



ORDINANCE O-19-2022

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 (C-TEC), PROVIDE FOR THE DEPOSIT OF THE REMAINDER OF THOSE SERVICE PAYMENTS INTO A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND, 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*"), provide for the deposit of the remainder of those service payments into a municipal public improvement tax increment equivalent fund, 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 previously to established 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, the Boards of Education of Johnstown-Monroe Local School District and the Career and Technology Education Centers of Licking County (C-TEC) have waived any and all requirements for notice from the City under Sections 5709.40 and 5709.83 of the Ohio Revised Code in furtherance of the commitment made by the City in the Compensation Agreements entered into between the City and those Boards of Education;

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 previously established, 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*") to be maintained in the custody of the City and 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 or The New Albany East Community Authority (each an "*Authority*") to pay for Public Infrastructure Improvements, all amounts owed to any fund of the City or an 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 an 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 director of law, the director of finance 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 director of law, the director of finance 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 No. 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
Law Director

Legislation dates:

Prepared: 06/09/2022

Introduced: 06/21/2022

Revised:

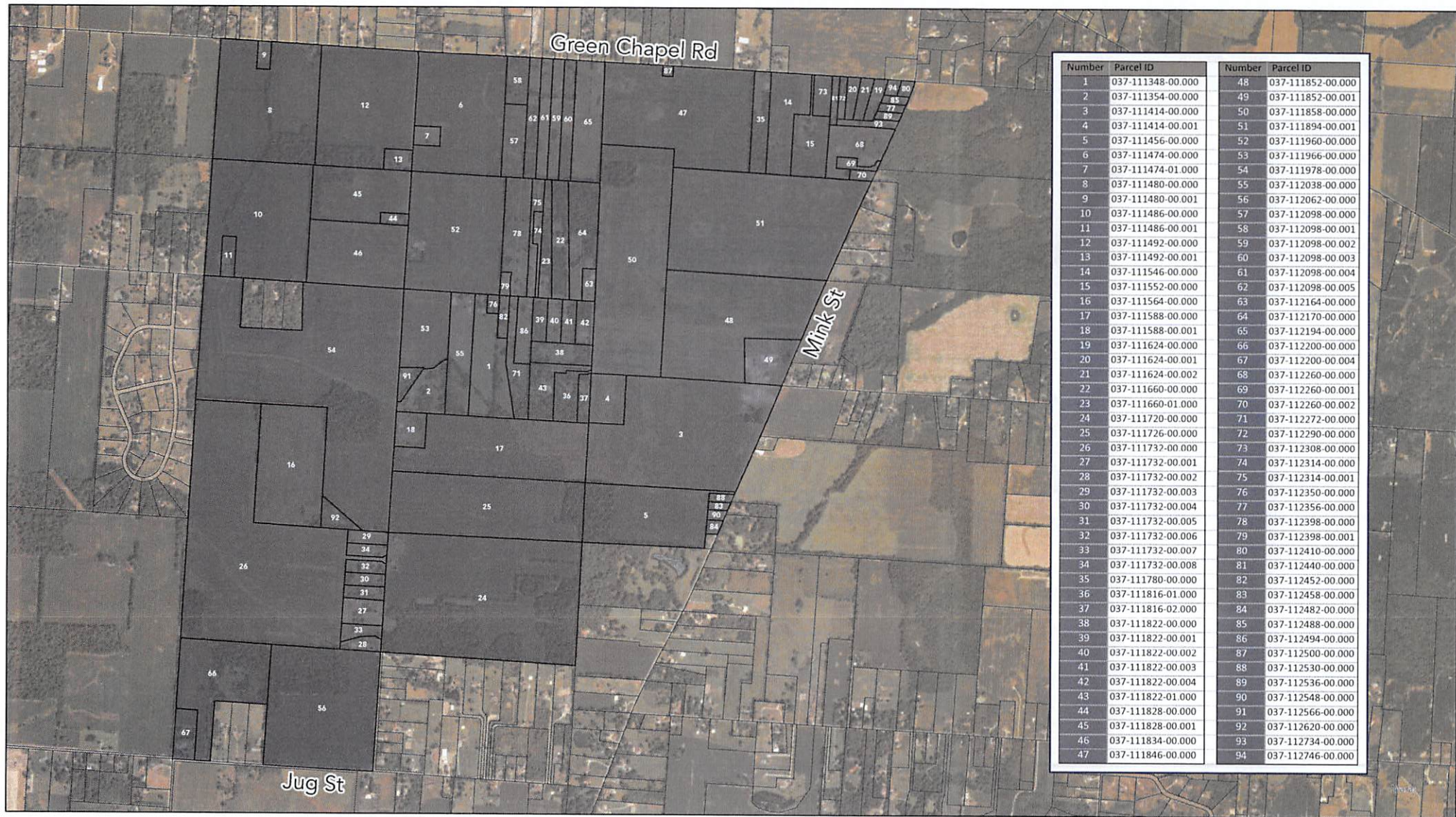
Adopted:

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.



Number	Parcel ID	Number	Parcel ID
1	037-111348-00.000	48	037-111852-00.000
2	037-111354-00.000	49	037-111852-00.001
3	037-111414-00.000	50	037-111858-00.000
4	037-111414-00.001	51	037-111894-00.001
5	037-111456-00.000	52	037-111960-00.000
6	037-111474-00.000	53	037-111966-00.000
7	037-111474-01.000	54	037-111978-00.000
8	037-111480-00.000	55	037-112038-00.000
9	037-111480-00.001	56	037-112062-00.000
10	037-111486-00.000	57	037-112098-00.000
11	037-111486-00.001	58	037-112098-00.001
12	037-111492-00.000	59	037-112098-00.002
13	037-111492-00.001	60	037-112098-00.003
14	037-111546-00.000	61	037-112098-00.004
15	037-111552-00.000	62	037-112098-00.005
16	037-111564-00.000	63	037-112164-00.000
17	037-111588-00.000	64	037-112170-00.000
18	037-111588-00.001	65	037-112194-00.000
19	037-111624-00.000	66	037-112200-00.000
20	037-111624-00.001	67	037-112200-00.004
21	037-111624-00.002	68	037-112260-00.000
22	037-111660-00.000	69	037-112260-00.001
23	037-111660-01.000	70	037-112260-00.002
24	037-111720-00.000	71	037-112272-00.000
25	037-111726-00.000	72	037-112290-00.000
26	037-111732-00.000	73	037-112308-00.000
27	037-111732-00.001	74	037-112314-00.000
28	037-111732-00.002	75	037-112314-00.001
29	037-111732-00.003	76	037-112350-00.000
30	037-111732-00.004	77	037-112356-00.000
31	037-111732-00.005	78	037-112398-00.000
32	037-111732-00.006	79	037-112398-00.001
33	037-111732-00.007	80	037-112410-00.000
34	037-111732-00.008	81	037-112440-00.000
35	037-111780-00.000	82	037-112452-00.000
36	037-111816-01.000	83	037-112458-00.000
37	037-111816-02.000	84	037-112482-00.000
38	037-111822-00.000	85	037-112488-00.000
39	037-111822-00.001	86	037-112494-00.000
40	037-111822-00.002	87	037-112500-00.000
41	037-111822-00.003	88	037-112530-00.000
42	037-111822-00.004	89	037-112536-00.000
43	037-111822-01.000	90	037-112548-00.000
44	037-111828-00.000	91	037-112566-00.000
45	037-111828-00.001	92	037-112620-00.000
46	037-111834-00.000	93	037-112734-00.000
47	037-111846-00.000	94	037-112746-00.000

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-20-2022

AN ORDINANCE TO ADOPT A TAX BUDGET FOR THE CITY OF NEW ALBANY, OHIO FOR FISCAL YEAR ENDING DECEMBER 31, 2023

WHEREAS, the City of New Albany is required under Ohio Revised Code (ORC) 5705.30 to prepare and submit a tax budget for fiscal year 2023 to the County Budget Commission on or before July 15, 2022; and

WHEREAS, a tentative budget for the City of New Albany for the fiscal year 2023 has been presented to council at a hearing held thereon as required by law.

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

Section 1. The tax budget for the City of New Albany, Ohio for the Year 2023 is hereby adopted, a copy of which is attached as Schedule A and is incorporated into this ordinance as if fully rewritten herein.

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.

Section 3. Pursuant to Article VI, Section 6.07(B) of the Charter of the City of New Albany, this ordinance shall be in effect on and after the earliest period allowed by law.

CERTIFIED AS ADOPTED this _____ day of _____, 2022.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin Albrecht
Law Director

Legislation dates:

Prepared: 06/07/2021

Introduced: 06/14/2021

Revised:

Adopted:

Effective:

PROPOSED

**CITY OF NEW ALBANY, OHIO
FISCAL YEAR 2023 TAX BUDGET
STATEMENT OF AMOUNTS REQUIRED FOR PAYMENT OF FINAL JUDGEMENTS**

Description of Judgement	Amount of Judgement	Fund Paying Judgement
NONE	NONE	NONE
TOTAL	\$0	

List the amounts required for the payment of each judgement expected to be paid during the year being budgeted.

CITY OF NEW ALBANY, OHIO
FISCAL YEAR 2023 TAX BUDGET
PROJECTED FUND BALANCES

EXHIBIT III

FUND CATEGORY/TYPE	ESTIMATED UNENCUMBERED BAL 1/1/23	ESTIMATED 2023 REVENUE	TOTAL AVAIL FOR EXPENDITURE	EST 2023 EXPENSES /ENC	ESTIMATED UNENC BAL 12/31/2023
GOVERNMENTAL:					
GENERAL					
101 - General	22,845,891	27,944,583	50,790,475	31,327,166	19,463,308
906 - Unclaimed Funds	2,940	-	2,940	-	2,940
TOTAL GENERAL FUNDS	\$ 22,848,831	\$ 27,944,583	\$ 50,793,414	\$ 31,327,166	\$ 19,466,248
SPECIAL REVENUE:					
201 - Street Construction, Maint & Repair	601,595	674,650	1,276,245	459,650	816,595
202 - State Highway	153,404	48,410	201,814	40,000	161,814
203 - Permissive Tax	204,128	73,130	277,258	66,950	210,308
210 - Alcohol Education	16,766	1,030	17,796	1,030	16,766
211 - Drug Use Prevention	73,463	20,600	94,063	20,600	73,463
213 - Law Enforcement & Ed	7,155	1,000	8,155	1,000	7,155
216 - K9 Fund	4,967	20,190	25,157	19,190	5,967
217 - Safety Town	124,319	56,650	180,969	44,728	136,241
218 - DUI Grant	14,701	10,300	25,001	10,300	14,701
219 - Law Enforcement Assistance	7,820	-	7,820	-	7,820
221 - Economic Development NAECA	-	2,199,945	2,199,945	2,199,945	-
222 - Economic Development NACA	1,317,219	3,500,000	4,817,219	3,500,000	1,317,219
223 - Oak Grove EOZ	0	3,685,773	3,685,773	3,685,773	0
224 - Central College EOZ	0	1,922,650	1,922,650	1,922,650	0
225 - Oak Grove II EOZ	(0)	1,481,106	1,481,106	1,481,106	(0)
226 - Blacklick EOZ	(0)	4,105,823	4,105,823	4,105,823	(0)
228 - Subdivision Development	644,032	500,000	1,144,032	700,000	444,032
229 - Builders Escrow	827,405	500,000	1,327,405	600,000	727,405
230 - Wentworth Crossing TIF	753,602	353,500	1,107,102	283,600	823,502
231 - Hawksmoor TIF	366,541	174,730	541,271	166,991	374,280
232 - Enclave TIF	50,979	63,630	114,609	82,145	32,464
233 - Saunton TIF	238,796	143,420	382,216	170,985	211,231
234 - Richmond Square TIF	182,555	188,870	371,425	170,687	200,738
235 - Tidewater I TIF	314,845	354,510	669,355	426,175	243,180
236 - Ealy Crossing TIF	172,037	353,500	525,537	427,720	97,817
237 - Upper Clarenton TIF	1,186,309	540,350	1,726,659	425,775	1,300,884
238 - Balfour Green TIF	91,683	27,270	118,953	28,975	89,978
239 - Straits Farm TIF	1,336	309,060	310,396	309,060	1,336
240 - Oxford TIF	78	113,300	113,378	113,300	78
241 - Schleppi Residential TIF	1,476	226,600	228,076	226,600	1,476
250 - Blacklick TIF	1,900,678	1,919,000	3,819,678	1,322,005	2,497,673
251 - Blacklick II TIF	241,544	43,430	284,974	515	284,459
252 - Village Center TIF	79,459	1,005,960	1,085,419	1,053,450	31,969
253 - Research Tech District TIF	1,742,217	297,950	2,040,167	5,150	2,035,017
254 - Oak Grove II TIF	3,436,112	1,717,000	5,153,112	27,775	5,125,337
255 - Schleppi Commercial TIF	15,001	-	15,001	-	15,001
258 - Windsor TIF	5,709,475	3,030,000	8,739,475	1,534,555	7,204,920
259 - Village Center II TIF	-	449,450	449,450	449,450	-
271 - Local Coronavirus Relief	(0)	-	(0)	-	(0)
272 - Local Fiscal Recovery	454,599	-	454,599	-	454,599
280 - Hotel Excise Tax	-	92,700	92,700	92,700	-
281 - Healthy New Albany Facilities	497,564	959,500	1,457,064	1,025,395	431,669
282 - Hinson Amphitheater	64,672	32,500	97,172	62,500	34,672
290 - Alcohol Indigent	12,016	1,000	13,016	-	13,016
291 - Mayors Court Computer	9,941	4,120	14,061	1,000	13,061
292 - Court Special Projects	728	1,000	1,728	1,000	728
293 - Clerk's Court Computer	460	1,000	1,460	1,000	460
299 - Severance Liability Fund	1,069,518	200,000	1,269,518	200,000	1,069,518
TOTAL SPECIAL REVENUE FUNDS	\$ 22,591,195	\$ 31,404,607	\$ 53,995,802	\$ 27,467,253	\$ 26,528,549
DEBT SERVICE FUNDS:					
301 - Debt Service	674,384	6,624,515	7,298,899	6,624,514	674,385
TOTAL DEBT SERVICE	\$ 674,384	\$ 6,624,515	\$ 7,298,899	\$ 6,624,514	\$ 674,385
CAPITAL PROJECT FUNDS:					
401 - Capital Improvements	1,278,106	3,632,345	4,910,451	4,910,451	-
403 - Bond Improvements	305,732	-	305,732	305,732	-
404 - Park Improvements	303,975	1,331,799	1,635,774	1,635,774	-
405 - Water & Sanitary Improvements	4,444,956	489,250	4,934,206	4,934,206	-
410 - Infrastructure Replacement	10,771,452	31,930	10,803,382	10,803,382	-
411 - Leisure Trail Improvements	89,045	25,750	114,795	114,795	-
415 - Capital Equip Replacement	4,264,652	1,237,650	5,502,302	5,502,302	-
422 - Oak Grove II Infrastructure	1,849,287	1,751,531	3,600,818	3,600,818	-
422 - Economic Development Capital Improvement	1,435,475	500,000	1,935,475	1,935,475	-
TOTAL CAPITAL PROJECT FUNDS	\$ 24,742,680	\$ 9,000,255	\$ 33,742,935	\$ 33,742,935	\$ -
TOTAL (MEMORANDUM ONLY)	\$ 70,857,090	\$ 74,973,960	\$ 145,831,051	\$ 99,161,869	\$ 46,669,182

CITY OF NEW ALBANY, OHIO

EXHIBIT II

FUND NAME:

FUND TYPE/CLASSIFICATION: GOVERNMENTAL - SPECIAL REVENUE

This Exhibit to be used for any fund
receiving property tax revenue except
for General Fund.

DESCRIPTION (1)	2020 ACTUAL (2)	2021 ACTUAL (3)	CURRENT YEAR ESTIMATED 2022 (4)	NEXT YEAR ESTIMATED 2023 (5)
REVENUES				
<u>Local Taxes</u>				
General Property Tax - TIF/PILOT	\$ -	\$ -	\$ -	\$ -
Property Tax Allocation	-	-	-	-
Total Local Taxes	\$ -	\$ -	\$ -	\$ -
<u>Intergovernmental Revenues</u>				
State Shared Taxes and Permits	\$ -	\$ -	\$ -	\$ -
Total Intergovernmental Revenues	\$ -	\$ -	\$ -	\$ -
<u>Miscellaneous</u>				
Investment Earnings	\$ -	\$ -	\$ -	\$ -
<u>Other Financing Sources:</u>				
Transfers	\$ -	\$ -	\$ -	\$ -
Advances	-	-	-	-
Other Sources	-	-	-	-
TOTAL REVENUE	\$ -	\$ -	\$ -	\$ -
EXPENDITURES				
<u>General Government</u>				
Auditor and Treasurer Fees	\$ -	\$ -	\$ -	\$ -
Operating & Contractual Services	-	-	-	-
Total General Government	\$ -	\$ -	\$ -	\$ -
<u>Public Service</u>				
Operating & Contractual Services	\$ -	\$ -	\$ -	\$ -
Capital Outlay	-	-	-	-
Total Public Service	\$ -	\$ -	\$ -	\$ -
<u>Other Uses of Funds</u>				
Transfers	\$ -	\$ -	\$ -	\$ -
Other Uses	-	-	-	-
TOTAL EXPENDITURES	\$ -	\$ -	\$ -	\$ -
Revenues Over (Under) Expenditures	\$ -	\$ -	\$ -	\$ -
Beginning Fund Balance	\$ -	\$ -	\$ -	\$ -
Ending Fund Balance	\$ -	\$ -	\$ -	\$ -
Est/Actual Encumbrances (at end of year)	\$ -	\$ -	\$ -	\$ -
Est/Actual Unencumbered (at end of year)	\$ -	\$ -	\$ -	\$ -

CITY OF NEW ALBANY, OHIO

EXHIBIT I

FUND NAME: GENERAL FUND (101)

This Exhibit is to be used for General Fund Only.

FUND TYPE/CLASSIFICATION: GOVERNMENTAL - GENERAL

DESCRIPTION (1)	2020 ACTUAL (2)	2021 ACTUAL (3)	CURRENT YEAR ESTIMATED 2022 (4)	NEXT YEAR ESTIMATED 2023 (5)
EXPENDITURES				
<u>Police (1000)</u>				
Salary & Related	\$ 4,756,694	\$ 5,221,494	\$ 6,476,621	\$ 6,703,303
Operating & Contractual Services	204,853	293,335	645,585	668,180
Capital Outlay	-	-	-	-
Total Police	\$ 4,961,547	\$ 5,514,829	\$ 7,122,206	\$ 7,371,483
<u>Land & Building Maintenance (6000)</u>				
Salary & Related	\$ 67,458	\$ 68,907	\$ 116,160	\$ 120,226
Operating & Contractual Services	1,275,932	1,224,499	1,753,550	1,814,924
Capital Outlay	23,456	-	-	-
Total Parks & Lands	\$ 1,366,845	\$ 1,293,406	\$ 1,869,710	\$ 1,935,150
<u>Community Development (4000)</u>				
Salary & Related	\$ 1,742,933	\$ 1,665,069	\$ 2,450,150	\$ 2,535,905
Operating & Contractual Services	1,308,561	1,059,658	1,834,950	1,899,173
Capital Outlay	-	-	-	-
Total Community Development	\$ 3,051,494	\$ 2,724,727	\$ 4,285,100	\$ 4,435,079
<u>Public Service (5000)</u>				
Salary & Related	\$ 2,916,469	\$ 3,437,854	\$ 4,704,390	\$ 4,869,044
Operating & Contractual Services	717,348	873,638	1,170,500	1,211,468
Capital Outlay	-	-	-	-
Total Public Service	\$ 3,633,817	\$ 4,311,491	\$ 5,874,890	\$ 6,080,511
<u>General Government (7000)</u>				
Salary & Related	\$ 2,318,382	\$ 2,483,409	\$ 3,266,003	\$ 3,380,313
Operating & Contractual Services	2,756,427	2,894,211	4,233,235	4,381,398
Capital Outlay	45,516	-	-	-
Total General Government	\$ 5,120,324	\$ 5,377,620	\$ 7,499,238	\$ 7,761,711
<u>Debt Service from General Fund (8000)</u>				
Redemption of Principal	\$ -	\$ -	\$ -	\$ -
Interest	-	-	-	-
Other Debt Service	-	-	-	-
Total Debt Service	\$ -	\$ -	\$ -	\$ -
<u>Other Uses of Funds (9000)</u>				
Transfers (to all funds; including Capital)	\$ 2,868,185	\$ 14,071,677	\$ 5,646,807	\$ 2,090,147
Advances	-	-	-	-
Contingencies	-	-	-	-
Other Uses of Funds	-	-	-	-
Total Other Uses of Funds	\$ 2,868,185	\$ 14,071,677	\$ 5,646,807	\$ 2,090,147
TOTAL EXPENDITURES	\$ 21,002,212	\$ 33,293,750	\$ 32,297,951	\$ 29,674,081
Revenues Over (Under) Expenditures	\$ 6,175,297	\$ (1,269,585)	\$ (3,411,151)	\$ (1,729,498)
Beginning Fund Balance	\$ 21,351,331	\$ 27,526,628	\$ 26,257,043	\$ 22,845,891
Ending Cash Fund Balance	\$ 27,526,628	\$ 26,257,043	\$ 22,845,891	\$ 21,116,393
Est/Actual Encumbrances (at end of year)	\$ 1,434,850	\$ 1,588,894	\$ 1,620,672	\$ 1,653,085
Est/Actual Unencumbered (at end of year)	\$ 26,091,778	\$ 24,668,149	\$ 21,225,220	\$ 19,463,308

CITY OF NEW ALBANY, OHIO

EXHIBIT I

FUND NAME: GENERAL FUND (101)

FUND TYPE/CLASSIFICATION: GOVERNMENTAL - GENERAL

This Exhibit is to be used for General Fund Only.

DESCRIPTION (1)	2020 ACTUAL (2)	2021 ACTUAL (3)	CURRENT YEAR ESTIMATED 2022 (4)	NEXT YEAR ESTIMATED 2023 (5)
REVENUES				
Local Taxes				
General Property Tax - Real Estate	\$ 1,251,973	\$ 1,338,387	\$ 1,388,686	\$ 1,388,686
Tangible Personal Property Tax	-	-	-	-
Municipal Income Tax	21,965,716	27,390,466	24,579,294	23,841,915
Other Local Taxes	236,594	279,607	313,094	316,225
Total Local Taxes	\$ 23,454,283	\$ 29,008,460	\$ 26,281,074	\$ 25,546,826
Intergovernmental Revenues				
State Shared Taxes and Permits				
Local Government	\$ 73,637	\$ 135,544	\$ 111,633	\$ 109,400
Kilowatt Hour Tax	-	-	-	-
Estate Tax	-	-	-	-
Cigarette Tax	92	142	200	202
Liquor and Beer Permits	14,393	11,525	15,000	15,150
Property Tax Allocation	126,563	138,902	140,684	140,684
Other State Shared Taxes and Permits	-	-	-	-
Total State Shared Taxes and Permits	\$ 214,685	\$ 286,114	\$ 267,517	\$ 265,436
Grants or Other Aid:				
Federal Grants or Aid	\$ -	\$ -	\$ -	\$ -
State Grants or Aid	3,272	-	-	-
Other Grants or Aid	44,201	53,955	50,107	50,608
Total Grants or Other Aid	47,474	53,955	50,107	50,608
Total Intergovernmental Revenues	\$ 262,159	\$ 340,068	\$ 317,623	\$ 316,044
Service Charges, Permits & Misc Revenues				
Investment Earnings	\$ 522,457	\$ 253,024	\$ 166,136	\$ 167,797
Charges for Services	148,189	295,299	383,719	387,556
Fines, Licenses, and Permits	780,398	1,132,329	918,842	928,031
Miscellaneous	1,721,216	883,636	567,405	573,080
Total Svc Charges, Permits & Misc Revenues	\$ 3,172,260	\$ 2,564,288	\$ 2,036,102	\$ 2,056,463
Other Financing Sources:				
Proceeds from Sale of Assets	\$ 13,807	\$ 25,752	\$ 25,000	\$ 25,250
Transfers	-	-	-	-
Advances	275,000	85,597	227,000	-
Other Sources	-	-	-	-
Total Other Financing Sources	\$ 288,807	\$ 111,349	\$ 252,000	\$ 25,250
TOTAL REVENUE	\$ 27,177,508	\$ 32,024,165	\$ 28,886,800	\$ 27,944,583

CITY OF NEW ALBANY
FRANKLIN COUNTY, OHIO
99 W. MAIN STREET, PO BOX 188
NEW ALBANY, OHIO 43054

Schedule A - O-20-2022

FAILURE TO COMPLY WITH SEC. 5705.28 R.C. SHALL RESULT
IN LOSS OF LOCAL GOVERNMENT FUND ALLOCATION.

To the Franklin County Auditor:

The following Budget year beginning January 1, 2023 has been adopted by Council and
is herewith submitted for consideration of the County Budget Commission.

