



## ORDINANCE O-14-2021

**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, THE LICKING HEIGHTS 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, the Licking Heights 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 the Licking Heights Local School District and the Board of Education of the Johnstown-Monroe Local School District in accordance with, and within the time periods prescribed by, Sections 5709.40 and 5709.83 of the Ohio Revised Code and in furtherance of the commitment made by the City in the Compensation Agreement entered into between the Board of Education of the Licking Heights Local School District, the Board of Education of the Johnstown-Monroe Local School District, and the City;

**WHEREAS**, notice of this proposed Ordinance has been delivered to the Board of Education of Johnstown-Monroe Local School District, the Licking Heights School District, and the Johnstown-Monroe Local School District, the Licking Heights School District, and the Career and Technology Education Centers of Licking County (C-TEC) in accordance with, and within the time periods prescribed by, Section 5709.83 of the Ohio Revised Code;

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

of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

**Section 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 \_\_\_\_\_, 2021.

**Attest:**

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

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

**Approved as to form:**

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

**Legislation dates:**

Prepared: 01/21/2021

Introduced: 04/06/2021

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.

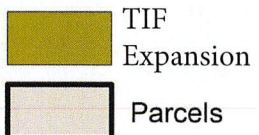
PROPOSED





January 27, 2021

## Legend



**NEW ALBANY**  
COMMUNITY CONNECTS US

Exhibit A - O-14-2021

**New Albany Parcels - TIF Expansion 2021**



## 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.





## ORDINANCE O-15-2021

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE 1.D (LAMBTON PARK CENTRAL CLUSTER) AND 1.G (GOLF COURSE) SUBAREA BOUNDARIES OF THE 1998 NACO C-PUD COMPREHENSIVE PLAN AS REQUESTED BY MBJ HOLDINGS LLC., c/o AARON UNDERHILL, ESQ.**

**WHEREAS**, The Codified Ordinances of the City of New Albany states that at any time, the property owner may submit an amended comprehensive plan and the same procedures required for a rezoning application must be followed; and

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

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

**WHEREAS**, pursuant to the application by MBJ Holdings LLC, c/o Aaron Underhill, Esq., the Planning Commission has reviewed the proposed subarea amendment and recommended its approval.

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

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

- A. Remove 4.27+/- acres from subarea 1.g (Golf Course) and add it to subarea 1.d (Lambton Park Central Cluster) of the 1998 NACO C-PUD Comprehensive Plan thereby expanding the boundary and area of subarea 1.d where residential uses are permitted generally located north and west of Lambton Park and south of Brandon Road (PID: 222-004458).
- B. The zoning district's comprehensive planned unit development subarea boundary map is hereby attached and marked Exhibit A.

**Section 2.** It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of council, and that all deliberations of the council and or any of its committees that resulted in such formal action were

in meetings open to the public, in compliance with Section 121 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

