



**ORDINANCE O-78-2023**

**AN ORDINANCE APPROVING THE APPLICATION ESTABLISHING  
THE NEW ALBANY VILLAGE CENTER COMMUNITY  
ENTERTAINMENT DISTRICT**

**WHEREAS**, the Mayor received an application from The New Albany Company LLC to create The New Albany Village Center Community Entertainment District, a copy of the application is attached hereto as Exhibit A; and

**WHEREAS**, notice of such application was published as required by Ohio Revised Code §4301.80; and

**WHEREAS**, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate a Community Entertainment District for the opportunities it will bring to the city, supporting more restaurants and retail inside the city limits; and

**WHEREAS**, the mayor has favorably recommended to council the approval of the application based on meeting the criteria of the Ohio Revised Code §4301.80, for The New Albany Village Center Community Entertainment District.

**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.** Council determines and finds the proposed The New Albany Village Center Community Entertainment District will contribute to the entertainment, retail, educational, sporting, social, cultural, or arts opportunities for the City of New Albany and the surrounding area.

**Section 2.** The application for the proposed The New Albany Village Center Community Entertainment District meets the criteria of Ohio Revised Code §4301.80.

**Section 3.** The application submitted by The New Albany Company LLC is hereby approved and the entire proposed area described in the application is hereby designated "The New Albany Village Center Community Entertainment District."

**Section 4.** The city's review and approval of the application has been conducted in accordance with the requirements and time periods set forth in Ohio Revised Code §4301.80.

**Section 5.** The city manager is directed to file a certified copy of this ordinance with the Ohio Department of Liquor Control.

**Section 6.** 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 7.** 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 \_\_\_\_\_, 2023.

**Attest:**

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

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

**Approved as to form:**

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

**Legislation dates:**

|             |            |
|-------------|------------|
| Prepared:   | 06/12/2023 |
| Introduced: | 06/20/2023 |
| Revised:    | 07/24/2023 |
| Adopted:    |            |
| Effective:  |            |

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

I certify that copies of Ordinance **O-78-2023** were posted in accordance with Article VI, Section 6.12 of the Charter of the City of New Albany, for 30 days starting on \_\_\_\_\_, 2023.

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

\_\_\_\_\_  
Date

Exhibit A – O-78-2023

This document is 177 pages. Please go to this link on our website  
<https://newalbanyohio.org/wp-content/uploads/2020/03/O-78-2023-EXHIBITS-The-New-Albany-Village-Center-Community-Entertainment-District-Application-Final.pdf>

or call Clerk of Council Jennifer Mason for copy.

Clerk Mason: 614-939-2244



**ORDINANCE O-79-2023**

**AN ORDINANCE APPROVING THE APPLICATION ESTABLISHING THE HAMLET AT SUGAR RUN COMMUNITY ENTERTAINMENT DISTRICT**

**WHEREAS**, the mayor received an application from NoNA Master Development, LLC to create The Hamlet at Sugar Run Community Entertainment District, a copy of the application is attached hereto as Exhibit A; and

**WHEREAS**, notice of such application was published as required by Ohio Revised Code § 4301.80; and

**WHEREAS**, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate a Community Entertainment District for the opportunities it will bring to the city, supporting more restaurants and retail inside the city limits; and

**WHEREAS**, the mayor has favorably recommended to council the approval of the application based on meeting the criteria of the Ohio Revised Code §4301.80, for The Hamlet at Sugar Run Community Entertainment District

**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.** Council determines and finds the proposed The Hamlet at Sugar Run Community Entertainment District will contribute to the entertainment, retail, educational, sporting, social, cultural, or arts opportunities for the City of New Albany and the surrounding area.

**Section 2.** The application for the proposed The Hamlet at Sugar Run Community Entertainment District meets the criteria of Ohio Revised Code §4301.80.

**Section 3.** The application submitted by NoNA Master Development, LLC is hereby approved and the entire proposed area described in the application is hereby designated "The Hamlet at Sugar Run Community Entertainment District."

**Section 4.** The city's review and approval of the application has been conducted in accordance with the requirements and time periods set forth in Ohio Revised Code §4301.80.

**Section 5.** The city manager is directed to file a certified copy of this ordinance with the Ohio Department of Liquor Control.



**Section 6.** 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 7.** 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 \_\_\_\_\_, 2023.

**Attest:**

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

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

**Approved as to form:**

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

**Legislation dates:**

Prepared: 06/12/2023  
Introduced: 06/20/2023  
Revised: 07/24/2023  
Adopted:  
Effective:

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

I certify that copies of Ordinance **O-79-2023** were posted in accordance with Article VI, Section 6.12 of the Charter of the City of New Albany, for 30 days starting on \_\_\_\_\_, 2023.

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

\_\_\_\_\_  
Date

Exhibit A – O-79-2023

This document is 244 pages. Please go to this link on our website  
<https://newalbanyohio.org/wp-content/uploads/2020/03/O-79-2023-EXHIBITS-Hamlet-at-Sugar-Run-CED-Application-Final.pdf>

or call Clerk of Council Jennifer Mason for copy.

Clerk Mason: 614-939-2244



**ORDINANCE O-81-2023**

**AN ORDINANCE REQUESTING THE BOARD OF ELECTIONS TO SUBMIT TO THE ELECTORS OF THE CITY OF NEW ALBANY THE QUESTION OF WHETHER THE SALE OF BEER AND INTOXICATING LIQUOR SHALL BE PERMITTED WITHIN THE BOUNDARIES OF THE HAMLET AT SUGAR RUN COMMUNITY ENTERTAINMENT DISTRICT**

**WHEREAS**, on August 1, 2023, council passed Ordinance No. O-79-2023 approving the application submitted by NoNA Master Development, LLC to designate the entire proposed area described in the application as The Hamlet at Sugar Run Community Entertainment District ("Sugar Run CED") pursuant to Ohio Revised Code §4301.80; and

**WHEREAS**, a copy of the survey and boundaries of the Sugar Run CED as submitted in the application and approved in Ordinance No. O-79-2023 is attached hereto as Exhibit A; and

**WHEREAS**, all of the parcels contained within the Sugar Run CED are currently "dry" and therefore are not eligible to obtain a liquor permit from the Ohio Division of Liquor Control; and

**WHEREAS**, Ohio Revised Code Section 4301.356 authorizes the city to request the Board of Elections to submit to the electors of the City of New Albany the question of whether the sale of beer and intoxicating liquor shall be permitted within the boundaries of the Sugar Run CED ("Sugar Run CED Election"); and

**WHEREAS**, the mayor has recommended that the Sugar Run CED Election be placed on the March 19, 2024 ballot; and encourage the economic development of the Sugar Run corridor; and

**WHEREAS**, the statutory deadline for submitting this Ordinance to the Franklin County Board of Elections for the Sugar Run CED Election to be placed on the March 19, 2024 ballot is December 20, 2023; and

**WHEREAS**, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate a community entertainment district for the opportunities it will bring to the city, supporting more restaurants and retail inside the city limits; and

**WHEREAS**, council, based upon the recommendation of the city manager, the statutory interpretation provided by the city's law director, and understanding the legal risks, has determined that it is in the best interest of the city to submit to the electors of the City of New Albany the question of whether the sale of beer and intoxicating liquor shall be permitted within the boundaries of the Sugar Run CED.

**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.** Council hereby requests the Franklin County Board of Elections to submit to the electors of the City of New Albany at the General Election to be held on March 19, 2024, in accordance with Section 4301.356 of the Ohio Revised Code, the following question:

“Shall the sale of beer and intoxicating liquor be permitted on days of the week other than Sunday and between the hours of ten a.m. and midnight on Sunday, at The Hamlet at Sugar Run Community Entertainment District, a community facility as defined by Section 4301.01 of the Revised Code, and located south of Central College Road and containing the properties on the east and west sides of New Albany-Condit Road.”

|  |     |
|--|-----|
|  | YES |
|  | NO  |

**Section 2.** The clerk of council shall and is hereby directed to certify a copy of this resolution to the Board of Elections of Franklin County, Ohio, not later than December 20, 2023.

**Section 3.** The city manager, finance director, law director, and clerk of council are hereby authorized to take all actions, including the execution of all documents, including but not limited to ballot language reviews and approvals, necessary to ensure that The Hamlet at Sugar Run CED Election is on the March 2024 ballot and not substantially inconsistent with this ordinance.

**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(B) of the New Albany Charter, this ordinance shall become effective ~~thirty~~ (30) days after adoption.

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**Attest:**

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

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

Approved as to form:

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

**Legislation dates:**

Prepared: 06/12/2023  
Introduced: 06/20/2023  
Revised: 07/24/2023  
Adopted:  
Effective:

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

I certify that copies of Ordinance **O-81-2023** were posted in accordance with Article VI, Section 6.12 of the Charter of the City of New Albany, for 30 days starting on \_\_\_\_\_, 2023.

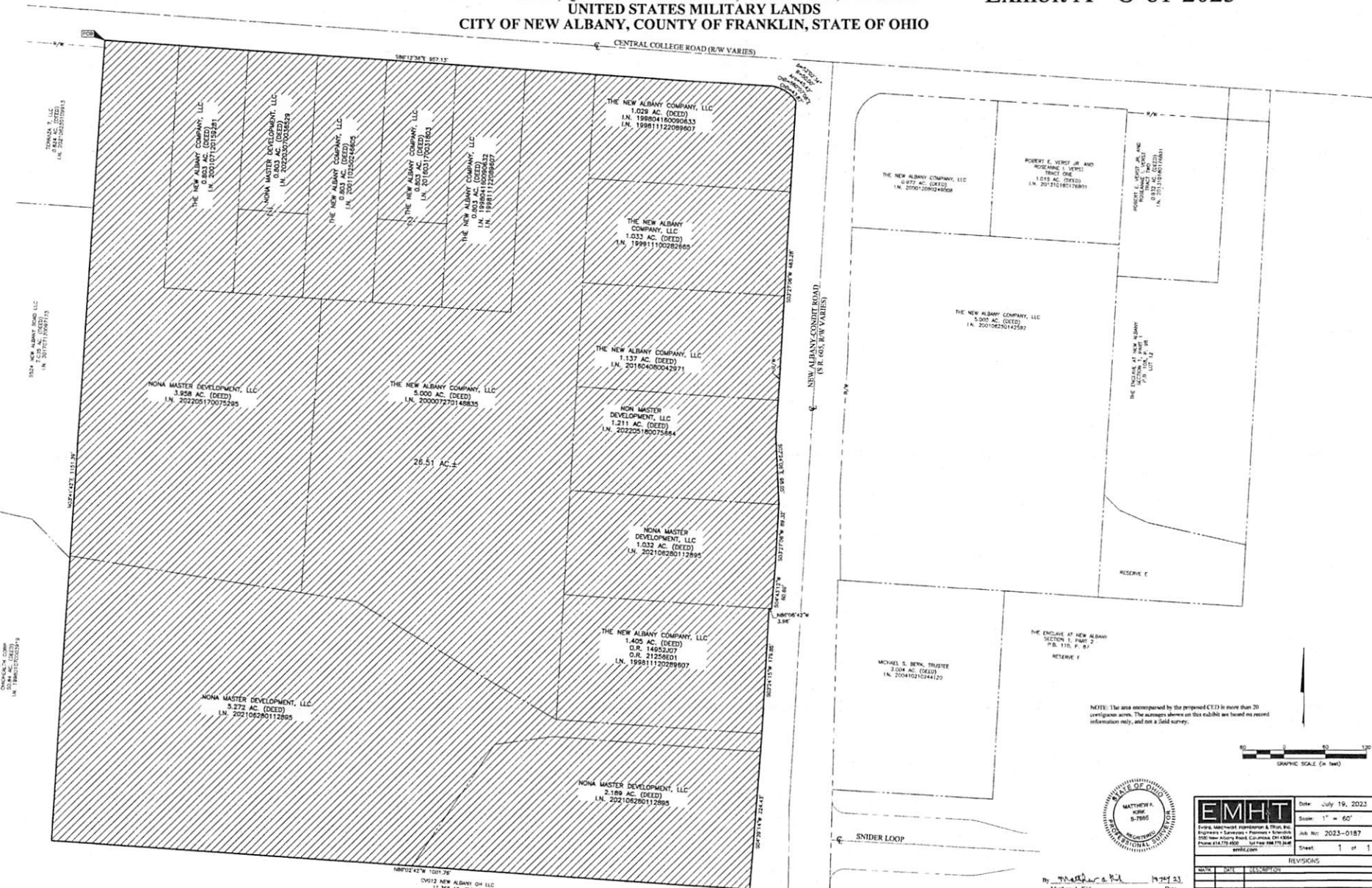
\_\_\_\_\_  
Jennifer Mason, Clerk of Council

\_\_\_\_\_  
Date

**ZONING EXHIBIT**  
 SECTION 13, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 16  
 UNITED STATES MILITARY LANDS  
 CITY OF NEW ALBANY, COUNTY OF FRANKLIN, STATE OF OHIO

Exhibit A - O-81-2023

CENTRAL COLLEGE ROAD (R/W VARIES)



NOTE: The area encompassed by the proposed CTD is more than 20 contiguous acres. The drawings shown on this exhibit are based on recent information only, and not a field survey.