Bethany Staats, CPA, Director of Finance
July 5, 2022

**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION, AND
COUNTY AUDITOR'S ESTIMATED RATES.**

For Municipal Use		For Budget Commission Use		For County Auditor Use	
FUND CATEGORY/TYPE (which are requesting general property tax revenue)	BUDGET YEAR AMOUNT REQUESTED OF BUDGET COMMISSION INSIDE/OUTSIDE	BUDGET YEAR AMOUNT APPROVED BY BUDGET COMMISSION INSIDE 10 MILL LIMINATION	BUDGET YEAR TO BE DERIVED FROM LEVIES OUTSIDE 10 MILL LIMITATION	COUNTY AUDITOR'S ESTIMATE OF TAX RATE TO BE LEVIED	
				INSIDE 10 MILL LIMIT BUDGET YEAR	OUTSIDE 10 MILL LIMIT BUDGET YEAR
	Column 1	Column 2	Column 3	Column 4	Column 5
<u>GOVERNMENTAL FUNDS</u>					
General Fund	\$ 1,388,686				
<u>SPECIAL REVENUE FUNDS</u>					
No Special Revenue Funds	\$0				
<u>PROPRIETARY FUNDS</u>					
No Proprietary Funds	\$0				
<u>FIDUCIARY FUNDS</u>					
No Fiduciary Funds	\$0				
TOTAL ALL FUNDS	\$1,388,686				

SCHEDULE A

CITY OF NEW ALBANY, OHIO
FISCAL YEAR 2023 TAX BUDGET
SCHEDULE OF OUTSTANDING DEBT

EXHIBIT V

PURPOSE OF BONDS AND NOTES	Authority for Levy Outside 10 mill Limit *	Date of Issue	Due Date	Ordinance or Resolution	Serial or Term	Rate of Interest	Amounts of Bonds and Notes Outstanding beginning of year 01/01/23	BUDGET YEAR		FY 2023
								Amount Required for Principal and Interest 1/1/23 to 12/31/23	Amt Receivable from Outside Sources to Meet Debt Payments	Amount Required for Principal and Interest 1/1/23 to 12/31/23
Payable from Debt Service:										
<u>INSIDE 10 MILL LIMIT:</u>										
2022 Refunding - 2012 Various Purpose Refunding Ltd Tax GO Bonds	NA	5/25/2022	12/1/2029	O-14-2022	Serial	2.68%	\$3,650,000	\$577,820	\$0	\$577,820
Capital Facilities Bonds, Series 2018	NA	7/11/2018	12/1/2037	O-08-2018	Serial	1.52% - 3.24%	\$13,950,000	\$1,301,125	\$0	\$1,301,125
Cap Impr Bonds - Public Facs, Taxable Refunding, Series 2016	NA	11/23/2016	12/1/2027	O-35-2016	Serial	2.39% - 2.50%	\$3,265,000	\$690,034	\$0	\$690,034
Capital Facilities Ltd. Tax GO Bonds, Series 2014	NA	12/1/2014	12/1/2030		Serial	0.85% - 4.00%	\$3,425,000	\$556,100	\$0	\$556,100
TOTAL							\$24,290,000	\$3,125,079	\$0	\$3,125,079
<u>OUTSIDE 10 MILL LIMIT:</u>										
None	-	-	-	-	-	-	\$0	\$0	\$0	\$0
TOTAL							\$0	\$0	\$0	\$0

* If the Levy is outside the 10 mill limit by vote enter the words "by vote" and the date of the election. If outside the 10 mill limit without a vote, enter the reference to the statute under which the levy is exempt from the 10 mill limit.

CITY OF NEW ALBANY, OHIO

OFFICIAL CERTIFICATE OF ESTIMATED RESOURCES

The Budget Commission of Franklin County, Ohio, hereby makes the following Official Certificate of Estimated Resources for the City of New Albany for the BUDGET YEAR beginning January 1st, 2023.

FUND	Estimated Unenc Bal as of 1/1/2023	Real Estate Property Tax	Personal Property Tax	Local Government Funds	Rollback, Homestead and Personal Prop Tax Exemption	Other Sources	Total
<u>GOVERNMENTAL FUNDS</u>	\$ 70,857,090	\$ 1,388,686	\$ -	\$ 109,400	\$ 140,684	\$ 73,335,191	\$ 145,831,051
General Fund	22,845,891	1,388,686	-	109,400	140,684	26,305,813	50,790,475
Unclaimed Funds	2,940	-	-	-	-	-	2,940
Special Revenue Funds	22,591,195	-	-	-	-	31,404,607	53,995,802
Debt Service Funds	674,384	-	-	-	-	6,624,515	7,298,899
Capital Project Funds	24,742,680	-	-	-	-	9,000,255	33,742,935
<u>PROPRIETARY FUNDS</u>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Enterprise Funds	-	-	-	-	-	-	-
Internal Service Funds	-	-	-	-	-	-	-
<u>FIDUCIARY FUNDS</u>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Trust and Agency Funds	-	-	-	-	-	-	-
TOTAL ALL FUNDS	\$ 70,857,090	\$ 1,388,686	\$ -	\$ 109,400	\$ 140,684	\$ 73,335,191	\$ 145,831,051

The Budget Commission further certifies that its action on the foregoing budget and the County Auditor's Estimate of the rate of each tax necessary to be levied within and outside the 10 mill limitation is set forth in the proper columns of the preceding pages and the total amount approved for each fund must govern the amount of appropriation from such fund.

DATE _____, 2022

Budget
Commission



ORDINANCE O-21-2022

APPROPRIATION AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES DURING THE FISCAL YEAR ENDING DECEMBER 31, 2022

WHEREAS, in December 2021, the 2022 Annual Budget Program and the related permanent appropriations were adopted by council; and

WHEREAS, it is necessary to make adjustments to the 2022 appropriations to ensure compliance with budgetary requirements and reflect proposed and actual spending; and

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

Section 1. City Council hereby authorizes an appropriation of the unappropriated balance of the following funds:

Fund	Department	Category	Increase/ (Decrease)
101 - General	Police	Operating and Contractual Services	\$ 47,000
101 - General	Community Development	Operating and Contractual Services	83,500
101 - General	Administrative Services	Operating and Contractual Services	88,100
101 - General	Public Service	Operating and Contractual Services	50,000
101 - General	Land & Building Maintenance	Operating and Contractual Services	77,500
101 - General	General Administration	Operating and Contractual Services	100,000
101 - General	Finance	Operating and Contractual Services	150,000
404 - Park Improvement	Finance	Operating and Contractual Services	150,000
415 - Capital Equipment Replacement	N/A	Capital	150,000
422 - Economic Development Capital	N/A	Capital	650,000
		Total Appropriation Amendments	\$ 1,546,100

Section 2. City Council hereby authorizes Budget Transfers as follows:

Fund	Department	Category	Increase/ (Decrease)
101 - General	Land & Building Maintenance	Operating and Contractual Services	\$ 53,000
101 - General	General Administration	Operating and Contractual Services	(53,000)
222 - Economic Development - NACA	Community Development	Operating and Contractual Services	600,000
422 - Economic Development Capital	N/A	Capital	(600,000)
		Net Change related to Transfers	-

Section 3. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. Pursuant to Article VI, Section 6.07(B) of the charter of the City of New Albany, this ordinance shall be in effect on and after the earliest period allowed by law.

CERTIFIED AS ADOPTED this _____ day of _____, 2022.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin Albrecht
Law Director

Legislation dates:

Prepared: 06/13/2022
Introduced: 06/21/2022
Revised:
Adopted:
Effective:



ORDINANCE O-22-2022

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 25.12+/- ACRES OF LAND GENERALLY LOCATED SOUTH OF SMITH'S MILL ROAD, WEST OF BEECH ROAD AND NORTH OF STATE ROUTE 161, FROM INFILL PLANNED UNIT DEVELOPMENT (I-PUD) TO INFILL PLANNED UNIT DEVELOPMENT (I-PUD) FOR AN AREA TO BE KNOWN AS "THE BEECH CROSSING WEST ZONING DISTRICT" AS REQUESTED BY MBJ HOLDINGS LLC, C/O AARON UNDERHILL

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

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

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

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

- A. A 25.12+/- acre site within Licking County, generally located south of Smith's Mill Road, west of Beech Road and north of State Route 161, from its current zoning of Infill Planning Unit Development (I-PUD) to Infill Planning Unit Development (I-PUD).
- B. The zoning district's limitation text and boundary map are hereby attached and marked Exhibit A.

Section 2. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121.22 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
Law Director

Legislation dates:

Prepared: 06/24/2022

Introduced: 07/05/2022

Revised:

Adopted:

Effective:

BEECH CROSSING WEST ZONING DISTRICT

INFILL PLANNED UNIT DEVELOPMENT (I-PUD) TEXT

JUNE 23, 2022

A. INTRODUCTION: The Beech Crossing West Zoning District (hereinafter, the “Zoning District”) consists of 25.12+/- acres located to the south of and adjacent to Smith’s Mill Road, generally to the west of the Beech Road interchange on State Route 161. Prior to the approval of this rezoning, the property was part of the Beech Crossing Zoning District. This Zoning District will eliminate retail, restaurant, and service uses that were permitted on a limited portion of the property as well as CF, Community Facilities uses that were permitted on the entirety of the land, and will add warehousing and distribution uses as permitted uses on the property in addition to the other GE, General Employment uses that are permitted under the existing zoning.

B. DEVELOPMENT STANDARDS: Unless otherwise specified in the submitted drawings or in this written text, the development standards of Part Eleven of the Codified Ordinances of the City of New Albany shall apply to this subarea. Where there is a conflict between the provisions in this text and the Codified Ordinances, the provisions in this text shall govern. Basic development standards are compiled regarding proposed density, site issues, traffic, circulation, landscape and architecture. These component standards ensure consistency and quality throughout the development.

C. PERMITTED USES: Permitted and conditional uses shall include those set forth in the Codified Ordinances of the City of New Albany, GE General Employment District (Sections 1153.02 and 1153.03), provided that conditional uses are approved in accordance with Chapter 1115, Conditional Uses. The following uses shall be prohibited:

- (a) Industrial product sales (See Section 1153.03(a)(1))
- (b) Industrial service (See Section 1153.03(a)(2))
- (c) Mini-warehouses (See Section 1153.03(a)(4)(c))
- (d) Radio/television broadcast facilities (See Section 1153.03(c)(1))
- (e) Sexually-oriented businesses (See Section 1153.03(c)(3))
- (f) Off-premise signs (unless approved by the Planning Commission as a part of a master sign plan or final development plan)
- (g) Personal service (See Section 1153.03(b)(2) of the Codified Ordinances) and retail product sales and service (See Section 1153.03(b)(3) of the Codified Ordinances), except that such uses shall be allowed as accessory uses to a permitted use or as otherwise permitted and approved as a use permitted by Section II.A.3 below.
- (h) Wireless telecommunications facilities, except that such uses shall be permitted as an ancillary use as provided in Codified Ordinances Section 1179.04(c).

D. SETBACKS; LOT COVERAGE:

1. State Route 161: The minimum required pavement and building setback from the State Route 161 right-of-way shall be 125 feet.
2. Smith's Mill Road: There shall be minimum pavement setback of 55 feet and building setback of 100 feet as measured from the Smith's Mill Road right-of-way.
3. Western Perimeter Boundary: There shall be a minimum pavement and building setback of 25 feet and from the western perimeter boundary of this Zoning District.
4. Eastern Perimeter Boundary: There shall be a minimum 15-foot pavement and 25-foot building setback from the eastern perimeter boundary of this Zoning District. Additional landscaping may be required to be provided within the minimum pavement setback area, subject to the review and approval of the city landscape architect.
5. Elimination of Setbacks: In the event that a parcel located within this Zoning District and an adjacent parcel located within or outside of it (a) come under common ownership or control, (b) are zoned to allow compatible uses, and (c) are combined into a single parcel, then any minimum perimeter building or pavement setbacks set forth in this text shall no longer apply with respect to these parcels.
6. Lot Coverage: There shall be a maximum lot coverage of 80% in this Zoning District.

E. ARCHITECTURAL STANDARDS:

1. Building Height: The maximum building height for structures in this Zoning District shall be 65 feet, subject to Section 1165.03 of the Codified Ordinances.
2. Service and Loading Areas: Service areas and loading areas shall be screened in accordance with the Codified Ordinances.
3. Building Design:
 - a. Building designs shall not mix architectural elements or ornamentation from different styles.
 - b. Buildings shall be required to employ a comparable use of materials on all elevations.
 - c. The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance.
 - d. For office buildings and complexes, achieving a human or pedestrian scale is of less concern. When achieving such a scale is desired, it may be achieved by careful attention to width of facades, size and spacing of window and door openings, and floor to floor heights on exterior walls.

e. All elevations of a building that are visible from a public right-of-way shall receive similar treatment in terms of style, materials, and design so that such elevations are not of a lesser visual character than any other.

f. Use of elements such as shutters, cupolas, dormers, and roof balustrades shall be avoided in building designs that are not based on traditional American architectural styles. Such elements may be employed only when they are common elements of a specific style, and this style shall be replicated in its entirety. When shutters are employed, even if they are non-operable, they must be sized and mounted in a way that gives the appearance of operability.

g. Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, basement window enclosures, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact from off-site. Solar energy systems shall be excluded from the requirements of this section.

h. Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure. Fenestration themes that employ windows, panels and piers that are consistent with the architectural vocabulary of the building are encouraged. Accessory structures, generators, storage tanks, trash receptacles or any other similar improvement must be located behind a building façade that does not front on a public right-of-way.

4. Building Form:

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

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

5. Materials:

a. Exterior building materials shall be appropriate for contemporary suburban designs and shall avoid overly reflective surfaces. Traditional materials such as, but not limited to, wood, stone, brick, and concrete shall be permitted, and contemporary materials such as, but not limited to, aluminum, metal, glass, stucco, or cementitious fiberboard (e.g., hardiplank or equivalent) shall be permitted on buildings not employing traditional styles. Architectural precast concrete panels and/or poured-in-place concrete tilt-up panels shall be permitted. The use of reflective or mirrored glass shall be prohibited.

b. Prefabricated metal buildings and untreated masonry block structures are prohibited. Notwithstanding the foregoing, ancillary structures built and operated for the purpose of enclosing equipment and which are not occupied by tenants or persons on a regular basis may be constructed using pre-engineered metal.

c. Generally, the quantity of materials selected for a building shall be minimized.

d. Loading docks are not required to have the same degree of finish as a main entry

unless they are visible from a public right-of-way.

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

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

In conjunction with an application for a certificate of appropriateness for each building or structure in this Zoning District that is not subject to or governed by the DGRs, the applicant shall be required to submit to the City illustrations of the proposed exterior design of the building or structure for review and approval by the Design Review Committee contemplated in Section 1157.08(a)(1)(D) of the City Code. In designing such buildings, the user or applicant shall take into account the following, which are intended to set a level of expectation for the quality of design:

- i. Architectural design for all portions of a building or structure that are visible from a public right-of-way (excluding public rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) shall meet the community standard in terms of quality while taking into account the unique nature of the use(s) that will be found therein.
- ii. Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public right-of-way. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, the use of offsets, recesses and/or projections, banding, windows, and/or reveals; scoring of building facades; color changes; texture or material changes; and variety in building height.
- iii. The use of one or more architectural or design elements may be used to soften the aesthetics of the building, such as but not limited to canopies, porticos, overhangs, arches, outdoor patios, community spaces, or similar devices.
- iv. Contemporary exterior designs, while not required, shall be encouraged in order to create architecture that does not look aged or dated even many years after the facility is built.

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

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

F. ACCESS, PARKING, SITE CIRCULATION, AND TRAFFIC COMMITMENTS:

1. Access Points: The following vehicular access points to and from this Zoning District along Smith's Mill Road are retained from the existing Beech Crossing Zoning District text (ZC-102-2019).

- (a) A full movement access point on the south side of Smith's Mill Road at its intersection with the Outparcel Access Road.
- (b) Two other full movement access points along Smith's Mill Road, provided that each other these access points is spaced adequately from other access points to preserve traffic safety. Additional access points along Smith's Mill Road may be permitted if approved by the City based on a review of a traffic analysis provided by the applicant and which has been approved and accepted by the City Traffic Engineer.

2. Parking and Loading: Parking and loading spaces shall be provided for each use per Chapter 1167 of the Codified Ordinances of the City of New Albany.

G. BUFFERING, LANDSCAPING AND OPEN SPACE: The following landscaping requirements shall apply to this Zoning District

1. Tree Preservation: Standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.

2. SR 161 Treatment: A gas line easement burdens the southeastern portion of the Zoning District along and near State Route 161, which is described in those instruments which are of record with the Office of the Recorder of Licking County, Ohio as Instrument Numbers 200806170014079 and 200906160013035 (the "Gas Line Easement"). A four-board white horse fence shall be required generally running parallel to State Route 161 along the perimeter of this Zoning District but outside of the right-of-way and Gas Line Easement. The landscaping plan for the Zoning District shall include plantings at the minimum rate of six (6) trees per 100 linear feet within the required minimum pavement setback from State Route 161 in all areas where existing trees are not preserved, except that as to portions of the State Route 161 frontage subject to the Gas Line Easement, such landscaping shall only be required to the extent it is permitted under the terms of the Gas Line Easement. Required trees may be grouped or spaced and existing trees may be used to meet the planting requirements. Trees planted pursuant to this

paragraph shall be of species which are native to Central Ohio. No single species shall be used for more than one-third of the trees required by this paragraph unless otherwise approved as part of a final development plan. Minimum sizes for trees required to be planted pursuant to this paragraph shall be two (2) caliper inches.

3. Treatment along Smith's Mill Road: Within the minimum required pavement setback along Smith's Mill Road, landscaping shall be coordinated and consistent throughout and with the required landscaping for the zoning district to the east of this Zoning District. The following also shall be provided:

a. A four-board white horse fence shall be required along the street frontage.

b. A landscaped area shall be required behind the fence and within the required pavement setback. This buffer shall consist of deciduous shade trees planted at a rate equal to six (6) trees or more for every 100 lineal feet of street frontage. Such trees may be equally spaced or randomly grouped and shall be of species which are native to Central Ohio. No single species shall be used for more than one-third of the trees required by this paragraph. Minimum sizes for trees required to be planted pursuant to this paragraph shall be two (2) or three (3) caliper inches, provided that no more than 50% of these trees shall be two (2) inches in caliper.

4. Stormwater Basins: Wet and dry stormwater basins shall conform to the standards set forth in Section 1171.08 of the Codified Ordinances of the City of New Albany unless other design solutions are found to be appropriate. Other design solutions may be appropriate if the City Landscape Architect finds that an alternative design, shape, and appearance is appropriate in particular relationship to streetscape and other site design considerations. One or more stormwater basins located within the zoning district located to the east of and adjacent to this one may be shared to serve development within this Zoning District, or this Zoning District may include its own basin(s). Where shared stormwater basins are proposed, they shall be reviewed and approved by City staff and shall be memorialized in one or more easement agreements with other affected property owners which details maintenance and cost-sharing responsibilities of relevant parties.

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

H. LIGHTING:

1. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.
2. All parking lot lighting shall be of the same light source type and style. Building, pedestrian, and landscape lighting may be incandescent or metal halide.

3. All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed thirty (30) feet in height.
4. No permanent colored lights or neon lights shall be used on the exterior of any building.
5. All new electrical utilities that are installed in this Zoning District shall be located underground.
6. All other lighting on the site shall be in accordance with City Code.
7. Street lighting must meet the City Standards and Specifications.

I. SIGNAGE: All signage shall conform to the standards set forth in Chapter 1169 of the Codified Ordinances of the City of New Albany.

J. UTILITIES: All new utilities installed solely to serve this Zoning District shall be installed underground.

K. SILLO: An existing silo is located in this zoning district. The silo shall be allowed to remain on the site and replaced in the future in its current location and with its current dimensions, for the purpose of marketing the City and its business park(s).

L. GENERAL MATTERS:

1. **Development Review Procedure:** This I-PUD provides for the development and operation of uses and the application of development standards that are mostly compliant with the requirements of the GE, General Employment District under the City's Codified Ordinances, with limitations that apply to other properties with an L-GE, Limited General Employment District zoning classification in the City. Development proposals for the operation of any uses that are permitted under this zoning text but would not be permitted to be developed and operated in the GE, General Employment zoning classification of the City's Codified Ordinances will be subject to further review by the City's Planning Commission in accordance with relevant provisions of Chapter 1159 (Planned Unit Development) of the City's Codified Ordinances. In order to provide for similar procedural reviews of development proposals in this zoning district as apply to L-GE zoning classifications throughout the City, final development plan applications shall not be required to be filed with or reviewed by the Planning Commission in this zoning district. Development proposals for uses in this zoning district shall be reviewed by City staff in accordance with Chapter 1157 of the City's Codified Ordinances.
2. **Conditional Uses:** Any person owning or having an interest in property may file an application to use such property for one or more of the conditional uses provided for by City's Codified Ordinances Code or by this zoning text. Applications for conditional uses shall follow the procedure and comply with the

requirements of Chapter 1115, Conditional Uses, of the Codified Ordinances of the City of New Albany.

3. Appeals and Variances:

a. Appeals:

i. Taking of Appeals: Appeals to the Board of Zoning Appeals concerning interpretation or administration of the text or the underlying zoning ordinance by the Zoning Officer or any other administrative official may be taken by any person aggrieved, including a tenant, or by a governmental officer, department, board, or bureau. Such appeal shall be taken within twenty days after the date of the decision by filing a notice of appeal specifying the grounds thereof with the officer from whom the appeal is taken and the Board of Zoning Appeals.

ii. Imminent Peril: An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board of Zoning Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the application a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceeding shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals, after notice to the Zoning Officer or by judicial proceedings.

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

c. Variance Process: The procedures and requirements of Chapter 1113, Variances of the Codified Ordinances of the City of New Albany shall be followed in cases of appeals. The Planning Commission shall hear requests for variances in this zoning district.



ORDINANCE O-23-2022

AN ORDINANCE TO AMEND CHAPTERS 1157, 1165, 1187, AND NEW ALBANY DESIGN GUIDELINES AND REQUIREMENTS SECTION 5: RESIDENTIAL OUTSIDE OF VILLAGE CENTER 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 1157, 1165, 1187, and New Albany Design Guidelines and Requirements Section 5: Residential Outside of Village Center need to be amended, and;

WHEREAS, the city recognizes the need to provide regulations for development that is not currently contemplated within city code; and

WHEREAS, this amendment will provide city staff, city council and other city boards and commissions with standards to evaluate the appropriateness of future development proposals; 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 June 20, 2022.

NOW, THEREFORE, BE IT ORDAINED 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 1157, 1165, 1187, and New Albany Design Guidelines and Requirements Section 5: Residential Outside of Village Center 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
Law Director

Legislation dates:

Prepared: 06/24/2022

Introduced: 07/05/2022

Revised:

Adopted:

Effective:

PART ELEVEN - PLANNING AND ZONING CODE
TITLE THREE - ZONING DISTRICTS AND REGULATIONS
CHAPTER 1157 ARCHITECTURAL REVIEW OVERLAY DISTRICT

CHAPTER 1157 ARCHITECTURAL REVIEW OVERLAY DISTRICT¹

1157.01 ADOPTION.

There is hereby adopted and incorporated by reference, the New Albany Design Guidelines and Requirements, as if set out at length herein.

(Ord. 26-2007. Passed 8-21-07; Ord. O-08-2011. Passed 5-17-11.)

1157.02 PURPOSE.

- (a) The City of New Albany contains numerous architectural and environmental assets that establish an environmental character. This environmental character is directly linked to the economic, social, historical and cultural health and well being of the community. The purpose of the Architectural Review District is to protect and preserve these assets, by regulating the architectural characteristics of structures and their surroundings, as well as the preservation and protection of buildings of architectural or historical significance throughout the City. The Architectural Review District has also been created to recognize, preserve and enhance the architectural and historical character of the community and to prevent intrusions and alterations within the established zoning districts which would be incompatible with their established character.
- (b) The Architectural Review District is an Overlay District. This means that the requirements of this chapter are requirements which must be met in addition to the established requirements and standards of the base district over which the Architectural Review District is placed.

(Ord. 10-98. Passed 8-4-98; Ord. 26-2007. Passed 8-21-07; Ord. O-08-2011. Passed 5-17-11.)

1157.03 DEFINITIONS.

As used in this chapter, the following words shall be defined as:

- (a) "Applicant" means any person, persons, association, organization, partnership, unit of government, public body or corporation who applies for a certificate of appropriateness in order to undertake an environmental change within the District.
- (b) "Board" means the Architectural Review Board of the City of New Albany.
- (c) "Certificate of Appropriateness" means a certificate authorizing any environmental change within the Architectural Review District.
- (d) "Design Guidelines and Requirements" means the building, construction and design standards that apply to any environmental change within the City of New Albany. The Design Guidelines and Requirements shall have the force and effect of law.
- (e) "District" means the Architectural Review Overlay District.

¹Cross reference(s)—Historic Village District - see P. & Z. Ch. 1135

(f) "Environmental change" means new construction or alterations which change, modify, reconstruct, remove or demolish any exterior features of an existing structure.

(g) "Hamlet" or "Hamlet Area" means that area defined as a Hamlet in the Strategic Plan of the City of New Albany. (Reserved)

(h) "Preserve" or "preservation" means the process, including maintenance, or treating of an existing building to arrest or slow future deterioration, stabilize the structure, and provide structural safety without changing or adversely affecting the character or appearance of the structure.

(i) "Owner" means the owner of record, and the term shall include the plural as well as the singular.