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

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**Attest:**

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

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

**Approved as to form:**

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

**Legislation dates:**

Prepared: 03/25/2021

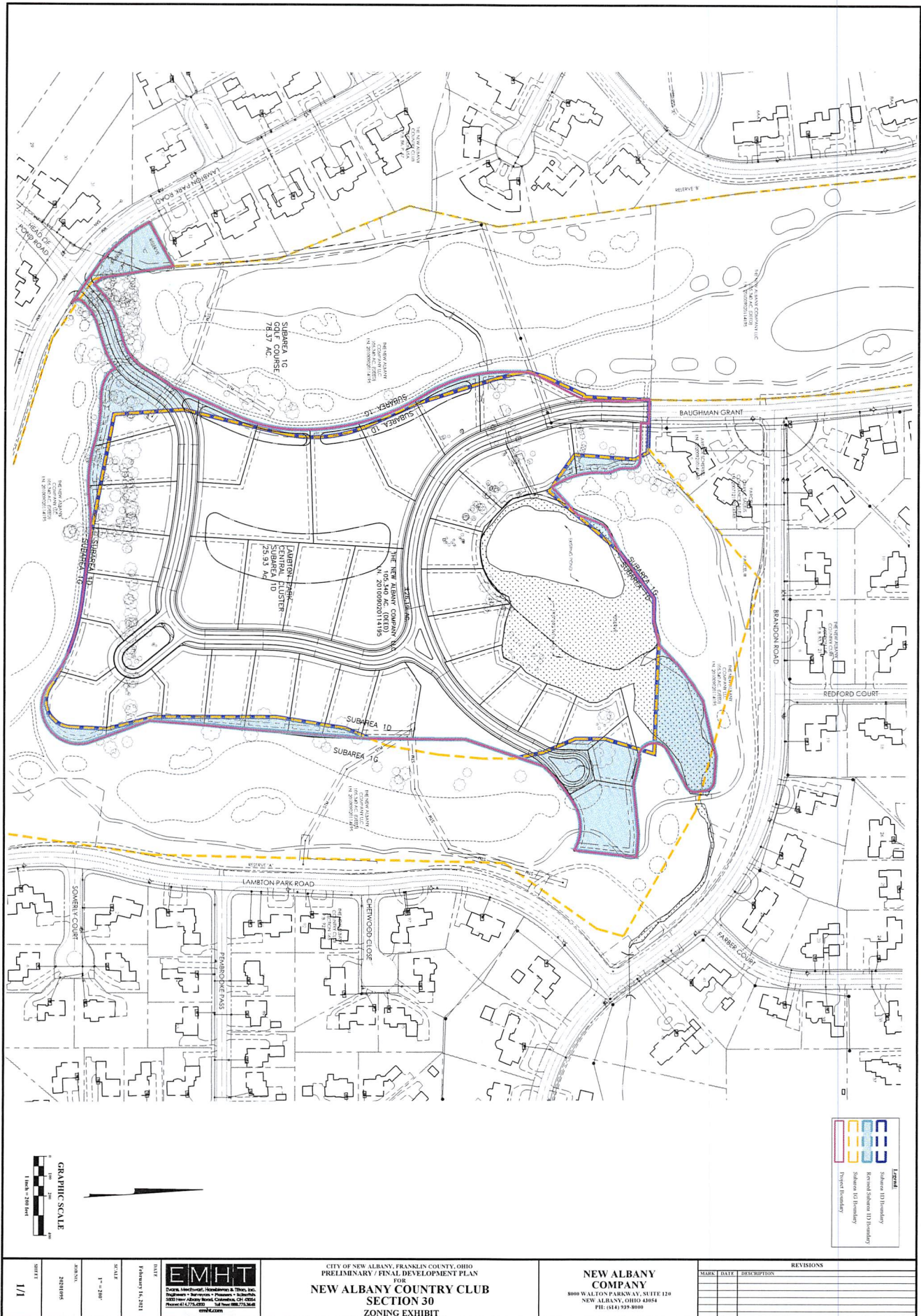
Introduced: 04/06/2021

Revised: 04/09/2021

Adopted:

Effective:

# Exhibit A - O-15-2021



**0.164 ACRE**

Situated in the State of Ohio, County of Franklin, City of New Albany, in Quarter Township 3, Township 2, Range 16, United States Military Lands, being part of that tract of land conveyed to The New Albany Company LLC by deed of record in Instrument Number 201009020114195 (all references, refer to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows;

Beginning for reference, at a southwesterly corner of Lot 6 of the subdivision entitled "The New Albany Country Club Section 14", of record in Plat Book 83, Page 21;

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

South 23° 51' 20" East, a distance of 25.83 feet to the TRUE POINT OF BEGINNING for this description;

South 84° 53' 08" East, a distance of 9.93 feet to a point of curvature;

With the arc of a curve to the right, having a central angle of 90° 00' 00", a radius of 20.00 feet, an arc length of 31.42 feet, a chord bearing of South 39° 53' 08" East and chord distance of 28.28 feet to a point;

South 05° 06' 52" West, a distance of 17.43 feet to a point of curvature;

With the arc of a curve to the left, having a central angle of 23° 52' 01", a radius of 50.00 feet, an arc length of 20.83 feet, a chord bearing of South 06° 49' 08" East and chord distance of 20.68 feet to a point;

South 18° 45' 09" East, a distance of 10.38 feet to a point of curvature;

With the arc of a curve to the right, having a central angle of 26° 57' 15", a radius of 50.00 feet, an arc length of 23.52 feet, a chord bearing of South 05° 16' 31" East and chord distance of 23.31 feet to a point;

With the arc of a curve to the left, having a central angle of 39° 32' 20", a radius of 200.00 feet, an arc length of 138.02 feet, a chord bearing of South 11° 34' 04" East and chord distance of 135.29 feet to a point;

North 51° 03' 43" West, a distance of 98.70 feet to a point;

North 08° 06' 49" East, a distance of 151.60 feet to a point; and

North 23° 51' 20" West, a distance of 15.25 feet to the TRUE POINT OF BEGINNING, containing 0.164 acre of land, more or less.

This description was prepared from record information for zoning purposes only, and is NOT to be used for the transfer of real property.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



**0.794 ACRE**

Situated in the State of Ohio, County of Franklin, City of New Albany, in Quarter Township 3, Township 2, Range 16, United States Military Lands, being part of that tract of land conveyed to The New Albany Company LLC by deed of record in Instrument Number 201009020114195 (all references, refer to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows;

Beginning for reference, at an easterly corner of Lot 5 of the subdivision entitled "The New Albany Country Club Section 14", of record in Plat Book 83, Page 21;

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

South 56° 17' 56" East, a distance of 316.26 feet to the TRUE POINT OF BEGINNING for this description;

North 50° 20' 56" East, a distance of 76.16 feet to a point;

North 56° 50' 04" East, a distance of 57.30 feet to a point;

North 62° 27' 43" East, a distance of 47.86 feet to a point;

North 80° 03' 01" East, a distance of 143.15 feet to a point;