By: Matthew A. Kati M.A.S.  
 Matthew A. Kati  
 Professional Surveyor No. 7861  
 mlk@emht.com

|   |      |                     |
|---|------|---------------------|
| <b>EMHT</b>   |      | Date: July 19, 2023 |
| Engineering, Landmark, Planning & Title, Inc.<br>200 New Albany Road, Columbus, OH 43260<br>Phone: 614.779.9000   Fax: 614.779.9001<br>www.emht.com |      | Scale: 1" = 60'     |
| Job No: 2023-0187   |      | Sheet: 1 of 1       |
| REVISIONS   |      |                     |
| NO.   | DATE | DESCRIPTION         |
|   |      |                     |
|   |      |                     |
|   |      |                     |

**26.5 ACRES**

Situated in the State of Ohio, County of Franklin, City of New Albany, in Section 13, Quarter Township 2, Township 2, Range 16, United States Military Lands, being comprised of all of the following tracts of land: those tracts conveyed to The New Albany Company, LLC by deeds of record in Official Records 14952J07 and 21256E01, and Instrument Numbers 200107120159281, 200110250246605, 201603170031803, 199804160090632, 199811122089607, 200007270148835, 199804160090633, 199911100282665, 201604080042971, and 202203070036529, those tracts conveyed to NONA Master Development, LLC by deeds of record in Instrument numbers 202205170075295, 202205180075664 and 202106280112895 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

BEGINNING at the northeasterly corner of that 0.824 acre tract conveyed to Terraza 7, LLC by deed of record in Instrument Number 202106230109913, in the southerly right of way line of Central College Road;

Thence the following courses and distances:

South 86° 12' 38" East, a distance of 957.13 feet to a point of curvature;

With the arc of a curve to the right, having a central angle of 52° 02' 34", a radius of 50.00 feet, an arc length of 45.42 feet, a chord bearing of South 60° 07' 08" East and chord distance of 43.87 feet to a point;

South 03° 27' 06" West, a distance of 483.28 feet to a point;

South 02° 24' 06" East, a distance of 98.05 feet to a point;

South 03° 27' 06" West, a distance of 89.32 feet to a point;

South 04° 43' 12" West, a distance of 60.69 feet to a point;

North 86° 08' 42" West, a distance of 3.66 feet to a point;

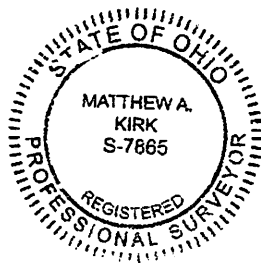
South 03° 24' 15" West, a distance of 179.85 feet to a point;

South 04° 39' 14" West, a distance of 224.43 feet to a point;

North 86° 02' 42" West, a distance of 1001.76 feet to a point; and

North 03° 41' 42" East, a distance of 1151.39 feet to the POINT OF BEGINNING, containing 26.51 acres of land, more or less.

The area encompassed by the proposed CED is more than 20 contiguous acres.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

*Matthew A. Kirk*  
Matthew A. Kirk  
Professional Surveyor No. 7865

19 July 23  
Date



**ORDINANCE O-85-2023**

**APPROPRIATION AMENDMENT ORDINANCE**

**AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023 AND TO AUTHORIZE A TRANSFER AND ADVANCE FROM THE GENERAL FUND**

**WHEREAS**, in December 2022, the 2023 Annual Budget Program and the related permanent appropriations were adopted by council; and

**WHEREAS**, it is necessary to adjust the 2023 appropriations to ensure compliance with budgetary requirements and reflect proposed and actual spending

**WHEREAS**, it is necessary to transfer and advance funds from the General Fund excess balance provide for additional costs related to planned projects and fund preliminary costs related to Rose Run II capital project in advance of bond issuance should the project have final approval.

**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:

| <b>Fund</b>                                | <b>Department</b>           | <b>Category</b>                       | <b>Increase/<br/>(Decrease)</b> |
|--|-----------------------------|---------------------------------------|---------------------------------|
| 101 - General                              | Community Development       | Operating and Contractual Services    | \$ 54,600                       |
| 101 - General                              | Administrative Services     | Operating and Contractual Services    | 73,500                          |
| 101 - General                              | Land & Building Maintenance | Operating and Contractual Services    | 41,000                          |
| 101 - General                              | Finance                     | Operating and Contractual Services    | 20,000                          |
| 101 - General                              | N/A                         | Transfers & Other Financing Uses      | 5,537,827                       |
| 254 - Oak Grove II TIF                     | General Administration      | Operating and Contractual Services    | 800,000                         |
| 258 - Windsor TIF                          | N/A                         | Capital                               | 400,000                         |
| 272 - Local Fiscal Recovery (ARPA)         | General Administration      | Operating and Contractual Services    | 11,206,073                      |
| 272 - Local Fiscal Recovery (ARPA)         | N/A                         | Capital                               | 48,852,757                      |
| 401 - Capital Improvement                  | N/A                         | Capital                               | 1,206,000                       |
| 403 - Bonded Improvement                   | N/A                         | Capital                               | 17,000                          |
| 404 - Park Improvement                     | N/A                         | Capital                               | 120,000                         |
| 405 - Water and Sanitary Sewer Improvement | N/A                         | Capital                               | 75,000                          |
| 410 - Infrastructure Replacement Fund      | General Administration      | Operating and Contractual Services    | 16,000                          |
| 422 - Economic Development Capital         | N/A                         | Capital                               | (141,337,404)                   |
|  |                             | <b>Total Appropriation Amendments</b> | <b>\$ (72,917,647)</b>          |



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

| Fund                                       | Department                  | Category                               | Increase/<br>(Decrease) |
|--|-----------------------------|--|-------------------------|
| 403 - Bonded Improvement                   | N/A                         | Capital                                | \$ 1,500,000            |
| 405 - Water and Sanitary Sewer Improvement | N/A                         | Capital                                | (15,000)                |
| 405 - Water and Sanitary Sewer Improvement | Land & Building Maintenance | Operating and Contractual Services     | 15,000                  |
| 422 - Economic Development Capital         | N/A                         | Capital                                | (1,500,000)             |
|  |                             | <b>Net Change related to Transfers</b> | <b>-</b>                |

**Section 3.** City Council hereby authorizes a transfer from the General Fund to the Capital Improvement fund in the amount of \$2,500,000.

**Section 4.** City Council hereby authorizes an advance from the General Fund to the Bond Improvement fund in an amount not to exceed \$3,037,827 upon approval of the Rose Run II Capital Project to be repaid upon receipt of bond proceeds.

**Section 5.** It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**Attest:**

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

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

**Approved as to form:**

\_\_\_\_\_  
Benjamin Albrecht  
Law Director

**Legislation dates:**

Prepared: 06/26/2023  
 Introduced: 07/05/2023  
 Revised: 07/10/2023  
 Revised: 07/24/2023  
 Adopted:  
 Effective:



**ORDINANCE O-86-2023**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF NEW ALBANY, OHIO TO PROVIDE NECESSARY AMENDMENTS TO CITY CODE SECTIONS 187.03, 187.04, 187.07, AND 187.08 REGARDING THE ESTABLISHMENT OF SPECIAL FUNDS; TO ADOPT AN INTERNAL CONTROL POLICY FOR THE MANDATORY DRUG FINE FUND REQUIRED BY OHIO REVISED CODE SECTION 2925.03(F)(2); AND FOR OTHER PURPOSES**

**WHEREAS**, the duly elected governing authority of the City of New Albany, Ohio is authorized by ORC § 715.01 to adopt ordinances relating to its property, affairs, and local government; and

**WHEREAS**, city code Sections 187.03, 187.04, 187.07, and 187.08 all establish various prescribed funds required by the Ohio Revised Code; and

**WHEREAS**, various updates to code references and procedures surrounding the creation of such funds have been enacted under the Ohio Revised Code; and

**WHEREAS**, specifically, as currently enacted, city code section 187.08 authorizes creation of a Mandatory Drug Fine Fund into which shall be deposited proceeds imposed by the Franklin County Municipal Court to be allocated only to the city police department for certain prescribed purposes; and

**WHEREAS**, Ohio Revised Code Section 2925.03(F)(2) now requires law enforcement agencies to adopt a written internal control policy that addresses the police department's use and disposition of all fine moneys so received in the Mandatory Drug Fine Fund; and

**WHEREAS**, the city wishes to adopt these updates to the appropriate city code sections, as well as promulgate and adopt a written internal control policy for the Mandatory Drug Fine Fund, in order to maintain consistency and compliance with the Ohio Revised Code and to modernize the city code.

**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:** Council hereby amends sections 187.03 (Indigent Drivers Alcohol Treatment Fund), 187.04 (Alcohol Education Fund), 187.07 (Law Enforcement Fund), and 187.08 (Mandatory Drug Fine Fund) to read as set forth and marked on Exhibit A, a copy of which is attached hereto and made a part hereof.

**Section 2:** Pursuant to Ohio Revised Code Section 2925.03(F)(2), and as related to the city's Mandatory Drug Fine Fund set forth in city code Section 187.08, council hereby approves and adopts the New Albany Police Department Internal Control Policy for Mandatory Drug Fine Fund as set forth in Exhibit B, a copy of which is attached hereto and made a part hereof.

**Section 3:** Except as amended herein, all provisions of the City of New Albany Code of Ordinances shall continue to remain in full force and effect.

**Section 4.** All ordinances and parts of ordinances in conflict herewith are expressly repealed.

**Section 5.** It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of council, and that all deliberations of council 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 11.** Pursuant to Article VI, Section 6.07(B) of the City of New Albany Charter, this ordinance shall become effective thirty (30) days after adoption.

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**Attest:**

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

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

**Approved as to form:**

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

**Legislation dates:**

Prepared: 06/27/2023  
Introduced: 07/18/2023  
Revised:  
Adopted:  
Effective:

Exhibit A – O-86-2023

**187.03 INDIGENT DRIVERS ALCOHOL TREATMENT FUND.**

In accordance with ORC 4511.191, there is hereby created the Indigent Drivers Alcohol Treatment Fund. All funds designated to the City pursuant to ORC 4511.~~19199(A)~~ shall be deposited into the Indigent Drivers Alcohol Treatment Fund and disbursed in accordance with ORC 4511.~~19199(A)~~.

**187.04 ALCOHOL ENFORCEMENT AND EDUCATION FUND.**

In accordance with ORC 4511.19, there is hereby created the Alcohol Enforcement and Education Fund. All funds designated pursuant to ORC 4511.~~1999(A)~~ shall be deposited into the Alcohol Enforcement and Education Fund and disbursed in accordance with ORC 4511.~~1999(A)~~.

**187.07 LAW ENFORCEMENT TRUST FUND.**

- (a) In accordance with Ohio Revised Code Chapter 2981, there is hereby created the Law Enforcement Trust Fund into which shall be deposited cash or proceeds from the sale of vehicles and other property seized under the ~~Contraband Seizure Forfeiture Act~~Ohio's criminal asset forfeiture laws codified in Ohio Revised Code Chapter 2981.
- (b) ~~Proceeds distributed to the Law Enforcement Trust Fund shall be allocated only to the New Albany Police Department and shall be expended only to pay the costs of protracted or complex investigations; to provide reasonable technical training and expertise; to provide matching funds to obtain Federal grants to aid law enforcement; or for such other purposes as recommended by the Chief of Police.~~
- (c) ~~Under authority of ORC 2901.01(J) and (M)~~In accordance with Ohio Revised Code Chapter 2981, the ~~Mayor or Administrator~~Director of Finance is hereby authorized and designated to accept cash, vehicles and other contraband property from the common pleas courts of the State of Ohio ~~in accordance with the Contraband Seizure Forfeiture Act, ORC 2933.43~~, and to place the proceeds therefrom into the Law Enforcement Trust Fund as provided herein.
- (d) ~~The Administrator shall further cause all All~~ vehicles and property to be tagged to the Police Department after forfeiture under the provisions of Ohio Revised Code Chapter 2981 shall be used solely for law enforcement purposes, or sold and the proceeds from the sale deposited into the Law Enforcement Trust Fund.
- ~~(e) The Fund shall not be used to meet the operating costs of the Municipality that are unrelated to law enforcement.~~

**187.08 MANDATORY DRUG FINE FUND.**

- (a) In accordance with ORC 2925.03(F), there is hereby created the Mandatory Drug Fine Fund into which shall be deposited proceeds from drug-related offense fines imposed by the courts overseeing offenses committed in the City of New Albany. Franklin County Municipal Court.
- (b) Proceeds distributed to the Mandatory Drug Fine Fund shall be allocated only to the New Albany Police Department and shall be expended only to pay the costs of complex cases; costs of training and providing technical expertise; application toward Federal matching funds; special equipment; or for such other purposes as recommended by the Chief of Police.
- ~~(c) Moneys deposited into the Fund may not be used for operating costs of the Municipality if those costs are not related to law enforcement.~~

Exhibit A – O-86-2023

- (c) The Chief of Police is hereby authorized and designated to accept drug fines from the Franklin County Municipal Court and the Licking County Municipal Court and cause the fines to be deposited into the Mandatory Drug Fine Fund.
- (d) As required by ORC 2925.03(F)(2), the City has adopted a written internal control policy that specifically addresses the Mandatory Drug Fine Fund.

## **New Albany Police Department Internal Control Policy for Mandatory Drug Fine Fund**

### **Policy Statement**

This policy is adopted to comply with the statutory requirements of Section 2925.03(F)(2) and to comply with the requirements of the Auditor of the State of Ohio. Specifically, this policy establishes the New Albany Police Department's written internal control policy regulating the receipt and expenditures of proceeds from court-ordered mandatory drug fines.

### **General Procedures**

1. Upon order of the appropriate court holding jurisdiction over qualifying drug-related offenses committed in the City of New Albany, Ohio, money and/or the monetary proceeds of mandated fines issued to the City shall be deposited into the New Albany Mandatory Drug Fine Fund by the Director of Finance or designee.
2. Each such deposit into the Mandatory Drug Fine Fund shall be properly recorded by the Director of Finance or designee using standard accounting principles and source documents to ensure proper future reference and/or audit compliance regarding the source of those funds. All supporting documentation will be incorporated into the Finance Department's fiscal and/or audit records in conjunction with monitoring receipts and expenditures of the Mandatory Drug Fine Fund.

### **Receipts**

In addition to the above general procedures, upon the receipt of any funds issued pursuant to Sections 2925.03(F)(1) or 2925.03(F)(2) of the Ohio Revised Code, the Finance Department, in coordination with the Police Department, shall fully document the following:

- a. The date the funds were received; and
- b. The amount of such funds.

### **Expenditures**

1. Upon the expenditure of any funds from the Mandatory Drug Fine Fund, the Police Department shall fully document the specific amount expended on each general type of expenditure.
2. The record of such expenditures shall not provide for or permit the identification of any specific expenditure that is made as part of, and during the pendency of, an ongoing investigation.
3. In accordance with Section 2925.03(F) of the Ohio Revised Code and Section 187.08 of the New Albany City Code, the monies from the Mandatory Drug Fine Fund shall be used exclusively for the purpose of subsidizing the New Albany Police Department's enforcement efforts that pertain to drug offenses, including but not limited to, paying the costs of complex cases, costs of training and providing technical expertise, application toward federal matching funds, special equipment, or for such other purposes as recommended by the Chief of Police.