(j) "Village Center" or Village Center Area" means that area defined as the Village Center in the Village Center Strategic Plan of the City of New Albany.

(Ord. 10-98. Passed 8-4-98; Ord. 12-99. Passed 10-5-99; Ord. 26-2007. Passed 8-21-07; Ord. O-08-2011. Passed 5-17-11.)

1157.04 DISTRICT BOUNDARIES.

The Architectural Review District shall consist of all zoning districts in the City of New Albany 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.

(Ord. 10-98. Passed 8-4-98; Ord. 26-2007. Passed 8-21-07; Ord. O-08-2011. Passed 5-17-11.)

1157.05 ARCHITECTURAL REVIEW BOARD.

(a) The Architectural Review Board is hereby established and shall consist of seven (7) members, any two (2) of which may be members of the New Albany Planning Commission.

(b) All members shall be appointed by Council for terms of three (3) years. Initial term lengths shall be staggered so as to provide continuity of membership on the Board. Initially, two (2) persons shall be appointed to one-year terms, two (2) members shall be appointed to two-year terms, and three (3) members shall be appointed to three-year terms. Thereafter, all members shall be appointed to three-year terms.

(c) Except in special circumstances outlined in this paragraph, all members shall be residents of the City of New Albany. At least two (2) members of the Architectural Review Board shall be professionals in the following fields: architecture, landscape architecture, city planning, interior design, industrial design, engineering or other allied design professions. If no residents within the Municipality of New Albany who are members of these professions wish to serve on the Architectural Review Board, then applicants from the unincorporated area of Plain Township who are in these professions may be appointed. Each time a Township resident's term expires, Council shall advertise to determine if a municipal resident is qualified and desires to take the seat. Council shall select a qualified municipal resident for membership over a qualified Township resident.

(b) All members shall be appointed by Council for terms of three (3) years. Initial term lengths shall be staggered so as to provide continuity of membership on the Board. Initially, two (2) persons shall be appointed to one-year terms, two (2) members shall be appointed to two-year terms, and three (3) members shall be appointed to three-year terms. Thereafter, all members shall be appointed to three-year terms.

(c) Except in special circumstances outlined in this paragraph, all members shall be residents of the City of New Albany. At least two (2) members of the Architectural Review Board shall be professionals in the following fields: architecture, landscape architecture, city planning, interior design, industrial design, engineering or

other allied design professions. If no residents within the Municipality of New Albany who are members of these professions wish to serve on the Architectural Review Board, then applicants from the unincorporated area of Plain Township who are in these professions may be appointed. Each time a Township resident's term expires, Council shall advertise to determine if a municipal resident is qualified and desires to take the seat. Council shall select a qualified municipal resident for membership over a qualified Township resident.

(Ord. 10-98. Passed 8-4-98; Ord. 26-2007. Passed 8-21-07; Ord. O-08-2011. Passed 5-17-11.)

1157.06 CERTIFICATE OF APPROPRIATENESS REQUIRED.

No environmental change shall be made to any property within the City of New Albany until a certificate of appropriateness (COA) has been properly applied for, and issued by staff or the Board. No building permit or zoning permit shall be issued for any major or minor environmental change now or hereafter in the Architectural Review District or subject to the architectural review process, unless a certificate of appropriateness has been issued. In cases where a standard is not required by the zoning text or code, then a "no permit required" certificate may be issued by staff.

(Ord. 10-98. Passed 8-4-98; Ord. 26-2007. Passed 8-21-07; Ord. O-08-2011. Passed 5-17-11.)

1157.07 MAJOR AND MINOR ENVIRONMENTAL CHANGES.

Environmental changes are divided into two (2) categories as follows:

Major	Minor
<ul style="list-style-type: none">• New construction• Alterations which change, modify, reconstruct, remove or demolish any exterior features of an existing structure that are not considered to be minor modifications• Demolition• Building additions• The addition of signage• Changes to nonconforming signs• New, relocated and expanded parking lots• Patios, porches and other defined outdoor areas used for dining or other commercial activities• Multiple minor changes may be defined as a major change, as determined by the Community Development Department• Similar changes as determined by the Community Development Department• <u>Hamlet Area Final Development Plan</u>	<ul style="list-style-type: none">• Addition or deletion of awnings or canopies• Replacement of windows and doors• Gutters• Skylights• Solar panels• Satellite dishes• Face changes to otherwise conforming signs• Changes to paint and siding colors• Changes in materials but not in appearance• Re-roofs• Landscape modifications• The construction of sports fields and associated bleachers, fences, dugouts and like facilities not requiring a commercial building permit, as approved by the Community Development Department• Modifications to off-street parking and loading areas• Accessory buildings• Fences• Walls• Decks• Porches• Patios (residential)• Swimming pools and spas• Similar changes as determined by the Community Development Department

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(Ord. O-08-2011. Passed 5-17-11.)

1157.08 PROCEDURE FOR CERTIFICATE OF APPROPRIATENESS.

- (a) The application for a certificate of appropriateness shall be made on such forms as prescribed by the staff of the City of New Albany, along with such plans, drawings, specifications and other materials as may be needed by staff or the Board to make a determination.
- (1) The materials that may be required include but are not limited to:
- A. A dimensioned site plan showing existing conditions including all structures, pavement, curb-cut locations, natural features such as tree masses and riparian corridors, and rights-of-way.
 - B. A dimensioned site plan showing the proposed site change including structures, pavement, revised curb-cut locations and landscaping.
 - C. Illustration of all existing building elevations to scale.
 - D. Illustrations of all proposed building elevations to scale.
 - E. Samples of proposed building materials.
 - F. Color samples for proposed roof, siding, etc.
- (2) For review of signage, the following submittal requirements apply:
- A. Illustrations of all existing site signage including wall and ground.
 - B. Illustrations of proposed signage to scale.
 - C. A dimensioned site plan showing location of existing ground mounted signs.
 - D. A dimensioned site plan showing the proposed location of ground mounted signs.
 - E. Samples of proposed sign materials.
 - F. Color samples of proposed sign(s).
 - G. Proposed lighting plan for sign(s).
- (b) (1) Any major environmental change, or zoning change, to any property located within the Village Center Area, requires a certificate of appropriateness from the Architectural Review Board. Applicants shall file an application for a Certificate of Appropriateness at least thirty (30) days prior to the Architectural Review Board meeting.
- (2) In the case of a Certificate of Appropriateness application for a property in a Planned Unit Development (PUD) Zoning District within the Village Center Area, the Architectural Review Board shall review the proposal and make a recommendation to the Planning Commission at the time of rezoning or the preliminary development plan. After the preliminary development plan, any alterations, modifications or other environmental changes to the zoning requirements of a Planned Unit Development within the Village Center require a Certificate of Appropriateness issued by the Planning Commission.
- (3) In the case of a Certificate of Appropriateness application for a property in a Hamlet Area, the Architectural Review Board shall review the proposal and make a recommendation to the Planning Commission at the time of final development plan. After the final development plan, any alterations, modifications or other environmental changes to the zoning requirements for a Hamlet Area will be subject to the review and approval of the Planning Commission.

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- (c) Any major environmental change to a property located outside the Village Center Area, requires a certificate of appropriateness issued by the City Manager's designee.
 - (d) Any minor environmental change requires a Certificate of Appropriateness issued by the City Manager's designee.
 - (e) Any major or minor environmental change which requires a waiver to the requirements of this chapter requires a Certificate of Appropriateness to be issued by the Architectural Review Board.
 - (f) Upon review of the application for a certificate of appropriateness, the ARB or staff member shall determine whether the proposed environmental change promotes, preserves and enhances the architectural and historical Architectural Review District, set forth in Section 1157.02. As a part of its review, the ARB or staff member will ensure that, at a minimum, the proposed environmental change complies with the criteria set forth in Section 1157.08 and the design Guidelines and Requirements incorporated into this section by reference. Upon completion of its review, the ARB or staff member will issue or deny a certificate of appropriateness to the applicant.
 - (g) In determining the appropriateness of specific environmental change, the Board shall conduct a public meeting on the project and/or solicit input from staff members or other consultants to the Municipality.
- (Ord. 12-99. Passed 10-5-99; Ord. 26-2007. Passed 8-21-07; Ord. O-08-2011. Passed 5-17-11.)

1157.09 CRITERIA FOR EVALUATION OF APPLICATION FOR CERTIFICATION OF DESIGN APPROPRIATENESS.

In considering the appropriateness of any proposed environmental change, including landscaping or exterior signage, the Architectural Review Board or City staff member shall consider the following, as a part of its review:

- (a) The compliance of the application with the Design Guidelines and Requirements. The proposed environmental change is to comply with the Design Guidelines and Requirements of the City, incorporated by reference.
- (b) The visual and functional components of the building and its site, including but not limited to landscape design and plant materials, lighting, vehicular and pedestrian circulation, and signage.
- (c) The distinguishing original qualities or character of a building, structure, site and/or its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural or environmental features should be avoided when possible.
- (d) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance inconsistent or inappropriate to the original integrity of the building shall be discouraged.
- (e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be created with sensitivity.
- (f) The surface cleaning of masonry structures shall be undertaken with methods designed to minimize damage to historic building materials. Cleaning methods that will damage building materials should be avoided.
- (g) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired. Additions to the least significant and least visible of historic properties should be given priority over other designs.

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- (h) Where, prior to the effective date of the Design Guidelines and Requirements (September 20, 2007), certificates of appropriateness have been previously issued for 33.3% of the total number of approved homes within a residential PUD, a certificate of appropriateness which differs from the applicable Design Guidelines and Requirements may be issued for additional homes/new house elevations within such PUD. Provided however that any such additional homes/new house elevations which deviate from the Design Guidelines and Requirements shall utilize previously-approved architectural features consistent with those of homes already permitted within such PUD, and shall also comply with any architectural-feature provisions set forth in the applicable zoning text. In such cases:
- (1) The request for use of the same architectural features shall be made as part of the certificate of appropriateness application. The request should include a written description of the feature proposed with addresses and photos of the copied architectural features; however, additional information may be required for review. Several architectural features may be proposed for one house on a single request/application. Each request will be evaluated individually on a house-by-house basis.
 - (2) For the purposes of this division (h), "architectural feature" shall mean the elements of the house, not approved by a variance, that contribute to the house style, which may include the mixing of architectural features from different architectural styles. Examples of such architectural features include pediments, window styles and details, eave details, door details, porches, etc. However, shutters shall not be undersized for the windows with which they are associated.

(Ord. 10-98. Passed 8-4-98; Ord. 26-2007. Passed 8-21-07; Ord. 01-2008. Passed 2-5-08; Ord. 0-08-2011. Passed 5-17-11.)

1157.10 DEMOLITION OF STRUCTURES.

In cases where an applicant applies for a certificate of appropriateness to demolish a structure, the ARB or staff member shall grant the demolition and issue a certificate of appropriateness when at least one of the following conditions prevails.

- (a) The structure contains no features of architectural and historic significance to the character of the individual precinct within which it is located.
- (b) There exists no reasonable economic use for the structure as it exists or as it might be restored, and that there exists no feasible and prudent alternative to demolition.
- (c) Deterioration has progressed to the point where it is not economically feasible to restore the structure.

(Ord. 10-98. Passed 8-4-98; Ord. 26-2007. Passed 8-21-07; Ord. 0-08-2011. Passed 5-17-11.)

1157.11 MAINTENANCE.

Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of any property within the Architectural Review District, nor shall anything in this chapter be construed to prevent any change, including the construction, reconstruction, alteration or demolition of any feature which in the view of the Zoning Inspector is required for the public safety because of an unsafe, insecure or dangerous condition.

(Ord. 10-98. Passed 8-4-98; Ord. 26-2007. Passed 8-21-07; Ord. 0-08-2011. Passed 5-17-11.)

1157.12 WAIVERS.

Any person or entity owning or having an interest in property that seeks to perform an environmental change may file an application to obtain a waiver from the requirements of this chapter in conformance with the criteria standards, and procedures set forth in Chapter 1113.

(Ord. O-08-2011. Passed 5-17-11.)

1157.13 APPEALS.

The Architectural Review Board shall hear and decide appeals from any decisions or interpretations made by City staff under this chapter. Any such appeal shall be in conformance with the criteria standards and procedures set forth in Chapter 1113.

(Ord. O-08-2011. Passed 5-17-11.)

1157.99 PENALTY.

- (a) Whoever constructs, reconstructs, alters, or modifies any exterior architectural or environmental feature now or hereafter within the Architectural Review District in violation of this chapter, shall be subject to the penalties specified in Section 1109.99.
- (b) Any individual or individual property owner that demolishes a structure within the Architectural Review District in violation of this chapter shall be subject to a fine of up to ten thousand dollars (\$10,000.00).
- (c) Any partnership, association, business entity, etc. that demolishes or causes the demolition of a structure within the Architectural Review District in violation of this chapter shall be subject to a fine of up to fifty thousand dollars (\$50,000.00).

(Ord. 10-98. Passed 8-4-98; Ord. 26-2007. Passed 8-21-07; Ord. O-08-2011. Passed 5-17-11.)

CHAPTER 1165 GENERAL DEVELOPMENT STANDARDS¹

1165.01 DEFINITIONS.

- (a) "Accessory structure" shall be defined as a subordinate structure or surface, located on the same lot as a principal building/structure, which is incidental to the use of the principal building/structure. Accessory structure are categorized into two (2) groups: Detached Structures or Recreational Amenities.
- (b) "Architectural Features" are defined as cornices, canopies, eaves, pilasters, stairs, sills or other similar features.
- (c) "Building Service Features" are defined as egress window pits, mechanical pits, mechanical units and generators, and similar features.
- (d) "Deck" shall be defined as an accessory structure and is further defined as a horizontal platform supported by any combination of posts, beams, foundations, and/or joists with or without handrails, steps or terraces.
- (e) "Detached Structures" are defined as detached garages, enclosed, accessory buildings larger than two hundred (200) square feet, pool houses, and other structures not considered to be Recreational Amenities located in a residentially zoned district.
- (f) "Elevated surface" shall be defined as an artificial rise or elevation above the natural grade of the surrounding ground created with earth, rock, wood or other material.
- (g) "Recreational Amenities" are defined as buildings which are two hundred (200) square feet or less. any sized deck, patio, fireplaces, pergolas, gazebo and similar located in a residentially zoned district.
- (h) "Side Yard" shall be defined as the area measured from a side lot line to the required side yard setback line extending from the front lot line to the rear lot line.
- (i) "Open Sided Structure" shall be defined as a free-standing, unheated structure unenclosed except for a structural system supporting a roof, and screen panels which may be used to enclose the open spaces between structural elements. An open-sided structure includes but may not be limited to a gazebo, tent, pergola, canopy or trellis.

(j) "Hamlet" or "Hamlet Area" means that area defined as a Hamlet in the Strategic Plan of the City of New Albany.

(Ord. O-27-2019 . Passed 9-17-19.)

¹Editor's note(s)—Ord. O-27-2019 , passed September 17, 2019, in effect repealed the former Chapter 1165, and enacted a new Chapter 1165 as set out herein. The former Chapter 1165 pertained to similar subject matter and derived from Ord. 20-90. Passed 6-19-90; Ord. 72-92. Passed 12-15-92; Ord. 29-2001. Passed 8-21-01; Ord. 27-2007. Passed 8-21-07; Ord. 06-2009. Passed 3-17-09; Ord. O-08-2011. Passed 5-17-11.

Cross reference(s)—Gasoline service station defined - see P. & Z. 1105.02;
Home occupation defined - see P. & Z. 1105.02

1165.02 BUILDING REQUIREMENTS.

- (a) Frontage Required. No building, structure, or improvement shall be constructed or altered unless its lot fronts on a publicly dedicated and improved street or thoroughfare within the Municipality.
- (b) Front Yard Requirements. All front yard space shall be maintained in accordance with at least one (1) of the following provisions:
 - (1) Landscaped by lawns, shrubbery, trees or other plantings. Such planting shall be maintained in a neat and orderly state.
 - (2) In all districts, driveways may be located in front yards; if needed in rear yards, rear yard access is permitted off of alleys. In districts where single-family residences are not a permitted use, front yard setbacks may also be used for parking areas, consistent with the regulations of Chapter 1167.
- (c) Corner Lots. Lots fronting on more than one street shall provide the required front yard on both streets.
- (d) Architectural Features Encroachment. May project into a setback no more than three (3) feet with a minimum of two (2) feet maintained to any adjoining lot line.
- (e) Building Service Features Encroachment. May project into a setback no more than five (5) feet with a minimum of two (2) feet maintained to any adjoining lot line.
- (f) Rural Setbacks. All buildings should respect the setbacks of all rural designated roads established in the [VillageCity's Strategic Plan](#).

(Ord. O-27-2019 . Passed 9-17-19.)

1165.03 HEIGHT.

Height regulations specified in the various zoning districts shall not apply to chimneys, tanks, cupolas, domes, spires, or similar structures attached provided that the height of all structures and buildings, including those mentioned above, shall not constitute a hazard to safe landing and take-off of aircraft from an established airport.

(Ord. O-27-2019 . Passed 9-17-19.)

1165.04 ACCESSORY USES OR STRUCTURES.

- (a) Detached Structures. Shall comply with the following requirements:
 - (1) Area. For lots less than one acre, a structure may have an area up to eight hundred (800) square feet; for lots between one (1) acre and two (2) acres, a structure may have an area up to one thousand two hundred (1,200) square feet, and for lots larger than two (2) acres may have an area up to one thousand six hundred (1,600) square feet.
 - (2) Location.
 - A. Shall not project beyond any front elevation of the primary structure or located within the front yard;
 - B. Shall be located at least ten (10) feet from the primary structure and any other detached accessory structures situated on the same lot; and
 - C. Shall not be located within an easement.
 - D. Shall be located ten (10) feet from any side lot line.

E. Shall be located thirty (30) feet from any rear lot line.

- (3) Height. Shall not exceed the height of the primary structure and in no case shall exceed twenty-five (25) feet in height.
- (4) Materials. All finished roof surfaces, except for flat roofs, shall be metal, seal-tab asphalt shingles, slate or wood shingles. All other finished surfaces must be complementary to the primary structure and be wood, brick, composite siding, or any combination thereof.
- (5) Number. Only two detached accessory structures shall be permitted as regulated by this section. Recreational Amenities are exempt from the number limitation in this section.
- (6) Lot Coverage. All detached structures shall follow the lot coverage requirements found in the property's PUD or residential zoning district. R-1 zoned districts shall have a maximum twenty percent (20%) lot coverage for accessory structures.
- (7) No detached accessory structure shall be erected or constructed prior to the erection or construction of the principal or main building, except in conjunction with the same.
- (8) Drainage Improvements. Additional drainage improvements and or direct connections to the storm sewer system may be required, subject to the approval of the City Manager or designee.

(b) Recreational Amenities. Shall comply with the following requirements:

- (1) Materials. All finished roof surfaces, except for flat roofs, shall be metal, seal-tab asphalt shingles, and slate or wood shingles. All other finished surfaces must be wood, brick, stone, composite siding, screen, or any combination thereof.
- (2) Lighting. Illumination of the open-sided structure exterior is prohibited. Illumination within the structure shall not exceed seventy (70) foot-candles measured at a horizontal plane three (3) feet above the finished floor.
- (3) Location.
 - A. Shall not project beyond any front elevation of the primary structure or located within the front yard except an open, uncovered porch/paved terrace may project into the required front yard for distance of no greater than fourteen (14) feet.
 - B. Shall not be located within an easement.
 - C. Shall not be located nearer to any side or rear property line than ten (10) feet, except uncovered porch/paved terrace may be located up to five (5) feet away from any side or rear property line.
- (4) Height. All Recreational Amenities are limited to one (1) story; and the height to the top of the highest roof ridge beam, or to the highest point of any other roof form, from the finished floor shall not exceed fifteen (15) feet.
- (5) No recreational amenities shall be erected or constructed prior to the erection or construction of the principal or main building, except in conjunction with the same.
- (6) Additional Restrictions for Recreational Amenities.
 - A. Deck Restrictions. Decks shall comply with the following requirements, in addition to the requirements above in Section 1165.04(b):
 - 1. The area below a deck which exceeds more than two (2) feet above grade at any point within six (6) feet of the deck's perimeter shall be screened;
 - (i) Second story decks, which are decks with a minimum of seven (7) feet of head-room from the ground to the deck, are exempt from this requirement.

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2. Decks which encroach into the required rear yard shall have no walls or roof planes, or permanently attached benches, seats, or other structures of any kind, weatherproof or not, except a guardrail which may be up to forty-two (42) inches in height above the top of the deck. The handgrip portion of the rail shall not be more than three and one-half (3½) inches in width, if the handgrip is flat.
 3. All decks shall be attached or contiguous to the principal structure or principal building;
- B. Open-Sided Structure Restrictions. An open-sided structure must meet the following minimum design criteria, in addition to the requirements above in Section 1165.04(b):
1. Measurement. The area of all open-sided structures shall be measured post-to-post.
 2. Grading. If the open-sided structure is built on a mound, deck, or other elevated surface, the height of this elevated surface at its highest point above grade shall be added to the height of the structure to determine the overall height of the open-sided structure measured.
 3. Lot Coverage. All open sided structures shall be subject to and included in the lot coverage requirements found in the property's PUD or residential zoning district. R-1 zoned districts shall have a maximum twenty percent (20%) lot coverage for accessory structures.
- C. Drainage Improvements. Additional drainage improvements and or direct connections to the storm sewer system may be required, subject to the approval of the City Manager or designee, if more than fifty percent (50%) of the rear yard buildable area is occupied by Recreational Amenities. For the purposes of this section rear yard buildable area is defined as the interior lot area bounded by the rear yard setback line, the side yard setback lines, and rear of the principle structure.

(Ord. O-27-2019 . Passed 9-17-19.)

1165.05 MINIMUM FLOOR AREA REQUIREMENTS.

No single-family residential dwelling shall have floor area of less than one thousand two hundred (1,200) square feet. No two-family dwelling shall have floor area of less than eight hundred fifty (850) square feet for each family. No multiple family dwelling shall have a floor area of less than eight hundred (800) square feet for each family.

(Ord. O-27-2019 . Passed 9-17-19.)

1165.06 CONNECTIVITY.

The following regulations shall apply to all new development. For the purposes of this section, "new development" shall be any construction involving the replacement of an existing primary structure, construction on a site currently without a primary building or when a commercial parking area is being repaved or constructed.

(a) Sidewalks.

1. Sidewalks are required along all public rights-of-way unless a leisure trail is required. The minimum sidewalk width shall be five (5) feet or greater as determined by the width of existing sidewalks.
2. Sidewalks shall be constructed per the [Village City](#) standard and made of concrete, brick, stone, simulated stone, or simulated brick. The design and installation of sidewalk paving materials other than concrete shall be in accordance with manufacturer recommendations and are subject

to Village-City Engineer and Community Development Department approval. Simulated materials shall correctly simulate appearance of brick or stone.

(b) Leisure Trails.

1. Leisure trails shall be constructed along streams and roads in accordance with the Village's-City's Strategic Plan or as otherwise required.
2. Leisure trails shall be asphalt and have a minimum width of eight (8) feet unless otherwise specified by the Community Development Department. All leisure trails shall be constructed per the Village-City standard.

(c) Fees In-Lieu of Sidewalk and Trail Construction. Where special circumstances exist for sidewalk and trail construction as required in divisions (a) and (b) of this section, a fee in-lieu may be considered according to the procedure in Section 1187.18.

- (d) Where there are open spaces between buildings, excluding single-family and town homes, pedestrian connections shall be established between rear parking areas and the sidewalk in front of the building.

(Ord. O-27-2019 . Passed 9-17-19.)

1165.07 HOME OCCUPATIONS.

Home occupations or professions shall be regulated as permitted, accessory, or conditional uses pursuant to Chapters 1129 through 1139. A home occupation shall comply with the following standards:

- (a) The use shall be clearly incidental and secondary to residential use of the dwelling and not more than fifteen (15) percent of dwelling unit floor area is devoted to the home occupation.
- (b) The home occupation shall not generate greater traffic volume than is normal for a residential neighborhood.
- (c) Not more than one person, other than immediate family residing at the premises, shall be employed in such occupation.
- (d) External indication of such home occupation shall be limited to one non-illuminated sign, not more than two (2) square feet, attached flat against the structure.
- (e) The sale of products, stock, or commodities shall be limited to those produced on the premises.
- (f) Any need for parking generated by conduct of the home occupation shall meet off-street parking requirements of this Zoning Code, and shall not be located in any front yard.
- (g) No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal sense off the lot, if the occupation is conducted in a single-family residence; or outside the dwelling unit if conducted in other than a single-family residence.
- (h) No home occupation shall be conducted from any accessory building on the lot.

In particular, a home occupation shall consist primarily of rendering specific personal services, such as those performed by a seamstress, member of the clergy, physician, dentist, lawyer, engineer, architect, accountant, artist, or private teacher. The home occupation shall be performed by the occupant of the premises and shall include employment of not more than one non-resident of the premises.

(Ord. O-27-2019 . Passed 9-17-19.)