South 82° 21' 43" East, a distance of 62.17 feet to a point of curvature;

With the arc of a curve to the right, having a central angle of 79° 13' 06", a radius of 25.00 feet, an arc length of 34.57 feet, a chord bearing of South 42° 45' 10" East and chord distance of 31.88 feet to a point;

South 03° 08' 37" East, a distance of 11.94 feet to a point;

South 03° 08' 37" East, a distance of 11.94 feet to a point of curvature;

With the arc of a curve to the right, having a central angle of 69° 04' 41", a radius of 25.00 feet, an arc length of 30.14 feet, a chord bearing of South 31° 23' 43" West and chord distance of 28.35 feet to a point;

South 65° 56' 04" West, a distance of 98.19 feet to a point of curvature;

With the arc of a curve to the left, having a central angle of 60° 02' 32", a radius of 40.00 feet, an arc length of 41.92 feet, a chord bearing of South 35° 54' 48" West and chord distance of 40.03 feet to a point; and

North 84° 07' 38" West, a distance of 248.00 feet to the TRUE POINT OF BEGINNING, containing 0.794 acre of land, more or less.

This description was prepared from record information for zoning purposes only, and is NOT to be used for the transfer of real property.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

**1.571 ACRES**

Situated in the State of Ohio, County of Franklin, City of New Albany, in Quarter Township 3, Township 2, Range 16, United States Military Lands, being part of that tract of land conveyed to The New Albany Company LLC by deed of record in Instrument Number 201009020114195 (all references, refer to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows;

Beginning for reference, in the northerly line of Reserve "C" of the subdivision entitled "The New Albany Country Club Section 11", of record in Plat Book 82, Page 72;

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

North 54° 08' 27" East, a distance of 325.00 feet to the TRUE POINT OF BEGINNING for this description;

With the arc of a curve to the right, having a central angle of 10° 34' 28", a radius of 530.00 feet, an arc length of 97.82 feet, a chord bearing of South 58° 51' 14" East and chord distance of 97.68 feet to a point;

With the arc of a curve to the left, having a central angle of 119° 51' 00", a radius of 65.00 feet, an arc length of 135.97 feet, a chord bearing of North 66° 30' 30" East and chord distance of 112.50 feet to a point;

North 06° 35' 00" East, a distance of 92.30 feet to a point;

North 10° 24' 00" West, a distance of 123.29 feet to a point;

North 03° 48' 00" East, a distance of 306.00 feet to a point;

North 12° 48' 00" East, a distance of 176.00 feet to a point;

North 26° 05' 00" East, a distance of 114.00 feet to a point;

North 13° 28' 00" East, a distance of 130.00 feet to a point;

North 09° 00' 00" East, a distance of 110.00 feet to a point;

North 03° 25' 00" East, a distance of 81.00 feet to a point;

North 07° 40' 00" West, a distance of 76.00 feet to a point;

North 19° 21' 49" West, a distance of 88.00 feet to a point;

North 03° 57' 47" East, a distance of 74.00 feet to a point;

North 20° 41' 21" East, a distance of 95.18 feet to a point of curvature;

With the arc of a curve to the left, having a central angle of 20° 35' 36", a radius of 40.00 feet, an arc length of 14.38 feet, a chord bearing of South 60° 50' 23" East and chord distance of 14.30 feet to a point;

South 71° 08' 11" East, a distance of 32.59 feet to a point;

South 71° 08' 11" East, a distance of 27.15 feet to a point of curvature;

With the arc of a curve to the right, having a central angle of 70° 02' 43", a radius of 50.00 feet, an arc length of 61.13 feet, a chord bearing of South 36° 06' 49" East and chord distance of 57.39 feet to a point;

South 01° 05' 28" East, a distance of 29.55 feet to a point;

South 11° 04' 25" West, a distance of 276.40 feet to a point;

**1.571 ACRES**

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South 13° 18' 51" West, a distance of 233.69 feet to a point;

South 30° 02' 28" West, a distance of 89.68 feet to a point;

South 14° 52' 32" West, a distance of 150.01 feet to a point;

South 14° 52' 32" West, a distance of 149.88 feet to a point;

South 07° 38' 08" West, a distance of 150.00 feet to a point;

South 01° 40' 13" East, a distance of 141.77 feet to a point;

South 14° 33' 09" East, a distance of 131.76 feet to a point of curvature;

With the arc of a curve to the right, having a central angle of 147° 48' 55", a radius of 93.43 feet, an arc length of 241.03 feet, a chord bearing of South 62° 18' 54" West and chord distance of 179.53 feet to a point; and

With the arc of a curve to the left, having a central angle of 15° 23' 17", a radius of 310.00 feet, an arc length of 83.26 feet, a chord bearing of North 56° 26' 49" West and chord distance of 83.01 feet to the TRUE POINT OF BEGINNING, containing 1.571 acres of land, more or less.