4. The Finance Department shall be responsible for the maintenance of all financial records related to the Mandatory Drug Fine Fund.



**ORDINANCE O-87-2023**

**AN ORDINANCE TO AMEND CHAPTER 1169 OF THE PLANNING AND ZONING CODE OF THE CITY OF NEW ALBANY CODIFIED ORDINANCES AS REQUESTED BY THE CITY OF NEW ALBANY**

**WHEREAS**, it has been found that the codified ordinances of the city of New Albany, chapter 1169 needs to be amended to permit and provide regulations for electronic drive-thru menu board signs; and

**WHEREAS**, the city recognizes the need to adapt regulations for modern technology in order to promote orderly growth and development of lands; 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 July 17, 2023.

**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 amends portions of codified ordinance chapter 1169 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 \_\_\_\_\_, 2023.

**Attest:**

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

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



Approved as to form:

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Benjamin S. Albrecht  
Law Director

**Legislation dates:**

Prepared: 07/21/2023

Introduced: 08/01/2023

Revised:

Adopted:

Effective:

PROPOSED

- (1) Name, address, and telephone number of the applicant and property owner if different from the applicant.
  - (2) Scaled drawings, showing at a minimum:
    - A. The width of the building face or faces.
    - B. The design and layout of the proposed sign to scale, including the total area of the sign and the size, height, character, material specifications and color of letters, lines, and symbols.
    - C. Details of illumination, if applicable.
    - D. A scaled site plan of the proposed ground sign location showing the distance from the public right-of-way and relationship to access drives, parking areas and buildings or a face elevation of proposed signs on buildings showing the height and proportions of the signs.
    - E. The landscape plan for ground signs, if required.
  - (3) Details and specifications for the construction and attachment of the sign.
  - (4) Name, address and telephone number of the sign contractor or company.
  - (5) Other information as may be required by the Community Development Department to ensure compliance with the provisions of this chapter.
  - (6) Any required application fee.
- (c) Variances and waivers . Requests for deviations to the requirements of this chapter for properties located within the Village Center, as defined in the Village Center Strategic Plan, shall be considered to be waivers and shall be heard by the Architectural Review Board as set forth in Chapter 1113 of these Codified Ordinances. Requests for variances to the requirements of this chapter for properties located outside of the Village Center shall be heard by the Board of Zoning Appeals as set forth in Chapter 1113 of these Codified Ordinances.

(Ord. O-38-2010. Passed 12-7-10; Ord. O-8-2011. Passed 5-17-11.)

#### **1169.04 PROHIBITED SIGNS.**

The following signs or similar devices are prohibited: trailer signs, search lights, laser lights, pennants, streamers, spinners, balloons, bench signs, portable signs (except for sidewalk signs), roof signs, billboards, changeable copy (except for gasoline station price signs), flashing signs, projected images and animated signs, signs with moving or moveable parts, electronic signs (except for drive-through menu board signs), and any look-alike version of any of these prohibited sign types. Signs on vending machines, trash bins, or other devices serving any premises, shall be fully screened from view of any public right-of-way and adjoining property. Homemade lettered signs shall also be prohibited with the exception of sidewalk signs as long as they meet the requirements of Section 1169.10(i).

(Ord. O-38-2010. Passed 12-7-10.)

#### **1169.05 PROHIBITED SIGN LOCATIONS.**

Signs may not be installed in any of the following locations:

- (a) In any public easement, right-of-way, or no build zone, except publicly owned signs, such as traffic control signs and directional signs.
- (b) In any public park or other public property, without written authority of the owner of that property;

|                         |                  |                         |                                   |               |
|-------------------------|------------------|-------------------------|-----------------------------------|---------------|
| Village Residential     | Not Permitted    |                         |                                   |               |
| Campus                  | One per building | 8 s.f. maximum per side | Located within 10' of an entrance | Not permitted |
| Parks & Preservation    | One per building | 8 s.f. maximum per side | Located within 10' of an entrance | Not permitted |
| Commercial/Warehousing  | One per business | 8 s.f. maximum per side | Located within 10' of an entrance | Not permitted |
| Residential Subdivision | Not Permitted    |                         |                                   |               |
| Retail                  | One per business | 8 s.f. maximum per side | Located within 10' of an entrance | Not permitted |
| Institutional           | One per building | 8 s.f. maximum per side | Located within 10' of an entrance | Not permitted |

(Ord. O-38-2010. Passed 12-7-10; Ord. O-8-2011. Passed 5-17-11.)

### 1169.11 SPECIAL SIGNS.

Signs limited to specific functions shall require a sign permit subject to the following standards:

- (a) ATM Signs . Signage for all ATMs (automated teller machines) shall be limited to one square foot of sign area and utilize no more than three (3) colors. ATM signage must have an opaque background. If the ATM contains a logo, it may be internally illuminated. In addition, monochromatic, non-illuminated logos of accepted credit systems (VISA, MasterCard, etc.) are limited to less than one square foot in area.
- (b) Automotive Fuel Station Signs . Automotive fuel stations are permitted two (2) name/logo combinations for each stand-alone pumping station. The area of the name and logo shall not exceed one and one half (1.5) square feet in area. Automotive fuel stations may display the following additional signs without the information contained thereon being treated as items of information: signs showing an affiliation with a motor club or signs indicating the acceptance of designated credit cards. The name/logo or additional information may not be illuminated. Matter appearing on gasoline pumps as purchased or installed shall not be considered a sign for the purposes of this Chapter.
- (c) Drive-through, menu board signs . A drive-through menu board sign is permitted only when all of the following conditions are fulfilled:
  - (1) The sign is located on the property to which it refers;
  - (2) The sign is not visible from the public right-of-way;
  - (3) The sign is single-face only and does not exceed thirty-two (32) square feet in size;
  - (4) The sign is not placed in front of the building setback line.
  - (5) Electronic drive-through, menu board signs are permitted and shall comply with the following requirements, in addition to the requirements listed above:
    - (a) The signs must be static and are not permitted to display any flashing, moving or animated graphics;
    - (b) An automatic dimmer, controlling the sign brightness, must be installed to ensure that the sign is not overly bright throughout the day;
    - (c) The sign must be turned off when the business is closed.



**ORDINANCE O-88-2023**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 78.16+/- ACRES OF LAND LOCATED ON THE EAST SIDE OF BABBITT ROAD, FROM AGRICULTURAL (AG) AND LIMITED GENERAL EMPLOYMENT (L-GE) TO LIMITED GENERAL EMPLOYMENT (L-GE) FOR AN AREA TO BE KNOWN AS THE "BABBITT EAST ZONING DISTRICT" AS REQUESTED BY MJB 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 within the city to promote orderly growth and development of lands; and

**WHEREAS**, the Rocky Fork-Blacklick Accord Panel, New Albany Planning Commission and New Albany City Council on separate occasions have held public hearings and received public input into the amendment of the zoning ordinance; and

**WHEREAS**, pursuant to the application by MJB Holdings LLC, c/o Aaron Underhill, Esq., the Rocky Fork-Blacklick Accord Panel and New Albany Planning Commission have 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 78.16+/- acre site within Franklin County, located on the east side of Babbitt Road, from its current zoning of Agricultural (AG) and Limited General Employment (L-GE) to Limited General Employment (L-GE).
- 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 \_\_\_\_\_, 2023.

**Attest:**

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

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

**Approved as to form:**

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

|                           |            |
|---------------------------|------------|
| <b>Legislation dates:</b> |            |
| Prepared:                 | 07/21/2023 |
| Introduced:               | 08/01/2023 |
| Revised:                  |            |
| Adopted:                  |            |
| Effective:                |            |

**BABBITT EAST ZONING DISTRICT**

**LIMITATION (L-GE) TEXT**

**JULY 19, 2023**

The Babbitt East Zoning District (hereinafter, the “Zoning District”) consists of 78.16+/- acres located to the east of and adjacent to Babbitt Road, to the south of and partially adjacent to the extension of Ganton Parkway westward, and to the west of and partially adjacent to the Franklin County-Licking County boundary line. This rezoning serves to extend the same or similar zoning and development standards to property being annexed to the City as currently apply to developed and undeveloped land to its east.

I. Zoning Designation: L-GE, Limited General Employment District

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

- A. Industrial product sales (See Section 1153.03(a)(1));
- B. Industrial service (See Section 1153.03(a)(2));
- C. Mini-warehouses (See Section 1153.03(a)(4)(c)). For purposes of clarification, this prohibition only applies to such facilities that are made available for rental to the general public;
- D. Personal service (See Section 1153.03(b)(2)) and retail product sales and service (See Section 1153.03(b)(3)), except that such uses shall be allowed as accessory uses to a permitted use in this Zoning District;
- E. Vehicle services (See Section 1153.03(b)(4));
- F. Radio/television broadcast facilities (See Section 1153.03(c)(1));
- G. Sexually-oriented businesses (See Section 1153.03(c)(3)); and
- H. Off-premises signs (See Section 1153.03(c)(2)).

III. Lot and Setback Commitments:

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

B. Setbacks:

- 1. Babbitt Road: There shall be a minimum pavement setback of 100 feet and a minimum building setback of 200 feet from the right-of-way of Babbitt Road as measured after the required dedication of right-of-way for that street has been completed. Security fencing may encroach into the minimum building setback but in no event shall be located less than 100

feet from the Babbitt Road right-of-way.

2. Ganton Parkway: Improvements within the portion of the Zoning District extending from the planned westward extension of Ganton Parkway on the north to the northern property line of the Zoning District which runs generally perpendicular to Babbitt Road shall be limited to a paved access drive and a small security building with related parking. Any security structure and related parking shall be subject to a minimum pavement and building setback of 125 feet from the right-of-way of the Ganton Parkway extension.

3. Perimeter Boundaries: There shall be a minimum pavement and building setback of 25 feet from all perimeter boundaries for which another setback requirement is not provided in this text, except that the minimum pavement and building setback shall be 100 feet from any such perimeter boundary that is adjacent to property where residential uses are permitted.

4. Elimination of Setbacks: In the event that a parcel located within this Zoning District and an adjacent parcel located within or outside of this Zoning District (i) come under common ownership or control, (ii) are zoned to allow compatible non-residential uses, and (iii) are combined into a single parcel, then any minimum building, pavement, or landscaping setbacks set forth in this text as they apply to common property lines shall no longer apply with respect to these parcels. Section 1153.04(g) of the Codified Ordinances also shall apply to this Zoning District.

#### IV. Architectural Standards:

A. 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.

B. Service and Loading Areas: Service areas and loading areas shall be screened in accordance with the Codified Ordinances.

#### C. Building Design:

1. Building designs shall not mix architectural elements or ornamentation from different styles.

2. Buildings shall be required to employ a comparable use of materials on all elevations.

3. The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings



shall be made sufficiently prominent that they can be easily identified from a distance.

4. For office buildings and complexes, achieving a human or pedestrian scale is of less concern. When achieving such a scale is desired, it may be achieved by careful attention to width of facades, size and spacing of window and door openings, and floor to floor heights on exterior walls.

5. 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.

6. 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.

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, 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.

8. 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.

#### **D. Building Form:**

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

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



E. Materials:

1. Exterior building materials shall be appropriate for contemporary suburban designs and shall avoid overly reflective surfaces. Traditional materials such as, but not limited to, wood, stone, brick, and concrete shall be permitted, 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.

2. 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.

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

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

5. Additional Standards for Uses Not Governed by DGRs: Buildings that are constructed to accommodate certain uses are not governed by the City's Design Guidelines and Requirements (DGRs). For example, buildings that are constructed for the operation of data centers, 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 consider the following, which are intended to set a level of expectation for the quality of design:

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

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

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

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

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

6. 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.

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

A. Vehicular Access: Vehicular access shall be provided to and from this Zoning

District along Ganton Parkway using a private drive extending southward from that street. The private drive shall be located in a manner so as to minimize headlight spillage from vehicular traffic onto adjacent residential properties, and landscaping or some other form of screening shall be provided to meet this goal if necessary and where there is adequate space to install the same. An access point along Babbitt Road shall be permitted only for use by emergency vehicles. Regular vehicular access and construction vehicles access shall not be permitted to and from Babbitt Road, except temporary vehicular access shall be permitted if access to and from Ganton Parkway is unavailable due to its repair or maintenance, as confirmed by City staff.

B. 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.

C. Right-of-Way: The developer shall dedicate property to the City as right-of-way for a distance of 30 feet as measured from the centerline of Babbitt Road. The developer shall grant easements to the City which are adjacent to the aforementioned 30-foot right-of-way, not to exceed 25 feet in width on either side, to provide for the installation and maintenance of streetscape improvements, public utility lines, and leisure paths.

VI. Buffering, Landscaping, Open Space, and Screening: A landscaping plan shall be approved as part of the City's review of a certificate of appropriateness application for each portion of this Zoning District that is proposed for development. The following landscaping requirements shall apply to this Zoning District:

A. 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.

B. Landscaping Required Adjacent to Residential Uses: For those perimeter boundaries which abut properties containing existing residential uses or, as determined at the time that an application is filed for a building permit ("Building Permit") in this Zoning District, has a zoning classification which permits the development and operation of residential uses thereon that are not owned by the developer (any real property meeting either of the foregoing criteria to be referred to herein as "Residential Property"), a minimum six (6) foot high mound shall be installed along the property line and shall include a landscape buffer on the mound which shall consist of a mixture of deciduous trees, evergreens and bushes to provide an opacity of 75% on the date that is 5 years after planting to a total height of 10 feet above ground level. These mounds shall be installed within the minimum pavement setback area as required by this zoning text and may encroach on the abutting property if that owner agrees with the mound's installation on his/her property. The plan for these areas must be reviewed and approved by the City's Landscape Architect. For purposes of determining which properties qualify as a Residential Property hereunder, if two properties have an intervening public street right-of-way between them, they shall still be considered abutting.