1165.08 GASOLINE SERVICE STATION.

Gasoline service stations, or retail establishments selling gasoline as an ancillary activity, are listed as conditional and permitted uses in the C-1, C-2, and C-3 zoning districts. In addition to the requirements of the district in which the gasoline service station is located, and other provisions of this chapter, such establishments shall be subject to the following requirements:

- (a) Minimum Lot Size. Twenty thousand (20,000) square feet.
- (b) Minimum Building or Structure Size. The building shall have an enclosed area of not less than eight hundred (800) square feet if any service is offered on or from the premises other than the delivery of gasoline, diesel fuel or oil for use as vehicle fuel or lubrication. If a gasoline service station offers no service other than the delivery of gasoline, diesel fuel or oil into vehicles, the enclosed area of the building shall not be less than six hundred (600) square feet. No such limited gasoline service station may offer to provide lubrication, oil changes, repairs, or other equipment installation.
- (c) Minimum Frontage. The lot on which a gasoline service station is located shall have frontage of not less than one hundred fifty (150) feet along a dedicated and improved street designated as not less than minor arterial status on the New Albany Thoroughfare Plan. If a gasoline service station is located on the corner of two (2) or more intersection streets, it shall have one hundred fifty (150) feet of frontage on each intersecting streets.
- (d) Location. No gasoline service station shall be located on any lot within two hundred (200) feet of any zoning district where residences are permitted.
- (e) Setbacks. The pump island setback in a gasoline service station, which shall be the minimum location for pumps dispensing fuel or oil products, shall be forty (40) feet from any right-of-way of any street, and forty (40) feet from any adjoining property line. Any building located on such premises shall be located not less than fifty (50) feet from the right-of-way of any street.
- (f) Driveways and Parking Areas. Driveways and parking areas shall be paved and properly drained. The landscaping of areas along the perimeter of the lot is required, pursuant to Chapter 1171.
- (g) Parking. Gasoline service stations shall be subject to the parking and loading provisions of Chapter 1167. In addition, no inoperable or damaged motor vehicle shall be parked outside a gasoline service station building in excess of seventy-two (72) hours. Parking areas shall be located not closer than five (5) feet to the main building.
- (h) Outside Storage. Outside storage shall be in accordance with the following requirements:
 - (1) All vending machines, except ice machines and telephone booths, shall be located inside the main building.
 - (2) Only one (1) permanent or one (1) portable display rack for oil, antifreeze, or other automotive products shall be permitted on each pump island. No such rack shall be located closer than twenty-five (25) feet to the street right-of-way line or adjoining property line. All other displays or merchandise outside the main building is prohibited.
 - (3) All hydraulic hoists, oil pits, lubricants and greasing, and other repair equipment shall be enclosed completely within the main building.
- (i) Signs. All signs used in connection with gasoline service stations shall be in conformance with the regulations for general retail and commercial uses as specified in Chapter 1169.

(Ord. O-27-2019 . Passed 9-17-19.)

1165.09 MODEL HOME STANDARDS.

Residential model homes and temporary lot sales offices are newly-constructed homes or temporary structures placed in a newly-constructed subdivision and used by a homebuilder or developer to display home styles and lot availability in a subdivision to promote the sale of new housing units. The model home or sales office may be staffed and furnished.

- (a) When making its decision to approve, disapprove or approve with conditions an application for a residential model home, the Planning Commission shall consider that the model home:
 - (1) Is appropriately located within the community and sited so that it is easily accessible without creating a nuisance or hazard to nearby properties.
 - (2) Is integrated into the residential character of the neighborhood with external lighting in conformity with customary residential lighting.
 - (3) Is approved with a limited duration which shall be determined by the Planning Commission after consultation with the applicant. Extensions of time may be granted by the Planning Commission, but decisions must be based on the same criteria as outlined in this section.
 - (4) Is identified by no more than one sign which shall be in compliance with regulations governing signage.
 - (5) Shall not be used as a general real estate brokerage office where the sale of properties not owned or previously owned wholly or in part by the applicant occurs.
- (b) The Planning Commission shall also consider and may set conditions on the following as part of its decision to allow a residential model home:
 - (1) Hours of operation.
 - (2) Number and types of employees; and maximum number of employees to be on the site at any one (1) time.
 - (3) Provisions for parking for employees and customers.
 - (4) Size, lighting, content and location of signage (no internally lighted signage shall be permitted).
 - (5) Landscaping and screening.
 - (6) The use of temporary sales offices (i.e., manufactured homes, mobile homes or trailers) on the site of a newly constructed subdivision shall be discouraged.
- (c) In addition to the above-listed criteria for model homes, permission to occupy a temporary sales office for the purpose of home and lot sales within a newly constructed subdivision shall be granted only if the following conditions are met:
 - (1) Such facility is located on a main arterial roadway or highway.
 - (2) Such facility is substantially screened by the use of landscaping and/or mounding.
 - (3) Such facility shall not create a nuisance to surrounding properties.
 - (4) Such other conditions as the Planning Commission deems appropriate.
 - (5) Sales offices in trailers or mobile homes are permitted for a duration of twelve (12) months. Users of such facilities may apply to the Planning Commission for an extension of an additional twelve (12) months.

(Ord. O-27-2019 . Passed 9-17-19.)

1165.10 PARKLAND AND OPEN SPACE DEDICATION REQUIREMENTS

- (a) Land Dedication . The following parkland and open space requirements shall be used to determine basic mandatory land dedication with each type of new development listed below. These requirements shall not apply to existing lots and/or homes that are being improved or reconstructed

<u>Development Type/Zoning</u>	<u>Parkland Dedication</u>	<u>Open Space Requirement</u>
<u>(1) Residential</u>	<u>2,400 square feet per dwelling unit</u>	<u>In residential developments of two (2) acres or more, a minimum of twenty percent (20%) of the gross developed land area shall be common open space.</u>
<u>(2) Commercial</u>	<u>Exempt from parkland and open space dedication requirements.</u>	
<u>(3) Hamlets</u>	<u>Combined twenty-five percent (25%) of the gross developed land area shall be dedicated as common parkland and open space requirement.</u>	

Such area shall constitute ground, location facilities/equipment (per requirements of division (c) of this section suitable for municipally-owned and operated parks, recreation facilities and open space as reviewed and approved by the Parks and Trails Advisory Board and the Planning Commission and approved by the Council. Although encouraged, such land dedication need not be located within the area of such proposed development. Where a developer owns multiple parcels of development ground within the Municipality, it shall be permissible for such developer to make a open space/parkland dedication for its current and future development. If such dedication is made, no open space/parklands shall be required in future development by such developer, its successors and assigns until such park dedication has been utilized through the development of dwelling units at the required a ratios of twenty-four hundred (2,400) square feet of such park dedication per dwelling unit.

Wet and dry stormwater basins shall not be considered parkland or open space.

- (b) Provisions of Private Recreation Facilities . If the resulting parkland or open space dedication is determined to be of insufficient size or inappropriately located, or if public ownership and operation of such recreational areas is not feasible, the Municipality may request that an applicant plan for the provision of privately financed and owned recreational facilities. A public access easement shall be provided to the Municipality. Such privately-owned parkland or open space shall be subject to the technical assessment provision of this section.
- (c) Parkland and Open Space Technical Assessment: The following suitability and quality criteria shall be used to provide an assessment and recommendation relative to the appropriateness of proposed land dedication or area/facility, i.e., playground, park, recreational area/facility, and open space. The criteria to be used shall include, but not be limited to the following:
- (1) Minimum size for each service level:

<u>Playgrounds</u>	<u>2 acres</u>
<u>Neighborhood Parks</u>	<u>5 acres</u>
<u>Playfields</u>	<u>10 acres</u>
<u>Community Parks</u>	<u>40 acres</u>

- (2) Suitability of the following for the proposed use.

- A. Soils and geology.
- B. Topography and drainage.
- C. Location and impact of designated floodways and floodway fringe areas.
- D. Extent of natural vegetation and tree cover. Preservation of wooded areas is a top priority.
- E. The degree of access of proposed area to pedestrians and vehicles, where appropriate. Public accessibility is a top priority.

(3) The proposed recreational facilities and site improvement to be made.

(4) A schedule indicating how actual construction of the proposed park/open space and improvements are to be phased in relationship with the overall project.

(5) How both ownership and maintenance of such areas is to be undertaken.

(6) Residential development as categorized in C.O. 1165.10(a)(1) must be within one thousand two hundred (1,200) feet of playground equipment and a Pocket Park or a larger size park for development categorized in C.O. 1165.

The Community Development Department will conduct a review of the proposed land dedication or private facility/area or open space and include a recommendation in the staff report.

(7) Types of open space permitted within Hamlet developments include, but are not limited to, one or more of the following amenities: courtyards, pocket plazas, tennis courts, plazas, greens, squares, or greenways. Where appropriate, open space areas may be constructed of permanent materials and be permanently integrated into the design of the development. Open spaces shall be designed, landscaped, and furnished to be consistent with the character of the development. Conservation easements, wetlands, and similar environmentally sensitive areas may count toward the required open space.

(d) Fees In-Lieu of Parkland and Open Space Land Dedication: Mandatory land dedications may be waived when Council has adopted a motion establishing a priority for payment in lieu fees instead of accepting land dedications. Such in-lieu fees shall be designated for a specific community wide park, recreational or open space use. Such community wide use shall benefit the current and future residents.

(1) Nothing in this section or any other section shall preclude the developer from transferring to the Municipality, land for public use, or expending in-lieu funds in excess of the mandatory requirements.

(2) The in-lieu fees shall be established by resolution of Council as based upon the average value per acre of the total gross site prior to construction or improvements. To calculate this estimate, the total value of the development, as determined by an appraisal, shall be divided by the total gross acreage of the development. The resulting figure shall be the averaged value of the development on a per-acre basis.

(3) The appraisal shall be conducted, completed and submitted to the Municipality prior to final plat approval. The appraisal shall be prepared by a certified appraiser approved by the Municipality and paid for by the applicant. The appraisal shall be reviewed and approved by Council.

(4) Should the VillageCity have concerns about the appraisal provided by the developer's appraiser, a separate appraiser may be retained by the VillageCity to provide the appraisal for the site.

(e) Prohibition .

(1) No building permits for construction or improvements of homes will ~~not~~ be issued by the Municipality for the subject site or subdivision ~~subdivision~~ until such land dedication or payment of fees in-lieu land dedications are ~~conveyed to and~~ accepted by Council and conveyed to the City.

~~(2) Applications for zoning and/or building permits for construction or improvements will not be accepted by the Municipality for the subject site or subdivision until such land dedication or payment of fees in-lieu land dedications are conveyed to and accepted by Council.~~

(f) Effective Period: The land dedication and payment of in-lieu fees required by this section shall be conveyed to the Municipality following approval by Council of the final plat and within sixty (60) days of such approval by Council.

(Ord. 77-91. Passed 10-15-91; Ord. 31-2007. Passed 8-21-07; Ord. 42-2007. Passed 12-18-08.)

CHAPTER 1187 SUBDIVISION REGULATIONS¹

1187.01 DEFINITIONS.

The following words and phrases when used in this chapter shall have the meaning here described.

- (a) "Easement" means a grant by property owner(s) to another party or parties for a specific use of a described portion of property.
- (b) "Improvements" means street pavements, with or without curbs and/or gutters, sidewalks, water mains, sanitary and storm sewers, stormwater management facilities, erosion and sedimentation measures, grading and shaping, street lights, landscaping, screening and buffering and other related matters normally associated with the development of land into development sites.
- (c) "Lot" means a division of land and described on a recorded subdivision plat or recorded deed by metes and bounds description.
- (d) "Minor commercial subdivision" means a commercially zoned parcel, with an approved Final Development Plan or equivalent plan, with public road frontage, which does not involve the opening, widening or extension of a public street and does not involve more than five (5) lots after the original tract has been completely subdivided.
- (e) "Plat" means a map of a subdivision described by accurate distances and bearings.
- (f) "Right-of-way" means the width between property lines of a street, roadway, easement.
- (g) "Subdivision" means the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of the transfer of ownership provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, or the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempt. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except for private streets serving industrial structures, the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

(Ord. 77-91. Passed 10-15-91; Ord. 08-2007. Passed 2-20-07; Ord. 31-2007. Passed 8-21-07.)

¹Cross reference(s)—Plat and subdivision defined - see ORC 711.001;

Plat and contents - see ORC 711.01 et seq.;

Lot numbering and revision - see ORC 711.02, 711.06, 711.28 et seq.;

Plat acknowledgment and recording - see ORC 711.06;

Engineer to approve plats; inspection of streets and acceptance - see Ohio 711.08, 711.09;

Plat approval by planning authority; minimum lot area - see ORC 711.09;

Violations of rules and regulations - see ORC 711.102

1187.15 SUBDIVISION STANDARDS, PARKLAND DEDICATION.

- (a) ~~Land Dedication.~~ The basic mandatory land dedication with each plat shall be twenty four hundred (2,400) square feet per dwelling unit. Such area shall constitute ground, location facilities/equipment (per requirements of division (c) of this section suitable for municipally owned and operated parks, recreation facilities and open space as reviewed and approved by the Parks and Trails Advisory Board and the Planning Commission and approved by the Council. Although encouraged, such land dedication need not be located within the area of such plat. Where a developer owns multiple parcels of development ground within the Municipality, it shall be permissible for such developer to make a park dedication for its current and future development. If such dedication is made, no parks shall be required in future development by such developer, its successors and assigns until such park dedication has been utilized through the development of dwelling units at a ratio of twenty four hundred (2,400) square feet of such park dedication per dwelling unit.
- (b) ~~Provisions of Private Recreation Facilities.~~ If the resulting parkland dedication is determined to be of insufficient size or inappropriately located, or if public ownership and operation of such recreational areas is not feasible, the Municipality may request that an applicant plan for the provision of privately financed and owned recreational facilities. A public access easement shall be provided to the Municipality. Such privately owned open space shall be subject to the technical assessment provision of this section.
- (c) ~~Technical Assessment.~~ The following suitability and quality criteria shall be used to provide an assessment and recommendation relative to the appropriateness of proposed land dedication or area/facility, i.e., playground, park, recreational area/facility and open space. The criteria to be used shall include, but not be limited to the following:

(1) ~~Minimum size for each service level:~~

Playgrounds	2 acres
Neighborhood Parks	5 acres
Playfields	10 acres
Community Parks	40 acres

(2) ~~Suitability of the following for the proposed use.~~

- A. ~~Soils and geology.~~
- B. ~~Topography and drainage.~~
- C. ~~Location and impact of designated floodways and floodway fringe areas.~~
- D. ~~Extent of natural vegetation and tree cover. Preservation of wooded areas is a top priority.~~
- E. ~~The degree of access of proposed area to pedestrians and vehicles, where appropriate. Public accessibility is a top priority.~~

(3) ~~The proposed recreational facilities and site improvement to be made.~~

(4) ~~A schedule indicating how actual construction of the proposed park/open space and improvements are to be phased in relationship with the overall project.~~

(5) ~~How both ownership and maintenance of such areas is to be undertaken.~~

(6) ~~Residences must be within one thousand two hundred (1,200) feet of playground equipment and a Pocket Park or a larger size park.~~

The Community Development Department will conduct a review of the proposed land dedication or private facility/area or open space and include a recommendation in the staff report.

~~(d) — Fees In Lieu of Land Dedication. Mandatory land dedications may be waived when Council has adopted a motion establishing a priority for payment in lieu fees instead of accepting land dedications. Such in-lieu fees shall be designated for a specific community wide park, recreational or open space use. Such community wide use shall benefit the current and future residents.~~

~~(1) — Nothing in this section or any other section shall preclude the subdivider from transferring to the Municipality, land for public use, or expending in-lieu funds in excess of the mandatory requirements.~~

~~(2) — The in-lieu fees shall be established by resolution of Council as based upon the average value per acre of the total gross site prior to construction or improvements. To calculate this estimate, the total value of the development, as determined by an appraisal, shall be divided by the total gross acreage of the development. The resulting figure shall be the averaged value of the development on a per-acre basis.~~

~~(3) — The appraisal shall be conducted, completed and submitted to the Municipality prior to final plat approval. The appraisal shall be prepared by a certified appraiser approved by the Municipality and paid for by the applicant. The appraisal shall be reviewed and approved by Council.~~

~~(4) — Should the Village have concerns about the appraisal provided by the developer's appraiser, a separate appraiser may be retained by the Village to provide the appraisal for the site.~~

~~(e) — Prohibition.~~

~~(1) — No permits for construction or improvements will not be issued by the Municipality for the subject subdivision until such land dedication or payment of fees in-lieu land dedications are conveyed to and accepted by Council.~~

~~(2) — Applications for zoning and/or building permits for construction or improvements will not be accepted by the Municipality for the subject site or subdivision until such land dedication or payment of fees in-lieu land dedications are conveyed to and accepted by Council.~~

~~(f) — Effective Period. The land dedication and payment of in-lieu fees required by this section shall be conveyed to the Municipality following approval by Council of the final plat and within sixty (60) days of such approval by Council.~~

~~(Ord. 77-91, Passed 10-15-91; Ord. 31-2007, Passed 8-21-07; Ord. 42-2007, Passed 12-18-08.)~~

~~1187.16 SUBDIVISION STANDARDS, OPEN SPACE.~~

~~(a) — In addition to the parkland dedication requirements in Section 1187.15, in residential developments of two (2) acres or more, a minimum of twenty percent (20%) of the gross developed land area shall be common open space. Wet and dry stormwater basins shall not be considered open space.~~

~~(b) — Publicly and privately owned parks and open space must be accessible by roadway or public access easement.~~

~~(c) — The technical assessment in Section 1187.15(c) shall apply to the evaluation of the suitability of the proposed open space.~~

~~(d) — Fees in-lieu dedication of land for open space shall be established by the same method as the parkland fees in-lieu of dedication in Section 1187.15(d).~~

~~(Ord. 31-2007, Passed 8-21-07; Ord. 42-2007, Passed 12-18-08.)~~

1187.17 SUBDIVISION STANDARDS, GENERAL.

Features of any proposed subdivision not specifically set out or provided for herein, shall be at least equal to the generally accepted good practice existing at the time such subdivision is proposed. Conformity to the applicable standards of the Franklin County Subdivision Regulations, not in conflict herewith, promulgated by the Mid-Ohio Regional Planning Commission, of which this Municipality is a contributing member, shall be deemed satisfactory compliance with this section.

(Ord. 77-91. Passed 10-15-91; Ord. 31-2007. Passed 8-21-07.)

1187.18 FEE IN-LIEU OF SIDEWALK AND TRAIL CONSTRUCTION.

- (a) Council Approval Required. Council shall have the authority to approve applications for a fee in-lieu of sidewalk and/or trail construction.
- (b) Criteria for Approval. A fee payment in-lieu of sidewalk or trail may be permissible when a sidewalk or trail is found by Council to be not appropriate due to one of the following conditions:
 - (1) Sidewalk and/or trail construction is impracticable due to topographical conditions or site constraints;
 - (2) Sidewalks and/or trails do 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 in the required location.
- (c) Calculation of Fees In-Lieu of Sidewalk or Trail Installation. The in-lieu fees shall be based upon the current cost of constructing sidewalks and/or trails in their required locations. The applicant shall provide a construction cost estimate, paid for by the applicant, to the Community Development Department a minimum of fifteen (15) working days prior to the council meeting at which the applicant desires his application to be heard. The submitted estimate shall be reviewed by the Village Engineer. The estimate shall be evaluated based on three (3) current quotes/estimates for construction materials and other information as needed. The estimate information shall then be reviewed and approved by Council.
- (d) Effective Period. The payment of in-lieu fees required by this section shall be conveyed to the Village of New Albany following approval by Council of the fee in-lieu and within sixty (60) days of receiving notice of such approval by Council.
- (e) Permits Issued. Permits for construction or improvements will not be issued by the Municipality for the subject development until payment of fees in-lieu sidewalk and/or dedications are conveyed to and accepted by the Village.

(Ord. 31-2007. Passed 8-21-07.)

1187.19 CONSTRUCTION DRAWINGS.

- (a) All construction drawings shall be on a horizontal scale of one inch to fifty (50) feet, and a vertical scale of one inch to five (5) feet. The sheet size shall be twenty-two (22) inches by thirty-six (36) inches. Sheet material shall be mylar with a minimum thickness of 0.03 mils.
- (b) Upon approval and acceptance of all improvements, the original construction drawings for the improvements shall be revised to reflect the actual construction. All drawings, including the master grade plan or reproductions thereof on mylar, shall become the property of the Municipality and shall be on file in the office of the Municipal Engineer.

(Ord. 77-91. Passed 10-15-91; Ord. 31-2007. Passed 8-21-07.)

1187.20 VARIANCES.

In cases where it is deemed that hardships, topography or other factual deterrent conditions prevail, variations and exceptions from the dimensional standards and improvement requirements, as set forth in these regulations, may be requested of the Planning Commission, but must be approved by Council.

(Ord. 77-91. Passed 10-15-91; Ord. 31-2007. Passed 8-21-07.)

1187.21 FEES.

Council shall have the authority to establish a schedule of fees for the filing, review and processing of applications. Council may periodically review the fee structure and make adjustments as deemed appropriate. Fees are non-refundable and shall be paid in full at the time of filing. Fees shall be set by separate ordinance.

(Ord. 31-2007. Passed 8-21-07.)

1187.22 MINOR COMMERCIAL SUBDIVISIONS.

- (a) Notwithstanding anything to the contrary, approval without a plat of a minor commercial subdivision may be granted by the Community Development Director or designee if the proposed minor subdivision of a parcel of land meets all of the following conditions:
 - (1) A final development plan according to Chapter 1159 or an equivalent plan has been approved by the Planning Commission;
 - (2) The proposed subdivision is located along an existing public road, has frontage along a public street and involves no opening, widening or extension of any street;
 - (3) No more than five (5) lots are created after the original parcel has been completely subdivided;
 - (4) The proposed subdivision is not contrary to other subdivision, zoning, and other applicable regulations; and
 - (5) The property has been surveyed and a survey drawing, legal description of the property and other information as may be pertinent or required for appropriate action are submitted with the application.
- (b) If approval is given under these provisions, the Community Development Director or designee shall, within ten (10) working days after submission, approve such proposed minor subdivision and, upon presentation of a conveyance for said parcel, shall stamp "Approved by New Albany; No Plat Required", and the authorized representative of the Commission shall sign the conveyance.
- (c) For the purpose of this section, "original parcel" means the parcel existing as of the effective date of this section of the Subdivision Regulations (February 20, 2007).

(Ord. 08-2007. Passed 2-20-07; Ord. 31-2007. Passed 8-21-07.)

1187.23 SUCCESSION IN GOVERNMENT.

All references herein to officers or departments existing under Village government shall also refer to those officials or departments succeeding to the same or similar function upon advancement to city status.

(Ord. 77-91. Passed 10-15-91; Ord. 08-2007. Passed 2-20-07; Ord. 31-2007. Passed 8-21-07.)



NEW ALBANY, OHIO

RESIDENTIAL OUTSIDE
VILLAGE CENTER

DESIGN GUIDELINES & REQUIREMENTS

SECTION 5

(AMENDED JUNE 2022)



High style designs incorporate specific architectural elements.



Buildings should be oriented toward primary streets and sidewalks.

I. Overview

This section applies to all residential development in New Albany that is outside of the Village Center. Standards for new residential buildings located outside the Village Center vary little from the standards used within that district. The goals in both areas are the same: creation of high-quality new buildings that enhance the character and livability of New Albany.

A. Site Characteristics

The siting of a building on a lot is an important design feature, as are elements such as orientation to the lot boundaries; setback from the public right-of-way; spaces between buildings; driveways and parking areas; landscaping and open space; and connections to other parts of the neighborhood and community.

A great deal of the attractiveness and high quality of the physical character of New Albany is due to careful design that blends all these elements into a harmonious composition. This arises from the fact that the spaces between and around buildings can be as important as the buildings themselves.

As in the choice of architectural style, traditional practice suggests workable ways in which both the man-made and the natural settings in New Albany can be treated to work hand-in-hand with the community's architecture.

New Albany's zoning requirements have a significant impact on site design. Refer to the New Albany Zoning Ordinance when beginning project planning, and always confer as early as possible with staff about a planned project.

In addition to zoning requirements, the following guidelines apply to site planning for all residential buildings outside the Village Center.

1. Asphalt, brick, stone, or simulated stone driveway pavers are appropriate surfaces for driveways and parking areas.

2. Parking areas and garage sites should be located at the rear of lots.

3. In addition to creating a setback, as defined in the Zoning Ordinance, a new building's site shall take account of precedent set by adjacent and/or nearby buildings, including the size, shape, and scale of spaces between the buildings. Consistency with traditional practice and with existing developed sites is the most appropriate.

4. Lot sizes may vary in size, and creation of appropriate green spaces between buildings is encouraged. Excessively large or excessively small spaces between buildings shall be avoided.

5. Buildings should face onto open spaces and natural corridors. A road is often best used to create an edge along these spaces.

6. For townhouses and apartment buildings, front setbacks should be appropriate to the setting, building type, architectural style and relationship to the surrounding buildings.



No garage doors face this street, enhancing the feel of a traditional streetscape.



Primary elevations should face public streets and open spaces.



Vernacular designs often include interesting elements and details.



These historic shutters are operable and made to fit the window opening.

II. Single-Family

A. Building Characteristics

Single-family homes are the most common residential building type in New Albany, and therefore have a significant impact on the visual quality of the community. The key to successful design of homes and accessory structures is a thorough understanding of traditional design practices as illustrated in the “American Architectural Precedent” section of these standards, as well as in A Field Guide to American Houses. This information, as well as the guidance provided by the “Guiding Principles” section and additional information sources outlined in Section 1, will provide a sound basis for creative design of new structures.