This description was prepared from record information for zoning purposes only, and is NOT to be used for the transfer of real property.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

**1.648 ACRES**

Situated in the State of Ohio, County of Franklin, City of New Albany, in Quarter Township 3, Township 2, Range 16, United States Military Lands, being part of that tract of land conveyed to The New Albany Company LLC by deed of record in Instrument Number 201009020114195 (all references, refer to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows;

BEGINNING at the northerly corner of Reserve "C" of the subdivision entitled "The New Albany Country Club Section 15A", of record in Plat Book 86, Page 67;

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

South 05° 34' 14" East, a distance of 182.87 feet to a point;

South 35° 46' 30" East, a distance of 25.14 feet to a point;

North 54° 13' 30" East, a distance of 187.26 feet to a point of curvature;

With the arc of a curve to the right, having a central angle of 16° 39' 12", a radius of 225.00 feet, an arc length of 65.40 feet, a chord bearing of North 62° 33' 06" East and chord distance of 65.17 feet to a point;

North 70° 52' 42" East, a distance of 48.02 feet to a point;

North 27° 38' 14" East, a distance of 212.96 feet to a point of curvature;

With the arc of a curve to the left, having a central angle of 22° 09' 51", a radius of 375.00 feet, an arc length of 145.06 feet, a chord bearing of North 16° 33' 18" East and chord distance of 144.16 feet to a point;

With the arc of a curve to the left, having a central angle of 33° 33' 03", a radius of 585.00 feet, an arc length of 342.56 feet, a chord bearing of North 11° 18' 09" West and chord distance of 337.69 feet to a point;

With the arc of a curve to the right, having a central angle of 31° 59' 55", a radius of 390.00 feet, an arc length of 217.81 feet, a chord bearing of North 12° 04' 42" West and chord distance of 214.99 feet to a point;

North 03° 55' 15" East, a distance of 34.86 feet to a point of curvature;

With the arc of a curve to the right, having a central angle of 07° 15' 42", a radius of 100.00 feet, an arc length of 12.67 feet, a chord bearing of North 07° 33' 06" East and chord distance of 12.67 feet to a point;

South 04° 01' 05" East, a distance of 24.19 feet to a point;

South 11° 31' 00" East, a distance of 61.00 feet to a point;

South 13° 48' 00" East, a distance of 196.00 feet to a point;

South 20° 20' 00" East, a distance of 140.00 feet to a point of curvature;

With the arc of a curve to the right, having a central angle of 37° 24' 00", a radius of 334.00 feet, an arc length of 218.02 feet, a chord bearing of South 01° 38' 00" East and chord distance of 214.17 feet to a point;

South 17° 04' 00" West, a distance of 257.07 feet to a point;

South 00° 00' 00" East, a distance of 175.65 feet to a point;

South 75° 30' 00" East, a distance of 313.00 feet to a point;

South 78° 50' 00" East, a distance of 30.51 feet to a point of curvature;



**1.648 ACRES**

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With the arc of a curve to the left, having a central angle of  $14^{\circ} 08' 44''$ , a radius of 500.00 feet, an arc length of 123.44 feet, a chord bearing of North  $85^{\circ} 54' 22''$  West and chord distance of 123.13 feet to a point;

With the arc of a curve to the right, having a central angle of  $23^{\circ} 17' 49''$ , a radius of 350.00 feet, an arc length of 142.31 feet, a chord bearing of North  $81^{\circ} 19' 49''$  West and chord distance of 141.33 feet to a point;

With the arc of a curve to the left, having a central angle of  $17^{\circ} 04' 26''$ , a radius of 400.00 feet, an arc length of 119.20 feet, a chord bearing of North  $78^{\circ} 13' 08''$  West and chord distance of 118.76 feet to a point;

With the arc of a curve to the right, having a central angle of  $29^{\circ} 40' 42''$ , a radius of 100.00 feet, an arc length of 51.80 feet, a chord bearing of North  $71^{\circ} 55' 00''$  West and chord distance of 51.22 feet to a point;

With the arc of a curve to the right, having a central angle of  $68^{\circ} 45' 29''$ , a radius of 50.00 feet, an arc length of 60.00 feet, a chord bearing of North  $22^{\circ} 41' 54''$  West and chord distance of 56.47 feet to a point;

North  $11^{\circ} 40' 50''$  East, a distance of 20.87 feet to a point of curvature;

With the arc of a curve to the left, having a central angle of  $07^{\circ} 55' 18''$ , a radius of 247.16 feet, an arc length of 34.17 feet, a chord bearing of South  $61^{\circ} 37' 40''$  West and chord distance of 34.14 feet to a point;

South  $54^{\circ} 15' 14''$  West, a distance of 171.82 feet to a point of curvature; and

With the arc of a curve to the left, having a central angle of  $105^{\circ} 31' 22''$ , a radius of 20.00 feet, an arc length of 36.83 feet, a chord bearing of South  $01^{\circ} 29' 33''$  West and chord distance of 31.84 feet to a point in the northerly line of Reserve "C" of the subdivision entitled "The New Albany Country Club Section 11", of record in Plat Book 82, Page 72;

