offices, social service agencies, and permit issuing offices.

(3) Retail product sales and service.

- A. Characteristics. Firms are involved in the sale, lease or rent of used products or goods to the general public and/or provide on-site product repair or services for consumer and business goods. Goods are displayed and sold on-site, and use or consumption is primarily off-site. Goods are generally taken off-site by the customer at the time of sale or may be delivered by the firm. For items being serviced, customers generally deliver and pick up the items and spend little time at the site.
- B. Accessory activities. Accessory uses may include: offices, storage and display of goods.

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- C. Examples . Examples include stores selling apparel, housewares, furniture, hardware, auto parts, flowers, personal care items, sporting goods, office products and machines, and computers; food, produce or meat markets; delicatessens and caterers; tool rental and household moving centers; sales of cars, motorcycles, boats, and recreational vehicles; repair of TVs, appliances, shoes, precision instruments, and business machines; laundry or dry cleaning drop-off; on-site launderer; photo drop-off; quick printing or reproducing; tailors; locksmiths; upholsterers; and furniture refinishing.
  - D. Exceptions .
    - 1. Lumber yards and similar building material sales which sell primarily to contractors and do not have a retail orientation are classified in the industrial product sales category.
    - 2. Repair and service of consumer vehicles is classified in the vehicle service category. Repair of motor vehicles in conjunction with vehicle sale is classified in the vehicle service category.
    - 3. Repair and service of industrial vehicles and equipment is classified in the industrial service category.
- (4) Vehicle services .
- A. Characteristics . Firms servicing automobiles, light trucks and other consumer vehicles such as motorcycles, boats and recreational vehicles.
  - B. Accessory activities . Accessory uses may include offices and sales of parts.
  - C. Examples . Examples may include gas stations, vehicle repair, auto body shop, alignment shop, auto upholstery shop, tire sales and mounting, towing and vehicle storage; and surface or garage fee parking.
- (c) Other Activity Categories .
- (1) Radio or television broadcast facility . Characteristics. Any and all devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing, electromagnetic radiation within the range of frequencies from one hundred (100) KHz to three hundred (300) GHz and operating as a discrete unit to produce a signal or message.
  - (2) Off-premises signs . Subject to regulations of Section 1169.08.
  - (3) Sexually oriented businesses as defined, regulated and licensed by Chapter 743 entitled "Sexually Oriented Business Establishments" provided the proposed location of such use is more than seven hundred fifty (750) feet (as measured from property line to property line) from all of the following uses:
    - A. Any other place licensed to operate a sexually oriented business.
    - B. Any elementary school, middle school or high school.
    - C. Any child day-care center or nursery school.
    - D. Any park, playground, playfield or community center publicly owned or operated.
    - E. Any residential use or residential zoning district.
    - F. Any place licensed for the sale of beer or intoxicating liquor for consumption on the premises.
    - G. Any place of worship.
    - H. Any public library.

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- (4) Religious exercise facilities and related uses.
- (5) Fleet parking. Shall only be used to park car fleets and truck fleets (fleet parking) providing services directly to and for the benefit of a primary business located on a contiguous real estate parcel as set forth herein. In addition to meeting all of the requirements of this chapter, fleet parking shall also require conditional use approval pursuant to Chapter 1115 of this Zoning Code.
- A. Characteristics. Fleet parking is permitted only as a conditional use and only when used in conjunction with a contiguous parcel containing the primary business served by the fleet parking (primary business parcel). For the purposes of this chapter, contiguous shall mean that the proposed fleet parking parcel shares a contiguous boundary with the primary business parcel for a continuous length of at least fifteen percent (15%) of the perimeter of the property upon which fleet parking is proposed. The fleet parking parcel cannot be used as a junkyard, salvage yard, impound lot, or similar facility, or for car or truck vehicle repair or service, even if the permitted business use would allow such activities on the primary business parcel.
- B. Location. Fleet parking shall be located on a parcel which is contiguous with the parcel that contains a permitted primary business associated with the parking area;
- C. Justification. In addition to the conditional use provisions set forth in Chapter 1115 of this Zoning Code, an applicant for fleet parking must also demonstrate to the Planning Commission that sufficient space for fleet parking does not exist on the primary business parcel, and that it is not practicable to combine the proposed fleet parking parcel with the primary business parcel;
- D. Setbacks. Fleet parking shall be set back from the public right-of-way at least forty (40) feet; and
- E. Landscaping. Landscaping shall be provided as follows, subject to the approval of the City Landscape Architect or designee:
1. Car fleet parking:
    - a) A minimum three (3) foot tall mound but no greater than five (5) feet tall, shall be provided between the public right-of-way and parking area. The mound shall have a slope no steeper than 4:1 on that part of the slope that abuts the parking area. The mound shall have a slope no steeper than 9:1 that part of the slope that abuts the public right-of-way. If necessary due to site constraints and upon a showing of extenuating circumstances, the Planning Commission may approve a steeper slope as part of the conditional use approval for only that part of the slope that abuts the public right-of-way. In no instance, however, shall the Planning Commission approve a slope steeper than 6:1 for that part of the slope.
    - b) The mound shall be planted with deciduous shade trees at the rate of ten (10) trees per one hundred (100) linear feet. Some evergreen trees may be used as appropriate in the context of the location and to the design intent of the site, subject to City Landscape Architect approval. Trees shall be planted with random spacing (naturalized) within tree groupings approximately eight (8) to fifteen (15) feet on center.
    - c) Trees planted on the mound facing public right-of-way shall be located as follows: Trees shall be planted in naturalized massings. Massings shall include no less than three (3) trees and no more than twenty-five (25) trees. No more than ten percent (10%) of massings shall include three (3) trees and no less than fifty percent (50%) of massings shall include less than eight (8) trees. Massings shall be separated by varying distances, from twenty (20) feet to fifty

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(50) feet. Massings shall be planted on upper ½ of mound, but staggered along contours to avoid the impression that trees are planted in a line.