If there are existing trees within this perimeter area and the City Landscape Architect recommends preservation of them then the mounding may be omitted and the existing trees may be utilized as the required screening. The requirement for 75% opacity 5 years after installation is still applicable with this alternative and, therefore, if necessary, additional landscaping materials (i.e., deciduous trees, evergreens or bushes) shall be planted along those perimeter boundary areas to meet the 75% opacity requirement. The plan for these areas must be reviewed and approved by the City's Landscape Architect. In developing the landscaping plan, the applicant shall work with the City's Landscape Architect to ensure that adequate screening from adjacent residential properties is provided along the northern and southern boundaries of this Zoning District in compliance with the requirements of this text.

C. Fencing: A standard New Albany white four-board horse fence may (but shall not be required to) be provided within the public rights-of-way of Babbitt Road and Ganton Parkway.

D. Stormwater Management: 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.

E. Street Trees: A street tree row shall be established along Babbitt Road and Ganton Parkway and shall contain one (1) tree for every thirty (30) feet of road frontage. Trees may be grouped or regularly spaced. Street trees shall be located within the right-of-way. Minimum street tree size at installation shall be three (3) caliper inches. This requirement may be waived in areas where existing vegetation occurs or in areas subject to overhead electric transmission lines, subject to approval of the City Landscape Architect.

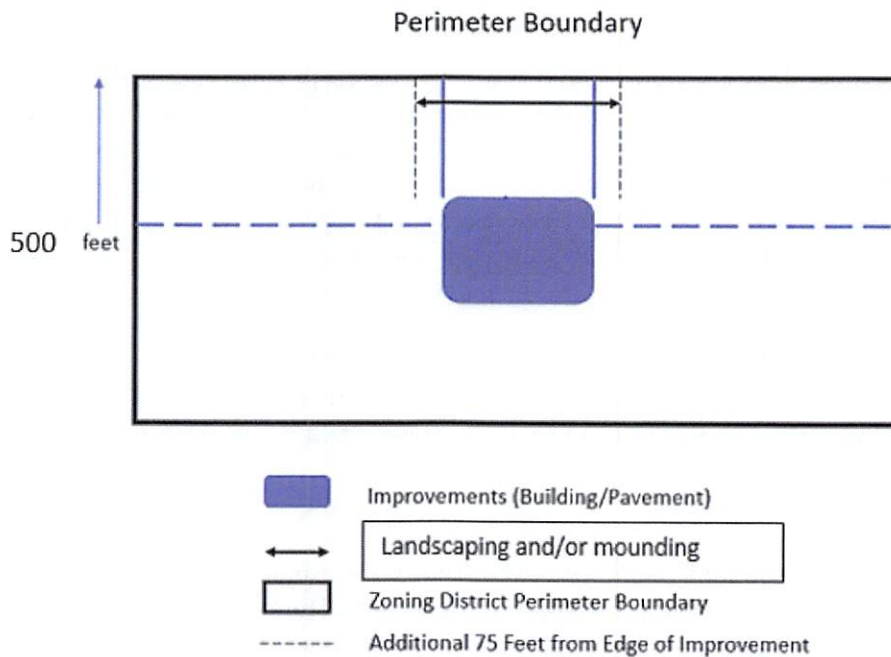
F. Parking Areas: Within this Zoning District, there shall be no less than one (1) tree planted for every ten (10) parking spaces located therein. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or treed areas). Parking lots shall be designed to accommodate parking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

G. Pedestrian Circulation: An 8-foot-wide asphalt leisure trail is required to be installed along the Babbitt Road frontage of the site. Buildings should be sited in relationship to each other to provide convenient pedestrian connections between each building, to parking, and to any other civic or public uses within convenient walking distances.

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

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

J. Phasing of Screening: In recognition of the significant amount of land area and the lengths of the perimeter boundaries contained within this Zoning District, for all portions of the Zoning District where there is required landscaping and/or mounding as contemplated in Section VI.B above, it may be installed in phases. For each phase of development in the Zoning District, such required landscaping and/or mounding shall be installed when it is anticipated (as provided in plans associated with relevant permits) that buildings, paved parking areas, or aboveground equipment or utility infrastructure, once constructed within that phase, will be located within 500 feet of the relevant perimeter boundary line. At a minimum for each phase, this landscaping and/or mounding shall be installed along the portion of the relevant perimeter boundary line of the Zoning District between two points which are determined by extending two straight lines from the perimeter boundary line of the Zoning District to the furthest distance on each side where planned improvements are to be constructed in that phase, and then adjusting those lines so that they are an additional distance of 150 apart. The following illustration is being provided as an example of this requirement:



K. Master Landscape Standards Plan: Unless a landscape and signage standards plan is developed for this specific area and approved by the Planning Commission, the City of New Albany Business Campus South – Beech Road South Landscape Standards Master Plan which was previously created for the Beech Road corridor and approved by the Planning Commission on June 5, 2017 shall apply to the Babbitt Road frontage in this Zoning District. New landscaping and mounding installed within the pavement setback

along Babbitt Road shall be coordinated and consistent throughout the length of the Zoning District's frontage and surrounding areas on that street.

L. Babbitt Road: Landscaping and mounding within the minimum required pavement setback along Babbitt Road shall not be required to be linear and run parallel to the street and may meander to create a more rural feel along this roadway, subject to staff approval.

VII. Lighting:

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

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

C. Lighting details shall be included in the landscape plan which is subject to review and approval by the City Landscape Architect.

D. Uplighting of buildings shall be prohibited. Landscape uplighting from a concealed source shall be subject to staff approval. All uplighting fixtures must be screened by landscaping. Lighting details shall be included in the landscape plan which is subject to review and approval by the City Landscape Architect.

E. No permanent colored lights or neon lights shall be used on the exterior of any building.

F. All other lighting on the site shall be in accordance with City Code. Street lighting must meet the City standards and specifications.

G. Solar Panels may be incorporated and installed as appropriate.

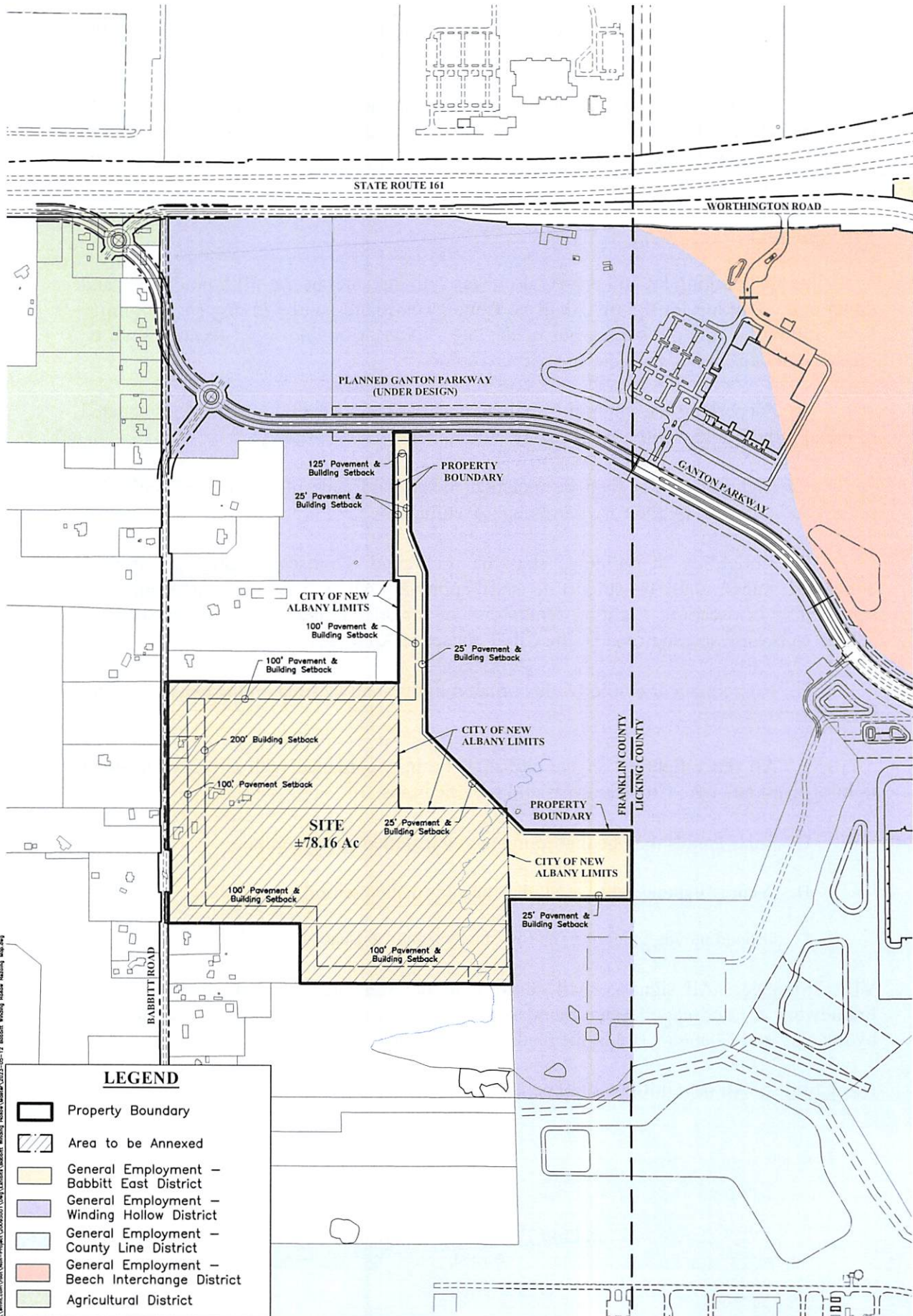
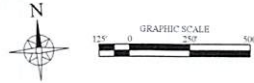
H. Security lighting, when used, shall be of a "motion sensor" type.

I. Ground mounted lighting shall be shielded and landscaped.

VIII. Signage: All signage shall conform to the standards set forth in the District Framework & Landscape Design Standards for the Beech Road North District as adopted by the City and Chapter 1169 of the Codified Ordinances of the City of New Albany.

IX. Utilities: All new utilities shall be installed underground.





**LEGEND**

- Property Boundary
- Area to be Annexed
- General Employment - Babbitt East District
- General Employment - Winding Hollow District
- General Employment - County Line District
- General Employment - Beech Interchange District
- Agricultural District

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**ORDINANCE O-89-2023**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 11.4+/- ACRES OF LAND LOCATED GENERALLY AT THE NORTHEAST CORNER OF BEECH ROAD AND GANTON PARKWAY, FROM AGRICULTURAL (AG) AND LIMITED GENERAL EMPLOYMENT (L-GE) TO INFILL PLANNED UNIT DEVELOPMENT (I-PUD) FOR AN AREA TO BE KNOWN AS "GANTON/BEECH NORTHEAST ZONING DISTRICT" AS REQUESTED BY MJB 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 within the city to promote orderly growth and development of lands; and

**WHEREAS**, the New Albany Planning Commission and New Albany City Council on separate occasions have held public hearings and received public input into the amendment of the zoning ordinance; and

**WHEREAS**, pursuant to the application by MJB 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 11.4+/- acre site within Licking County, located at the northeast corner of Beech Road and Ganton Parkway, from its current zoning of Agricultural (AG) and Limited General Employment (L-GE) to Infill Planned 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 \_\_\_\_\_, 2023.

**Attest:**

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

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

**Approved as to form:**

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

|                           |            |
|---------------------------|------------|
| <b>Legislation dates:</b> |            |
| Prepared:                 | 07/21/2023 |
| Introduced:               | 08/01/2023 |
| Revised:                  |            |
| Adopted:                  |            |
| Effective:                |            |

**GANTON/BEECH NORTHEAST ZONING DISTRICT**

**INFILL PLANNED UNIT DEVELOPMENT (I-PUD) TEXT**

**July 20, 2023**

**I. INTRODUCTION:** The Ganton/Beech Northeast Zoning District (hereinafter, the “Zoning District”) includes real property located to the northeast of and adjacent to the intersection of Ganton Parkway and Beech Road. It encompasses 11.4+/- acres which, prior to the approval of this text, is zoned in the L-GE, Limited General Employment District and the AG, Agricultural District under the City’s Codified Ordinances. The purpose of this rezoning is to create a new I-PUD, Infill Planned Unit Development (I-PUD) District to facilitate the development of service, retail, restaurant, and gasoline service station uses to serve employees within and visitors to the New Albany International Business Park as well as others traveling along the State Route 161 corridor.

**II. DEVELOPMENT STANDARDS:** Unless otherwise specified in the submitted drawings or in this written text, the development standards of Part Eleven of the Codified Ordinances of the City of New Albany shall apply to this Zoning District. 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 matters such as but not limited to site layouts, traffic, circulation, landscaping, and architecture. These component standards ensure consistency and quality throughout the development.

**A. Permitted Uses:**

1. C-3 Uses: Permitted uses shall include those set forth in the Codified Ordinances of the City of New Albany, C-3, Highway Business District, Section 1149.02. In addition, gasoline and diesel fueling stations with convenience stores and other accessory uses, vehicle charging stations, and restaurants or banks with drive-throughs shall be permitted uses. The conditional uses listed in Section 1149.03 of the Codified Ordinances shall not be permitted uses or conditional uses in this Zoning District. In addition, the following uses shall be prohibited:

- a. Self-service laundries
- b. Funeral services
- c. Automobile sales
- d. Motor vehicle sales and service (combined) establishments
- e. Commercial recreational facilities
- f. Carry out food and beverage establishments with drive-thru facilities. To clarify, this prohibited use intended to include uses such as

drive-thru and carry-out beer and wine sales and is not intended to apply to restaurants with drive-thrus.

2. **Special Provisions for Gasoline and Diesel Service Stations:** In this Zoning District, the term “gasoline service station” shall include, but not be limited to, service stations selling gasoline, diesel, and/or any other fuel for trucks and/or passenger vehicles, and/or offering charging stations for electric vehicles.” This definition is intended to clarify and, if applicable, expand the meaning of the same term as defined in the Codified Ordinances, and shall not in any way restrict or limit that definition. With regard to gasoline service stations in this Zoning District:

a. Sections 1165.08(a) through (d) of the Codified Ordinances shall not apply.

b. Such uses shall be permitted to serve the commercial trucking industry in addition to regular (non-truck) motorists, but the overnight parking of trucks shall be prohibited.

c. Showers and bathing facilities serving truck drivers or others shall be prohibited.

d. No lodging shall be permitted as part of the use.

**B. Vehicular Access:**

1. **Access Points:** One vehicular access point shall be permitted along Beech Road with full turn movements. An additional vehicular access point on Beech Road and/or a vehicular access point on Ganton Parkway shall be permitted only if supported by a traffic impact study approved by the City Engineer as contemplated in Section II.B.3 below. Final locations of proposed access points will be reviewed for approval as part of the first final development plan that is filed for this Zoning District.

2. **Internal Circulation:** Internally within the Zoning District, private roadways and/or drives shall be utilized to provide vehicular circulation, with locations and specifications for the same to be reviewed and approved as part of one or more final development plans. If more than one use/user or property owner is expected to be located or to own property within this Zoning District, then one or more declarations of reciprocal easements or reciprocal easement agreements shall be recorded against the real property within this Zoning District prior to the issuance of the first building permit in the Zoning District to provide for perpetual vehicular and pedestrian cross access easements, cross utility easements, and other easements which are necessary or desirable for efficient development. Maintenance of private drives and sidewalks internal to this Zoning District shall be the responsibility of the owners of property within this Zoning District. A copy of the relevant recorded instrument(s) as contemplated by this paragraph shall be

submitted to the City along with the first application for a building permit in this Zoning District.

3. **Traffic Analysis:** In conjunction with the filing of the first final development plan for this Zoning District, a traffic study shall be filed by the applicant unless the City Engineer requires less than a full study as determined prior to the filing of the final development plan application. The study or analysis which is approved along with that application shall apply to other developments within the Zoning District unless otherwise modified as part of a subsequent approved study or analysis as part of another approved final development plan. A memorandum of understanding detailing the scope of all required traffic studies/analyses shall be agreed upon by the City Engineer and the applicant prior to the filing of a final development plan application.

4. **Rights-of-Way:** No additional right-of-way dedication for Ganton Parkway shall be required. Right-of-way shall be dedicated to the City for a distance of 50 feet from the centerline of Beech Road. The actual amount and width of right-of-way to be dedicated to the City along Beech Road shall be reviewed for approval as part of a final development plan.

**C. Pedestrian Access:**

1. **Leisure Trail:** An 8-foot wide leisure trail exists along both Beech Road and Ganton Parkway. No additional leisure trails are required to be constructed.

2. **Sidewalks:** A 5-foot wide concrete sidewalk shall be provided on both sides of all roadways internal to the zoning district.

3. **Internal Circulation:** An internal pedestrian circulation system of walkways shall be created so that a pedestrian using a sidewalk or leisure trail as described above can access adjacent buildings through their parking lots as delineated with markings, crosswalks, and/or different materials, directing foot traffic, where possible, away from primary access drives. One example of a possible design that meets these requirements is depicted below, but other designs may be provided as determined on a development-by-development basis.



4. Connections: Every development shall be required to connect into the internal pedestrian circulation system either by direct connection to a leisure trail or sidewalk, subject to review and approval at the time of a Final Development Plan application.

5. Along Buildings: Walkways, no less than five (5) feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance and along any façade abutting public parking areas. Such walkways may be omitted to accommodate drive-through lanes, where necessary or desirable to reduce or eliminate conflict between pedestrian and vehicular traffic, as approved as part of a final development plan.

**D. Setbacks; Lot Coverage:**

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

2. Ganton Parkway: There shall be a minimum pavement setback and a minimum building setback of 50 feet from the right-of-way of Ganton Parkway.

3. Eastern and Northern Perimeter Boundaries: There shall be a minimum pavement setback and a minimum building setback of 25 feet from each of the eastern and northern perimeter boundaries of this Zoning District.

4. Internal Parcel Lines: There shall be a zero-setback requirement for pavement and a minimum building setback of 10 feet from internal parcel lines within this Zoning District.

5. Canopies: Canopies over fuel pumps as part of a gasoline service station use may encroach into minimum building setbacks, subject to approval by City staff.

6. Lot Coverage: There shall be a maximum lot coverage of 80% in this Zoning District, measured on a parcel-by-parcel basis.

7. Public Street Frontage: Each parcel within this Zoning District shall have frontage on a public street, provided, however, that a parcel shall not be required to have vehicular access to and from the public street on which it fronts directly on its site if that parcel has the right to vehicular and utilities access to and from Beech Road and/or Ganton Parkway by and through one or more recorded instruments providing perpetual easements in favor of the parcel for these purposes.

**E. Architectural Standards**: Architectural requirements for buildings in this Zoning District will differ based upon the types and/or locations of intended uses for each building. Requirements for each building type are set forth below. The requirements of the City's Design Guidelines and Requirements ("DGRs") shall apply when a particular standard is not addressed in this text, unless a deviation from the DGRs are approved as part of a final development plan.

1. Style: Buildings shall be designed with a comparable level of detail on all sides.

2. Height: Buildings shall be a minimum of one (1) story and a maximum of two (2) stories, except that hotels and office buildings may exceed two stories and are permitted to be a maximum of 65 feet in height. Architectural elements such as parapets, cupolas, mechanical screening or similar features may exceed these maximum building heights.

3. Materials:

a. Cementitious products such as Hardi Plank or its equivalent, brick, stone, cultured stone, metal, EIFS and composite material (except vinyl) shall be used as exterior wall finish materials where appropriate. Exterior wall finish materials must be used to complete massing elements. The application of brick veneer to a single building façade shall be prohibited. Alternative building materials may be used subject to Architectural Review District approval (Chapter

1157), provided, however, that when Chapter 1157 requires review and action by the Architectural Review Board, said review and action instead shall be undertaken by the Planning Commission. Exterior wall finish materials must be used to complete massing elements.

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

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 an adjacent public street right-of-way.

e. The same palette of exterior finishes and color shall be used on all sides of each building.

4. Roof: General roof massing shall incorporate pitched roofs. Flat roofs shall be permitted, but must integrate strong cornice lines. Acceptable roof materials include natural and synthetic slate, cedar shake, dimensional asphalt shingle, and standing seam metal. Roof elements shall be incorporated that emphasize and reduce the building scale at the building storefront such as, but not limited to, dormers, cupolas, roof spires, and hip and gable roofs.

a. Gutters and Downspouts: Sloped roofs shall be required to employ gutters and downspouts for drainage.

b. Gutter Specifications: Gutters shall be of a metal type and shall be painted to match fascias.

i. Scuppers: Scuppers may be used on the rear of a building with a parapet in lieu of interior drains. Scupper boxes on the rear of a building shall be painted to blend in with the exterior color or shall be of a manufactured metal of a color which complements the finished material to which it is affixed. Through-wall scuppers may be permitted where parapet walls are used. Overflow drains may be an open scupper through a parapet. An open scupper shall be detailed to minimize its appearance on the building elevation.

5. Exterior Doors: All exterior doors other than doors whose primary purpose is for the entry or exit of customers shall be made of a heavy gauge metal. Such doors shall be painted with a color that blends with the color of the exterior masonry on the elevation on which the door is located.

6. **Service and Loading Areas:** Service and loading areas shall be screened in accordance with the Codified Ordinances.

7. **Mechanical Equipment:** The following standards shall be required and shall be scaled according to the size of the individual tenant. These features may be scaled to a group of smaller side-by-side tenants when architecturally appropriate:

a. 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, but is not required to be the same material as the building's facade. Such screening shall be provided in order to screen the equipment from off-site view and sound generated by such equipment; and

b. Complete screening shall be required of all ground-mounted mechanical and other equipment at ground level by walls, fencing, or landscaping that is consistent and harmonious with the materials on and character of the nearest primary building. Such screening shall be provided in order to screen the equipment from off-site view and sound generated by such equipment.

**F. Parking:** Parking and loading spaces shall be provided for each use per Section 1167 of the Codified Ordinances of the City of New Albany unless otherwise approved as part of a final development plan.

**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 that are to remain on site during all phases of construction, including the installation of snow fencing at the drip line.

2. **Treatment Along Beech Road and Ganton Parkway:** Within the minimum required pavement setback along Beech Road and Worthington Road, landscaping shall be coordinated and consistent throughout. The following also shall be provided:

(a) **Fence:** A four-board white horse fence shall be required along the street frontages. The final location will be determined as part of a final development plan.

(b) **Setback Landscaping:** A landscaped area shall be required behind the fence and within the required pavement setbacks. 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. The city landscape architect may approve deviations to the caliper requirements on a case-by-case basis.

(c) Screening of Parking: A landscape buffer to screen parking areas shall be located within the pavement setback along all public rights-of-way. This buffer may contain landscape material, mounding, or a combination of both and shall have a minimum height of 3.5 feet at installation and a minimum opacity of 75% within 3 years of installation.

3. Stormwater Basins: Wet and dry stormwater basins shall conform to the standards set forth in Section 1171.08 of the Codified Ordinances 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 may be shared to serve some or all development within this Zoning District, so as to eliminate the need for each parcel to have its own on-site basin. Where shared stormwater basins are proposed, they shall be reviewed and approved by City staff without the requirement to be reviewed as part of a final development plan. Installation of stormwater basins shall include simultaneous installation of screening, buffering, and other aesthetic enhancements near the basins.

4. Street Trees: Street trees already exist along Beech Road and Ganton Parkway. No additional street tree plantings shall be required. Street trees that interfere with approved vehicular access points may be removed and relocated in coordination with the city arborist. A street tree row shall be established along private roads and shall contain one (1) tree for every thirty (30) feet of street frontage. Minimum street tree size at installation shall be three (3) caliper inches. The city landscape architect may approve deviations to the caliper requirements on a case-by-case basis.

5. Parking Areas: Within this Zoning District there shall be no less than one (1) tree planted for every ten (10) parking spaces located therein. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or tree areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles. Parking areas should be designed to foster pedestrian connectivity by accommodating the required pedestrian connections/walkways and provide landscaping

to enhance visual aspects of the development. Particular attention shall be given to quantity or plan material and size of parking lot landscape islands closest to buildings.

6. 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. The city landscape architect may approve deviations to the caliper requirements on a case-by-case basis.

**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. Uplighting of buildings shall be prohibited. Landscape uplighting from a concealed source shall not be permitted.

5. No permanent colored lights or neon lights shall be used on the exterior of any building.

6. All new electrical utilities that are installed in this Zoning District shall be located underground.

7. All other lighting on the site shall be in accordance with City Code.

8. Street lighting must meet the City Standards and Specifications.

**I. Signage:** Signage for all uses in this Zoning District shall comply with relevant provisions of the Codified Ordinances unless a master signage plan that provides alternative standards is provided for review and approval by the Planning Commission as part of a final development plan. In the event of a conflict between an approved master sign plan and the relevant provision of the Codified Ordinances, the approved master sign plan shall govern. One wall mounted sign per tenant shall be permitted on each elevation of the building that fronts or sides on a public or private road, but parking lot drive aisles shall not be construed as a private

road. Retail tenants are permitted one sandwich board sign, not to exceed six (6) square feet in area, per side. The signs may be placed on the sidewalk in front of the appropriate tenant space, but may not be sited in a location that interferes with vehicular sight distance.

**J. Utilities:** All new utilities shall be installed underground.

**K. Phasing of Improvements:** Each phase of development in this Zoning District shall include an appropriate share of the proposed vehicular circulation system, landscaping and outdoor spaces, screening and other site and architectural amenities of the entire project. The extent of these improvements shall be determined for each phase of a specific project at the time of the project's final development plan approval, and may not be based solely upon a proportional or equal share of the entire site.

### **III. GENERAL MATTERS:**

**A. 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.

**B. Appeals and Variances:**

1. Appeals:

a. 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.

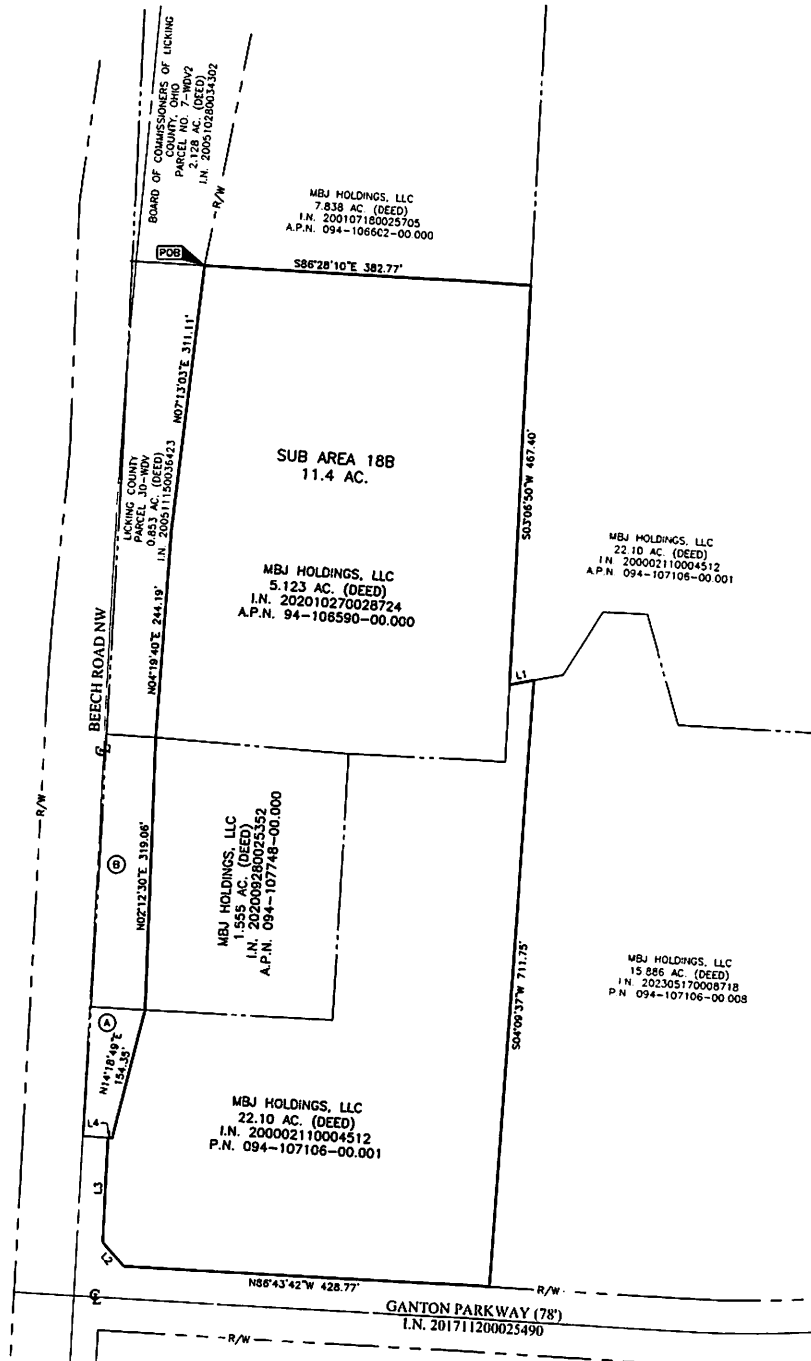
b. Imminent Peril: An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board of Zoning Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the application a stay would, in his opinion, 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.

2. Nature of Variance: On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable development standards of the PUD portion 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.

3. 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. Any private road constructed within this zoning district shall not be subject to the regulations of the subdivision standards found with Codified Ordinances Chapter 1187.

# ZONING EXHIBIT

## SECTION 16, QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 15 UNITED STATES MILITARY DISTRICT CITY OF NEW ALBANY, COUNTY OF LICKING, STATE OF OHIO



| LINE TABLE |             |          |
|------------|-------------|----------|
| LINE       | BEARING     | DISTANCE |
| L1         | N79°39'43"E | 29.36'   |
| L2         | N41°32'45"W | 37.96'   |
| L3         | N03°08'02"E | 121.91'  |
| L4         | S86°53'38"E | 4.72'    |

Ⓐ BOARD OF COMMISSIONERS OF LICKING COUNTY, OHIO  
PARCEL NO 7-WDV1  
0.169 AC. (DEED)  
I.N. 200510280034302

Ⓑ BOARD OF LICKING COUNTY COMMISSIONERS  
PARCEL NO 29-WDV  
0.445 AC. (DEED)  
I.N. 200712120031620

**EMHT**  
Ernst, Meacham, Hamilton & Thon, Inc.  
Engineers • Surveyors • Planners • Scientists  
3500 New Albany Road, Columbus, OH 43254  
Phone: 614.775.4300 Fax: 614.775.2646  
emht.com

Date March 29, 2023

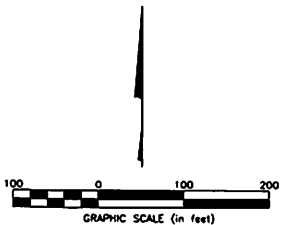
Scale 1" = 100'

Job No 2023-0023

Sheet 1 of 1

REVISIONS

| MARK | DATE | DESCRIPTION |
|------|------|-------------|
|      |      |             |
|      |      |             |
|      |      |             |
|      |      |             |



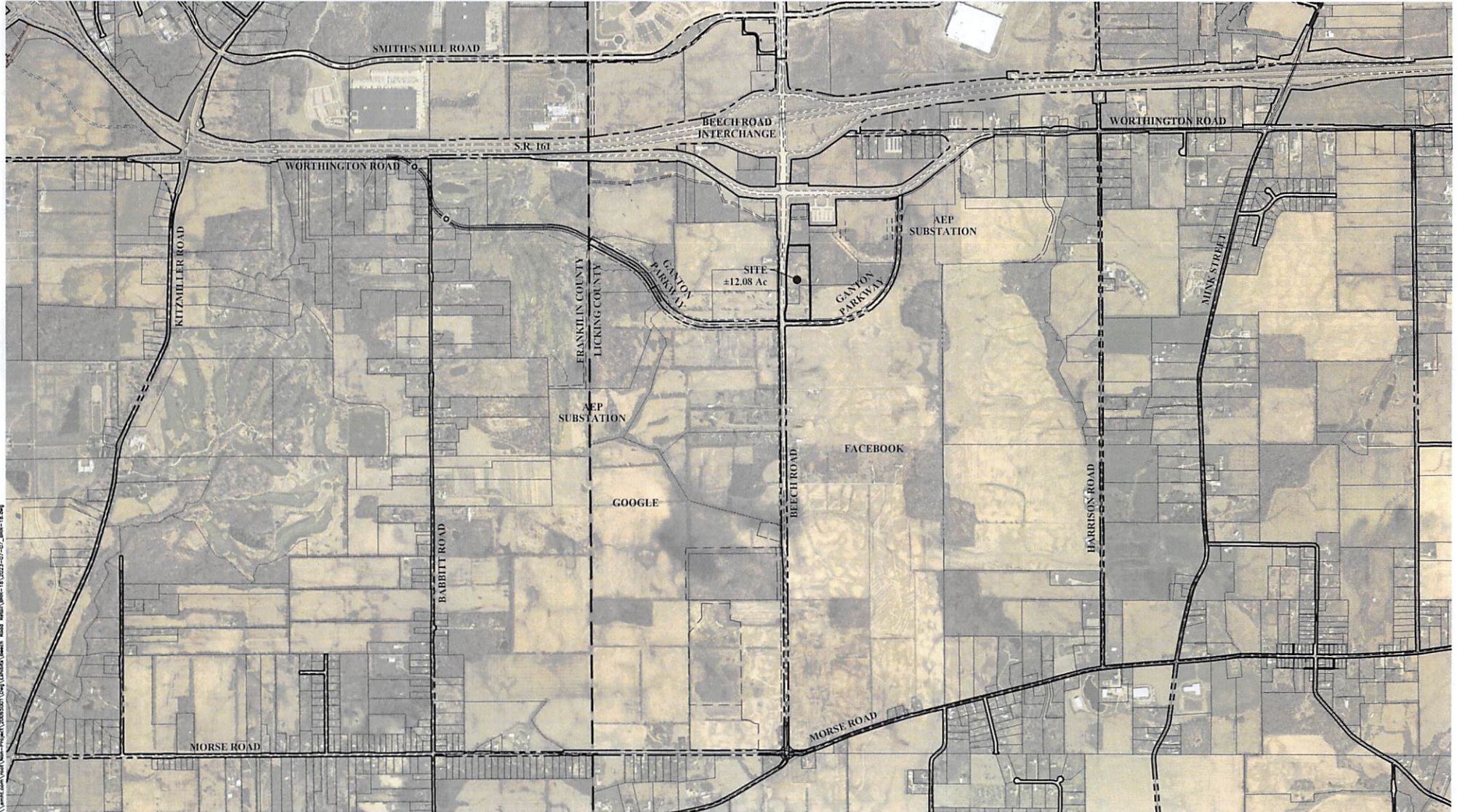


# BEECH ROAD SITE

New Albany, Ohio

THE NEW ALBANY COMPANY

Date: July 7, 2023



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# BEECH ROAD SITE

New Albany, Ohio

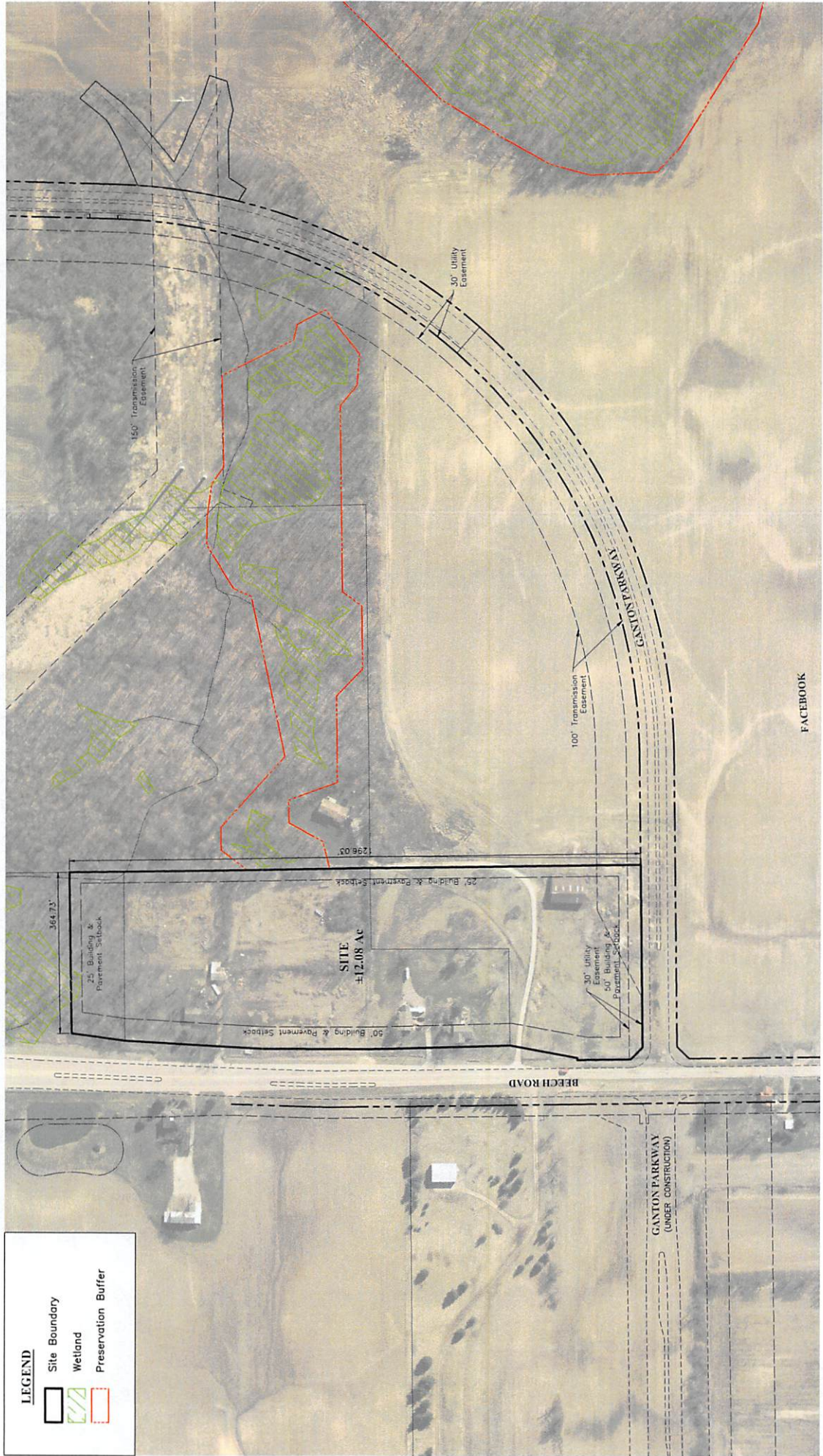
THE NEW ALBANY COMPANY

Date: July 7, 2023



**LEGEND**

- Site Boundary (black outline)
- Wetland (green hatched area)
- Preservation Buffer (red outline)








# BEECH ROAD SITE

New Albany, Ohio

THE NEW ALBANY COMPANY

Date: July 7, 2023



| LEGEND  |                     |
|---|---------------------|
|  | Site Boundary       |
|  | Wetland             |
|  | Preservation Buffer |





# BEECH ROAD SITE

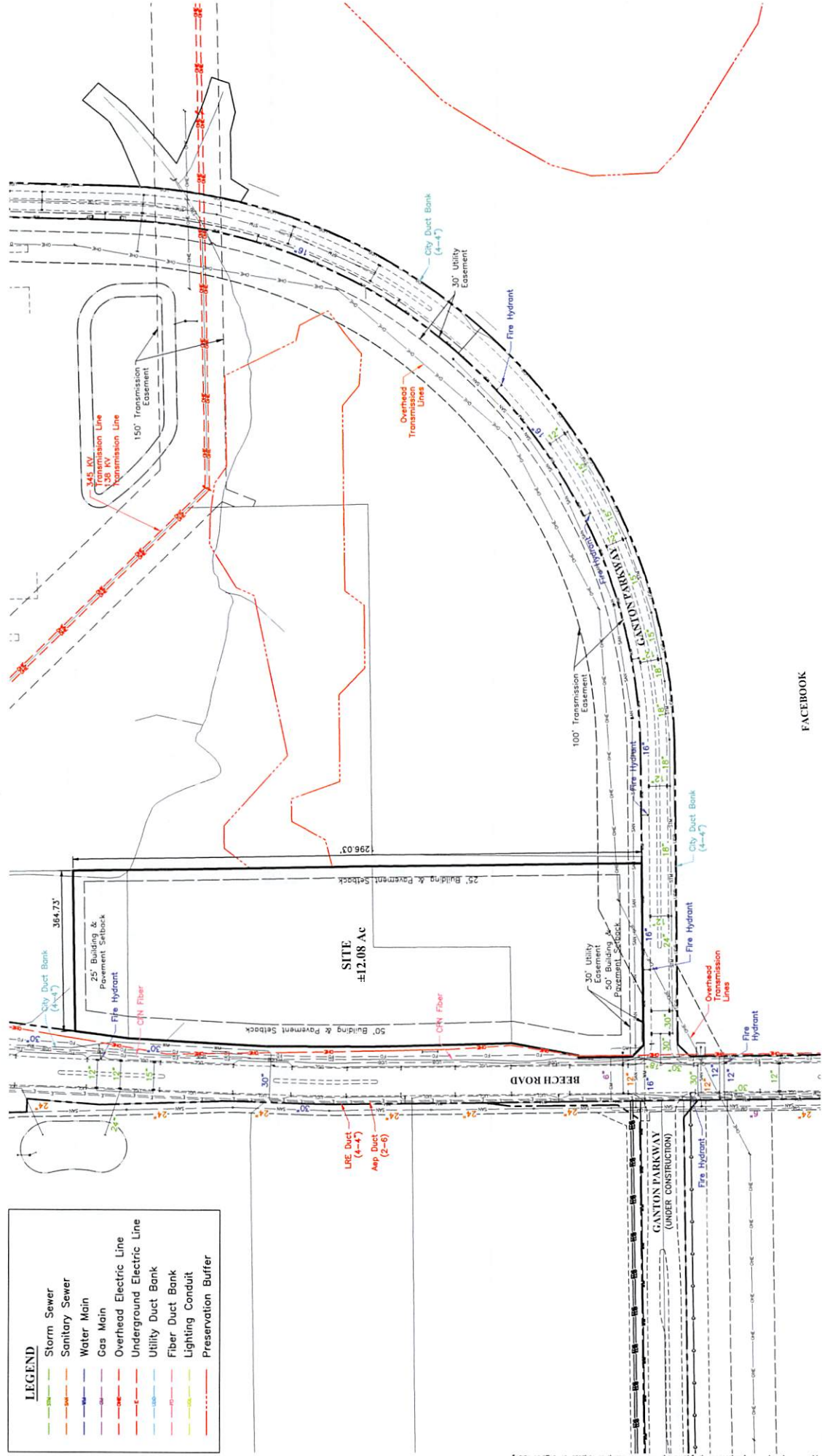
New Albany, Ohio

THE NEW ALBANY COMPANY

Date: July 7, 2023



| LEGEND |                           |
|--------|---------------------------|
|        | Storm Sewer               |
|        | Sanitary Sewer            |
|        | Water Main                |
|        | Gas Main                  |
|        | Overhead Electric Line    |
|        | Underground Electric Line |
|        | Utility Duct Bank         |
|        | Fiber Duct Bank           |
|        | Lighting Conduit          |
|        | Preservation Buffer       |



FACEBOOK



**ORDINANCE O-90-2023**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 12.8+/- ACRES OF LAND GENERALLY LOCATED TO THE SOUTHWEST OF AND ADJACENT TO STATE ROUTE 161/BEECH ROAD INTERCHANGE, FROM OFFICE CAMPUS DISTRICT (OCD) TO INFILL PLANNED UNIT DEVELOPMENT (I-PUD) FOR AN AREA TO BE KNOWN AS "BEECH INTERCHANGE SOUTHWEST ZONING DISTRICT" AS REQUESTED BY MJB 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 within the city to promote orderly growth and development of lands; and

**WHEREAS**, the New Albany Planning Commission and New Albany City Council on separate occasions have held public hearings and received public input into the amendment of the zoning ordinance; and

**WHEREAS**, pursuant to the application by MJB 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 12.8+/- acre site within Licking County, generally located to the southwest of and adjacent to State Route 161/Beech Road interchange, from its current zoning of Office Campus District (OCD) to Infill Planned 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 \_\_\_\_\_, 2023.

**Attest:**

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

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

**Approved as to form:**

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

|                           |            |
|---------------------------|------------|
| <b>Legislation dates:</b> |            |
| Prepared:                 | 07/21/2023 |
| Introduced:               | 08/01/2023 |
| Revised:                  |            |
| Adopted:                  |            |
| Effective:                |            |

PROPOSED

**BEECH INTERCHANGE SOUTHWEST ZONING DISTRICT**

**INFILL PLANNED UNIT DEVELOPMENT (I-PUD) TEXT**

**July 20, 2023**

**I. INTRODUCTION:** The Beech Interchange Southwest Zoning District (hereinafter, the “Zoning District”) includes real property located to the southwest of and adjacent to the State Route 161/Beech Road interchange. It encompasses 12.8+/- acres which, prior to the approval of this text, is zoned in the L-OCD, Limited Office Campus District under the City’s Codified Ordinances. The purpose of this rezoning is to create a new I-PUD, Infill Planned Unit Development (I-PUD) District to facilitate the development of service, retail, restaurant, and gasoline service station uses to serve employees within and visitors to the New Albany International Business Park as well as others traveling along the State Route 161 corridor.

**II. DEVELOPMENT STANDARDS:** Unless otherwise specified in the submitted drawings or in this written text, the development standards of Part Eleven of the Codified Ordinances of the City of New Albany shall apply to this Zoning District. 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 matters such as but not limited to site layouts, traffic, circulation, landscaping, and architecture. These component standards ensure consistency and quality throughout the development.

**A. Permitted Uses:**

1. C-3 Uses: Permitted uses shall include those set forth in the Codified Ordinances of the City of New Albany, C-3, Highway Business District, Section 1149.02. In addition, gasoline and diesel fueling stations with convenience stores and other accessory uses, vehicle charging stations, and restaurants or banks with drive-throughs shall be permitted uses. The conditional uses listed in Section 1149.03 of the Codified Ordinances shall not be permitted uses or conditional uses in this Zoning District. In addition, the following uses shall be prohibited:

- a. Self-service laundries
- b. Funeral services
- c. Automobile sales
- d. Motor vehicle sales and service (combined) establishments
- e. Commercial recreational facilities
- f. Carry out food and beverage establishments with drive-thru facilities. To clarify, this prohibited use is intended to include uses such as drive-thru and carry-out beer and wine sales and is not intended to apply to restaurants with drive-thrus.

2. Special Provisions for Gasoline and Diesel Service Stations: In this Zoning District, the term “gasoline service station” shall include, but not be limited to, service stations selling gasoline, diesel, and/or any other fuel for trucks and/or passenger vehicles, and/or offering charging stations for electric vehicles.” This definition is intended to clarify and, if applicable, expand the meaning of the same term as defined in the Codified Ordinances, and shall not in any way restrict or limit that definition. With regard to gasoline service stations in this Zoning District:

a. Sections 1165.08(a) through (d) of the Codified Ordinances shall not apply.

b. Such uses shall be permitted to serve the commercial trucking industry in addition to regular (non-truck) motorists, but the overnight parking of trucks shall be prohibited.

c. Showers and bathing facilities serving truck drivers or others shall be prohibited.

d. No lodging shall be permitted as part of the use.

**B. Vehicular Access:**

1. Limitations. Vehicular access to and from this Zoning District shall be permitted only along Worthington Road. No vehicular access shall be permitted along Beech Road. The northern portion of the Zoning District is bounded by the eastbound exit ramp from State Route 161 and no access is permitted.

2. Access Points: Two vehicular access points shall be permitted along Worthington Road with full turn movements, provided that such access points are at least 500 feet apart. A third vehicular access point shall be permitted along Worthington Road, but only if it is restricted to right-in and right-out turning movements. Final locations of the proposed access points will be reviewed for approval as part of the first final development plan that is filed for this Zoning District.

3. Internal Circulation: Internally within the Zoning District, private roadways and/or drives shall be utilized to provide vehicular circulation, with locations and specifications for the same to be reviewed and approved as part of one or more final development plans. If more than one use/user or property owner is expected to be located or to own property within this Zoning District, then one or more declarations of reciprocal easements or reciprocal easement agreements shall be recorded against the real property within this Zoning District prior to the issuance of the first building permit in the Zoning District to provide for perpetual vehicular and pedestrian cross access easements, cross utility easements, and other easements which are necessary or desirable for efficient

development. Maintenance of private drives and sidewalks internal to this Zoning District shall be the responsibility of the owners of property within this Zoning District. A copy of the relevant recorded instrument(s) as contemplated by this paragraph shall be submitted to the City along with the first application for a building permit in this Zoning District.

4. **Traffic Analysis:** In conjunction with the filing of the first final development plan for this Zoning District, a traffic study shall be filed by the applicant unless the City Engineer requires less than a full study as determined prior to the filing of the final development plan application. The study or analysis which is approved along with that application shall apply to other developments within the Zoning District unless otherwise modified as part of a subsequent approved study or analysis as part of another approved final development plan. A memorandum of understanding detailing the scope of all required traffic studies/analyses shall be agreed upon by the City Engineer and the applicant prior to the filing of a final development plan application.

5. **Worthington Road Right-of-Way:** Prior to or in conjunction with the issuance of the first building permit for a structure in this Zoning District, right-of-way shall be dedicated to the City as necessary to extend 50 feet northward from the centerline of the right-of-way of Worthington Road.

**C. Pedestrian Access:**

1. **Leisure Trail:** An 8-foot wide leisure trail shall be provided along the Zoning District's frontage on Worthington Road and shall connect on the east with an existing leisure trail on Beech Road. The leisure trail shall be installed no later than the date when the first certificate of occupancy is issued for a building within the Zoning District.

2. **Sidewalks:** A 5-foot wide concrete sidewalk shall be provided on both sides of all roadways internal to the zoning district.

3. **Internal Circulation:** An internal pedestrian circulation system of walkways shall be created so that a pedestrian using a sidewalk or leisure trail as described above can access adjacent buildings through their parking lots as delineated with markings, crosswalks, and/or different materials, directing foot traffic, where possible, away from primary access drives. One example of a possible design that meets these requirements is depicted below, but other designs may be provided as determined on a development-by-development basis.





4. Connections: Every development shall be required to connect into the internal pedestrian circulation system either by direct connection to a leisure trail or sidewalk, subject to review and approval at the time of a Final Development Plan application.

5. Along Buildings: Walkways, no less than five (5) feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance and along any façade abutting public parking areas. Such walkways may be omitted to accommodate drive-through lanes, where necessary or desirable to reduce or eliminate conflict between pedestrian and vehicular traffic, as approved as part of a final development plan.

**D. Setbacks; Lot Coverage:**

1. State Route 161: There shall be a minimum pavement setback of 25 feet and a minimum building setback of 50 feet from the right-of-way of State Route 161.

2. Beech Road: There shall be a minimum pavement setback and a minimum building setback of 50 feet from the Beech Road right-of-way.

3. Worthington Road: There shall be a minimum pavement setback of 25 feet and a minimum building setback of 50 feet from the right-of-way of Worthington Road.

4. Western Perimeter Boundary: There shall be a minimum pavement and building setback of 10 feet from the western perimeter boundary of this Zoning District.

5. Internal Parcel Lines: There shall be a zero-setback requirement for pavement and a minimum building setback of 10 feet from internal parcel lines within this Zoning District.

6. Adjacent Parcel: There shall be a minimum pavement setback and a minimum building setback of 25 feet from the shared boundary lines of this Zoning District and the parcel of real property which is known on the effective date of this text as Licking County Auditor parcel number 082-107508-00.000, should that parcel and adjacent property within this Zoning District come under common ownership in the future, then a zero setback shall be required along shared boundary lines.

7. Canopies: Canopies over fuel pumps as part of a gasoline service station use may encroach into minimum building setbacks, subject to approval by City staff.

8. Lot Coverage: There shall be a maximum lot coverage of 80% in this Zoning District, measured on a parcel-by-parcel basis.

9. Public Street Frontage: An individual parcel shall not be required to have public street frontage, or may have frontage on a public street right-of-way to which vehicular access is prohibited, if that parcel has the right to vehicular and utilities access to and from Worthington Road by and through one or more recorded instruments providing perpetual easements in favor of the parcel for these purposes.

**E. Architectural Standards**: Architectural requirements for buildings in this Zoning District will differ based upon the types and/or locations of intended uses for each building. Requirements for each building type are set forth below. The requirements of the City's Design Guidelines and Requirements ("DGRs") shall apply when a particular standard is not addressed in this text, unless a deviation from the DGRs is approved herein or as part of a final development plan.

1. Style: Buildings shall be designed with a comparable level of detail on all sides.

2. Height: Buildings shall be a minimum of one (1) story and a maximum of two (2) stories, except that hotels and office buildings may exceed two stories and are



permitted to be a maximum of 65 feet in height. Architectural elements such as parapets, cupolas, mechanical screening or similar features may exceed these maximum building heights.

3. Materials:

a. Cementitious products such as Hardi Plank or its equivalent, brick, stone, cultured stone, metal, EIFS and composite material (except vinyl) shall be used as exterior wall finish materials where appropriate. Exterior wall finish materials must be used to complete massing elements. The application of brick veneer to a single building façade shall be prohibited. Alternative building materials may be used subject to Architectural Review District approval (Chapter 1157), provided, however, that when Chapter 1157 requires review and action by the Architectural Review Board, said review and action instead shall be undertaken by the Planning Commission. Exterior wall finish materials must be used to complete massing elements.

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

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 an adjacent public street right-of-way.

e. The same palette of exterior finishes and color shall be used on all sides of each building.

4. Roof: General roof massing shall incorporate pitched roofs. Flat roofs shall be permitted, but must integrate strong cornice lines. Acceptable roof materials include natural and synthetic slate, cedar shake, dimensional asphalt shingle, and standing seam metal. Roof elements shall be incorporated that emphasize and reduce the building scale at the building storefront such as, but not limited to, dormers, cupolas, roof spires, and hip and gable roofs.

a. Gutters and Downspouts: Sloped roofs shall be required to employ gutters and downspouts for drainage.

b. Gutter Specifications: Gutters shall be of a metal type and shall be painted to match fascias.

i. Scuppers: Scuppers may be used on the rear of a building with a parapet in lieu of interior drains. Scupper boxes on the rear of a building shall be painted to blend in with the exterior color or shall be of a manufactured metal of a color which complements the finished material to which it is affixed. Through-wall scuppers may be permitted where parapet walls are used. Overflow drains may be an open scupper through a parapet. An open scupper shall be detailed to minimize its appearance on the building elevation.

5. Exterior Doors: All exterior doors other than doors whose primary purpose is for the entry or exit of customers shall be made of a heavy gauge metal. Such doors shall be painted with a color that blends with the color of the exterior masonry on the elevation on which the door is located.

6. Service and Loading Areas: Service and loading areas shall be screened in accordance with the Codified Ordinances.

7. Mechanical Equipment: The following standards shall be required and shall be scaled according to the size of the individual tenant. These features may be scaled to a group of smaller side-by-side tenants when architecturally appropriate:

a. 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, but is not required to be the same material as the building's facade. Such screening shall be provided in order to screen the equipment from off-site view and sound generated by such equipment. When the requirements of this subsection cannot be met due to State Route 161 being at a higher elevation than a building in this Zoning District, deviations with regard to the screening requirements from State Route 161 may be approved as part of a final development plan.

b. Complete screening shall be required of all ground-mounted mechanical and other equipment at ground level by walls, fencing, or landscaping that is consistent and harmonious with the materials on and character of the nearest primary building. Such screening shall be provided in order to screen the equipment from off-site view and sound generated by such equipment.

8. Buildings constructed within this Zoning District are exempt from the requirement of New Albany Design Guidelines Section 6 (I)(A)(1) which prohibits buildings from backing onto public rights-of-way, as it relates to the State Route 161 entrance ramp.

F. **Parking:** Parking and loading spaces shall be provided for each use per Section 1167 of the Codified Ordinances of the City of New Albany unless otherwise approved as part of a final development plan.

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 that are to remain on site during all phases of construction, including the installation of snow fencing at the drip line.

2. **SR 161 Treatment:** 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. Existing trees within the required minimum pavement setback from the State Route 161 right-of-way shall be preserved, except that trees may be removed in order to (a) install and provide for the maintenance of the required 4-board white horse fence, and/or (ii) remove invasive or noxious plant species or trees or which present a danger to persons or property.

3. **Treatment Along Beech Road and Worthington Road:** Within the minimum required pavement setback along Beech Road and Worthington Road, landscaping shall be coordinated and consistent throughout. The following also shall be provided:

(a) **Fence:** A four-board white horse fence shall be required along the street frontages. The final location will be determined as part of a final development plan.

(b) **Setback Landscaping:** A landscaped area shall be required behind the fence and within the required pavement setbacks. 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. The city landscape architect may approve deviations to the caliper requirements on a case-by-case basis.

(c) **Screening of Parking:** A landscape buffer to screen parking areas shall be located within the pavement setback along all public rights-of-way. This buffer may contain landscape material, mounding, or a combination of both and

shall have a minimum height of 3.5 feet at installation and a minimum opacity of 75% within 3 years of installation.

4. Stormwater Basins: Wet and dry stormwater basins shall conform to the standards set forth in Section 1171.08 of the Codified Ordinances 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 may be shared to serve some or all development within this Zoning District, so as to eliminate the need for each parcel to have its own on-site basin. Where shared stormwater basins are proposed, they shall be reviewed and approved by City staff without the requirement to be reviewed as part of a final development plan. Installation of stormwater basins shall include simultaneous installation of screening, buffering, and other aesthetic enhancements near the basins.

5. Street Trees: Street trees already exist along Beech Road. No additional street tree plantings shall be required along that street. A street tree row shall be established along Worthington Road all public streets (other than State Route 161) and private roads and shall contain one (1) tree for every thirty (30) feet of street frontage. Street trees along Worthington Road shall be installed along the entire street frontage when the first parcel develops in this Zoning District. Street trees shall be located a minimum of ten (10) feet from the edge of the right-of-way unless the City's Landscape Architect approves planting these trees closer to the right-of-way or within the right-of-way. Minimum street tree size at installation shall be three (3) caliper inches. All street trees that are not installed prior to infrastructure acceptance shall be bonded to guarantee installation. The city landscape architect may approve deviations to the caliper requirements on a case-by-case basis.

6. Parking Areas: Within this Zoning District there shall be no less than one (1) tree planted for every ten (10) parking spaces located therein. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or tree areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles. Parking areas should be designed to foster pedestrian connectivity by accommodating the required pedestrian connections/walkways and provide landscaping to enhance visual aspects of the development. Particular attention shall be given to quantity or plan material and size of parking lot landscape islands closest to buildings.

7. 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. The city landscape architect may approve deviations to the caliper requirements on a case-by-case basis.

**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. Uplighting of buildings shall be prohibited. Landscape uplighting from a concealed source shall not be permitted.

5. No permanent colored lights or neon lights shall be used on the exterior of any building.

6. All new electrical utilities that are installed in this Zoning District shall be located underground.

7. All other lighting on the site shall be in accordance with City Code.

8. Street lighting must meet the City Standards and Specifications.

**I. Signage:** Signage for all uses in this Zoning District shall comply with relevant provisions of the Codified Ordinances unless a master signage plan that provides alternative standards is provided for review and approval by the Planning Commission as part of a final development plan. In the event of a conflict between an approved master sign plan and the relevant provision of the Codified Ordinances, the approved master sign plan shall govern. One wall mounted sign per tenant shall be permitted on each elevation of the building that fronts or sides on a public or private road, but parking lot drive aisles shall not be construed as a private road. Retail tenants are permitted one sandwich board sign, not to exceed six (6) square feet in area, per side. The signs may be placed on the sidewalk in front of the appropriate tenant space, but may not be sited in a location that interferes with vehicular sight distance.

**J. Utilities:** All new utilities shall be installed underground.

**K. Phasing of Improvements:** Each phase of development in this Zoning District shall include an appropriate share of the proposed vehicular circulation system, landscaping and outdoor spaces, screening and other site and architectural amenities of the entire project. The extent of these improvements shall be determined for each phase of a specific project at the time of the project's final development plan approval, and may not be based solely upon a proportional or equal share of the entire site.

### **III. GENERAL MATTERS:**

**A. 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.

#### **B. Appeals and Variances:**

##### **1. Appeals:**

**a. 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.

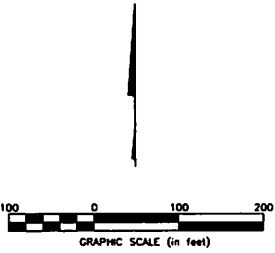
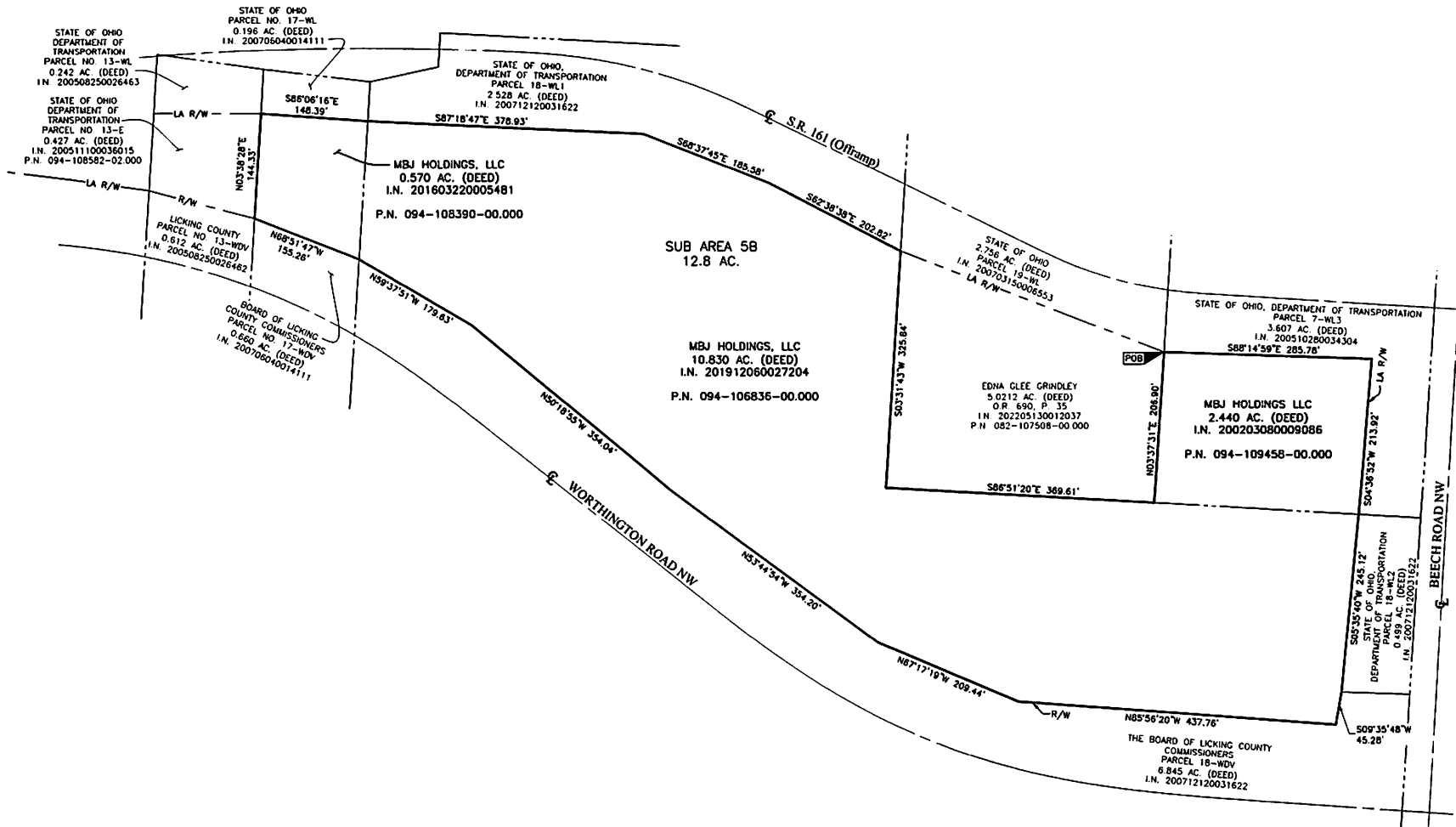
**b. Imminent Peril:** An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board of Zoning Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the application a stay would, in his opinion, 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.

**2. Nature of Variance:** On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable development standards of the PUD portion 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.

3. 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. Any private road constructed within this zoning district shall not be subject to the regulations of the subdivision standards found with Codified Ordinances Chapter 1187.

# ZONING EXHIBIT

## SECTION 16, QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO



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| <p style="font-size: 8px; margin: 0;">EMHT<br/>Evans, Meacham, Hatzelstein &amp; Egan, Inc.<br/>Engineers • Surveyors • Planners • Scientists<br/>5800 New Albany Road, Columbus, OH 43254<br/>Phone: 614.775.4330 Fax: 614.775.3648<br/>emht.com</p> |      | Date: March 30, 2023 |  |
|   |      | Scale: 1" = 100'     |  |
|   |      | Job No: 2023-0023    |  |
|   |      | Sheet: 1 of 1        |  |
| REVISIONS   |      |                      |  |
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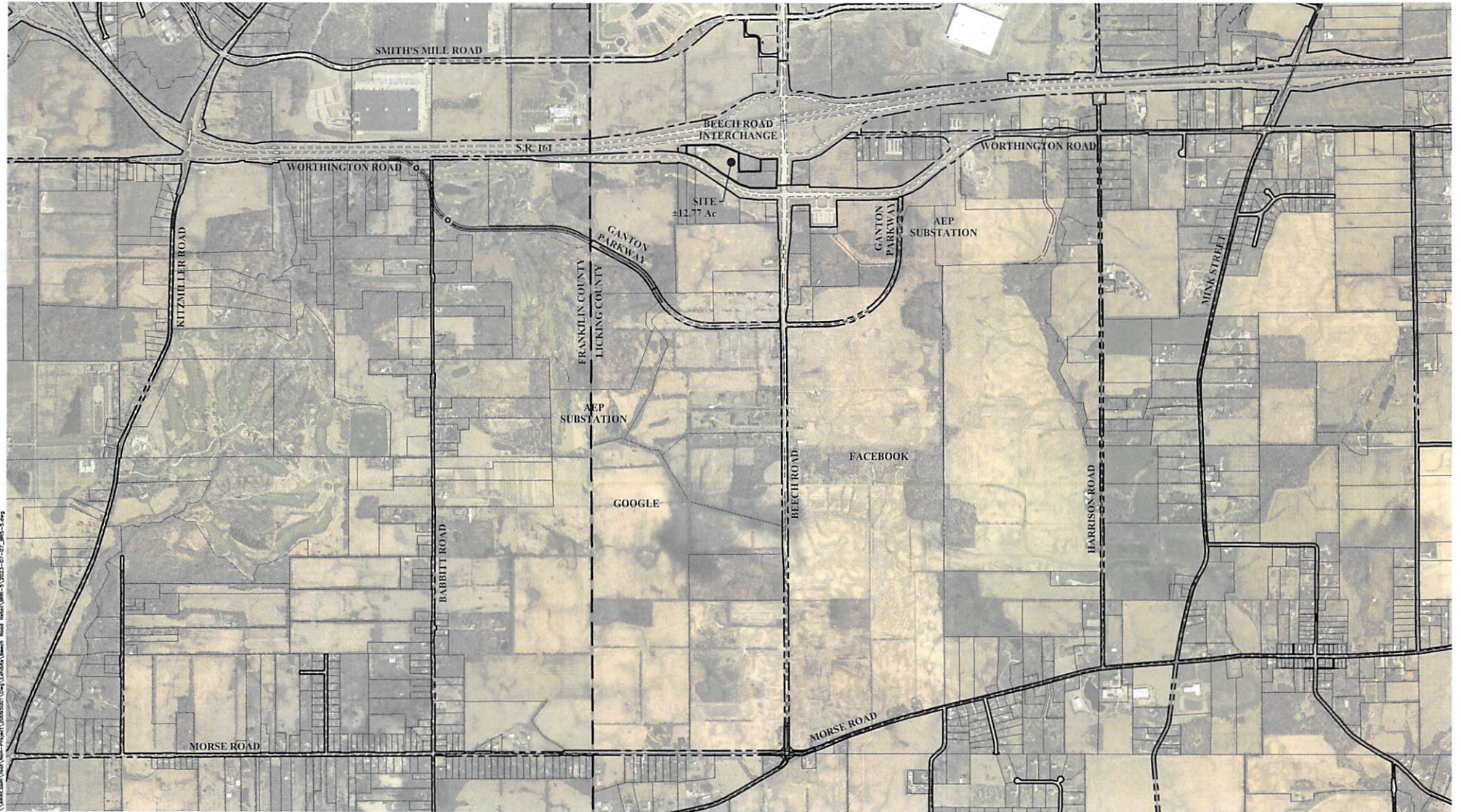
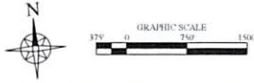


# BEECH ROAD SITE

New Albany, Ohio

THE NEW ALBANY COMPANY

Date: July 7, 2023



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# BEECH ROAD SITE

New Albany, Ohio

THE NEW ALBANY COMPANY

Date: July 7, 2023



**LEGEND**

- Site Boundary
- Wetland
- Preservation Buffer