Thence with the southerly line of said The New Albany Company LLC tract the following courses and distances:

North  $51^{\circ} 24' 13''$  West, a distance of 104.94 feet to a point of curvature;

With the arc of a curve to the right, having a central angle of  $26^{\circ} 56' 57''$ , a radius of 370.00 feet, an arc length of 174.03 feet, a chord bearing of North  $37^{\circ} 55' 45''$  West and chord distance of 172.43 feet to a point; and

North  $24^{\circ} 27' 16''$  West, a distance of 10.00 feet to the northwesterly line of said Reserve "C";

Thence North  $65^{\circ} 32' 33''$  East, with said northwesterly line, a distance of 125.57 feet to the POINT OF BEGINNING, containing 1.648 acres of land, more or less.

This description was prepared from record information for zoning purposes only, and is NOT to be used for the transfer of real property.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



## ORDINANCE O-16-2021

### AN ORDINANCE TO AMEND CHAPTER 1153 "LI LIMITED INDUSTRIAL AND GE GENERAL EMPLOYMENT DISTRICTS" 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, chapter 1153 needs to be amended due to a heavy influx of conditional use applications to allow for manufacturing and production within the General Employment District; and

**WHEREAS**, it has been found that the Codified Ordinances of the City of New Albany, Chapter 1165, needs to be amended to modernize the code to further clarify and distinguish between the types of manufacturing and production uses and to keep pace with next generation of data, research, and clean production companies progressing in the market; and

**WHEREAS**, the current entitlement process of approving conditional uses for manufacturing and production can pose as a deterrent for potential companies the city is working to attract; 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 March 15, 2021.

**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 Chapter 1153 "LI Limited Industrial and GE General Employment Districts" be amended as set forth in Exhibit A, which depicts these amendments in red 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 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 197 effective March 27, 2020.

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

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**Attest:**

---

Sloan T. Spalding  
Mayor

---

Jennifer H. Mason  
Clerk of Council

**Approved as to form:**

---

Mitchell H. Banchefsky  
Law Director

**Legislation dates:**

Prepared: 03/23/2021

Introduced: 04/06/2021

Revised: 04/09/2021 – Ex A

Adopted:

Effective:

## Exhibit A – O-16-2021

### CHAPTER 1153 - LI LIMITED INDUSTRIAL AND GE GENERAL EMPLOYMENT DISTRICTS<sup>[24]</sup>

#### Footnotes:

--- (24) ---

**Cross reference**— Districts established - see P. & Z. Ch. 1125; Noxious or offensive odors - see GEN. OFF. 521.09

#### 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
Industrial Categories		
• Industrial Product Sales	P	C
• Industrial Service	P	C
• <u>Industrial Manufacturing and Assembly</u>	<u>C</u>	<u>C</u>
• Manufacturing and Production	P	<u>PP</u>



• 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
Other Activities		
• Radio/Television Broadcast Facility	P	C
• 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
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.)

#### 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.
- 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 & buffing; tool & die shops; machine, sheet metal & 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, ~~fabrication,~~ 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, ~~and~~ 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).

(54) 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.

(65) 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 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, and 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.
- 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.
- (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 (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.

(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.)

#### 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.

- (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-17-2021**

### **AN ORDINANCE TO ACCEPT A RIGHT OF WAY DEDICATION OF 0.184 ACRES AND TO APPROVE A FEE IN LIEU OF LEISURE TRAIL CONSTRUCTION IN ACCORDANCE WITH CODIFIED ORDINANCE SECTIONS 1165.06(c) AND 1187.18 AT 8323 CENTRAL COLLEGE ROAD AS REQUESTED BY JOHN AND SUAH HWANG**

**WHEREAS**, codified ordinance section 1165.06(b) requires the developer/owner to provide and pay the entire cost of improvements to land including construction of leisure trails; and

**WHEREAS**, codified ordinance section 1165.06(c) allows for a fee-in-lieu of construction of a required leisure trail where special circumstances exist; and

**WHEREAS**, codified ordinance section 1187.18 sets forth the criteria for approval by which council may approve a fee-in-lieu of leisure trail construction and a calculation to determine the fee payment; and

**WHEREAS**, the applicant has submitted a request to pay a fee-in-lieu of construction of a leisure trail at 8323 Central College Road and staff has determined that the request is complete according to codified ordinance section 1187.18(c); and

**WHEREAS**, staff has determined that additional right-of-way is necessary as a consideration in this request in order for the city to complete the trail construction at some time in the future if deemed appropriate; and

**WHEREAS**, the land parcel currently extends to the centerline of Central College Road and has historically been served by a highway easement. The property owner requests to dedicate the highway easement area to the city as public right-of-way; and

**WHEREAS**, the city will be the recipient (grantee) of the right of way dedication of 0.184 acres; and

**WHEREAS**, the city engineer has reviewed the right of way dedication and has commented this dedication is appropriate; and

**WHEREAS**, the city will benefit from this dedication of right of way.

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

**Section 1:** Council hereby agrees that the developer/owner has proven that the construction of the leisure trail is not appropriate due to one of the following conditions outlined in section 1187.18 of the codified ordinances:

- a. Leisure trail construction is impracticable due to topographical conditions or site constraints;
- b. Leisure trail does not exist in the area, there is not a likelihood for sidewalks and/or trails to be constructed in the near future, and that a fee in-lieu would better serve the community than a sidewalk or trail installed at the required location.