- d) Tree species shall be native to central Ohio and varied to promote diversity as follows: no given species shall account for more than twenty percent (20%) of the overall quantity of trees. At least five (5) different species shall be used. Tree plant lists must be submitted for review.

2. Truck fleet parking:

- a) A minimum nine (9) foot mound but no greater than fifteen (15) foot tall shall be provided between the public right-of-way and parking area. The mound shall have a slope no steeper than 4:1 on that part of the slope that abuts the parking area. The mound shall have a slope no steeper than 9:1 that part of the slope that abuts the public right-of-way. If necessary due to site constraints and upon a showing of extenuating circumstances, the Planning Commission may approve a steeper slope as part of the conditional use approval for only that part of the slope that abuts the public right-of-way. In no instance, however, shall the Planning Commission approve a slope steeper than 6:1 for that part of the slope.
- b) The mound shall be planted with deciduous shade trees at the rate of twelve (12) trees per one hundred (100) linear feet. Some evergreen trees may be used as appropriate in the context of the location and to the design intent of the site, subject to City Landscape Architect approval. Trees shall be planted with random spacing within tree groupings approximately eight (8) to fifteen (15) feet on center.
- c) Trees planted on the mound facing public right-of-way shall be located as follows: Trees shall be planted in naturalized massings. Massings shall include no less than three (3) trees and no more than twenty-five (25) trees. No more than ten percent (10%) of massings shall include three (3) trees and no less than fifty percent (50%) of massings shall include less than eight (8) trees. Massings shall be separated by varying distances, from twenty (20) feet to fifty (50) feet. Massings shall be planted on upper ½ of mound, but staggered along contours to avoid the impression that trees are planted in a line.
- d) Tree species shall be native to central Ohio and varied to promote diversity as follows: no given species shall account for more than twenty percent (20%) of the overall quantity of trees. At least five (5) different species shall be used. Tree plant lists must be submitted for review.

- (6) Park-and-ride facility. A facility providing daily parking as the principle use which may include accessory shelters for mass transit passengers or carpooling that typically includes parking lots and associated structures located along or near public transit routes.

(7) Limited educational institutions.

A. Characteristics. Facilities offering educational courses and having no rooms regularly used for housing or sleeping of students, including:

- 1. Secondary schools.
- 2. Higher education institutions including junior colleges, community colleges, colleges, and universities.

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- B. Accessory activities. Ancillary uses typical of that found on a school campus including but not limited to parking lots, signs, gymnasiums, auditoriums, cafeterias, administrative offices, and indoor or outdoor recreational facilities.

(Ord. 36-2003. Passed 1-13-04; Ord. 08-2006. Passed 9-5-06; Ord. 07-2007. Passed 2-20-07; Ord. 20-2008. Passed 7-15-08; Ord. O-15-2011. Passed 8-16-11; Ord. O-15-2013 . Passed 6-4-13; Ord. O-07-2015 . Passed 3-3-15; Ord. O-16-2021 . Passed 4-20-2021.)

#### **1153.04 LOT AND YARD REQUIREMENTS.**

- (a) Minimum Lot Area . No minimum lot area is required in the LI or GE Districts; however, lot area shall be sufficient to provide for all yards and distances as required by this Zoning Code.
- (b) Lot Width . All lots shall abut a public or private street and have adequate lot width to provide for yards and distances as required by this Zoning Code.
- (c) Side Yards . For any structure or service area within the LI or GE Districts, the required side yard shall be not less than twenty-five (25) feet from any interior lot line.
- (d) Rear Yards . For any structure or service area within the LI or GE Districts, the required rear yard shall not be less than twenty-five (25) feet from any interior lot line.
- (e) Maximum Lot Coverage . For structures and paved areas within the LI or GE Districts the maximum lot coverage shall be seventy-five percent (75%). The remainder of the site shall be landscaped in natural vegetation.
- (f) Distance From Residential Districts . In no case shall any structure, service area, or parking area in any LI District be located less than fifty (50) feet from any district where residences are a permitted use. In no case shall any structure, service area or parking area in any GE District be located less than fifty (50) feet from any district where residences are a permitted use.
- (g) Elimination of Setbacks . In the event that a parcel zoned GE or LI District and an adjacent parcel zoned GE or LI District (a) come under common ownership or control, and (b) are zoned to allow compatible non-residential uses, but (c) cannot be combined into a single parcel due to the parcels being situated within separate Ohio counties, then any minimum building, pavement, or landscaping setbacks set forth in this chapter shall no longer apply where these parcels' lot lines abut on Ohio county boundaries.

(Ord. 08-2006. Passed 9-5-06; Ord. 07-2006. Passed 2-20-07; Ord. 20-2008. Passed 7-15-08; Ord. O-15-2011. Passed 8-16-11; Ord. O-07-2015 . Passed 3-3-15; Ord. O-14-2018 . Passed 6-19-18.)

#### **1153.05 EXTERIOR DEVELOPMENT.**

- (a) Exterior Operations . Exterior operations include: outdoor processing, assembly or fabrication of goods; movement of bulk goods not in containers or pipelines; maintenance, repair and salvage of equipment. Exterior operations shall not be permitted in the GE District.
- (b) Exterior Storage . Exterior storage includes the outdoor storage of: raw or finished goods (packaged or bulk) including gases, chemicals, gravel, building materials; packing materials; salvage goods; machinery; equipment; damaged vehicles, etc. Exterior storage shall be permitted in the LI District but not permitted in the GE District, unless an acceptable plan for screening such storage is submitted to and approved by the Planning Commission.

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- (c) Exterior Display. Exterior display includes the display of products, vehicles, equipment and machinery for sale or lease. Display items are intended to be viewed by customers and are not just being stored or parked. Exterior display does not include damaged vehicles, vehicles or equipment being serviced, bulk goods and materials, or other such products. Exterior display shall not be permitted in the LI District but shall be permitted in the GE District.

(Ord. 08-2006. Passed 9-5-06; Ord. 07-2007. Passed 2-20-07; Ord. 20-2008. Passed 7-15-08; Ord. O-15-2011. Passed 8-16-11; Ord. O-07-2015 . Passed 3-3-15.)

#### **1153.06 OFF-SITE IMPACTS.**

No land or structure in the LI or GE Districts shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district. Such impacts may result from noise, vibration, odor, smoke or dust, or glare. Statements in writing that such uses comply or will comply with such uses may be required by the Planning Commission from the owner. In cases of doubt, the Municipality shall select and arrange for an independent survey by a professional engineer qualified in the particular field and the costs for such service shall be paid by the owner.

- (a) Noise. The sound pressure level of any operation on a lot within the LI or GE Districts shall not exceed the average intensity of street traffic noise in the nearest residential districts, and no sound shall be objectionable due to intermittence, best frequency or shrillness.
- (b) Vibration. No vibrations which are perceptible without the aid of instruments shall be permitted, as measured on the lot within the non-industrial district.
- (c) Odor. No emission of odorous matter in any quantities so as to produce a public nuisance shall be permitted, as measured on the lot within the non-industrial district.
- (d) Dust and Smoke. The emission of smoke, soot, fly ash, fumes, dust or other types of pollutants borne by the wind shall be controlled so that the rate of emission and quantity deposited do not create a public nuisance, as measured on the lot within the non-industrial district.
- (e) Glare. Exterior lighting shall be used in a manner that produces no glare on public highways or non-industrial zoned land.

(Ord. 08-2006. Passed 9-5-06; Ord. 07-2007. Passed 2-20-07; Ord. 20-2008. Passed 7-15-08; Ord. O-15-2011. Passed 8-16-11; Ord. O-07-2015 . Passed 3-3-15.)



**ORDINANCE O-04-2022**

**AN ORDINANCE TO AMEND CHAPTERS 521, 1105, 1107, 1125, 1127, 1157  
AND 1160 OF THE CITY OF NEW ALBANY, OHIO'S CODIFIED  
ORDINANCES AS REQUESTED BY THE CITY OF NEW ALBANY**

**WHEREAS**, it has been found that the Codified Ordinances of the City of New Albany, Chapters 521, 1105, 1107, 1125, 1127, 1157 and 1160 need to be amended; and

**WHEREAS**, an amendment is necessary to Chapters 1105, 1107, 1125, 1127, 1157 and 1160 in order to provide cross-references and consistency throughout the Codified Ordinances; and

**WHEREAS**, an amendment is necessary to Chapter 521 to ensure orderly growth and provide a process to request a temporarily variation from hours of work regulations; and

**WHEREAS**, the Planning Commission has held a public hearing and received public input into the amendments and recommended approval of the proposed amendments to the codified ordinance to Chapters 1105, 1107, 1125, 1127, 1157 and 1160 at its meeting on January 19, 2022.

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

**Section 1:** That portions of Codified Ordinance Chapters 521, 1105, 1107, 1125, 1127, 1157 and 1160 be amended as set forth in Exhibit A, which depicts these amendments in colored ink.

**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 121.22 of the Ohio Revised Code.

**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 \_\_\_\_\_, 2022.



**Attest:**

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

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

**Approved as to form:**

\_\_\_\_\_  
Benjamin S. Albrecht  
Interim Law Director

**Legislation dates:**

Prepared: 01/21/2022

Introduced: 02/01/2022

Revised:

Adopted:

Effective:

## PROPOSED MODIFICATION #1 TO CHAPTER 1105 - DEFINITIONS

### 1105.01 - INTERPRETATION.

For the purpose of this Zoning Ordinance, certain terms and words are to be defined as found in this chapter. Words and terms specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include plural and plural shall include singular. The word "shall" is intended to be mandatory. "Occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."

Specific terms related to swimming pools, signs, ~~and landscaping, and matters specific to the Technology Manufacturing District (TMD) zoning district classification~~ are defined within the specific sections of the Zoning Ordinance where those requirements are found.

## PROPOSED MODIFICATION #2 TO CHAPTER 1105 - DEFINITIONS

**1105.02 - DEFINITIONS.** ~~[NOTE: The following definitions are to be added to this section; entire section has not been reproduced.]~~

"Business day" means any full business day (i.e., 8:00 A.m. to 5:00 P.M.) other than Saturday, Sunday, or a holiday during which the City's offices are closed. For purposes of measuring business days with regard to timing of reviews of applications under this Zoning Ordinance, the first business day of such a review period shall be the first full business day after an application is received by the City.

"Common ownership" means "ownership of two or more parcels by the same owner or by one owner and an affiliated person or entity of that owner."

"Director" means the City's Director of Community Development.

## PROPOSED MODIFICATION #3 TO CHAPTER 1107 - ADMINISTRATION

### 1107.02 - MUNICIPAL PLANNING COMMISSION.

- (a) Organization and Members . The Municipal Planning Commission shall organize and adopt rules in accordance with the requirements of the Charter of the Village of New Albany. Meetings of the Commission shall be held at the call of the Chairperson, and at such times as the Commission determines. All meetings of the Planning Commission shall be open to the public. The Planning Commission shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep public records or its actions.

The Planning Commission shall consist of six (6) members. Five (5) of these members shall be voting members and shall serve overlapping three-year terms. The sixth shall be a Council member appointed by Council. This Council member shall be a nonvoting member of the Planning Commission. Three (3) voting members shall constitute a quorum. The powers and duties shall be as provided in the Village Charter and as provided by ordinances and resolutions of Council.

(b) Powers and Duties. The Planning Commission shall have the following powers and duties:

- (1) Recommend to Council a master plan, official map, area plans, and development standards for the Municipality.
- (2) Recommend to Council the disposition of requests for subdivision platting.
- (3) Recommend to Council amendments to the zoning plan and Zoning Ordinance of the Municipality.
- (4) Prepare and present a zoning plan for a newly annexed territory, pursuant to Section 1125.04.
- (5) Review all proposed amendments to this Zoning Ordinance in accordance with Chapter 1111 and make recommendations to Council.
- (6) Grant zoning permits for conditional uses as specified in the district regulations and establish such additional safeguards as will uphold the intent of this Ordinance.
- ~~(6)~~(7) Grant variances from the requirements of Chapter 1154, in accordance with procedures set forth therein.
- ~~(7)~~(8) Review all changes in the fee schedule established in Section 1109.10 and make recommendations to Council.
- ~~(8)~~(9) Determine the similarity of uses pursuant to Section 1127.02(e).
- ~~(9)~~(10) Perform such other duties, not inconsistent with the Charter, as may be required by this Ordinance.

## **PROPOSED MODIFICATION #4 TO CHAPTER 1125 - DISTRICTS ESTABLISHED; ZONING MAP**

### **1125.01 - ZONING DISTRICTS ESTABLISHED.**

The following zoning districts are hereby established for the Municipality of New Albany:

- AG - Agricultural District
- R-1 - Residential Estate District
- R-2 - Low-Density Single-Family Residential District
- R-3 - Medium Density Single-Family Residential District
- R-4 - Suburban Single-Family Residential District
- R-5 - Historic Village Single-Family Residential District
- R-6 - Two Family Residential District

R-7 - Urban Density Residential District  
UC - Urban Center District  
OR - Office Residential District  
O - Office District  
OCD - Office Campus District  
C-1 - Neighborhood Business District  
C-2 - General Business District  
C-3 - Highway Business District  
CF - Community Facilities District  
LI - Limited Industrial District  
GE - General Employment District  
TMD – Technology Manufacturing District  
FP - Flood Plain Overlay District  
ARD - Architectural Review Overlay District  
I-PUD - Infill Planned Unit Development District  
C-PUD - Comprehensive Planned Unit Development District  
Limited Overlay District

## **PROPOSED MODIFICATION #5 TO CHAPTER 1157 - ARD ARCHITECTURAL REVIEW OVERLAY DISTRICT**

### **1157.04 - DISTRICT BOUNDARIES.**

The Architectural Review District shall consist of all zoning districts in the City of New Albany other than the TMD and shall apply to all environmental changes: private, municipal, and to the extent municipal design review is not pre-empted by state or federal law, all other government environmental changes.

## **PROPOSED MODIFICATION #6 TO CHAPTER 1160 - LIMITED OVERLAY DISTRICT**

### **1160.02 - APPLICATION.**

An applicant for a Limited Overlay District shall file an application as to any lot proposed to be rezoned to any of the zoning districts set forth in Chapters 1129 through ~~1154-1153~~ of the Zoning Code, on a form provided by or otherwise approved by Village Staff. This application will be processed together with the application to rezone the subject property and will be reviewed in the same manner as the rezoning application by Staff, the Municipal Planning Commission and Village Council.

## **PROPOSED MODIFICATION #7 TO CHAPTER 1127 - GENERAL REGULATIONS**

### **1127.02 - RULES OF APPLICATION.**

(b) Permitted Uses . Only a use designated as permitted shall be allowed as a matter of right in any zoning district, and any use not so designated shall be prohibited except, when in character with the zoning district, such additional uses may be added to permitted uses by formal amendment, in conformance with the procedures specified in Chapter 1111. ~~No more than one permitted use shall exist on any one zoning lot.~~

.....

(e) Similar Uses . Determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of use regulations of the district and not as a variance applying to a particular situation. Any use found similar shall thereafter be considered as a permitted use in that district.

Applications for zoning permits for uses not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this section, shall be submitted to the Planning Commission except for similar uses in the Technology Manufacturing District (TMD) where the Community Development Director or his/her designee shall be responsible for making this determination.

Prior to taking action on the inclusion of a use as a similar use, the Planning Commission shall hold a public hearing. The public hearing shall be advertised according to the requirements of Section 1111.05.

Within thirty (30) days after the public hearing, the Planning Commission shall determine whether the requested use is similar to those uses permitted in the specific district. In order to find that a use is similar, the Planning Commission shall find that all of the following conditions exist:

- (1) Such use is not listed as a permitted or conditional use in another zoning district.
- (2) Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.
- (3) Such use creates no danger to health and safety and creates no offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences to an extent greater than normally resulting from uses listed in the classification to which it is to be added.
- (4) Such use does not create traffic congestion to a greater extent than uses listed in the classification to which it is to be added.

(f) Development Standards . Development standards set forth shall be the minimum allowed for development in a district. If development standards are in conflict with requirements of any other lawfully adopted rule, regulation, or law, the most restrictive standard shall govern. However, the provisions found in Chapter 1154 (TMD) shall take precedence over all other conflicting regulations contained in the Codified Ordinances as it pertains to that property.

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## 521.12 HOURS OF WORK.

- (a) These standards are intended to protect persons from excessive noise levels, which interfere with the comfortable enjoyment of life, property and recreation because they can interfere with sleep, communication, relaxation and the full enjoyment of one's property.
- (b) The following types of work conducted outside are considered to be loud, disturbing and unnecessary noises and shall not be performed in the City on Sunday, on major holidays to include New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, or on other days between the hours of 7:00 p.m. and 7:30 a.m.
  - (1) Commercial Garbage Collection : The servicing of private, commercial garbage dumpster by any person(s) using garbage collection vehicles and equipment within one thousand five hundred (1,500) feet of any residential area.
  - (2) Pile drivers, hammers, etc. : The operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
  - (3) Tools : The use of or operation of any noise producing power tool, generator, air compressor, or other tools or appliances which can be heard from the property boundaries. Interior work may be conducted if the work does not emit noise to the exterior.
  - (4) Construction : The erection, including construction, excavation, demolition, alteration, or repair work, or the permitting or causing thereof, of any building, structure, or infrastructure, the operation or the permitting or causing the operation of any tools, or equip used in construction, excavation, drilling, demolition, alteration or repair work.
  - (5) Sweeping : Cleaning of non-residential parking lots.
- (c) The loading, unloading or engine idling of any commercial truck or van in a commercially zoned area which borders a residential area shall not be performed in the City between the hours of 11:00 p.m. and 7:00 a.m. Sunday through Saturday; and between the hours of 10:00 p.m. Saturday and 9:00 a.m. Sunday. This section shall include the usage of any hydraulic trash compacting equipment.
- (d) The following types of work shall be exempt from the provisions of this ordinance:
  - (1) Use of any mechanical device, apparatus or equipment used, related to or connected with emergency activities or emergency work or associated with work performed by private or public utilities in the maintenance or modification of its facilities;
  - (2) Noise sources resulting from emergency work, being work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger;
  - (3) Lawn maintenance including the use of lawnmowers, blowers, edge trimmers, electric trimmers, or tree trimming equipment may be conducted on Sunday but may not be conducted on any day between the hours of 8:00 p.m. and 8:00 a.m.
- (e) Request to temporarily vary from hours of work regulations. Any person desiring relief from the provisions of C.O. 521 shall apply for a permit to cause or create noise which would otherwise be in violation of this chapter. Applications for a permit shall be made in writing to the city manager on forms provided for that purpose. The city manager or designee shall grant a permit upon the demonstration by the applicant of one of the following:

- 
- (1) The activity, operation or noise source will be of a temporary duration and cannot be performed in a manner that would comply with the provisions of this article;
  - (2) No reasonable scheduling alternative is available to the applicant; or
  - (3) There are special conditions and circumstances or additional time is necessary due to the nature of the work to be performed.

Any permit granted pursuant to this section shall comply thereon with the conditions upon which the permit has been granted, including but not limited to the effective date, time of day, duration, location and equipment limitation. The city manager or designee may require a memorandum of understanding (MOU) at his / her discretion. Any permit granted hereunder may be renewed upon application to the city manager's office upon a demonstration that the reasons for which the permit was granted still exist.

(Ord. 22-2001. Passed 6-19-01; Ord. O-43-2010. Passed 1-11; Ord. O-09-2013 . Passed 5-21-13)

## PROPOSED MODIFICATION #1 TO CHAPTER 1105 - DEFINITIONS

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**1105.02 - DEFINITIONS.** ~~NOTE: The following definitions are to be added to this section; entire section has not been reproduced.~~

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The Planning Commission shall consist of six (6) members. Five (5) of these members shall be voting members and shall serve overlapping three-year terms. The sixth shall be a Council member appointed by Council. This Council member shall be a nonvoting member of the Planning Commission. Three (3) voting members shall constitute a quorum. The powers and duties shall be as provided in the Village Charter and as provided by ordinances and resolutions of Council.

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## **PROPOSED MODIFICATION #4 TO CHAPTER 1125 - DISTRICTS ESTABLISHED; ZONING MAP**

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## **PROPOSED MODIFICATION #6 TO CHAPTER 1160 - LIMITED OVERLAY DISTRICT**

### **1160.02 - APPLICATION.**

An applicant for a Limited Overlay District shall file an application as to any lot proposed to be rezoned to any of the zoning districts set forth in Chapters 1129 through ~~1154-1153~~ of the Zoning Code, on a form provided by or otherwise approved by Village Staff. This application will be processed together with the application to rezone the subject property and will be reviewed in the same manner as the rezoning application by Staff, the Municipal Planning Commission and Village Council.

## **PROPOSED MODIFICATION #7 TO CHAPTER 1127 - GENERAL REGULATIONS**

### **1127.02 - RULES ~~OF~~ APPLICATION.**

(b) Permitted Uses . Only a use designated as permitted shall be allowed as a matter of right in any zoning district, and any use not so designated shall be prohibited except, when in character with the zoning district, such additional uses may be added to permitted uses by formal amendment, in conformance with the procedures specified in Chapter 1111. ~~No more than one permitted use shall exist on any one zoning lot.~~

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Applications for zoning permits for uses not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this section, shall be submitted to the Planning Commission except for similar uses in the Technology Manufacturing District (TMD) where the Community Development Director or his/her designee shall be responsible for making this determination.

Prior to taking action on the inclusion of a use as a similar use, the Planning Commission shall hold a public hearing. The public hearing shall be advertised according to the requirements of Section 1111.05.

Within thirty (30) days after the public hearing, the Planning Commission shall determine whether the requested use is similar to those uses permitted in the specific district. In order to find that a use is similar, the Planning Commission shall find that all of the following conditions exist:

- (1) Such use is not listed as a permitted or conditional use in another zoning district.
- (2) Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.
- (3) Such use creates no danger to health and safety and creates no offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences to an extent greater than normally resulting from uses listed in the classification to which it is to be added.
- (4) Such use does not create traffic congestion to a greater extent than uses listed in the classification to which it is to be added.

(f) Development Standards . Development standards set forth shall be the minimum allowed for development in a district. If development standards are in conflict with requirements of any other lawfully adopted rule, regulation, or law, the most restrictive standard shall govern. However, the provisions found in Chapter 1154 (TMD) shall take precedence over all other conflicting regulations contained in the Codified Ordinances as it pertains to that property.

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## 521.12 HOURS OF WORK.

- (a) These standards are intended to protect persons from excessive noise levels, which interfere with the comfortable enjoyment of life, property and recreation because they can interfere with sleep, communication, relaxation and the full enjoyment of one's property.
- (b) The following types of work conducted outside are considered to be loud, disturbing and unnecessary noises and shall not be performed in the City on Sunday, on major holidays to include New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, or on other days between the hours of 7:00 p.m. and 7:30 a.m.
  - (1) Commercial Garbage Collection : The servicing of private, commercial garbage dumpster by any person(s) using garbage collection vehicles and equipment within one thousand five hundred (1,500) feet of any residential area.
  - (2) Pile drivers, hammers, etc. : The operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
  - (3) Tools : The use of or operation of any noise producing power tool, generator, air compressor, or other tools or appliances which can be heard from the property boundaries. Interior work may be conducted if the work does not emit noise to the exterior.
  - (4) Construction : The erection, including construction, excavation, demolition, alteration, or repair work, or the permitting or causing thereof, of any building, structure, or infrastructure, the operation or the permitting or causing the operation of any tools, or equip used in construction, excavation, drilling, demolition, alteration or repair work.
  - (5) Sweeping : Cleaning of non-residential parking lots.
- (c) The loading, unloading or engine idling of any commercial truck or van in a commercially zoned area which borders a residential area shall not be performed in the City between the hours of 11:00 p.m. and 7:00 a.m. Sunday through Saturday; and between the hours of 10:00 p.m. Saturday and 9:00 a.m. Sunday. This section shall include the usage of any hydraulic trash compacting equipment.
- (d) The following types of work shall be exempt from the provisions of this ordinance:
  - (1) Use of any mechanical device, apparatus or equipment used, related to or connected with emergency activities or emergency work or associated with work performed by private or public utilities in the maintenance or modification of its facilities;
  - (2) Noise sources resulting from emergency work, being work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger;
  - (3) Lawn maintenance including the use of lawnmowers, blowers, edge trimmers, electric trimmers, or tree trimming equipment may be conducted on Sunday but may not be conducted on any day between the hours of 8:00 p.m. and 8:00 a.m.
- (e) Request to temporarily vary from hours of work regulations. Any person desiring relief from the provisions of C.O. 521 shall apply for a permit to cause or create noise which would otherwise be in violation of this chapter. Applications for a permit shall be made in writing to the city manager on forms provided for that purpose. The city manager or designee shall grant a permit upon the demonstration by the applicant of one of the following:

- 
- (1) The activity, operation or noise source will be of a temporary duration and cannot be performed in a manner that would comply with the provisions of this article;
  - (2) No reasonable scheduling alternative is available to the applicant; or
  - (3) There are special conditions and circumstances or additional time is necessary due to the nature of the work to be performed.

Any permit granted pursuant to this section shall comply thereon with the conditions upon which the permit has been granted, including but not limited to the effective date, time of day, duration, location and equipment limitation. The city manager or designee may require a memorandum of understanding (MOU) at his / her discretion. Any permit granted hereunder may be renewed upon application to the city manager's office upon a demonstration that the reasons for which the permit was granted still exist.

(Ord. 22-2001. Passed 6-19-01; Ord. O-43-2010. Passed 1-11; Ord. O-09-2013 . Passed 5-21-13)



## ORDINANCE O-05-2022

**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 JOHNSTOWN-MONROE LOCAL SCHOOL DISTRICT AND THE CAREER AND TECHNOLOGY EDUCATION CENTERS OF LICKING COUNTY, ESTABLISH A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE REMAINDER OF THOSE SERVICE PAYMENTS, SPECIFY THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT DIRECTLY BENEFIT THOSE PARCELS, AND APPROVE AND AUTHORIZE THE EXECUTION OF ONE OR MORE TAX INCREMENT FINANCING AGREEMENTS**

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

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

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

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

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

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

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

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

**WHEREAS**, notice of this proposed Ordinance has been delivered to the Board of Education of Johnstown-Monroe Local School District and the Career and Technology Education Centers of Licking County (C-TEC) 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 Agreements entered into between the Board of Education of the Johnstown-Monroe Local School District, and the City;

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

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

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

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

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

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

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



to any third party for the construction of Public Infrastructure Improvements, including interest payable on those amounts.

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

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

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

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

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

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

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

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**Attest:**

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

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

**Approved as to form:**

\_\_\_\_\_  
Benjamin S. Albrecht  
Interim Law Director

**Legislation dates:**

Prepared: 01/21/2022

Introduced: 02/01/2022

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.

PROPOSED

## EXHIBIT B

### PUBLIC INFRASTRUCTURE IMPROVEMENTS

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

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



October 22, 2021

## Legend



**NEW  
ALBANY**

**Exhibit A - O-05-2022**

**New Albany Parcels - Oak Grove II- TIF Expansion 2021**



## **RESOLUTION R-09-2022**

**A RESOLUTION TO AMEND THE OAK GROVE II COMMUNITY REINVESTMENT AREA TO ADD APPROXIMATELY 109.59 +/- ACRES TO THAT AREA, CONFIRMING THE DESIGNATION OF A HOUSING OFFICER AND THE CREATION OF A COMMUNITY REINVESTMENT AREA HOUSING COUNCIL AND TAX INCENTIVE REVIEW COUNCILS, AND TO EXPAND THE OAK GROVE II ECONOMIC OPPORTUNITY ZONE TO ADD THAT AREA**

**WHEREAS**, the Council of the City of New Albany, Ohio (the "City") desires to pursue all reasonable and legitimate incentive measures to assist and encourage development in specific areas of the City that have not enjoyed sufficient reinvestment in new construction; and

**WHEREAS**, Council, by its Resolution No. R-17-09 adopted March 3, 2009, designated the Oak Grove II Community Reinvestment Area (the "Original Oak Grove II Area"), and by each of its Resolutions No. R-41-2010 adopted July 6, 2010, R-72-2010 adopted November 16, 2010, R-53-2012 adopted October 2, 2012, R-26-2013 adopted August 6, 2013, R-72-2014 adopted September 16, 2014, R-49-2015 adopted November 17, 2015, R-45-16 adopted November 1, 2016, R-02-2017 adopted February 7, 2017, R-17-2018 adopted July 17, 2018, R-41-2018 adopted November 6, 2018, R-50-2018 adopted December 10, 2018, R-05-2019 adopted February 19, 2019, R-37-2019 adopted on August 6, 2019, R-15-2021 adopted on April 6, 2021, and R-46-2021 adopted September 21, 2021 expanded that Original Oak Grove II Area (as expanded to date, the "Current Oak Grove II Area"), which enabled the City to offer in that Current Oak Grove II Area real property tax exemptions on the construction of certain new structures and the remodeling of certain existing structures as described in Ohio Revised Code ("R.C.") Section 3735.67; and

**WHEREAS**, the City desires to promote commercial and industrial development in an additional area contiguous to the Current Oak Grove II Area, which contiguous area includes approximately 109.59 +/- acres and which is depicted on Exhibit A attached hereto (the "Oak Grove II Expansion Area"); and

**WHEREAS**, the City believes that the redevelopment of the Oak Grove II Expansion Area would encourage economic stability, maintain real property values and generate new employment opportunities and desires to designate the Oak Grove II Expansion Area as a community reinvestment area pursuant to R.C. Sections 3735.65 to 3735.70; and

**WHEREAS**, as required by R.C. Section 3735.66, a survey of housing was prepared for the Oak Grove II Expansion Area (the "Survey"); and

**WHEREAS**, that Survey shows the facts and conditions relating to existing housing and commercial structures and undeveloped land in the Oak Grove II Expansion Area, including, among other things, evidence of deterioration and lack of new construction, or repair or rehabilitation of structures in that Oak Grove II Expansion Area; and

**WHEREAS**, the construction of new commercial or industrial structures in the Oak Grove II Expansion Area constitutes a public purpose for which real property tax exemptions may be granted; and

**WHEREAS**, the City created an economic opportunity zone (the "Oak Grove II EOZ") to encourage commercial and other business development in the City and now the City, to consistently preserve areas and zones, wishes to expand the Oak Grove II EOZ in conjunction with the expansion of the Oak Grove II CRA so that the two, when mapped, have the same area and boundaries;

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

**Section 1. Conditions in the Oak Grove II Expansion Area.** Based on the findings in the Survey and on this Council's own knowledge of the facts and conditions existing in the Oak Grove II Expansion Area, this Council hereby finds that the Oak Grove II Expansion Area is one in which housing facilities or structures of historical significance are located and new housing construction and repair of existing facilities or structures are discouraged.

**Section 2. Creation of Oak Grove II Expanded CRA.** This Council hereby designates the Oak Grove II Expansion Area as a community reinvestment area (collectively with the Current Oak Grove II Area, the "Oak Grove II CRA") in accordance with R.C. Section 3735.66. Only new commercial and/or industrial structures consistent with the applicable zoning regulations within the Oak Grove II CRA will be eligible for the exemptions provided for in Section 3 of this Resolution, and residential remodeling or new structures, including, but not limited to, multi-family condominium or apartment structures or remodeling thereof, shall not be eligible for the exemptions granted in that Section 3.

**Section 3. Tax Exemptions in the Oak Grove II CRA.** Within the Oak Grove II CRA, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial and industrial real property and the term of those exemptions shall be negotiated in advance of construction occurring according to the rules outlined in R.C. Section 3735.67. The City has the authority to negotiate, approve or deny any request for such a tax exemption. The results of the negotiation as approved by this Council will be set forth in writing in a Community Reinvestment Area Agreement as provided in R.C. Section 3735.671. If the newly constructed structure qualifies for an exemption, during the period of the exemption the exempted percentage of the value of the structure shall not be considered to be an improvement on the land on which it is located for the purpose of real property taxation.

The Mayor, the City Manager, the City Community Development Director, and the City Economic Development Manager, or any one of them, are hereby authorized to give any and all notices on behalf of this Council that may be required by law, including, without limitation, those notices

required by R.C. Sections 3735.671, 3537.673 and 5709.83, in connection with the consideration, approval or entering into of any agreements under R.C. Section 3735.671.

**Section 4. Designation of Housing Officer.** To administer and implement the provisions of this Resolution, the Council hereby confirms the prior designation of the City Manager as the Housing Officer for the Oak Grove II CRA as described in R.C. Sections 3735.65 to 3735.70.

**Section 5. Application Fee.** All projects are required to comply with the State application fee requirements of R.C. Section 3735.672(C). The City may also require a local annual monitoring fee of one percent of the amount of taxes exempted under an agreement, provided there shall be a minimum local annual monitoring fee of \$500 and a maximum local annual monitoring fee of \$2,500.

**Section 6. Housing Council and Tax Incentive Review Councils.** This Council hereby confirms the prior creation of a Community Reinvestment Area Housing Council (the "Housing Council") for the Oak Grove II CRA. That Housing Council is composed of two members appointed by the Mayor, two members appointed by this Council and one member appointed by the City's Municipal Planning Commission. A majority of those five members shall appoint two additional members who shall be residents of the City. Terms of the members of the Housing Council shall be three years. An unexpired term resulting from a vacancy in the Housing Council shall be filled in the same manner as the initial appointment was made. The Housing Council shall make an annual inspection of the properties within the Oak Grove II CRA for which an exemption has been granted under R.C. Section 3735.67. The Housing Council also shall also hear appeals under R.C. Section 3735.70.

The "Franklin County Tax Incentive Review Council" and the "Licking County Tax Incentive Review Council" (each a "TIRC") were both previously created pursuant to R.C. Section 5709.85. Each TIRC reviews annually the compliance of each agreement involving the granting of exemptions for commercial or industrial real property improvements under R.C. Section 3735.671 and makes written recommendations to this Council as to continuing, modifying or terminating each agreement based upon the performance of each agreement.

**Section 7. Resolution to be Forwarded and Published.** The Housing Officer or the Housing Officer's designee is hereby authorized and directed to forward a copy of this Resolution to the Franklin County Auditor and the Licking County Auditor, and to cause to be published a copy of this Resolution in a newspaper of general circulation in the City once per week for two consecutive weeks following its adoption.

**Section 8. Authorization to Petition the State of Ohio Director of Development.** The Housing Officer, or the Housing Officer's designee, is hereby authorized and directed, on behalf of the City, to petition the State Director of Development, in accordance with R.C. Section 3735.66, for confirmation of the Oak Grove II CRA as expanded to include the Oak Grove II Expansion Area.

**Section 9. Open Meeting.** The Council hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Council and any of its committees and that all deliberations of this Council and of its committees that resulted in formal action were taken in meetings open to the public in full compliance with the applicable legal requirements, including R.C. Section 121.22.



**Section 10. Effective Date.** Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**Attest:**

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

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

**Approved as to form:**

\_\_\_\_\_  
Benjamin S. Albrecht  
Interim Law Director

**Legislation dates:**

Prepared: 01/21/2022

Introduced: 02/01/2022

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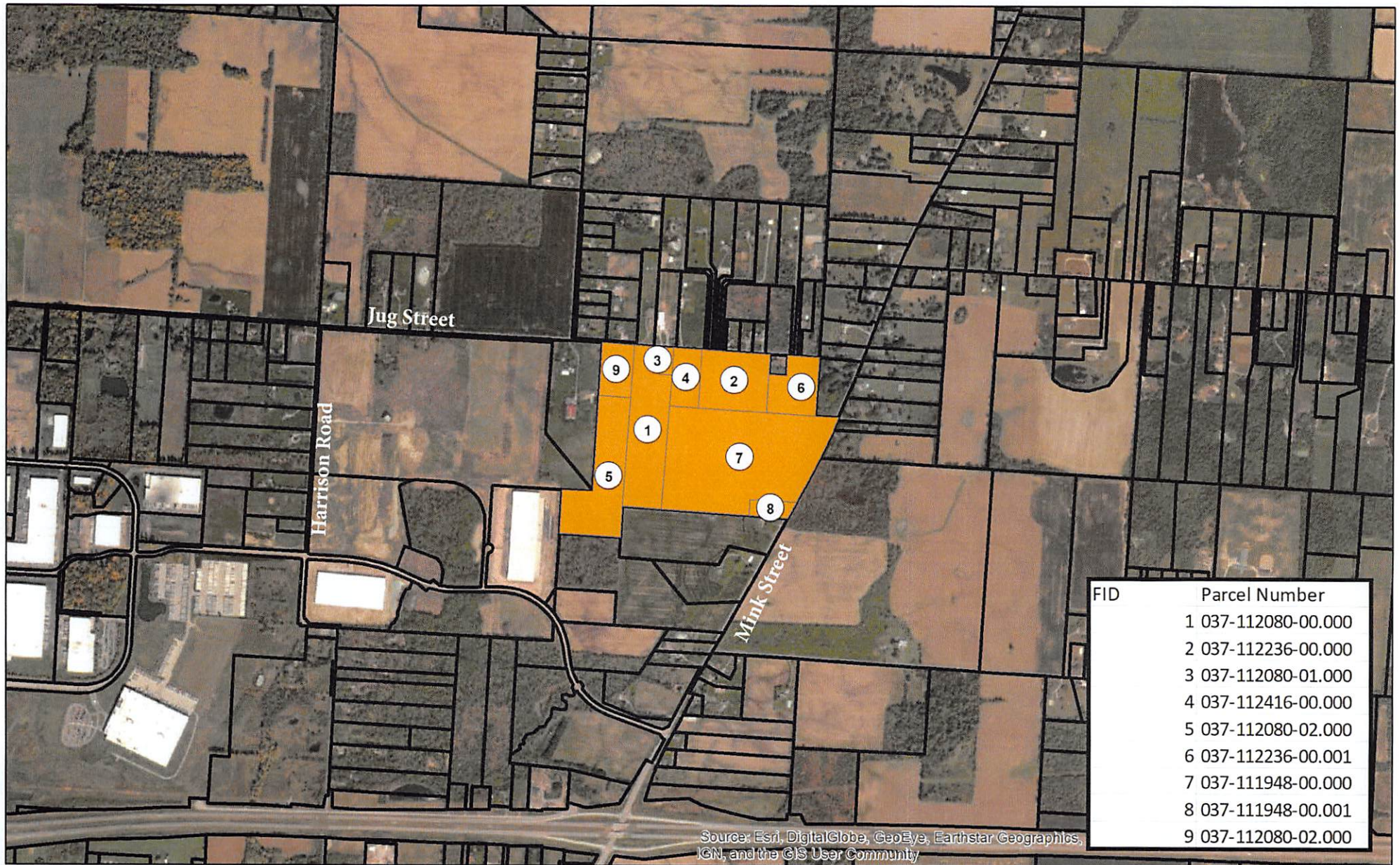
EXHIBIT A

PARCEL MAP

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

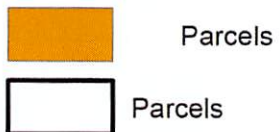
PROPOSED





October 22, 2021

## Legend



NEW  
ALBANY

Exhibit A R-09-2022

New Albany Parcels - Oak Grove II- CRA Expansion 2021