B. Design

1. Buildings shall be in one of the architectural styles described in the “American Architectural Precedent” section of these standards. The only permitted exception is in the case of individual lots of record existing prior to 1990. In such cases, any traditional American architectural style may be employed, provided that such architectural style is similar to that of an existing home within a radius of one-quarter of a mile. No such homes utilizing this exception shall be constructed without first obtaining a Certificate of Design Appropriateness pursuant to Codified Ordinances of New Albany. Properties utilizing this exemption shall not be required to comply with requirements of the Design Guidelines and Requirements which are inconsistent with the architectural style proposed.

2. Building designs shall not mix elements from different styles. Designs must be accurate renderings of traditional historical styles. The number, location, spacing, and shapes of window and door openings should be the same as those used in traditional historical styles.

3. Garages and outbuildings shall be clearly secondary in character, by means of a simplified design compatible with that of the primary structure. Garages may be attached or detached and must have single-bay doors no greater than ten feet in width. Side load garages on corner lots should be designed to minimize their visual impact. Side load garage doors facing a public street must be set back at least 20 feet from all portions of the front façade of the house.

4. Side or rear vehicular entry into garages is strongly encouraged. If garage doors face the primary street, the facade of the garage shall be set back a minimum of ten feet from all portions of the principal facade of the primary building.

5. Over-use of elements such as shutters, cupolas, and roof balustrades shall be avoided. Such elements may be employed only when they are common elements of specific architectural styles. When shutters are employed, even if they are non-operable, they must be sized and mounted in a way that gives the appearance of operability.

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

C. Form

1. Building forms shall follow forms depicted in the "American Architectural Precedent" section and in A Field Guide to American Houses. Building forms shall be appropriate for the particular architectural style being employed, as shown in the examples given in the sources cited above.

2. Massing of building forms (the way in which forms are fit together to create a complete composition) shall be consistent with traditional practice as depicted in the cited sources.

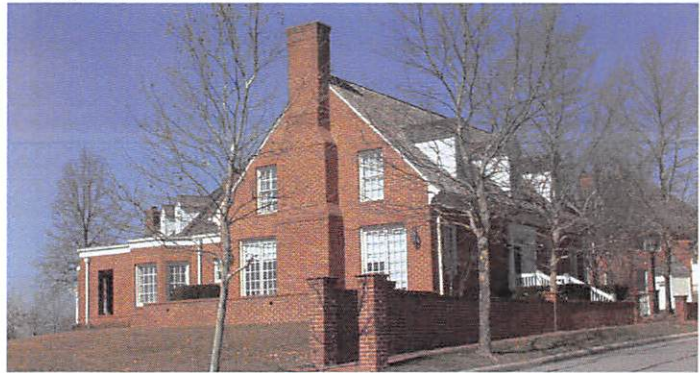
3. Orientation of main building facades, those with the primary entrances, shall be toward the primary street on which the building is located.

4. All building elevations shall be designed in a manner consistent with the selected architectural style. Refer to Guiding Principle #1 regarding design of all elevations of a building. Random mixing of exterior materials shall be avoided.

5. Particular attention shall be paid to correct proportions of building walls; gable and roof surface slopes; window and door openings; and window sash and glass panes. Proportions illustrated in the "American Architectural Precedent" and in the book A Field Guide to American Houses shall be observed.



This building is oriented toward the street, with the wing containing a side-load garage secondary in character to the house



Here the large main mass predominates, with smaller forms used for the wings.



Historic entrances and windows were carefully proportioned and finely detailed.

D. Scale

1. New building designs shall exhibit the same sense of scale as was typical of the traditional architectural style selected for that building. Significant variance from traditional scale shall be avoided.

2. Building scale shall be controlled by careful attention to width of facades and to floor-to-floor heights on exterior walls. In general, the architectural styles selected as appropriate for New Albany are of modest or intimate scale rather than large or grand. In some cases, a larger scale for buildings designed in the Colonial Revival and Georgian Revival styles may be appropriate and will be considered on a case-by-case basis.

E. Height

1. Building height may vary between a minimum of 1.5 and a maximum of 2.5 stories. The number of stories is measured at the main entrance to the building. Walk-out basements do not count toward building height. All half-stories must have the appearance of being occupiable through the use of windows, dormers, or other architectural elements, unless otherwise appropriate for the proposed architectural style.

2. Entrances to the first floor of a building shall be a minimum of two feet above grade.

3. The height of garages, wings, dependencies, and detached structures shall not exceed the height of the roof peak of the main portion of the building.

F. Materials

1. The materials of which new buildings are constructed shall be appropriate for and typical of materials traditionally used in the architectural style in which the building is constructed. In general, wood siding and brick are preferred exterior materials. The use of alternate materials such as hardi-plank, vinyl, and other modern materials may be appropriate when they are used in the same way as traditional materials would have been used. This means that the shape, size, profile, and surface texture of alternate materials must exactly match historical practice when these elements were made of wood. Especially close attention must be paid to details such as cornerboards, window and door trim, soffits and eaves, and porch trim to ensure a correct match to traditional wood elements. Use of façade materials other than brick or wood requires review by the Architectural Review Board.

2. Exterior material selection shall be guided by examples given in the "American Architectural Precedent" section and in A Field Guide to American Houses.

3. Exposed concrete foundation walls are not permitted.
4. All exposed exterior chimneys shall be constructed of brick. Wood, artificial siding and stucco, as well as fireboxes that utilize cantilevered floor joist construction, are not permitted on chimneys.
5. Skylights must not be visible from the public right-of-way.
6. Historically, true divided-light wood window sash were the only ones available for multi-paned windows. Today most people prefer to simulate the divided-light look. However, great care must be taken to ensure that the divided-light look and the proportions of the window panes are correct. The only acceptable form of this window is one in which the glass panes have vertical proportions (height greater than width) and correctly-profiled muntins with an internal spacer that gives the appearance of a muntin extending through the glass. In addition, there must be an offset between the upper and lower sash to give the window a double-hung appearance. No snap-in or flat muntins will be approved. New windows must be made of wood and may have either vinyl or aluminum cladding on the exterior.
7. Another appropriate option is to use true wood or clad one-over-one windows. The window sash need not be operable if it correctly simulates a double-hung appearance.
8. When a window design has been selected for a building, the same design must be used on all elevations. Use of other window designs as "accent" windows must be appropriate for the architectural style of the building.



This historic true divided-light window illustrates correct vertical proportions for window panes.



Multi-family buildings often follow traditional architectural design practices.



This entrance serves multiple apartments and is clearly visible to pedestrians.

II. Multi-Family

This section applies to all non-single family, detached residential development.

A. Design

1. Buildings shall be in one of the architectural styles described in the “American Architectural Precedent” section of these standards. A building’s design must be derived from examples of traditional American architecture that was built in a scale appropriate to that of the proposed new building. High quality, simple designs are encouraged.

2. Building designs shall not mix elements from different styles. Designs must be accurate renderings of traditional historical styles. The number, location, spacing, and shapes of window and door openings shall be the same as those used in traditional historical styles.

3. Buildings that do not have individual entrances to residential units shall follow traditional practice by employing distinctive central entrances that facilitate pedestrian access.

4. Garages and outbuildings shall be clearly secondary in character, by means of a simplified design compatible with that of the primary structure. Garages may be attached or detached and must have single-bay doors no greater than ten feet in width.

5. Garage doors may not face toward the primary street.

6. Over-use of elements such as shutters, cupolas, and roof balustrades shall be avoided. Such elements may be employed only when they are common elements of specific architectural styles. When shutters are employed, even if they are non-operable, they must be sized and mounted in a way that gives the appearance of operability.

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

B. Form

1. Building forms shall follow forms depicted in the “American Architectural Precedent” section and in A Field Guide to American Houses. Building forms shall be appropriate for the particular architectural

style being employed, as shown in the examples given in the sources cited above.

2. Massing of building forms (the way in which forms are fit together to create a complete composition) shall be consistent with traditional practice as depicted in the cited sources. Use of traditional “U,” “E,” and “H” shapes, which maximize admission of natural light to the building interior, is encouraged.

3. Orientation of main building facades, those with the primary entrances, shall be toward the primary street on which the building is located. When “U,” “E,” and “H” building shapes are used, entrances may also be on non-primary facades but must open onto courtyard areas that have sidewalks connected both to the internal system of walks and to walks along public streets.

4. All building elevations shall be designed in a manner consistent with the selected architectural style. Refer to Guiding Principle #1 regarding design of all elevations of a building. Random mixing of exterior materials shall be avoided.

5. Maximum building length should not exceed 160 feet unless otherwise found appropriate to the building design, context, scale and massing.

6. Particular attention shall be paid to correct proportions of building walls; gable and roof surface slopes; window and door openings; and window sash and glass panes. Proportions illustrated in the “American Architectural Precedent” and in the book *A Field Guide to American Houses* shall be observed.

C. Scale

1. New building designs shall exhibit the same sense of scale as was typical of the traditional architectural style selected for that building. Significant variance from traditional scale shall be avoided.

2. Building scale shall be controlled by careful attention to width of facades and to floor-to-floor heights on exterior walls. In general, the architectural styles selected as appropriate for New Albany are of modest or intimate scale rather than large or grand. In some cases, a larger scale for buildings designed in the Colonial Revival and



This U-shaped building has a landscaped courtyard to connect the building to the street.



Three story buildings are appropriate for townhouses and apartment buildings.



When a courtyard is located within the recessed wings of a building, the entire courtyard may be at least two feet above grade.

Georgian Revival styles may be appropriate and will be considered on a case-by-case basis.

D. Height and Length

1. Building height may vary between a minimum of 1.5 and a maximum of three stories. In general, a minimum height of two stories is most appropriate for townhouse and apartment building types and is encouraged. The number of stories is measured above grade at the primary entrance to the building. Walk-out basements do not count toward height. All half-stories must have the appearance of being occupiable through the use of windows, dormers, or other architectural elements, unless otherwise appropriate for the proposed architectural style.

2. Entrances to the first floor of a building shall be a minimum of two feet above grade. In cases where a building has courtyards recessed within wings of the building, the entire courtyard may be placed at least two feet above the surrounding grade and entrances may be located at the grade of the courtyard.

3. The height of garages, wings, ells, dependencies, and similar portions of a building shall not exceed the height of the roof peak of the main portion of the building.

E. Materials

1. The materials of which new buildings are constructed shall be appropriate for and typical of materials traditionally used in the architectural style in which the building is constructed. In general, wood siding and brick are preferred exterior materials. The use of alternate materials such as hardi-plank, vinyl, and other modern materials may be appropriate when they are used in the same way as traditional materials would have been used. This means that the shape, size, profile, and surface texture of alternate materials must exactly match historical practice when these elements were made of wood. Especially close attention must be paid to details such as cornerboards, window and door trim, soffits and eaves, and porch trim to ensure a correct match to traditional wood elements. Use of façade materials

other than brick or wood require approval by the Architectural Review Board.

2. Exterior material selection shall be guided by examples given in the "American Architectural Precedent" section and in A Field Guide to American Houses.

3. Exposed concrete foundation walls are not permitted.

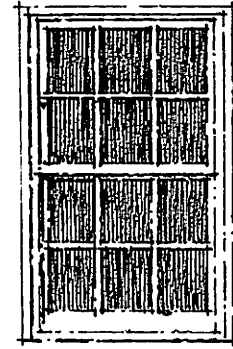
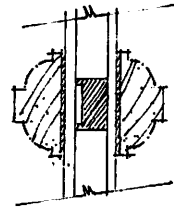
4. All exposed exterior chimneys shall be constructed of brick. Wood, artificial siding and stucco, as well as fireboxes that utilize cantilevered floor joist construction are not permitted on chimneys.

5. Skylights must not be visible from the public right-of-way.

6. Historically, true divided-light wood window sash were the only ones available for multi-paned windows. Today most people prefer to simulate the divided-light look. However, great care must be taken to ensure that the divided-light look and the proportions of the window panes are correct. The only acceptable form of this window is one in which the glass panes have vertical proportions (height greater than width) and correctly-profiled muntins with an internal spacer that gives the appearance of a muntin extending through the glass. In addition, there must be an offset between the upper and lower sash to give the window a double-hung appearance. No snap-in or flat muntins will be approved. New windows must be made of wood and may have either vinyl or aluminum cladding on the exterior.

7. Another appropriate option is to use true wood or clad one-over-one windows. The window sash need not be operable if it correctly simulates a double-hung appearance.

8. When a window design has been selected for a building, the same design must be used on all elevations. Use of other window designs as "accent" windows must be appropriate for the architectural style of the building.



Good quality new windows can simulate traditional through-the-glass muntins.



5

PHOTO CREDITS & DRAWINGS

BENJAMIN D. RICKEY & CO.

MSI

VILLAGE OF NEW ALBANY

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BENJAMIN D. RICKEY & CO.

GRAPHIC DESIGN BY:

MARGO PUFFENBERGER.

MSI





RESOLUTION R-25-2022

A RESOLUTION TO APPROVE, ADOPT AND INCORPORATE THE HAMLET FOCUS AREA PLAN INTO THE 2021 ENGAGE NEW ALBANY STRATEGIC PLAN, AS REQUESTED BY THE CITY OF NEW ALBANY

WHEREAS, council of the City of New Albany has established a Strategic Plan to guide land use, infrastructure development and economic impact; and to provide a guideline to establish goals, objectives and strategies related to the development of the City of New Albany, and adopted it by Resolution R-08-2021 on March 16, 2021, and

WHEREAS, New Albany has updated its strategic plan to respond to changing conditions and priorities that resulted from the city's continued growth and the strategic plan is based on community input and sound planning principles designed to improve quality of life, address community needs and protect investment for the long term; and

WHEREAS, the Planning Commission reviewed and recommended approval of the Hamlet Focus Area Plan and its incorporation into the 2021 Engage New Albany Strategic Plan at their meeting on June 20, 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. Council hereby adopts the incorporation of the Hamlet Focus Area Plan into the 2021 Engage New Albany Strategic Plan as presented to council and as attached hereto as 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 121.22 of the Ohio Revised Code.

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 _____, 2022.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 06/24/2022

Introduced: 07/05/2022

Revised:

Adopted:

Effective:

EXHIBIT A - R-25-2022

ENGAGE NEW ALBANY

You're part of the plan

NEW ALBANY HAMLET

Focus Area Plan

June 2022



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INTRODUCTION

PURPOSE & OVERVIEW

The concept of hamlets in New Albany originated from the Rocky Fork Blacklick Accord plans from 1996 and 2001. These plans contemplated the eventual build-out of the entire Plain Township area and the needs of residents north of SR 161. One of the recommendations to address the changing development patterns in this area was the creation of small hamlets at geographically spaced locations, with the goal of creating walkable, mixed-use environments connected to surrounding neighborhoods and integrated into an open space network. The original hamlet concept focused on a focal green space, residential development around the green, limited retail around the green, and some public parking.

The Engage New Albany Strategic Plan, adopted in 2021, revived the hamlet concept to accommodate the original vision and the present desires of residents. Through the Engage New Albany planning process, the community expressed the need for more housing types for all life stages and the desire, especially for residents north of SR 161, for more activity and walkable destinations in that part of the city. The Strategic Plan recommended two hamlets at defined locations in New Albany north of SR 161, including the immediate vicinity of SR 605/New Albany-Condit Road and Central College Road. In 2022, the Strategic Plan was updated to remove the hamlet concept at the "five points" intersection and this focus area was created to elaborate on the recommendation for a hamlet at the latter location.

The city of New Albany studied this concept further to determine the best application of the hamlet locally. This focus area summarizes the outcomes and recommendations that derived from additional evaluation and planning. This New Albany Hamlet Focus Area is the first revision to the Engage New Albany Strategic Plan.

PROCESS

The planning team for this work included select staff from the city of New Albany as well as a team from MKSK. Beginning in January 2022, the planning team collaborated to create multiple development scenarios for the hamlet site. These scenarios had different layouts, land use compositions, densities, and various other factors. The purpose of this development scenario exercise was to determine an appropriate development pattern for a New Albany hamlet. Using the agreed upon development framework (shown on p. 11), the planning team created a more detailed site plan (shown on p. 14 - 15), and a plan showing the preferred land uses on-site (see p. 17). Finally, using these agreed upon plans, the planning team created hamlet development standards (found on p. 18).

COMPONENTS OF A HAMLET

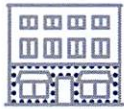
Based on a review of relevant literature and existing developments in other communities, the planning team developed a list of essential components for a hamlet development in New Albany. Together, these components will contribute to the creation a development with strong character and a sense of place that fits with the existing character of development in New Albany. The components of a New Albany hamlet include the following:



Compact, walkable neighborhood pattern – A key feature of hamlets is walkability, which is achieved through more compact development patterns, connected streets and pathways, and pedestrian-oriented design of blocks and buildings.



Central, organizing public space framed by streets and buildings – Public space is at the heart of a New Albany hamlet. This can take the form of an activated open space, plaza, or square. This space should be bordered by streets and buildings on at least a couple of sides to frame the public space and create a center of activity for the hamlet.



Active ground floor uses – A vibrant pedestrian experience in a hamlet is achieved through various means, including by creating an active first floor. In mixed-use buildings, the ground floor should be occupied by restaurants, shops, service businesses, and other similar uses that promote pedestrian activity throughout the day.



Prioritization of streets, sidewalks, and pedestrian/bike connections – A connected mobility network of streets, sidewalks, and leisure trails is an essential component to move people to, from, and within a hamlet.



Contains a mix of two or more uses – By incorporating more than one land use, a hamlet can become a community destination rather than simply a development. A mix of uses creates a multi-functional place where people can live, work, shop, explore, relax, and more.



Memorable architecture, public spaces, and placemaking elements – Components of the public realm, such as architecture, signage, public spaces, site furnishings, and public art should be utilized in a New Albany hamlet to create a strong sense of place.



Emphasizes a discipline of materiality – New Albany is known for its high-quality development and a hamlet should be no exception. A hamlet should utilize materials that are of a uniquely New Albany vernacular.



Integrated parking on-street and behind buildings – Parking should be intermixed with the rest of the built environment in a hamlet. Streetscape design can include on-street parking spaces, which provides a buffer between vehicular traffic and the pedestrian realm. Larger surface parking areas that are adequately screened and located behind buildings can blend seamlessly with the rest of a development.



Context sensitive design that leverages surroundings – A New Albany hamlet is not a cookie cutter development, but rather is a bespoke place with a character that is distinctly New Albany. By utilizing the surrounding context and natural features in the site design, a hamlet can become seamlessly embedded into the community.

DEVELOPMENT FRAMEWORK

PLAN COMPONENTS & USE

The recommendations put forth in this document build upon the recommendations in the Strategic Plan, which should be consulted for additional details and information.

The New Albany Hamlet Focus Area covers four topics:

- Existing Conditions: This outlines the current area conditions and context.
- Future Land Use: This identifies the desired application of the hamlet land use in New Albany, including an updated future land use map.
- Future Development: This illustrates the potential future development of the New Albany Hamlet.
- Development Standards: This outlines the requirements for a proposed hamlet development and site plan.

EXISTING CONDITIONS

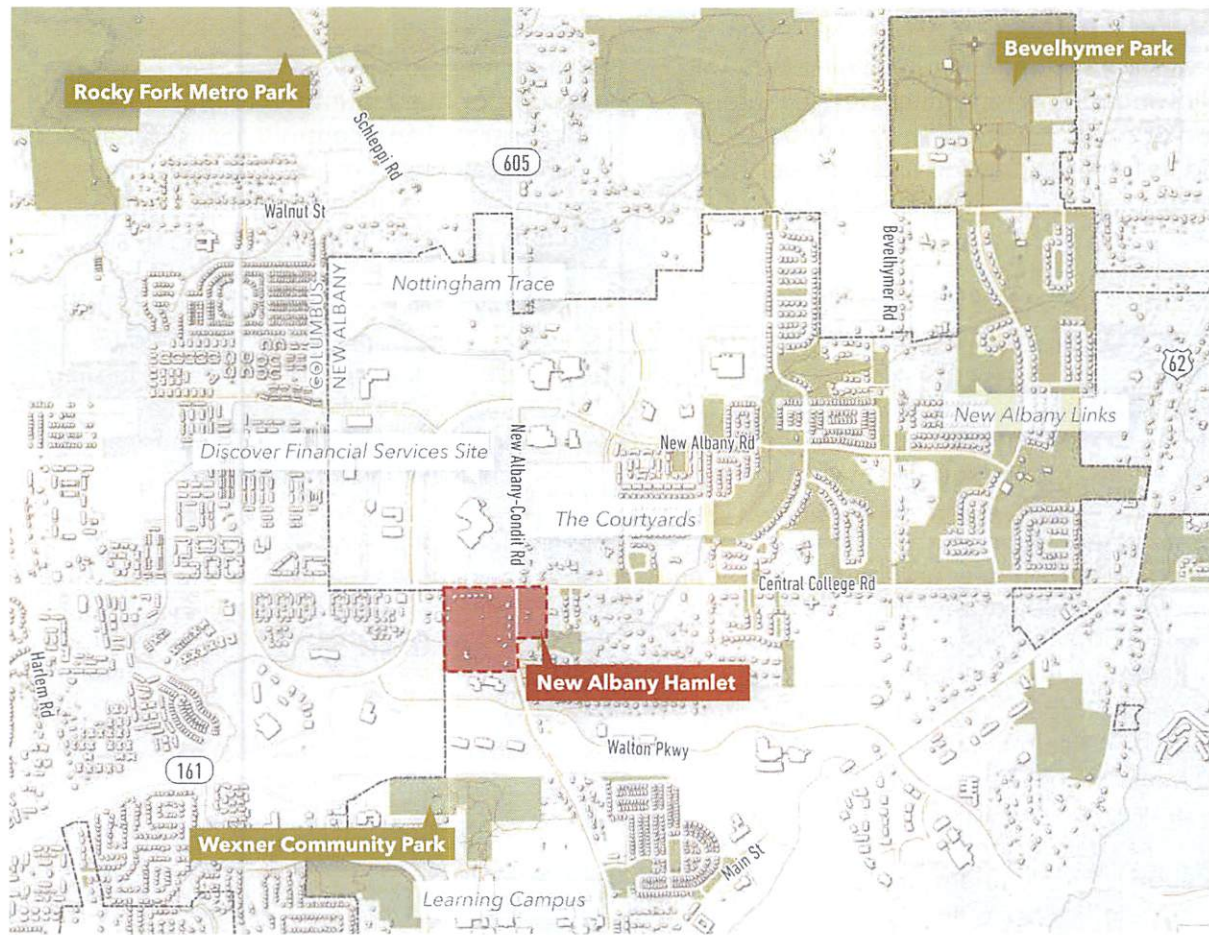
The New Albany Hamlet site lies at the intersection of SR 605/New Albany-Condit Road and Central College Road. The site, which is roughly 33 acres, is comprised of parcels at the southwest and southeast corners of that intersection, as shown in the diagram on the following page. The site is bounded to the north by Central College Road, to the east by single family residential areas, to the south by commercial uses, and to the west by the city of New Albany boundary with the city of Columbus. Additionally, the Sugar Run corridor, which runs east and west, bisects the site along the south.

The portion of the site that sits west of SR 605/New Albany-Condit Road is within New Albany's International Business Park. More Business Park uses are located north and south of the site. The former Discover Financial Services site sits directly north of the hamlet site. This now vacant property presents a significant opportunity to develop a vibrant, more pedestrian-oriented node at this intersection.

To the west, which is located within the city of Columbus, single family and multifamily residential comprise much of the developed land. The rest remains undeveloped or agricultural land. To the east, in the city of New Albany, single family residential is the predominant use. A couple age-restricted communities, Nottingham Trace and The Courtyards at New Albany, have also been developed in the vicinity off of SR 605/New Albany-Condit Road recently.

The diagram on the following page (p. 7) illustrates the existing site conditions and context. This site was previously identified in the Engage New Albany Strategic Plan as a future mixed-use area (see Engage New Albany p. 195).

Existing Conditions and Context Diagram



Legend

- New Albany Hamlet Focus Area 
- City Boundary 
- Buildings 
- Open Space 
- Leisure Trails 
- Rivers & Streams 

FUTURE LAND USE

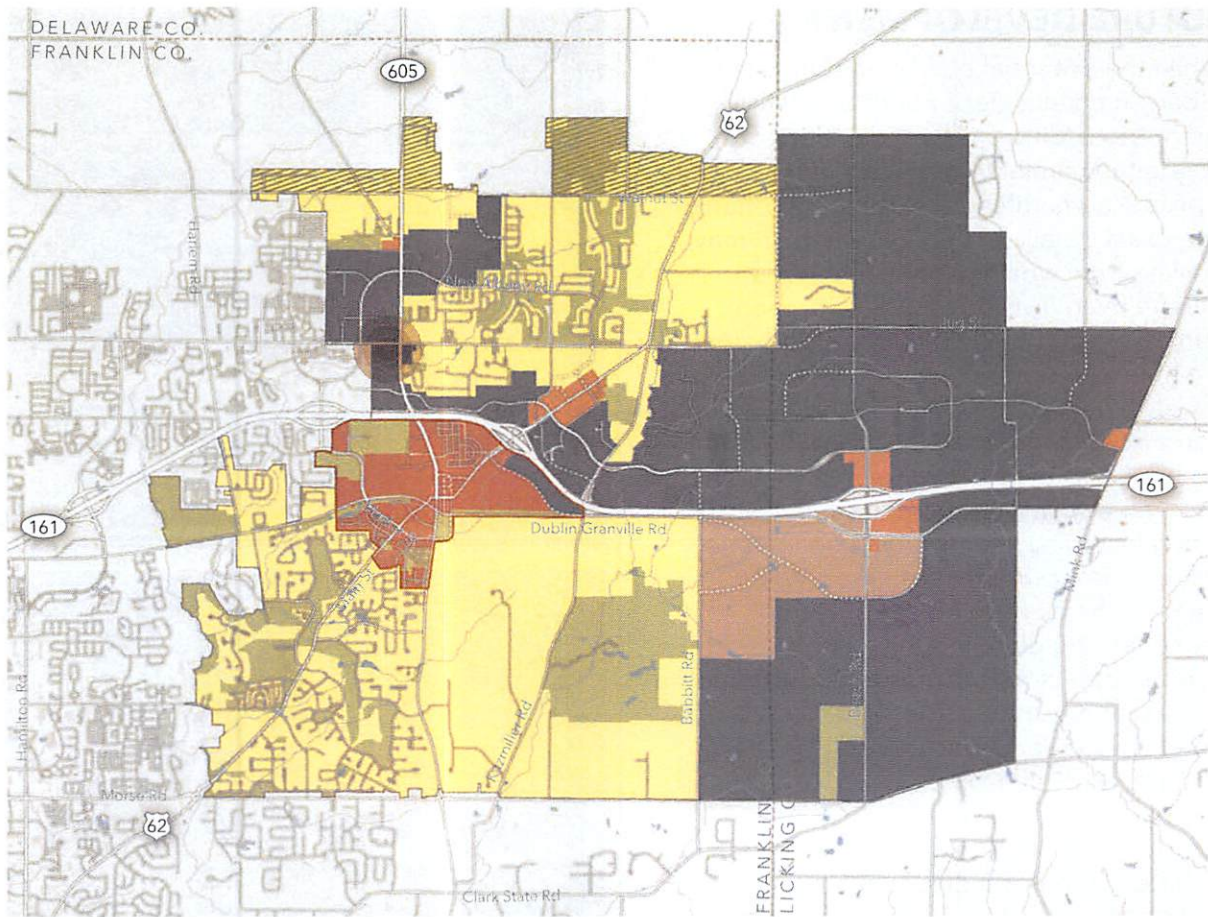
New Albany's future land use map (see following page 9) identifies desired future land use patterns for the city of New Albany and its future expansion areas, as well as the development strategies for each type of land use.

The future land use map on the following pages has been updated to show only one hamlet in the vicinity of the area around Central College Road and SR 605/New Albany-Condit Road. The original Engage New Albany future land use map depicted a second location in the vicinity of the "five points" intersection at US 62 and Central College Road. This second hamlet has been removed from the future land use map.

Hamlet development is strongly recommended for the area shown on the future land use map, but it is not required. If a hamlet is not developed, this area can be developed based on the underlying land use. The underlying land use at this location is Employment Center, which allows for large office buildings, like Discover Financial Services, Commercial Vehicle Group, PharmaForce, Inc., and others in the vicinity. If a hamlet is developed, it should meet the standards listed on p. 18. This plan also provides a development framework to guide the development of a hamlet at the recommended site.

The hamlet land use is a type of mixed-use development intended to introduce walkable retail and commercial uses that are integrated with residential uses. The concept differs from New Albany's retail and mixed-use districts in its scale, design, and pedestrian orientation. While this land use type does encourage a walkable mixed-use environment, it is intended to be complementary to other retail nodes in the city, like the Village Center, while still providing some amenities within easy access to residents who live north of SR 161.

For further explanation of the other land uses shown on the future land use map, please refer to the full Engage New Albany Strategic Plan (p. 53-53).



Legend

- Residential
- Village Center
- Retail
- Mixed Use
- Employment Center
- Parks and Green Space
- Metro Park Zone
- Village Center Boundary
- City Boundary
- New Albany Hamlet*

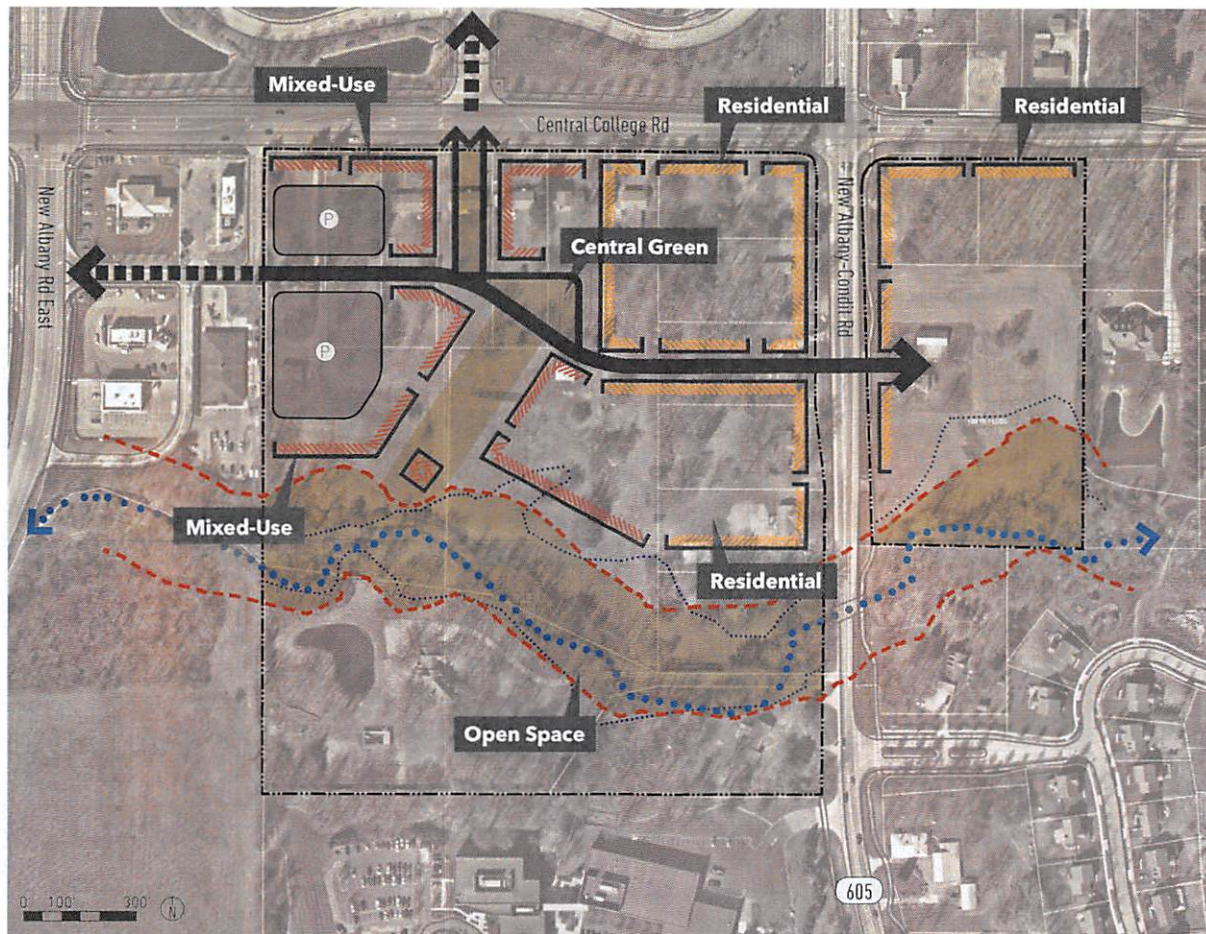
* Note: General hamlet location. See focus area for defined location.

FUTURE DEVELOPMENT

While the potential build-out of the New Albany hamlet is dependent on several factors, including a willing developer to realize the hamlet vision, this plan puts forth a proposed hamlet development scenario. The exact details of the final site plan may deviate from what is shown in this plan, but the overall vision and development framework laid out in the following pages are meant to serve as a guide for the development of this site. The development framework diagram on the following page (p. 11) illustrates the preferred site layout and framework elements. This framework was selected as the preferred option after testing a few different scenarios. When creating the development framework scenarios, the planning team considered a number of factors, including the surrounding context and uses, environmental constraints, potential street connections, block layout, and site accessibility.

Key drivers for the development of this site include the integration of natural features and open space, the creation of a network of streets and mobility connections, and the identification of appropriate land uses. The following pages outline the vision for a hamlet on this site, culminating in development standards to ensure that any proposed hamlet development meets the desires and needs of the community.





Natural Features & Open Spaces

The site has existing natural features, which should be incorporated into any future development. Sugar Run, which runs east and west on the southern portion of the site is a defining feature, providing important ecological benefits for the site and the broader region. As such, streams like one are protected by a Stream Corridor Protection Zone (SCPZ), which encompasses both the stream and its riparian buffer. This restriction lends itself to creating a linear public green space amenity along the stream corridor. This green space would be more passive and natural compared to other green space on-site. Preserving this space will also help to mitigate flooding and negative impacts from stormwater runoff.

Legend

- Focus Area Boundary
- Proposed Residential
- Proposed Commercial
- Open Space/Green Corridors
- Parking
- Roadway
- Sugar Run Stream Corridor
- Stream Corridor Protection Zone
- Floodplain

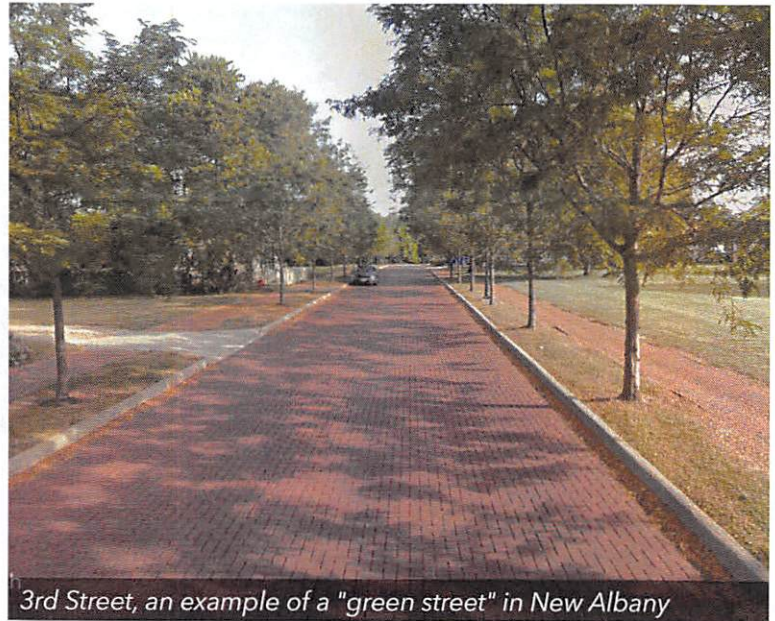
Other public green spaces on-site would include a central green at the heart of the mixed-use commercial core of the development. This green space serves as an organizing feature around which buildings can be oriented. Additionally, small green spaces should fill interstitial spaces in the residential portions of the site to provide amenities for residents. Finally, above-ground stormwater facilities may be needed on-site. To the extent possible, these stormwater facilities should be amenitized to be transformed into a public open space amenity through attractive plantings, boardwalks, and other landscape design features.

Streets & Connections

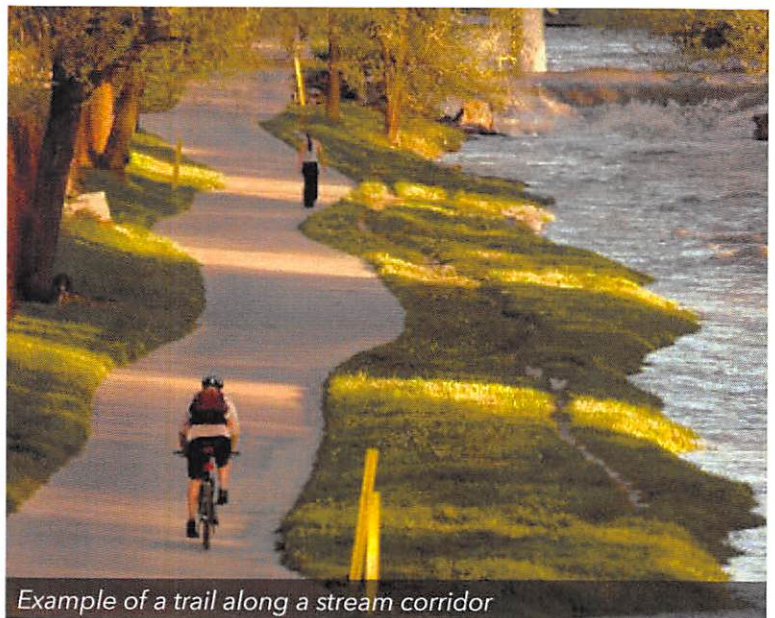
A roadway network needs to be created as part of any development of this site. This means the creation of new public streets that provide access to the site. The diagram on the following page shows one potential street layout, with a public street that bisects the site, connecting Central College Road and SR 605/New Albany-Condit Road. This street would be a good contender to be constructed as a "green street", using brick instead of asphalt as it is more permeable for stormwater and is longer lasting, contributing to more environmentally sustainable roadway design.

As development occurs in this area, bike and pedestrian facilities should also be incorporated into the planning and design. Leisure trails with a minimum width of 8' should be included on both sides of Central College Road and SR 605/New Albany-Condit Road. On-street bike facilities are also recommended for Central College Road and SR 605/New Albany-Condit Road. For these roadways, shared road markings and signs are recommended to match the designations found in the Bike New Albany Plan. Within the development, leisure trails should also be added along the Sugar Run stream corridor, connecting to the larger leisure trail network.

Creating these leisure trail connections would fill a critical gap in the system and would help to provide access to local and regional green spaces. Within the site, ample sidewalks should also be utilized to provide safe access to destinations within the development.



3rd Street, an example of a "green street" in New Albany



Example of a trail along a stream corridor

CASE STUDY

I'On Village | Mount Pleasant, SC

Situated along the Cooper River in Mount Pleasant, South Carolina, I'On Village is a mixed-use traditional neighborhood on 243 acres of land. I'On Square - the neighborhood's civic and commercial center contains more than 30,000 square feet of office and retail space. Surrounding the square are six residential boroughs with a diversity of Lowcountry housing styles and architecture.

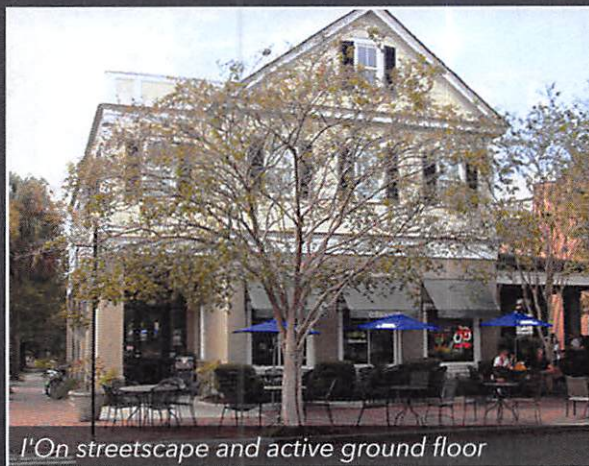
Developed using traditional neighborhood design principles, I'On was built as a walkable community, with tree-lined streets, wide sidewalks, and a network of connected paths to support pedestrian traffic as the primary form of transportation. Although built for pedestrians, the streets can also accommodate vehicles, but are designed to slow traffic and create a safe environment for all roadway users. Only guests and visitors can park at the front of a lot, or on the street, all other vehicles are required to be parked at the rear of the lot, adequately screened from view.



I'On streetscape and active ground floor



Aerial view of I'On



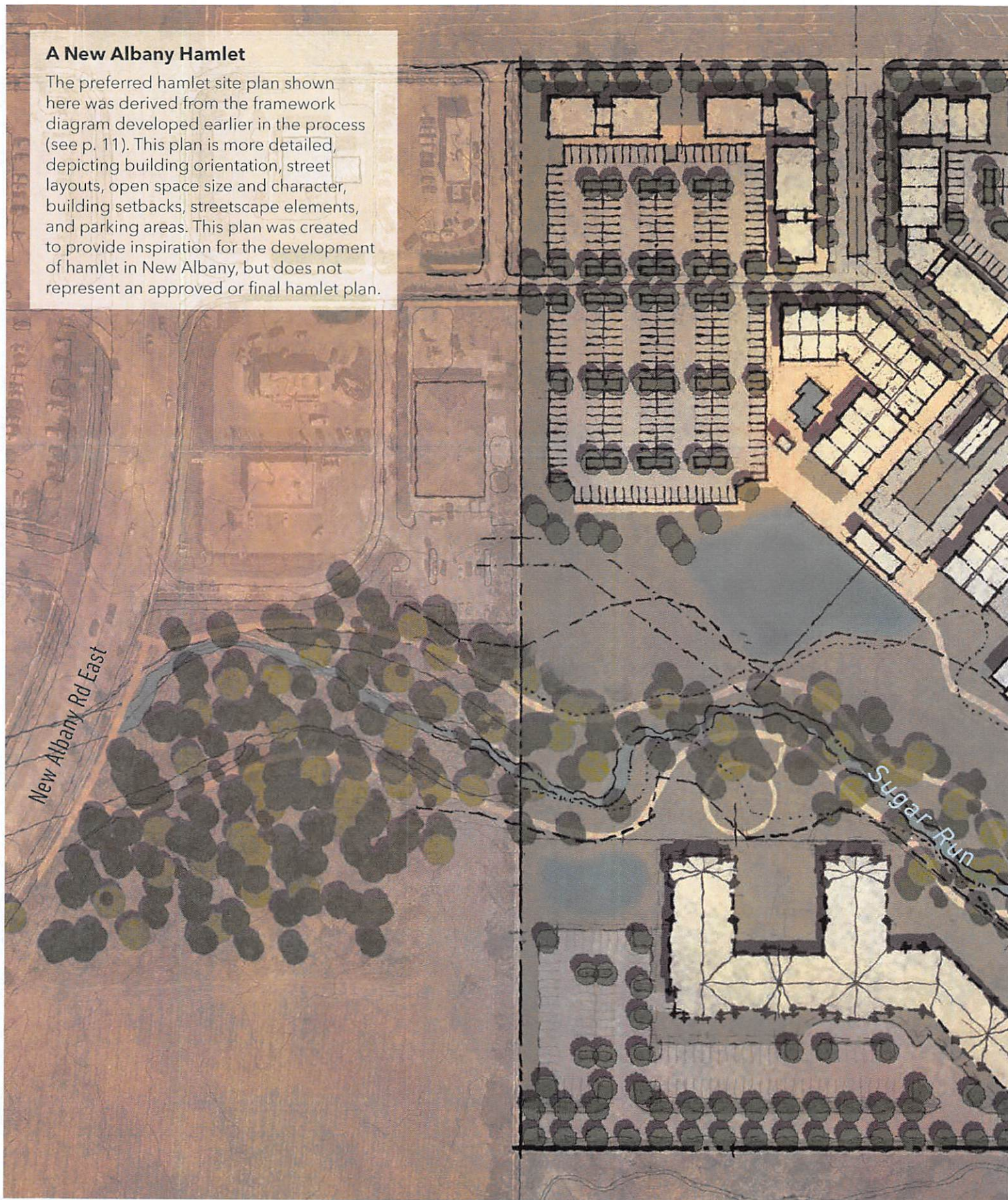
I'On streetscape and active ground floor



Central civic green at I'On

A New Albany Hamlet

The preferred hamlet site plan shown here was derived from the framework diagram developed earlier in the process (see p. 11). This plan is more detailed, depicting building orientation, street layouts, open space size and character, building setbacks, streetscape elements, and parking areas. This plan was created to provide inspiration for the development of hamlet in New Albany, but does not represent an approved or final hamlet plan.



Central College Rd

New Albany-Condit Rd

Sugar Run

605

Snider Loop

Land Uses & Buildings

The overall hamlet land use was described on p. 8. Within the site, a mix of uses is recommended to create the quality of place and the economic viability for this type of development. The recommended mix of land uses for a hamlet development include open space, detached single-family residential, attached single-family residential, mixed-use residential buildings with ground floor commercial, and commercial. The preferred site plan on the following page (p. 17) illustrates how these various uses can be organized within the site. Commercial frontage on Central College Road on the northwest portion of the site acts as a transition zone from the adjacent auto-oriented retail to the west. An inviting public street leads to a mixed-use core, which is organized around a focal green space, creating a hub of activity and vibrancy where the community can gather.

Attractive townhomes create frontage and contribute to a neighborhood-feel along Central College Road and SR 605/New Albany-Condit Road. Traditional single-family homes on the eastern portion of the site provide a buffer zone for the adjacent single-family neighborhoods to the east and south. An assisted living facility is situated on the southern portion of the site, overlooking the stream corridor. This would create housing for older adults to age-in-place in New Albany and would be connected by pathways to the hub of activity north of the stream.

Open space and green corridors are essential components of the hamlet development and should be integrated into the overall site vision. This is described in more detail on p. 10-12.

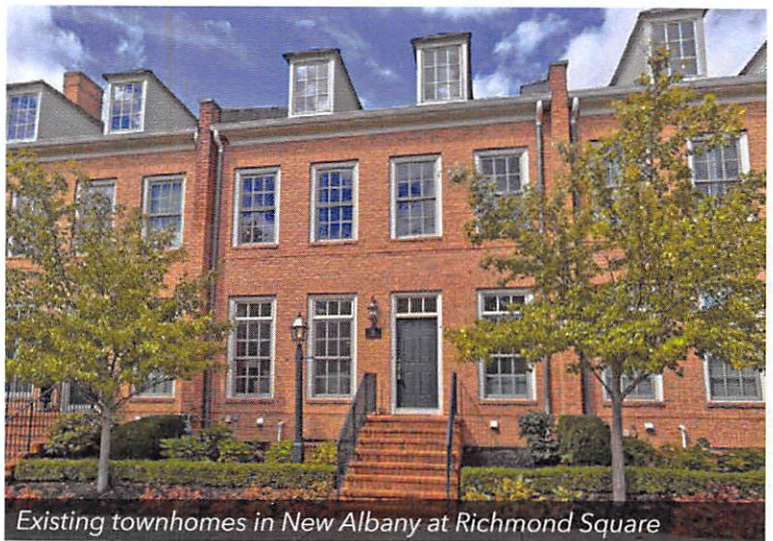
Finally, parking is integrated with the other land uses to enable the development without compromising the hamlet character.



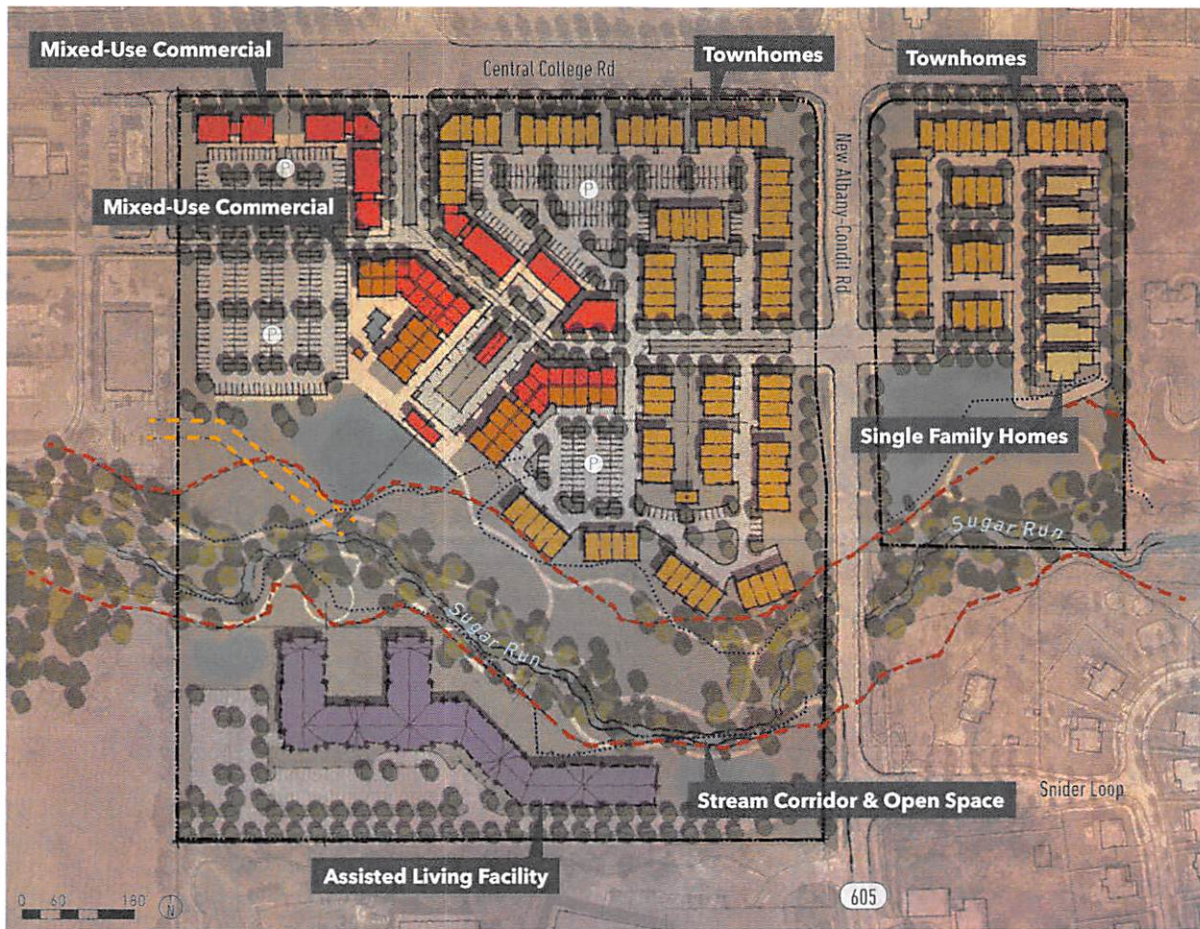
Example of an activated ground floor



Example of an activated ground floor



Existing townhomes in New Albany at Richmond Square



Over-parking the development, or constructing too much parking, will detract from the quality of the place and is not the highest and best use of the land. Therefore, it is essential to develop a parking model that is appropriate for the mix of uses on-site and allows for shared parking between various uses.

Buildings in a hamlet should represent the quality and character that is distinctive of New Albany. The previous hamlet standards outlined in Engage New Albany allowed for two- to three-story buildings. After reviewing local examples of surrounding heights of both residential and commercial buildings in the area, these height standards have been updated to be expressed in feet to add more specificity and direction (see p. 18). These standards allow for variation in roof lines and other architectural details, such as dormers. More architectural and design guidelines for buildings can be found in New Albany's Design Guidelines & Requirements (DGRs).

Legend

Focus Area Boundary	
Proposed Single Family Homes	
Proposed Townhomes	
Proposed Flats/Apartments	
Proposed Commercial	
Proposed Assisted Living	
Open Space/Green Corridors	
Stream Corridor Protection Zone	
Floodplain	
Utility Easement	

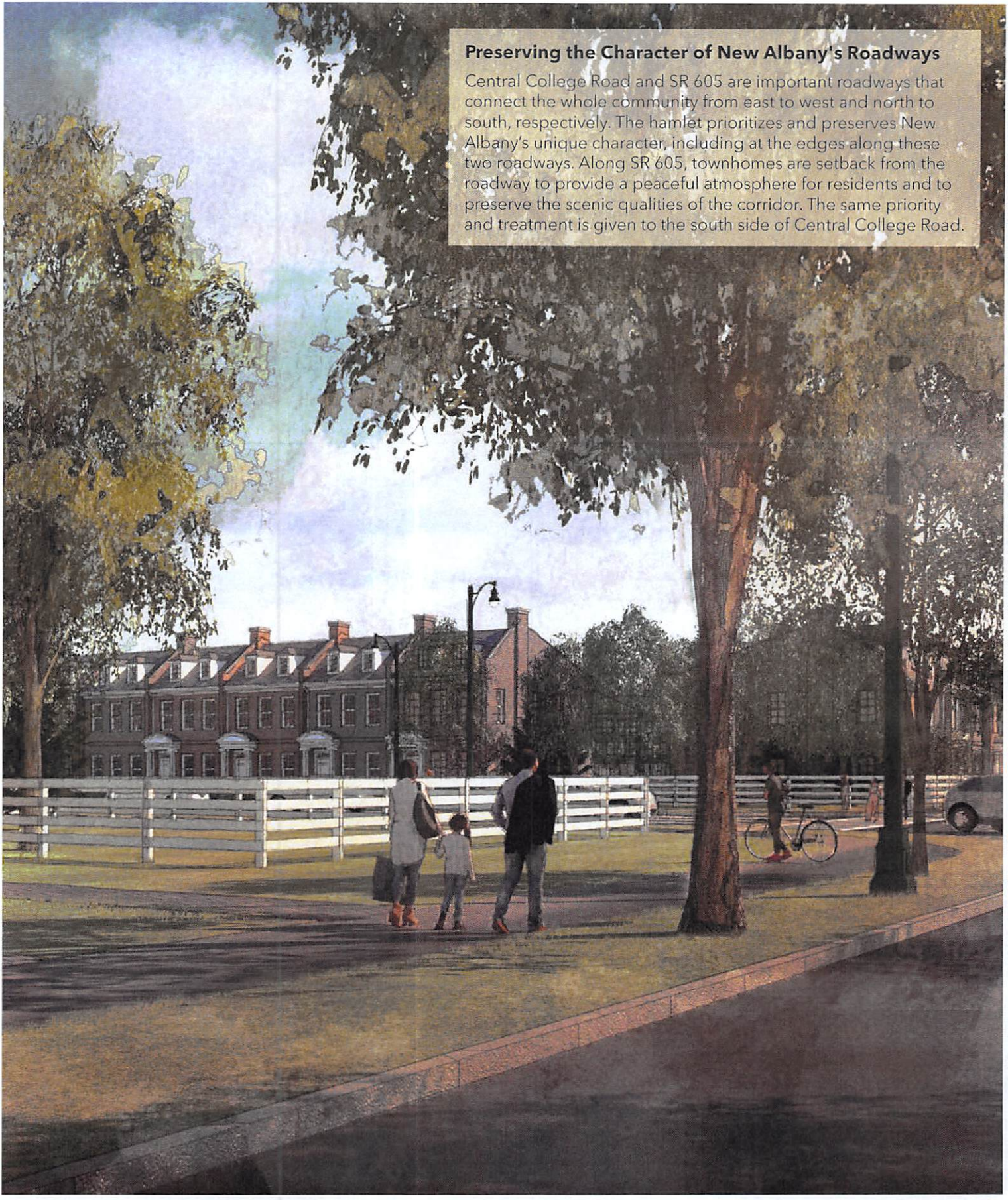
DEVELOPMENT STANDARDS

The planning team tested various development scenarios to arrive at a preferred site plan (see p. 17), which then informed the creation of the following development standards. These new standards deviate slightly from the original hamlet development standards included in the Engage New Albany Strategic Plan (found on p. 74) because the hamlet concept has been further studied and its application in New Albany better defined. The following standards outline important requirements for any proposed hamlet development.

1. The gross density of a hamlet development is not to exceed six (6) dwelling units per acre.
2. A hamlet development should be comprised of about 75% developed land to 25% parks and open space.
3. A hamlet development should include a ratio of approximately 200 square feet of commercial uses for every 1 dwelling unit to ensure a vibrant mixed-use development. Commercial uses include administrative, business, and professional offices; retail stores; restaurants; hotels; and personal services. Drive thru businesses should be limited within the site in order to preserve the pedestrian-oriented character of a hamlet.
4. Ground floor and commercial uses in a hamlet should be complementary in nature with other uses on-site to encourage activity throughout the day, rather than at peak times.
5. Buildings may not be taller than 55 feet in height around the civic green, at least 250 feet from Central College Road and SR 605/New Albany-Condit Road, nor taller than 40 feet at the perimeter.
6. Public streets within a hamlet should be lined by buildings, with exceptions for limited drives, public spaces, and properly screened parking.
7. Garages shall face the rear of lots. No garage doors may face primary streets.
8. Parking must be integrated throughout the site through on-street parking on public streets, surface parking located behind primary buildings, limited surface parking located beside primary buildings, and structured parking. Surface parking lots must be properly screened from the street.
9. Drive locations should be kept to a minimum and the placement of buildings should encourage pedestrian activity.
10. Anyone seeking to build a hamlet development must submit a parking model to demonstrate sufficient parking is provided for the mix of residents, employees, and visitors to the site; shared parking among complementary uses is strongly encouraged on the site and the installation of excess parking is discouraged. If the tenants of the hamlet significantly change or is the use mix changes, the developer must resubmit the parking model to city zoning staff for review.
11. A hamlet development proposal should submit an overall master plan for the area showing how it fits together appropriately in terms of connectivity, site layout, uses, and aesthetics.
12. A hamlet development is expected to go through the Planned Unit Development (PUD) rezoning process. The city's Architectural Review Board (ARB) should review final development plans.
13. A hamlet development proposal must reference the applicable chapters of the New Albany Design Guidelines & Requirements (DGRs).

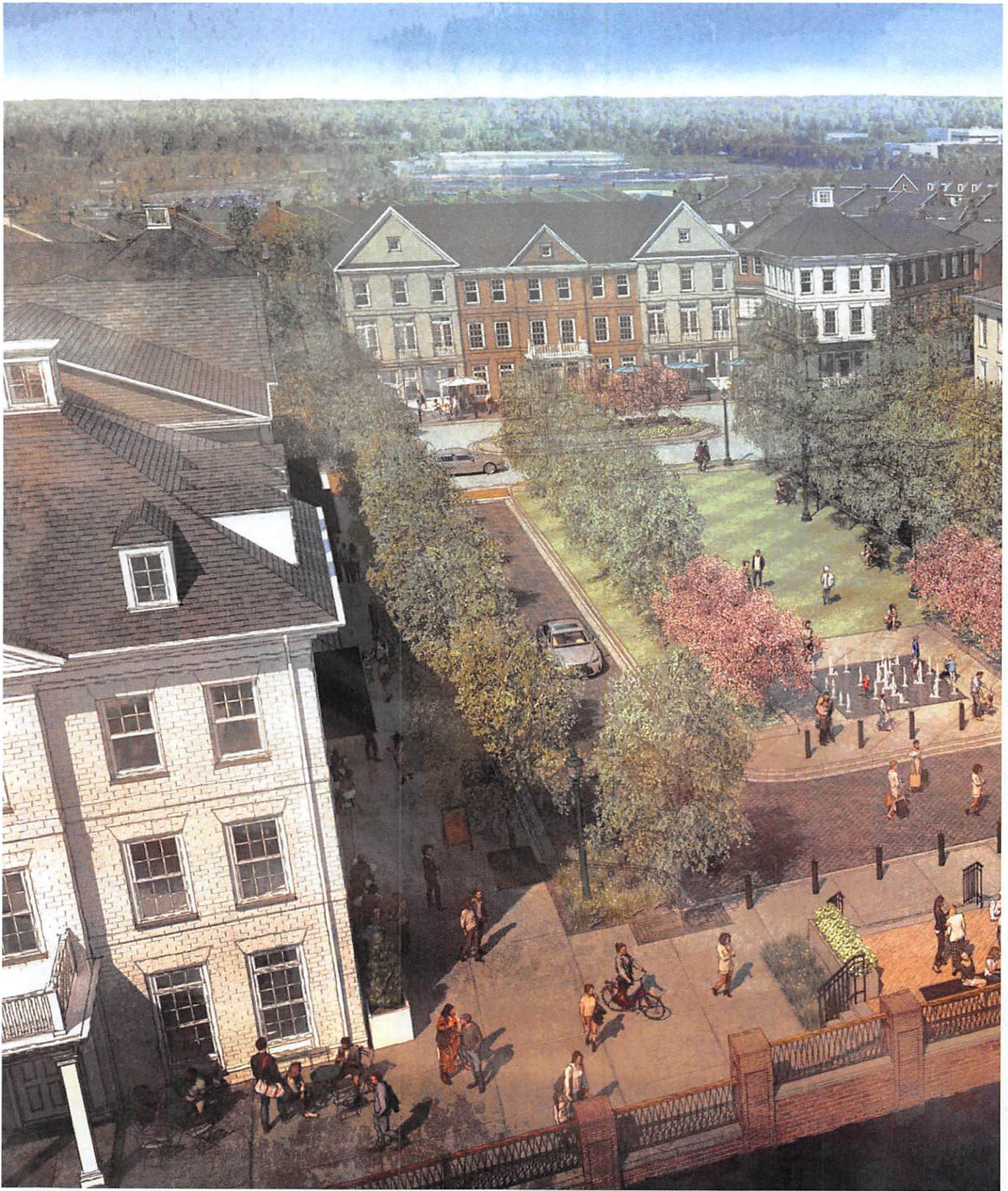
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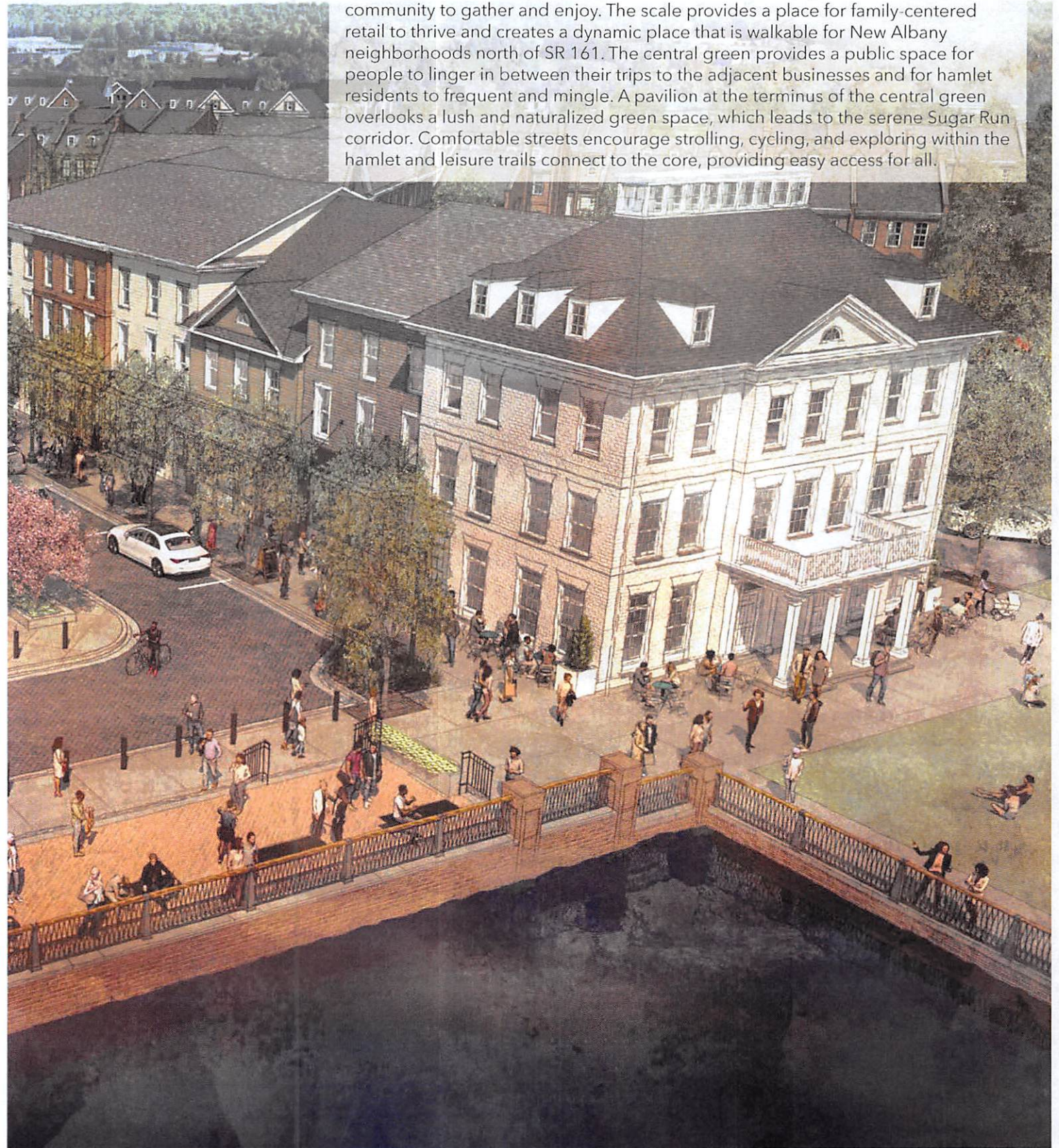
Preserving the Character of New Albany's Roadways

Central College Road and SR 605 are important roadways that connect the whole community from east to west and north to south, respectively. The hamlet prioritizes and preserves New Albany's unique character, including at the edges along these two roadways. Along SR 605, townhomes are setback from the roadway to provide a peaceful atmosphere for residents and to preserve the scenic qualities of the corridor. The same priority and treatment is given to the south side of Central College Road.



Creating a Community Gathering Place

The hamlet's mixed-use, multi-functional core becomes a place for the whole community to gather and enjoy. The scale provides a place for family-centered retail to thrive and creates a dynamic place that is walkable for New Albany neighborhoods north of SR 161. The central green provides a public space for people to linger in between their trips to the adjacent businesses and for hamlet residents to frequent and mingle. A pavilion at the terminus of the central green overlooks a lush and naturalized green space, which leads to the serene Sugar Run corridor. Comfortable streets encourage strolling, cycling, and exploring within the hamlet and leisure trails connect to the core, providing easy access for all.





An aerial architectural rendering of a proposed urban development. The scene shows a mix of existing and new structures. On the left, there are several multi-story brick buildings, some with dormer windows, interspersed with parking lots. A wide, multi-lane road runs diagonally from the top right towards the bottom center. To the right of this road is a large, open green field with some scattered trees. In the bottom right corner, there is a large, modern parking lot with many parking spaces and a few cars. The overall atmosphere is one of a planned, walkable community integrated into an existing urban landscape.

The Vision for a New Albany Hamlet

A New Albany hamlet is a one-of-a-kind place in Central Ohio, while also blending seamlessly with the rest of the New Albany community. This hamlet creates the active, walkable, multi-generational living environment that so many New Albany residents requested within the community. Through the vision and recommendations set forth in this plan, a hamlet can be a welcoming and exciting place for residents, workers, business owners, and visitors to enjoy.



RESOLUTION R-26-2022

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A COMMUNITY REINVESTMENT AREA AGREEMENT WITH PHARMAVITE LLC AND MAKING RELATED AUTHORIZATIONS

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, No. R-15-2021 adopted April 6, 2021, No. R-46-21 adopted September 21, 2021, No. R-09-2022 adopted February 1, 2022, and No. R-18-2022 adopted May 3, 2022 (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", "Jug Street South", "Innovation District East", "Innovation District East Expansion", and "Mink Street and Green Chapel Road Expansion", 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 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, Pharmavite LLC (the "Company") has submitted to the City the application attached to the Community Reinvestment Area Agreement (the "CRA Agreement") referred to in Section 1 of this Resolution (the "Agreement Application") and has remitted with the Agreement Application the required State application fee to be forwarded to the Ohio Department of Development with a copy of the final, executed CRA Agreement; and

WHEREAS, 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

WHEREAS, the City, having appropriate authority, desires to provide certain property tax incentives to encourage the development of the Project (as defined in the CRA Agreement); and

WHEREAS, the Board of Education of the Career and Technology Education Centers of Licking County (C-TEC) has been notified in accordance with the applicable law;

WHEREAS, the Board of Education of the Johnstown-Monroe Local School District has waived their right to receive notice under Section 5709.83 of the Revised Code in accordance with its respective compensation agreements entered into with the city of New Albany;

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

Section 1. Community Reinvestment Area Agreement. The CRA Agreement for the Project, by and between the City and the Company, in the form presently on file with the Community Development Department which provides for a 100% CRA exemption for up to 15-years for the proposed Project, is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this Resolution and not substantially adverse to this City which shall be approved by the city manager. The city manager, for and in the name of this City, is hereby authorized to execute that CRA Agreement and approve the character of any changes or amendments thereto as not inconsistent with this Resolution and not substantially adverse to this City that are approved by the city manager, which approval shall be conclusively evidenced by the city manager's execution of that CRA Agreement.

Section 2. Expansion of the Oak Grove II Economic Opportunity Zone. This Council hereby authorizes the city manager, the director of law, the director of finance, the community development director, the clerk of council, or any such other appropriate officers of the City to take all action necessary, including but not limited to the preparation, execution and approval of all agreements and instruments, any other actions as may be appropriate to expand the Oak Grove II Economic Opportunity Zone in a manner consistent with the expansion of the Oak Grove II Community Reinvestment Area, all as contemplated by this Council in its Resolution No. R-37-2019 adopted August 6, 2019.

Section 3. Further Authorizations. This Council hereby further authorizes and directs the city manager, the director of law, the director of finance, the community development director, the clerk of council, or any such other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions (including but not limited to making application and preliminary arrangements for financing that is then subject to formal approval by this Council) as may be appropriate to implement this Resolution and the transactions referenced or contemplated in this Resolution and the Community Reinvestment Area Agreement authorized and approved in this Resolution.

Section 4. Compliance with the Law. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting 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 all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5. 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
Law Director

Legislation dates:

Prepared: 06/22/2022

Introduced: 07/05/2022

Revised:

Adopted:

Effective:



RESOLUTION R-26-2022

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A COMMUNITY REINVESTMENT AREA AGREEMENT WITH PHARMAVITE LLC AND MAKING RELATED AUTHORIZATIONS

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, No. R-15-2021 adopted April 6, 2021, No. R-46-21 adopted September 21, 2021, No. R-09-2022 adopted February 1, 2022, and No. R-18-2022 adopted May 3, 2022 (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", "Jug Street South", "Innovation District East", "Innovation District East Expansion", and "Mink Street and Green Chapel Road Expansion", 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

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WHEREAS, 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

WHEREAS, the City, having appropriate authority, desires to provide certain property tax incentives to encourage the development of the Project (as defined in the CRA Agreement); and

WHEREAS, the Board of Education of the Career and Technology Education Centers of Licking County (C-TEC) has been notified in accordance with the applicable law;

WHEREAS, the Board of Education of the Johnstown-Monroe Local School District has waived their right to receive notice under Section 5709.83 of the Revised Code in accordance with its respective compensation agreements entered into with the city of New Albany;

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

Section 1. Community Reinvestment Area Agreement. The CRA Agreement for the Project, by and between the City and the Company, in the form presently on file with the Community Development Department which provides for a 100% CRA exemption for up to 15-years for the proposed Project, is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this Resolution and not substantially adverse to this City which shall be approved by the city manager. The city manager, for and in the name of this City, is hereby authorized to execute that CRA Agreement and approve the character of any changes or amendments thereto as not inconsistent with this Resolution and not substantially adverse to this City that are approved by the city manager, which approval shall be conclusively evidenced by the city manager's execution of that CRA Agreement.

Section 2. Expansion of the Oak Grove II Economic Opportunity Zone. This Council hereby authorizes the city manager, the director of law, the director of finance, the community development director, the clerk of council, or any such other appropriate officers of the City to take all action necessary, including but not limited to the preparation, execution and approval of all agreements and instruments, any other actions as may be appropriate to expand the Oak Grove II Economic Opportunity Zone in a manner consistent with the expansion of the Oak Grove II Community Reinvestment Area, all as contemplated by this Council in its Resolution No. R-37-2019 adopted August 6, 2019.

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Section 4. Compliance with the Law. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting 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 all legal requirements, including Section 121.22 of the Ohio Revised Code.

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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
Law Director

Legislation dates:

Prepared: 06/22/2022

Introduced: 07/05/2022

Revised:

Adopted:

Effective:



RESOLUTION R-27-2022

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A COMMUNITY REINVESTMENT AREA AGREEMENT WITH AL. NEYER RE, LLC AND MAKING RELATED AUTHORIZATIONS

WHEREAS, the Council for the City of New Albany, Ohio (the "City") by its Resolution No. R-29-98, adopted July 7, 1998 (the "Original CRA Legislation"), created the Oak Grove Community Reinvestment Area (the "Original Area"), and by its Resolutions No. R-28-99 adopted on May 18, 1999, Ordinances Nos. O-23-2005 adopted September 20, 2005, O-24-2006 adopted June 20, 2006, O-39-2006 adopted on October 3, 2006, and Resolution No. R-46-2016 (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 "Blacklick Area", the "Hedrick Parcel" and "Infill Areas", respectively, and certain other parcels within the City (collectively, with the Original Area, the "Area"), and designated that entire Area the Oak Grove Community Reinvestment Area; 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, Al. Neyer RE, LLC (the "Company") has submitted to the City the application attached to the Community Reinvestment Area Agreement (the "CRA Agreement") referred to in Section 1 of this Resolution (the "Agreement Application") and has remitted with the Agreement Application the required State application fee to be forwarded to the Ohio Department of Development with a copy of the final, executed CRA Agreement; and

WHEREAS, 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

WHEREAS, the City, having appropriate authority, desires to provide certain property tax incentives to encourage the development of the Project (as defined in the CRA Agreement); and

WHEREAS, the Board of Education of the Eastland-Fairfield Career & Technical Schools has been notified in accordance with the applicable law;

WHEREAS, the Board of Education of the New Albany-Plain Local School District has waived their right to receive notice under Section 5709.83 of the Revised Code in accordance with its respective compensation agreements entered into with the city of New Albany;

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

Section 1. Community Reinvestment Area Agreement. The CRA Agreement for the Project, by and between the City and the Company, in the form presently on file with the Community Development Department which provides for a 100% CRA exemption for up to 15-years for the proposed Project, is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this Resolution and not substantially adverse to this City which shall be approved by the city manager. The city manager, for and in the name of this City, is hereby authorized to execute that CRA Agreement and approve the character of any changes or amendments thereto as not inconsistent with this Resolution and not substantially adverse to this City that are approved by the city manager, which approval shall be conclusively evidenced by the city manager's execution of that CRA Agreement.

Section 2. Further Authorizations. This Council hereby further authorizes and directs the city manager, the director of law, the director of finance, the community development director, the clerk of council, or any such other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions (including by not limited to making application and preliminary arrangements for financing that is then subject to formal approval by this Council) as may be appropriate to implement this Resolution and the transactions referenced or contemplated in this Resolution and the Community Reinvestment Area Agreement authorized and approved in this Resolution.

Section 3. Compliance with the Law. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting 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 all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. 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
Law Director

Legislation dates:

Prepared: 06/22/2022
Introduced: 07/05/2022
Revised:
Adopted:
Effective:



RESOLUTION R-28-2022

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO A DEVELOPMENT AND SUPPLY AGREEMENT WITH SIDECAT LLC AND MAKING RELATED AUTHORIZATIONS

WHEREAS, pursuant to Resolution No. R-32-2017 adopted by New Albany City Council on July 31, 2017, the City entered into a Development and Supply Agreement with Sidecat LLC (the "Company") on August 14, 2017 which sets forth the City's and the Company's assurances and agreements in connection with the development of the Project (as defined in the Development and Supply Agreement); and

WHEREAS, pursuant to Resolution No. R-27-2019 adopted by New Albany City Council on May 21, 2019, the City and the Company amended the Development and Supply Agreement on May 22, 2019 (the "First Amendment to Development and Supply Agreement" collectively, the "Development and Supply Agreement") to include an additional 279.6+/- acres to the east of the original project site and 133.6+/- acres to the south of the original project site; and

WHEREAS, in support of the Project, the Company and the City desire to further amend the Development and Supply Agreement in recognition that the Project (i) requires potable water sufficient to meet a total demand of 1,400,000 gallons per day and 4,000 gallons per minute for 2 hours (the "Company's Water Need" as defined in the Development and Supply Agreement), (ii) the ability to discharge, treat, and transport wastewater with a total demand of 800,000 gallons per day and 2,000 gallons per minute for 2 hours (the "Company's Sewer Need" as defined in the Development and Supply Agreement), and (iii) that the Water System (as defined in the Development and Supply Agreement) has, and that at all times during the term of the Development and Supply Agreement the Water System will have, the capacity to deliver a minimum of 2,250 gallons of water per minute to the property for the duration of less than 4 hours to supply water to load the Project's fire sprinkler system and to supply water to the property in the event of a fire; and

WHEREAS, to support the City's long-term ability to operate the public water distribution system and to aid in accommodating the supply demands of the Company along with other users in the area, the Company has agreed to accommodate the City's needs to obtain real-time water consumption data; and

WHEREAS, to support the development of other sites in the area, the Company has agreed to work in good faith with the City to provide any necessary temporary and/or permanent easements along Harrison Road and Morse Road (respectively, the "Harrison Road Easement Area" and the "Morse Road Easement Area" both as defined in the Second Amendment to Development and

Supply Agreement) on commercially reasonable terms and in specific locations acceptable to the Company.

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

Section 1. Second Amendment to Development and Supply Agreement. The Second Amendment to Development and Supply Agreement, by and between the City and the Company, in the form presently on file with the Community Development Department, is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this Resolution and not substantially adverse to this City which shall be approved by the city manager. The city manager, for and in the name of this City, is hereby authorized to execute that Second Amendment to Development and Supply Agreement and approve the character of any changes or amendments thereto as not inconsistent with this Resolution and not substantially adverse to this City that are approved by the city manager, which approval shall be conclusively evidenced by the city manager's execution of that CRA Agreement.

Section 2. Further Authorizations. This Council hereby further authorizes and directs the city manager, the director of law, the director of finance, the community development director, the clerk of council, or any such other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions (including by not limited to making application and preliminary arrangements for financing that is then subject to formal approval by this Council) as may be appropriate to implement this Resolution and the transactions referenced or contemplated in this Resolution and the Second Amendment to Development and Supply Agreement authorized and approved in this Resolution.

Section 3. Compliance with the Law. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting 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 all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. 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
Law Director

Legislation dates:

Prepared: 06/22/2022

Introduced: 07/05/2022

Revised:

Adopted:

Effective:

PROPOSED



RESOLUTION R-29-2022

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN ANNEXATION AGREEMENT WITH JERSEY TOWNSHIP IN ORDER TO FACILITATE THE ANNEXATION OF PARCEL NUMBERS 037-112542-00.000, 037-112044-00.001, 037-112044-01.000, 037-112044-00.003, 037-112044-02.000, 037-112044-03.000, 037-112044-00.002, 037-112044-00.004, 037-112044-00.005, 037-112044-00.009, 037-112044-00.000, 037-112044-00.008, 037-112044-00.007, 037-112044-00.006, AND 037-112-050-00.001 WHICH COMPRISE APPROXIMATELY 60 +/- ACRES

WHEREAS, the City of New Albany and the Township of Jersey share certain boundaries and therefore have a shared interest in the general area found immediately west of Harrison Road and south of Jug Street, illustrated and described in the exhibits of the attached Annexation Agreement; and

WHEREAS, it is anticipated the real property comprised of real estate Parcel Numbers 037-112542-00.000, 037-112044-00.001, 037-112044-01.000, 037-112044-00.003, 037-112044-02.000, 037-112044-03.000, 037-112044-00.002, 037-112044-00.004, 037-112044-00.005, 037-112044-00.009, 037-112044-00.000, 037-112044-00.008, 037-112044-00.007, 037-112044-00.006, AND 037-112-050-00.001, totaling approximately 60 +/- acres, may be the subject of future annexation petitions to be filed with the Licking County Commissioners after the effective date; and

WHEREAS, the city and the township desire to maintain a cooperative relationship that will foster economic development on the property and to provide for public infrastructure improvements that will serve the residents and property owners of the city and township; and

WHEREAS, the Ohio Revised Code Sections 709.021 and 709.022 establish provisions for the annexation of property that includes an annexation agreement between the city and the township; and

WHEREAS, in furtherance of this relationship, the city and the township desire to enter this agreement to memorialize the terms of their mutual agreement on the procedure under which the annexation(s) of the property to the city will occur in order to ensure that such annexation(s) are completed in accordance with the procedure that has been historically utilized by the city.

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 authorizes the city manager to enter into an annexation agreement with Jersey Township, as set forth on Exhibit A or substantially similar thereto.

Section 2. This agreement shall encompass and be applicable only to the property which is identified in exhibits A and B to the Annexation Agreement, attached herein. The area/boundaries

of the property to which this agreement applies shall not be reduced, enlarged, modified, or altered in any way except by written mutual agreement of the parties approved authorizing legislation from both the legislative authority of the township and the city. Any changes to the boundaries of the property shall require a written amendment to this agreement.

Section 3. On or after the effective date, all or part of the property shall, upon proper petition(s) to and with the approval of the Licking County Board of Commissioners and acceptance of the annexation by the city, be annexed to and accepted by the city under the conditions set forth in the annexation agreement.

Section 4. 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 121.22 of the Ohio Revised Code.

Section 5. 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
Law Director

Legislation dates:

Prepared: 06/03/2022

Introduced: 07/02/2022

Revised:

Adopted:

Effective:

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (this "Agreement"), is entered into as of the last date of signature below (the "Effective Date") by and between the City of New Albany, Ohio (the "City"), an Ohio Charter municipal corporation having its address at 99 W. Main Street, New Albany, Ohio 43054, and the Township of Jersey, Licking County, Ohio (the "Township"), a township duly organized and validly existing under the laws of the State of Ohio having its address at 1481 Mink Street, Pataskala, Ohio 43062.

WITNESSETH:

WHEREAS, the City and the Township share certain boundaries and therefore have a mutual interest in the general area found immediately west of Harrison Road and south of Jug Street, comprised of fifteen (15) parcels and consisting of 60 +/- acres, as illustrated in Exhibit A and described in Exhibit B; and

WHEREAS, the City and the Township desire to maintain a cooperative relationship that will foster economic development within the property and to provide for public infrastructure improvements that will serve the residents and property owners of the City and the Township; and

WHEREAS, in furtherance of this relationship, the City and the Township desire to enter this Agreement to memorialize the terms of their mutual agreement on the procedure under which the future annexation of the Property to the City will occur in order to ensure that such annexation is completed in accordance with the procedure that has been historically utilized by the City; and

WHEREAS, the City desires to work in good faith with the Township in order to identify certain public infrastructure improvements that the City will construct and fund in the general vicinity of the Property that will serve residents and property owners in the Township and the City.

NOW, THEREFORE, in consideration of the foregoing and of the mutual covenants and agreements hereinafter set forth, the parties hereby agree as follows:

1. **Territory Defined:** This Agreement shall cover and be applicable only to the Property, which is presently located within the boundaries of the Township. The boundaries of the Property shall not be reduced, enlarged, modified, or altered in any way except by written consent approved and given by the legislative authorities of both the City and the Township by means of appropriate action authorizing such reduction, enlargement, modification, or alteration. Any changes to the boundaries of the Property shall require a written amendment to this Agreement.
2. **Annexation of the Property:** On or after the Effective Date, all or part of the Property shall, upon proper petition(s) to and with the final approval of the Licking County Board of Commissioners (the "Commissioners"), be annexed to and accepted by the City under the conditions hereinafter set forth in this Section 2 and subject to all other conditions and limitations in this Agreement. It is anticipated that the real property identified in Exhibits

A and B attached hereto and incorporated by reference will be the subject of an annexation petition to be filed with the Commissioners soon after the Effective Date.

- A. Procedure: Annexations of all or part of the Property to the City shall be filed pursuant to and comply with the provisions of Sections 709.021 and 709.022 of the Ohio Revised Code, as such provisions exist on the Effective Date. It is the intention of the parties to require any petition seeking to annex all or a portion of the Property to the City to be filed pursuant to and in compliance with the provisions of Sections 709.021 and 709.022 of the Ohio Revised Code as set forth in this Section 2.A, and to prohibit the City from assisting or accepting an annexation petition concerning the Property which fails to comply with this requirement.
 - B. Effect of Annexation: Immediately following both (i) the approval of a particular annexation petition affecting all or part of the Property by the Commissioners and (ii) the City's acceptance into municipal boundaries of the real property affected by the petition(s), then the annexed property shall be treated and viewed with the same legal effect as if it had been approved as an annexation completed under Section 709.02 of the Ohio Revised Code. Should, at any time, any Property annexed into the City, pursuant to this Agreement, be excluded from the Township, the City shall compensate the Township as in accordance with Section 709.19 of the Ohio Revised Code.
 - C. In the event that the annexed Properties' redevelopment and associated change in use from agricultural and/or residential uses to commercial use results in a reduction in the total aggregate property tax revenue received by the Township from the Property in tax years 2023 through 2026, when compared with property tax revenue received by the Township for tax year 2021 (January 1, 2022 tax lien date) (Baseline Year), the City agrees to compensate the Township annually in an amount equal to any such aggregate reduction in said property tax revenue. In the event any of the parcels which make up the Property are combined with other parcels not subject to this Agreement, then in that case, the total property tax revenue received by the Township for such combined parcel(s) shall be utilized in the comparison calculation to the Baseline Year.
 - D. Cooperative Efforts: Upon the filing of any annexation petition concerning all or part of the Property in accordance with Section 2.A of this Agreement, the Township and the City shall cooperate in good faith to facilitate the approval and success of such petition. In such an instance, each party shall refrain from taking any action that would directly or indirectly delay the annexation process or endanger the possible approval of the annexation petition by the Commissioners.
3. Tax Increment Financing (TIF) in Jersey Township: If the City redirects real property tax revenue through Tax Increment Financing (TIF), then, by May 1 and November 1 of the year following the year in which the (TIF) becomes effective, and continuing each year thereafter, for the duration of the TIF the City shall pay to the Township an amount equal to the real property tax revenue the Township would have received during the previous

calendar year, exclusively from all property tax levies for fire and emergency medical services (EMS), had the TIF not been granted by the City (the "Fire & EMS Payment").

4. **Public Infrastructure:** In addition to their agreement regarding annexation of the Property as provided in Section 2 above, the City and the Township desire to work cooperatively to identify new public infrastructure improvements that may be necessary to serve areas in the vicinity of the Property. To this end, the City and the Township acknowledge that certain improvements may need to be made by the City to Harrison Road including its intersection with Jug Street.

The City and the Township shall make reasonable and good faith efforts to identify such public infrastructure improvements in the future as the need arises and to negotiate the specifications and parameters for such improvements. Any commitments regarding the construction and/or financing of improvements as contemplated in this Section 3 shall require the prior approval of the New Albany City Council.

5. **Miscellaneous:**

- A. The term of this Agreement shall commence on the Effective Date and shall terminate at 11:59 p.m. on the fiftieth (50th) anniversary of the Effective Date (the "**Initial Term**"). Unless the legislative authority of the City or the Township, at least ninety (90) days before the expiration of the Initial Term or any subsequent term as provided herein, acts to terminate the Agreement at the expiration of said term, this Agreement shall automatically renew for consecutive terms of twenty (20) years each, with no limit on the number of renewal terms.
- B. **Notices.** Any notice required to be given hereunder shall be given in writing by ordinary United States mail, postage prepaid, by nationally recognized overnight courier or by hand delivery addressed to the parties at their respective addresses as set forth below.

If to City:

The City of New Albany
Attn: City Manager
99 W. Main Street
New Albany, Ohio 43054
Fax: (614) 855-8583

If to Township:

Jersey Township Board of Trustees
Attn: _____
1481 Mink Street
Pataskala, Ohio 43062
Fax: _____

Notices shall be deemed received at the earlier of (i) actual hand delivery to the address of the receiving party, (ii) when received or when receipt is refused or (iii) two business days following proper deposit in the United States mail or delivery by facsimile.

- C. Entire Contract. This Agreement embodies the entire understanding among the parties with respect to the subject matter herein contemplated. Any amendments hereto shall be in writing and shall be executed by both the City and the Township.
- D. Counterparts. This Agreement may be executed in counterparts, each of which, when executed and delivered, shall be deemed an original, and all counterparts shall constitute one and the same instrument.

[Remainder of this page intentionally blank – Signatures on following page.]

City of New Albany

By: _____
Joseph Stefanov, City Manager

Date: _____

Approved as to Form:

Ben Albrecht,
Law Director

Jersey Township

By: _____
Dan Wetzel, Trustee

By: _____
Jeff Fry, Trustee

By: _____
Ben Pieper, Trustee

Date: _____

Approved as to Form:

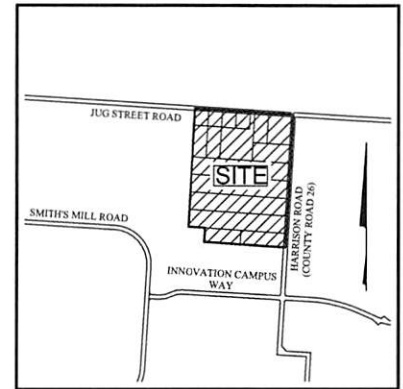
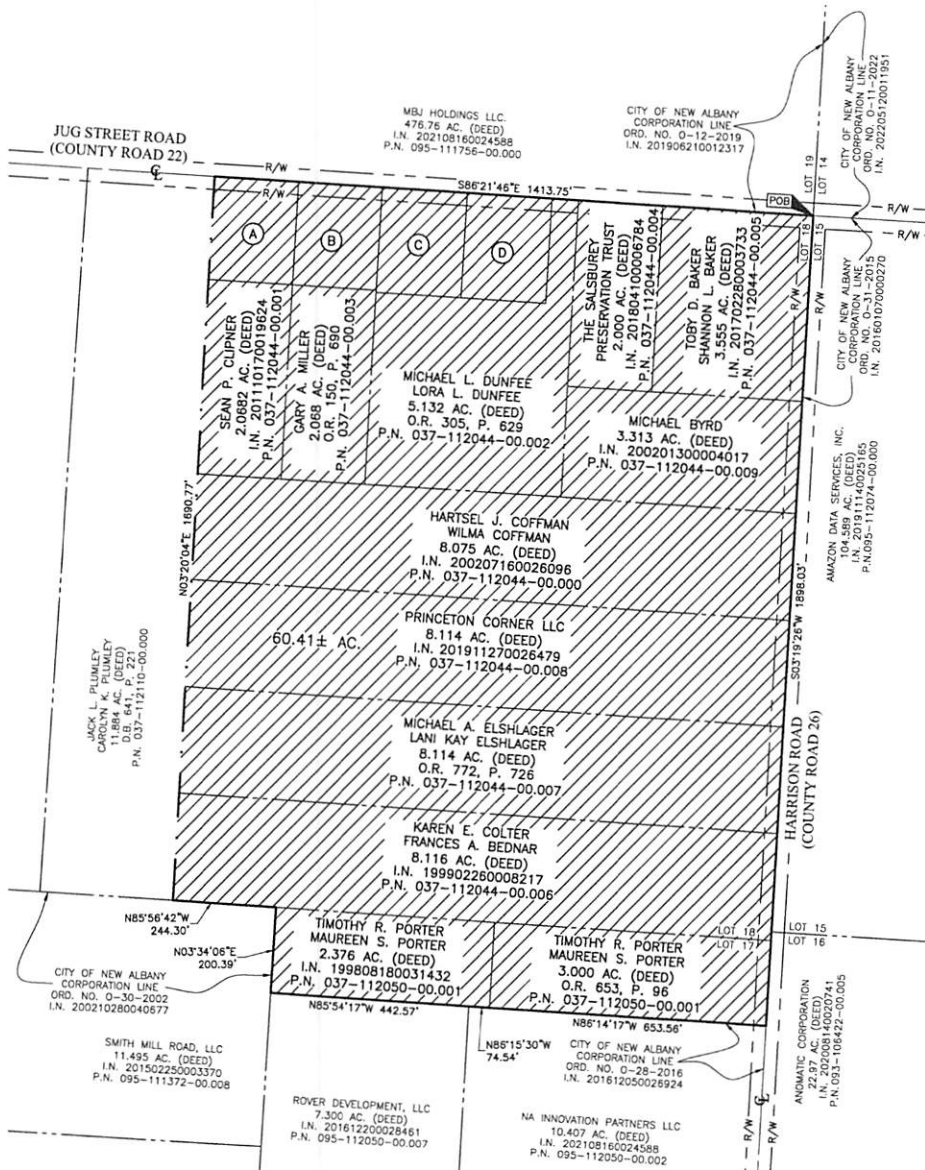
[INSERT NAME AND TITLE]

EXHIBIT A

Depiction of the "Property"

PROPOSED ANNEXATION OF 60.41± ACRES TO THE CITY OF NEW ALBANY FROM TOWNSHIP OF JERSEY

LOTS 17 & 18, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO



LOCATION MAP AND BACKGROUND DRAWING
NOT TO SCALE

Proposed Annexation
of 60.41± acres to the City of New Albany

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

Agent for Petitioners

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

Board of Licking County Commissioners

Petition Received _____, 20____ Commissioner

Petition Approved _____, 20____ Commissioner

Commissioner

Transferred this ____ day of _____, 20____, upon the duplicates of this office.

Containing _____ acres
Transfer Fee _____ Licking County Auditor

Received for Record _____, 20____, at _____ (AM-PM) and recorded _____, 20____, in plat ordinance, petition, etc. in Plat Book Volume ____.

Page ____

Plat Fee _____
Ordinance, etc. Fee _____ Licking County Recorder

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

Attest _____
Clerk, City of New Albany

AREA TO BE ANNEXED

PROPOSED CITY OF NEW ALBANY CORPORATION LINE
EXISTING CITY OF NEW ALBANY CORPORATION LINE

Contiguity Note:
Total perimeter of annexation area is 6617.91 feet, of which 4927.14 feet is contiguous with the City of New Albany by Ordinance Numbers O-11-2022, O-12-2019, O-28-2016, O-31-2015, and O-30-2002, giving 74.5% perimeter contiguity.

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

SEAN P. CLIPNER
1.09 AC. (DEED)
I.N. 201110170019624
P.N. 037-112542-00.000

GARY A. MILLER
1.090 AC. (DEED)
D.B. 714, P. 879
P.N. 037-112044-01.000

MICHAEL L. DUNFEE
1.010 AC. (DEED)
O.R. 305, P. 629
P.N. 037-112044-03.000

KARIN G. BAILEY
1.010 AC. (DEED)
I.N. 201103310006089
P.N. 037-112044-02.000

DRAFT

By _____ Date _____
Heather L. King
Professional Surveyor No. 8307
hking@emht.com

EMHT Evans, Mechwart, Hombelton & Tilton, Inc. Engineers • Surveyors • Planners • Scientists 5500 New Albany Road, Columbus, OH 43054 Phone: 614.775.4300 • Toll Free: 866.775.3648 emht.com		Date: June 16, 2022
Scale: 1" = 200'		Job No: 2022-0548
Sheet: 1 of 1		
REVISIONS		
MARK	DATE	DESCRIPTION

EXHIBIT B

Description of the “Property”

**PROPOSED ANNEXATION OF
60.41± ACRES**

FROM: TOWNSHIP OF JERSEY

TO: CITY OF NEW ALBANY

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lots 17 and 18, Quarter Township 2, Township 2, Range 15, United States Military District, and being all of that 1.090 acre tract and that that 2.082 acre tract conveyed to Sean P. Clipner by deed of record in Instrument Number 201110170019624, that 1.090 acre tract conveyed to Gary A. Miller by deed of record in Deed Book 714, Page 879, that 2.086 acre tract conveyed to Gary A. Miller by deed of record in Official Record 150, Page 690, that 1.010 acre tract and that 5.132 acre tract conveyed to Michael L. Dunfee and Lora L. Dunfee by deed of record in Official Record 305, Page 629, that 1.010 acre tract conveyed to Karin G. Baily by deed of record in Instrument Number 201103310006089, that 2.000 acre tract conveyed to The Salsburey Preservation Trust by deed of record in Instrument Number 201804100006784, that 3.555 acre tract conveyed to Toby D. Baker and Shannon L. Baker by deed of record in Instrument Number 201702280003733, that 3.313 acre tract conveyed to Michael Byrd by deed of record in Instrument Number 200201300004017, that 8.075 acre tract conveyed to Hartsel J. Coffman and Wilma Coffman by deed of record in Instrument Number 200207160026096, that 8.114 acre tract conveyed to Princeton Corner LLC by deed of record in Instrument Number 201911270026479, that 8.114 acre tract conveyed to Michael A. Elshlager and Lani Kay Elshlager by deed of record in Official Record 772, Page 726, that 8.116 acre tract conveyed to Karen E. Colter and Frances A. Bednar by deed of record in Instrument Number 199902260008217, that 2.376 acre tract conveyed to Timothy R. Porter and Maureen S. Porter by deed of record in Instrument Number 199808180031432, and that 3.000 acre tract conveyed to Timothy R. Porter and Maureen S. Porter by deed of record in Official Record 653, Page 96 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

BEGINNING at the centerline intersection of Jug Street Road with Harrison Road, being in the existing City of New Albany corporation line as established by Ordinance Number O-12-2019, of record in Instrument Number 201906210012317, Ordinance Number O-11-2022, of record in Instrument Number 202205120011951, and Ordinance Number O-31-2015, of record in Instrument Number 201601070000270;

Thence South 03° 19' 26" West, with the centerline of said Harrison Road and said existing City of New Albany corporation line (O-31-2015), a distance of 1898.03 feet to the southeasterly corner of said 3.000 acre tract, being an angle point in that existing City of New Albany corporation line, as established by Ordinance Number O-28-2016, of record in Instrument Number 201612050026924;

Thence North 86° 14' 17" West, with the southerly line of said 3.000 acre tract and said existing corporation line (O-28-2016), a distance of 653.56 feet to a point;

Thence North 86° 15' 30" West, with the southerly line of said 2.376 acre tract and continuing with said corporation line (O-28-2016), a distance of 74.54 feet to a point;

Thence North 85° 54' 17" West, with said southerly line and said corporation line (O-28-2016), a distance of 442.57 feet to a point at the southwesterly corner of said 2.376 acre tract, being an angle point in the existing City of New Albany corporation line, as established by Ordinance Number O-30-2002, of record in Instrument Number 200210280040677;

Thence North 03° 34' 06" East, with the westerly line of said 2.376 acre tract and with said existing corporation line (O-30-2002), a distance of 200.39 feet to a point in the southerly line of said 8.116 acre tract;

Thence North 85° 56' 42" West, with said southerly line and said existing corporation line (O-30-2002), a distance of 244.30 feet to a point;

**PROPOSED ANNEXATION OF
60.41± ACRES**

- 2 -

Thence North 03° 20' 04" East, with the westerly lines of said 8.116, 8.114 (Elshlager), 8.114 (Princeton Corner), 8.075, 2.0682, and 1.09 acre tracts, a distance of 1690.77 feet to a point in the centerline of said Jug Street Road and in said existing City of New Albany corporation line (O-12-2019);

Thence South 86° 21' 46" East, with said centerline and said existing corporation line (O-12-2019), a distance of 1413.75 feet to the POINT OF BEGINNING, containing 60.41 acres, more or less.

This description is for annexation purposes only and should not be used for transfer.

Total perimeter of annexation area is 6617.91 feet, of which 4927.14 feet is contiguous with the City of New Albany by Ordinance Numbers O-11-2022, O-12-2019, O-28-2016, O-31-2015, and O-30-2002, giving 74.5% perimeter contiguity.

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

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King
Professional Surveyor No. 8307

Date