**Section 2.** Council hereby adopts a motion establishing a priority for a payment in lieu fees instead of accepting parkland dedication for the subject property.

**Section 3.** Council hereby approves a recommendation from the city engineer regarding the calculation of the fee and, in accordance with codified ordinance section 1187.18(e), requires that permits for construction or improvements will not be issued by the municipality for the subject development until the fee payment is received.

**Section 4.** The city manager is hereby authorized to accept a right of way dedication of 0.184 as depicted on Exhibit A.

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

**Section 6.** Pursuant to Article 6.07(B) of the New Albany Charter, this ordinance shall become effective thirty (30) days after adoption.

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**Attest:**

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

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

**Approved as to form:**

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

**Legislation dates:**

Prepared: 03/23/2021  
Introduced: 04/06/2021  
Revised:  
Adopted:  
Effective:

Portion above reserved for State of Ohio Auditor, Engineer and Recorder's Offices use

**LIMITED WARRANTY DEED**

**(O.R.C. 5302.07 – 5302.08)**

KNOW ALL PERSONS BY THESE PRESENTS that John Hwang and Suah Hwang (the "Grantors") for good and valuable consideration paid, grant, with limited warranty covenants, to the City of New Albany, an Ohio municipal corporation (the "Grantee"), whose tax mailing address is 99 West main Street, New Albany, Ohio 43054, the real property more particularly described as follows:

**BEING A SPLIT FROM FRANKLIN COUNTY PARCEL No.:** 222-002157-00 AND BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT A (THE "PROPERTY") AND DEPICTED ON EXHIBIT B BOTH ATTACHED HERETO AND MADE A PART HEREOF.

**INSTRUMENT REFERENCES:** 202009110135579; RECORDER'S OFFICE; FRANKLIN COUNTY, OHIO

The grant of the Property is subject to easements, conditions, covenants, restrictions and reservations of record, zoning ordinances and legal highways, and real estate taxes and assessments not yet due and payable.

**THE REAL PROPERTY DESCRIBED IN EXHIBITS "A" and "B" IS INTENDED BY GRANTEE TO BE HELD FOR PUBLIC RIGHT OF WAY.**

IN WITNESS WHEREOF, Grantors voluntarily caused this instrument's execution on this 15<sup>th</sup> day of March, 2021.

**GRANTORS**

**John Hwang**

Printed Name: John Hwang

**Suah Hwang**

Printed Name: Suah Hwang

(ACKNOWLEDGEMENT ON THE FOLLOWING PAGE)



STATE OF OHIO                    )  
COUNTY OF FRANKLIN        ) SS:

**BE IT REMEMBERED** that on this 15 day of March, 2021 before me, the subscriber, a Notary Public in and for said County, personally came the above named John Hwang and Suah Hwang, Grantors in the foregoing Limited Warranty Deed, and acknowledged the signing of the same to their voluntary act and deed.

**IN TESTIMONY WHEREOF**, I have hereunto subscribed my name and affixed my official seal, on the day and year last aforesaid.



Elizabeth A. Richardson  
Notary Public  
My commission expires: 3-11-2024

*This Instrument Prepared By:*  
Mitchell H. Banchevsky  
City of New Albany Law Director  
99 West Main Street, P.O. Box 188  
New Albany, Ohio 43054

EXHIBIT A

DESCRIPTION  
0.184 ACRE PARCEL,  
40' RIGHT OF WAY DEDICATION

Situated in Half Section 21, Section 11, Quarter Township 1, Township 2N, Range 18W, USML, Plain Township, City of New Albany, County of Franklin, State of Ohio, and being part of the John and Susan Hwang parcel, as recorded in Instrument Number 202009110135579, all references are the Records of the Franklin County Recorder, said parcel being further described as follows:

Commencing at Franklin County Geodetic Survey Monument 6128, on the centerline Evans Road;

Thence, North 02° 24' 29" East, 734.22 feet, along the centerline of Evans Road, to Franklin County Geodetic Survey Monument 6147, on the centerline Central College Road;

Thence, along the centerline of Central College Road, South 86° 53' 44" East, 796.79 feet, to a point at the northwest corner of said Hwang parcel, said point being the True Point of Beginning for the parcel herein described;

Thence, along the centerline of Central College Road, South 86° 49' 18" East, 200.00 feet, to a point at the northwest corner of the Richard Eugene Ulery and Debbie Lee Ulery parcel, as recorded in Volume 27800, Page C14 of the Official Records;

Thence, South 04° 12' 56" West, 40.01 feet, along the west line of said Ulery parcel, passing the existing right-of-way line at 20.00 feet, to an iron pin set;

Thence, North 86° 49' 18" West, 200.00 feet, across said Hwang parcel, to an iron pin set on the east line of Lot 14, of Clearcreek subdivision, as recorded in Plat Book 53, Page 26 of the Plat Records;

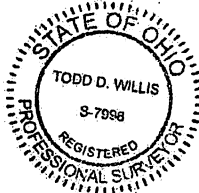
Thence, North 04° 12' 55" East, 40.01 feet, along the east line of said Lot 14, passing a 3/4" O.D. iron pipe found at 20.00 feet, to the True Point of Beginning.

Containing 0.184 Acres, more or less, of which 0.092 Acres are Present Right-of-Way Occupied, subject to all legal highways, all limitations of public access to highways, leases, zoning regulations, easements of record and restrictive covenants.

Bearings are based on State Plane Grid, South Zone NAD83(2011). Bearings based on monuments FCGS 6128 and FCGS 6147, having a bearing of North 02° 24' 29" East, as established by the Franklin county Engineering Department using Global Positioning System procedures and equipment.

PART OF PARCEL: 220-002157-00

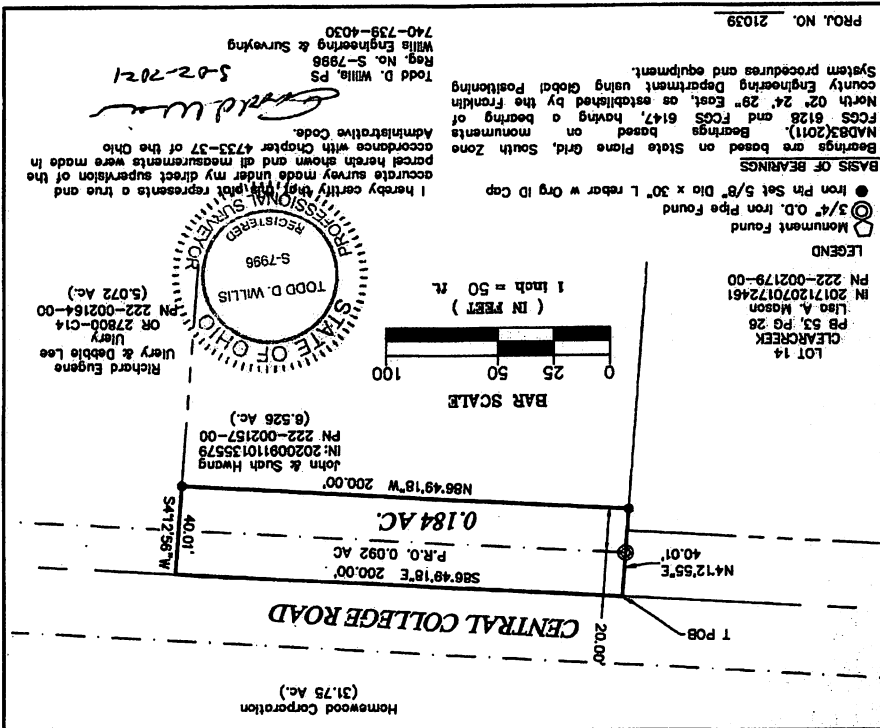
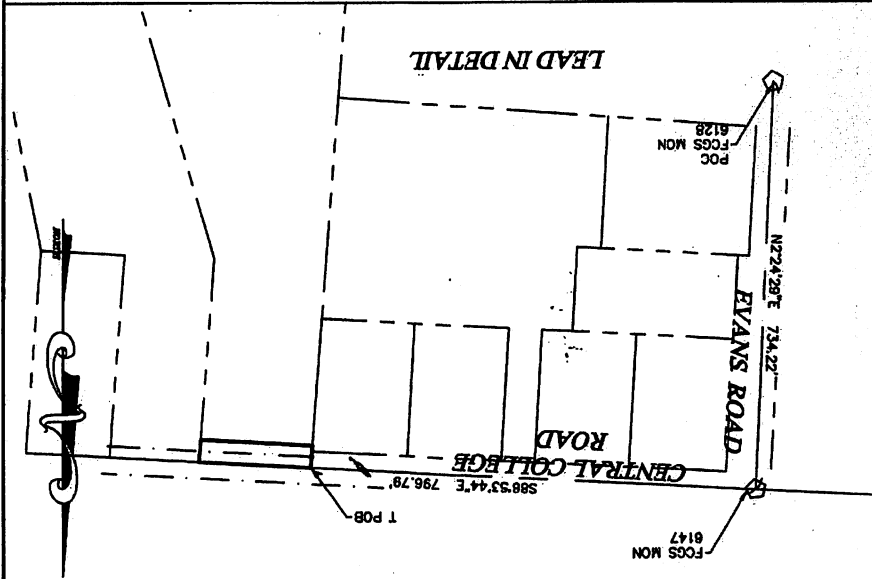
This Description is based on a survey made under the direct supervision of Todd D. Willis in February 2021, Reg. Surveyor No. 7996, Phone No. 740-739-4030, Willis Engineering & Surveying.



*Todd D. Willis*  
3-02-2021

# **PLAT OF SURVEY** **0.184 AC PARCEL**

SITUATED IN HALF SEC. 21, SEC. 11, QTR. 1, TWP 2, RNG 18, USML  
PLAIN TOWNSHIP, CITY OF NEW ALBANY, FRANKLIN COUNTY, OHIO



PROJ. NO. 21039

Bearings are based on State Plane Grid, South Zone  
NAD83(2011).  
FCGS 6128 and FCGS 6147, having a bearing of  
North 02° 24' 29" East, as established by the Franklin  
County Engineering Department using Global Positioning  
System procedures and equipment.

I hereby certify that this plat represents a true and  
accurate survey made under my direct supervision of the  
parcel herein shown and all measurements were made in  
accordance with Chapter 4733-37 of the Ohio  
Administrative Code.

Todd D. Willis, PS  
Reg. No. S-7996  
Willis Engineering & Surveying  
740-738-4030

5-02-2021

Richard Eugene  
Ulery & Debbie Lee  
Ulery  
OR 27800-C14  
PN 222-002164-00  
(5.072 Ac.)

John & Such Hwang  
IN: 202008110135579  
PN 222-002157-00  
(8.526 Ac.)

Homewood Corporation  
(31.75 Ac.)



## **RESOLUTION R-18-2021**

### **A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO APPROVE AND SIGN AGREEMENTS WITH NA INNOVATION PARTNERS, LLC RELATED TO INCENTIVES AVAILABLE FOR PROJECT DEVELOPMENT IN THE OAK GROVE II COMMUNITY REINVESTMENT AREA**

**WHEREAS**, the Council for the City of New Albany, Ohio (the "City") by its Resolution No. R-17-09 adopted March 3, 2009 (the "Original CRA Legislation"), created the Oak Grove II Community Reinvestment Area (the "Original Area") and by its Resolutions No. R-41-10 adopted July 6, 2010, No. R-72-10 adopted November 16, 2010, No. R-53-2012 adopted October 2, 2012, No. R-26-2013 adopted August 6, 2013, No. R-72-2014 adopted September 16, 2014, and R-49-2015 adopted November 17, 2015, No. R-45-2016 adopted November 1, 2016, No. R-02-17 adopted February 7, 2017, No. R-17-18 adopted July 17, 2018, No. R-41-18 adopted November 6, 2018, No. R-05-2019 adopted February 19, 2019, No. R-37-2019 adopted August 6, 2019, and No. R-15-2021 adopted April 6, 2021 and (together the "CRA Expansion Legislation" and collectively with the Original CRA Legislation the "CRA Legislation"), amended the designation of the Original Area to include the area known as the "Johnstown Monroe Area", "Johnstown Monroe Annex", "Licking Heights Annex", "Cobbs Road Annex", "Harrison Road Area", "Innovation Campus Area", "Innovation Campus Way Extension", "Beech Road South", "Babbitt Road", "Central College Road Area", "Jug Street North", and "Jug Street South" respectively, and certain other parcels within the City (collectively, with the Original Area, the "Area"), and designated that entire Area the Oak Grove II Community Reinvestment Area; and

**WHEREAS**, the City has encouraged the development of real property and the acquisition of personal property to be located in the CRA; and

**WHEREAS**, the Director of Development of the State of Ohio has determined that the Area contains the characteristics set forth in R.C. Section 3735.66 and confirmed the Area as a "Community Reinvestment Area"; and

**WHEREAS**, NA Innovation Partners, LLC has submitted to the City a proposed agreement application (the "Application"), the Housing Officer of the City designated under Ohio Revised Code Section 3735.65 has reviewed the Application and has recommended the same to this Council on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the CRA and to improve the economic climate of the City, and the City, having appropriate authority, desires to provide the Company with the incentives available in the CRA for the development of the project described in that Application; and

**WHEREAS**, the Board of Education of the Career and Technology Education Centers of Licking County has been notified in accordance with the applicable law; and

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

**Section 1.** The city manager is hereby authorized to execute the CRA Agreement by and between the City and the Company, in the form presently on file in the New Albany Community Development Department, which Agreement provides for a 100% CRA exemption for up to 15-years for the proposed project, and directed to take any further actions, and execute and deliver any further agreements, certificates or documents necessary to accomplish the granting of the incentives described in the Agreement, provided further that the approval of changes thereto by the city manager and their character as not being substantially adverse to the City shall be evidenced conclusively by the execution thereof.

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

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

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**Attest:**

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

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

**Approved as to form:**

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

**Legislation dates:**

Prepared: 4/08/2021  
Introduced: 4/20/2021  
Revised:  
Adopted:  
Effective: