

**APPLICATION  
FOR  
DESIGNATION OF THE NEW ALBANY VILLAGE CENTER  
AS A COMMUNITY ENTERTAINMENT DISTRICT**

The New Albany Company LLC, a Delaware limited liability company (the “Applicant”) is the owner of the property located in New Albany, Ohio commonly known as “New Albany Village Center” (“NAVC”). The Applicant hereby requests to create The New Albany Village Center Community Entertainment District (“NAVC CED”) pursuant to Ohio Revised Code Section 4301.80. The purpose of creating NAVC CED is to allow for commercial and retail development of the area. The following information is provided in response to the provisions of Ohio Revised Code Section 4301.80:

**1. Applicant’s Name and Address:**

The New Albany Company LLC  
c/o Brent Bradbury  
8000 Walton Parkway, Suite 120  
New Albany, Ohio 43054

**2. Map or Survey:**

Attached hereto as **Exhibit A** is a survey in sufficient detail to identify the boundaries of the proposed NAVC CED. Attached hereto as **Exhibit B** is a legal description of the proposed NAVC CED.

**3. General Statement of Nature and Types of Establishments:**

NAVC is a mixed-use project which currently includes a diverse mix of office, retail, restaurant, bars, residential, recreation, and health and lifestyle uses. A current list of the establishments existing in the NAVC is attached hereto in **Exhibit C-1**.

**4. Establishments Not Yet Developed and Time Frame for Completion:**

NAVC CED plans to include a diverse mix of office, retail, restaurant, bars, and health and lifestyle uses as well as various types residential living spaces. The planned establishments are to be developed before the end of the fourth quarter of 2033. A list of the planned establishments is attached hereto in **Exhibit C-2**.

**5. Uses in Accord with Master Zoning Plan or Map:**

NAVC CED is in accord with the zoning map and plan. Attached hereto as **Exhibit D-1** is a schedule of the zoning district classifications, ordinance numbers, and dates of adoption for each of respective parcel within the NAVC CED. Attached hereto as **Exhibit D-2** are copies

of the ordinances for each respective parcel within the proposed NAVC CED. Attached hereto as **Exhibit D-3** is a copy of the Official Zoning Map of the City of New Albany.

**6. Surveyor's Certificate that CED Contains No Less than 20 Contiguous Acres:**

Attached to Exhibit B is a certification from a surveyor or engineer licensed under Chapter 4733 of the Revised Code indicating that the area encompassed by the proposed CED contains no less than twenty (20) contiguous acres.

**Mayor's Recommendation  
to the Legislative Authority**

*This Recommendation must be submitted to the legislative authority within  
thirty (30) days after receiving the Application.*

Sloan Spalding, Mayor of the City of New Albany, hereby recommends to New Albany City Council that this Application be \_\_\_\_\_ [insert approved or disapproved].

\_\_\_\_\_  
Sloan Spalding,  
Mayor of the City of New Albany

Date: \_\_\_\_\_, 2023

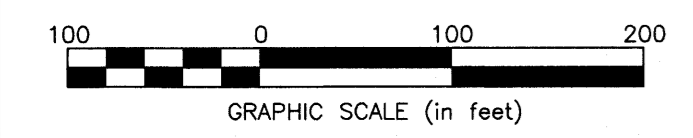
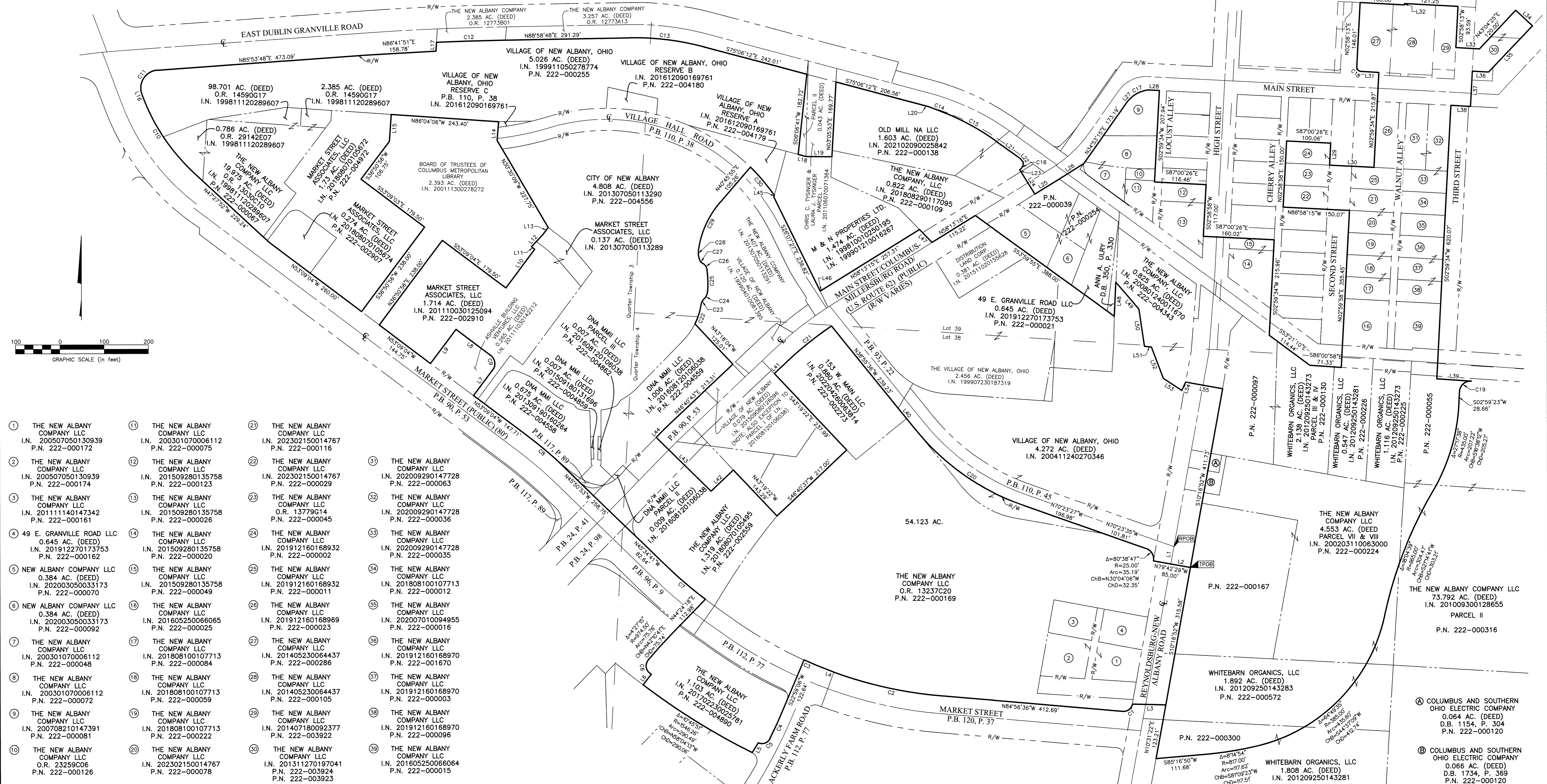
# **Exhibit A**

# COMMUNITY ENTERTAINMENT DISTRICT

## QUARTER TOWNSHIPS 3 AND 4, TOWNSHIP 2, RANGE 16

### UNITED STATES MILITARY DISTRICT

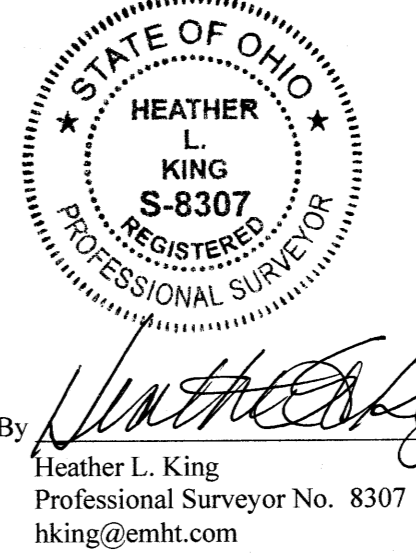
#### CITY OF NEW ALBANY, COUNTY OF FRANKLIN, STATE OF OHIO



- 1 THE NEW ALBANY COMPANY LLC  
I.N. 200507050130939  
P.N. 222-000172
- 2 THE NEW ALBANY COMPANY LLC  
I.N. 200507050130939  
P.N. 222-000174
- 3 THE NEW ALBANY COMPANY LLC  
I.N. 20111140147342  
P.N. 222-000161
- 4 49 E. GRANVILLE ROAD LLC  
0.645 AC. (DEED)  
I.N. 201912270173753  
P.N. 222-000162
- 5 NEW ALBANY COMPANY LLC  
0.384 AC. (DEED)  
I.N. 202003050033173  
P.N. 222-000070
- 6 NEW ALBANY COMPANY LLC  
0.384 AC. (DEED)  
I.N. 202003050033173  
P.N. 222-000092
- 7 THE NEW ALBANY COMPANY LLC  
I.N. 200301070006112  
P.N. 222-000048
- 8 THE NEW ALBANY COMPANY LLC  
I.N. 200301070006112  
P.N. 222-000072
- 9 THE NEW ALBANY COMPANY LLC  
I.N. 200708210147391  
P.N. 222-000081
- 10 THE NEW ALBANY COMPANY LLC  
O.R. 23259C06  
P.N. 222-000126
- 11 THE NEW ALBANY COMPANY LLC  
I.N. 200301070006112  
P.N. 222-000075
- 12 THE NEW ALBANY COMPANY LLC  
I.N. 201509280135758  
P.N. 222-000123
- 13 THE NEW ALBANY COMPANY LLC  
I.N. 201509280135758  
P.N. 222-000026
- 14 THE NEW ALBANY COMPANY LLC  
I.N. 201509280135758  
P.N. 222-000020
- 15 THE NEW ALBANY COMPANY LLC  
I.N. 201509280135758  
P.N. 222-000049
- 16 THE NEW ALBANY COMPANY LLC  
I.N. 201605250066065  
P.N. 222-000025
- 17 THE NEW ALBANY COMPANY LLC  
I.N. 201808100107713  
P.N. 222-000084
- 18 THE NEW ALBANY COMPANY LLC  
I.N. 201808100107713  
P.N. 222-000059
- 19 THE NEW ALBANY COMPANY LLC  
I.N. 201808100107713  
P.N. 222-000222
- 20 THE NEW ALBANY COMPANY LLC  
I.N. 202302150014767  
P.N. 222-000078
- 21 THE NEW ALBANY COMPANY LLC  
I.N. 202302150014767  
P.N. 222-000116
- 22 THE NEW ALBANY COMPANY LLC  
I.N. 202302150014767  
P.N. 222-000029
- 23 THE NEW ALBANY COMPANY LLC  
O.R. 13779G14  
P.N. 222-000045
- 24 THE NEW ALBANY COMPANY LLC  
I.N. 201912160168932  
P.N. 222-000011
- 25 THE NEW ALBANY COMPANY LLC  
I.N. 201912160168932  
P.N. 222-000023
- 26 THE NEW ALBANY COMPANY LLC  
I.N. 201912160168969  
P.N. 222-000023
- 27 THE NEW ALBANY COMPANY LLC  
I.N. 201405230064437  
P.N. 222-000286
- 28 THE NEW ALBANY COMPANY LLC  
I.N. 201405230064437  
P.N. 222-000059
- 29 THE NEW ALBANY COMPANY LLC  
I.N. 201407180092377  
P.N. 222-000096
- 30 THE NEW ALBANY COMPANY LLC  
I.N. 201311270197041  
P.N. 222-003924
- 31 THE NEW ALBANY COMPANY LLC  
I.N. 202009290147728  
P.N. 222-000063
- 32 THE NEW ALBANY COMPANY LLC  
I.N. 202009290147728  
P.N. 222-000036
- 33 THE NEW ALBANY COMPANY LLC  
I.N. 202009290147728  
P.N. 222-000035
- 34 THE NEW ALBANY COMPANY LLC  
I.N. 201808100107713  
P.N. 222-000012
- 35 THE NEW ALBANY COMPANY LLC  
I.N. 202007010094955  
P.N. 222-000016
- 36 THE NEW ALBANY COMPANY LLC  
I.N. 201912160168970  
P.N. 222-001670
- 37 THE NEW ALBANY COMPANY LLC  
I.N. 201912160168970  
P.N. 222-000003
- 38 THE NEW ALBANY COMPANY LLC  
I.N. 201912160168970  
P.N. 222-000096
- 39 THE NEW ALBANY COMPANY LLC  
I.N. 201605250066064  
P.N. 222-000015

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S10°16'52"W	39.99'	L11	N53°09'04"W	9.25'	L21	S54°09'12"E	68.27'	L31	N86°58'17"W	40.46'	L41	S46°40'43"W	38.01'
L2	S79°42'29"E	45.00'	L12	N42°58'26"E	37.84'	L22	S36°56'21"E	10.36'	L32	N02°58'13"E	3.00'	L42	S46°40'39"W	69.45'
L3	N88°19'49"W	75.90'	L13	N37°17'53"E	19.97'	L23	S31°45'19"E	4.89'	L33	S86°56'35"E	53.58'	L43	N45°35'11"W	173.80'
L4	N68°20'45"W	48.07'	L14	N04°41'42"E	42.71'	L24	S31°46'45"E	60.00'	L34	S46°57'51"E	51.88'	L44	N44°25'19"E	26.57'
L5	S31°53'18"W	26.12'	L15	S03°55'54"W	61.27'	L25	N58°13'15"E	65.16'	L35	S43°25'20"W	144.32'	L45	S14°56'53"W	3.59'
L6	N37°29'52"E	30.49'	L16	N20°45'33"W	7.87'	L26	N57°55'22"E	65.51'	L36	N86°56'35"W	36.94'	L46	N57°59'41"E	6.76'
L7	N36°50'56"E	76.87'	L17	N03°15'07"E	20.10'	L27	N46°31'13"E	10.82'	L37	S03°01'45"W	80.00'	L47	S44°07'38"E	40.95'
L8	N53°09'03"W	97.75'	L18	S75°03'07"E	18.00'	L28	S86°59'45"E	22.92'	L38	N86°58'15"E	44.15'	L48	N02°38'39"E	76.81'
L9	S36°50'56"W	96.00'	L19	S89°17'28"E	58.81'	L29	S02°59'34"W	50.00'	L39	S86°00'04"E	78.19'	L49	S40°44'22"E	80.00'
L10	N36°50'56"E	109.00'	L20	S74°35'03"E	9.84'	L30	S86°57'09"E	100.04'	L40	N38°58'07"W	65.02'	L50	S08°20'17"E	85.00'

CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.	CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.	CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	84°32'05"	20.00'	29.51'	S52°47'21"W	26.90'	C11	106°39'21"	40.00'	74.46'	N32°34'08"E	64.17'	C21	9°38'29"	776.69'	130.24'	S51°28'58"W	130.09'
C2	15°16'00"	932.93'	248.58'	N77°18'36"W	247.85'	C12	1°27'40"	5699.58'	145.36'	N88°14'58"E	145.35'	C22	17°15'36"	148.67'	44.79'	N18°07'03"E	44.62'
C3	1°29'39"	958.82'	25.00'	N66°16'04"W	25.00'	C13	15°55'00"	606.62'	168.52'	S83°03'42"E	167.98'	C23	34°58'53"	25.00'	15.26'	N26°58'42"E	15.03'
C4	3°30'34"	1157.28'	70.89'	S24°44'23"W	70.88'	C14	1°34'19"	1487.00'	40.80'	S68°25'34"E	40.80'	C24	40°36'55"	28.00'	19.85'	N24°09'41"E	19.44'
C5	88°24'11"	20.00'	30.86'	S70°41'46"W	27.89'	C15	13°29'12"	558.50'	131.46'	S60°53'48"E	131.16'	C25	10°59'27"	250.00'	47.96'	N01°38'30"W	47.88'
C6	103°29'55"	20.72'	37.43'	N12°38'44"W	32.54'	C16	53°15'57"	20.50'	19.06'	S25°32'45"W	18.38'	C26	51°49'13"	20.00'	18.09'	N33°02'50"W	17.48'
C7	7°20'27"	960.00'	123.00'	N49°14'55"W	122.91'	C17	38°04'25"	68.00'	45.19'	N66°58'12"E	44.36'	C27	38°20'45"	17.00'	11.38'	N39°47'04"W	11.17'
C8	4°47'55"	1040.00'	87.10'	N50°45'06"W	87.07'	C18	89°56'30"	10.00'	15.70'	N42°00'02"W	14.13'	C28	28°58'29"	45.00'	22.76'	N06°07'27"W	22.52'
C9	78°17'02"	24.00'	32.79'	N14°00'32"W	30.30'	C19	91°00'34"	25.00'	39.71'	S48°29'39"W	35.67'	C29	32°24'08"	210.00'	118.76'	N24°33'51"E	117.18'
C10	28°42'19"	450.00'	209.74'	N34°06'43"W	207.85'	C20	31°25'23"	538.00'	295.06'	N54°40'48"W	291.37'	C30	10°19'36"	465.84'	83.96'	S40°13'43"E	83.85'



Evans, Mechwart, Hamblen & Tillon, Inc.  
Engineers • Surveyors • Planners • Scientists  
5500 New Albany Road, Columbus, OH 43254  
Phone: 614.778.4500 • Toll Free: 888.775.3648  
emht.com

Date: May 24, 2023  
Scale: 1" = 100'  
Job No: 2023-0023  
Sheet: 1 of 1

REVISIONS		
MARK	DATE	DESCRIPTION

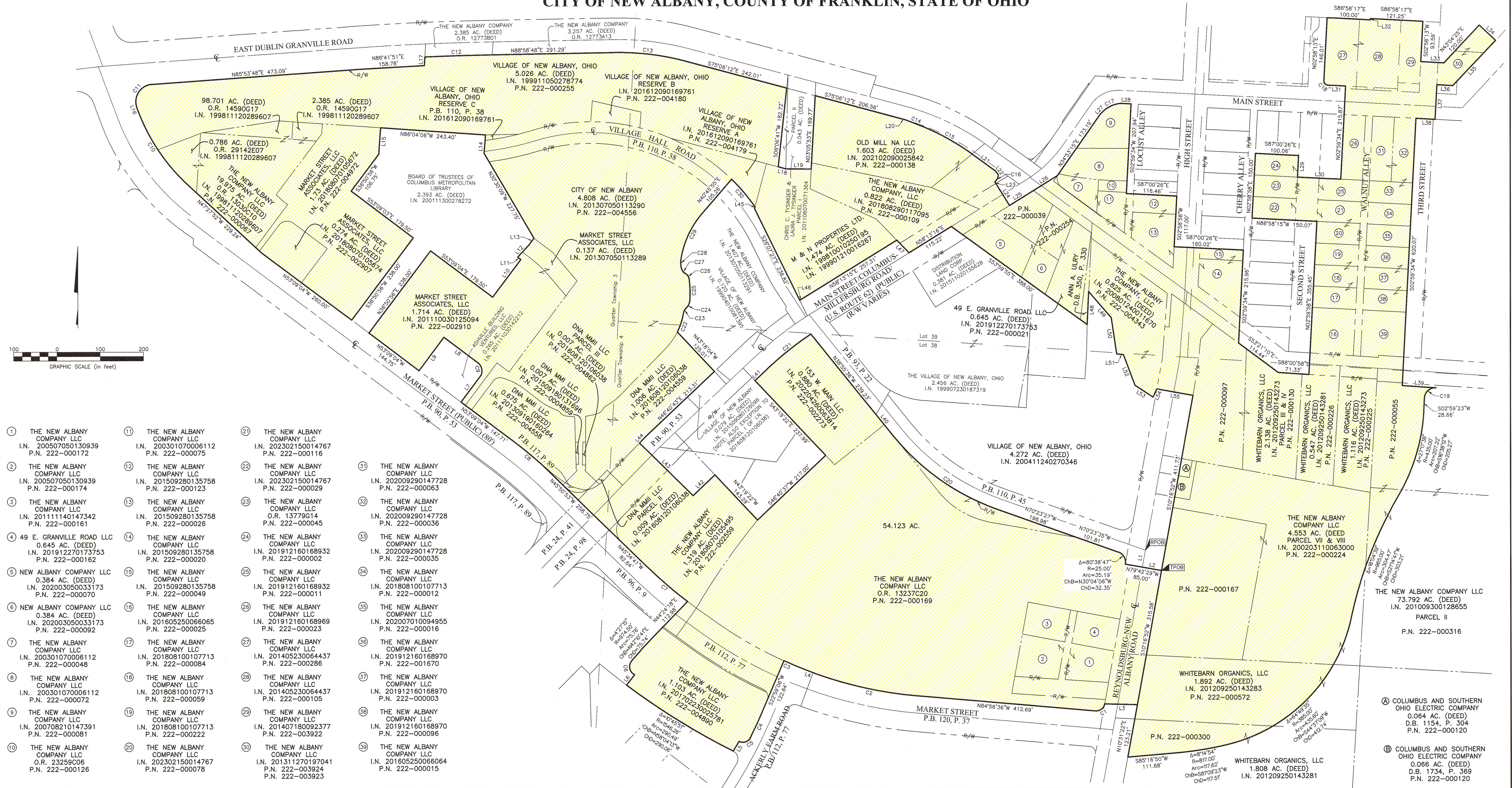
By: *Heather L. King* Date: 5/25/23  
Heather L. King  
Professional Surveyor No. 8307  
hking@emht.com

# COMMUNITY ENTERTAINMENT DISTRICT

QUARTER TOWNSHIPS 3 AND 4, TOWNSHIP 2, RANGE 16

UNITED STATES MILITARY DISTRICT

CITY OF NEW ALBANY, COUNTY OF FRANKLIN, STATE OF OHIO



- |  |  |  |  |
|--|--|--|--|
| 1 THE NEW ALBANY COMPANY LLC<br>I.N. 200507050130939<br>P.N. 222-000172  | 11 THE NEW ALBANY COMPANY LLC<br>I.N. 200301070006112<br>P.N. 222-000075 | 21 THE NEW ALBANY COMPANY LLC<br>I.N. 202302150014767<br>P.N. 222-000116 | 31 THE NEW ALBANY COMPANY LLC<br>I.N. 202009290147728<br>P.N. 222-000063 |
| 2 THE NEW ALBANY COMPANY LLC<br>I.N. 200507050130939<br>P.N. 222-000174  | 12 THE NEW ALBANY COMPANY LLC<br>I.N. 201509280135758<br>P.N. 222-000123 | 22 THE NEW ALBANY COMPANY LLC<br>I.N. 202302150014767<br>P.N. 222-000029 | 32 THE NEW ALBANY COMPANY LLC<br>I.N. 202009290147728<br>P.N. 222-000036 |
| 3 THE NEW ALBANY COMPANY LLC<br>I.N. 20111140147342<br>P.N. 222-000161   | 13 THE NEW ALBANY COMPANY LLC<br>I.N. 201509280135758<br>P.N. 222-000026 | 23 THE NEW ALBANY COMPANY LLC<br>I.N. 201912160168932<br>P.N. 222-000002 | 33 THE NEW ALBANY COMPANY LLC<br>I.N. 202009290147728<br>P.N. 222-000035 |
| 4 49 E. GRANVILLE ROAD LLC<br>I.N. 201912270173753<br>P.N. 222-000162    | 14 THE NEW ALBANY COMPANY LLC<br>I.N. 201509280135758<br>P.N. 222-000020 | 24 THE NEW ALBANY COMPANY LLC<br>I.N. 201912160168932<br>P.N. 222-000011 | 34 THE NEW ALBANY COMPANY LLC<br>I.N. 202009290147728<br>P.N. 222-000012 |
| 5 NEW ALBANY COMPANY LLC<br>I.N. 202003050033173<br>P.N. 222-000070      | 15 THE NEW ALBANY COMPANY LLC<br>I.N. 201509280135758<br>P.N. 222-000049 | 25 THE NEW ALBANY COMPANY LLC<br>I.N. 201912160168932<br>P.N. 222-000023 | 35 THE NEW ALBANY COMPANY LLC<br>I.N. 202007010094955<br>P.N. 222-000016 |
| 6 NEW ALBANY COMPANY LLC<br>I.N. 202003050033173<br>P.N. 222-000092      | 16 THE NEW ALBANY COMPANY LLC<br>I.N. 201605250066065<br>P.N. 222-000025 | 26 THE NEW ALBANY COMPANY LLC<br>I.N. 201912160168932<br>P.N. 222-000023 | 36 THE NEW ALBANY COMPANY LLC<br>I.N. 201912160168970<br>P.N. 222-001670 |
| 7 THE NEW ALBANY COMPANY LLC<br>I.N. 200301070006112<br>P.N. 222-000048  | 17 THE NEW ALBANY COMPANY LLC<br>I.N. 201808100107713<br>P.N. 222-000084 | 27 THE NEW ALBANY COMPANY LLC<br>I.N. 201405230064437<br>P.N. 222-000286 | 37 THE NEW ALBANY COMPANY LLC<br>I.N. 201912160168970<br>P.N. 222-000003 |
| 8 THE NEW ALBANY COMPANY LLC<br>I.N. 200301070006112<br>P.N. 222-000072  | 18 THE NEW ALBANY COMPANY LLC<br>I.N. 201808100107713<br>P.N. 222-000059 | 28 THE NEW ALBANY COMPANY LLC<br>I.N. 201405230064437<br>P.N. 222-000105 | 38 THE NEW ALBANY COMPANY LLC<br>I.N. 201912160168970<br>P.N. 222-000003 |
| 9 THE NEW ALBANY COMPANY LLC<br>I.N. 200708210147391<br>P.N. 222-000081  | 19 THE NEW ALBANY COMPANY LLC<br>I.N. 201808100107713<br>P.N. 222-000222 | 29 THE NEW ALBANY COMPANY LLC<br>I.N. 201407180092377<br>P.N. 222-000392 | 39 THE NEW ALBANY COMPANY LLC<br>I.N. 201605250066064<br>P.N. 222-000015 |
| 10 THE NEW ALBANY COMPANY LLC<br>I.N. 200301070006112<br>P.N. 222-000126 | 20 THE NEW ALBANY COMPANY LLC<br>I.N. 202302150014767<br>P.N. 222-000078 | 30 THE NEW ALBANY COMPANY LLC<br>I.N. 201311270197041<br>P.N. 222-003924 | 39 THE NEW ALBANY COMPANY LLC<br>I.N. 201605250066064<br>P.N. 222-000015 |

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE																																																																																	
L1	S10°16'52"W	39.99'	L11	N5°09'04"W	9.25'	L21	N5°09'12"E	68.27'	L31	N8°58'17"W	40.46'	L41	S4°40'43"W	38.01'	L51	S8°01'48"E	16.04'	C1	84°32'05"	20.00'	C11	106°39'21"	40.00'	C21	9°36'29"	130.09'	M1	S5°09'12"E	9.25'	M11	N5°09'12"E	68.27'	M21	N5°09'12"E	68.27'	M31	N8°58'17"W	40.46'	M41	S4°40'43"W	38.01'	M51	S8°01'48"E	16.04'	M61	S5°09'12"E	9.25'	M71	N5°09'12"E	68.27'	M81	N5°09'12"E	68.27'	M91	N8°58'17"W	40.46'	M101	S4°40'43"W	38.01'	M111	S8°01'48"E	16.04'	M121	S5°09'12"E	9.25'	M131	N5°09'12"E	68.27'	M141	N5°09'12"E	68.27'	M151	N8°58'17"W	40.46'	M161	S4°40'43"W	38.01'	M171	S8°01'48"E	16.04'	M181	S5°09'12"E	9.25'	M191	N5°09'12"E	68.27'	M201	N5°09'12"E	68.27'	M211	N8°58'17"W	40.46'	M221	S4°40'43"W	38.01'	M231	S8°01'48"E	16.04'	M241	S5°09'12"E	9.25'	M251	N5°09'12"E	68.27'	M261	N5°09'12"E	68.27'	M271	N8°58'17"W	40.46'	M281	S4°40'43"W	38.01'	M291	S8°01'48"E	16.04'	M301	S5°09'12"E	9.25'

NOTE: The area encompassed by the proposed CED is more than 20 contiguous acres. The acreages shown on this exhibit are based on record information only.

Date: May 24, 2023  
 Scale: 1" = 100'  
 Job No: 2023-0023  
 Sheet: 1 of 1

**EMHT**  
 Evans, Meacham, Hamilton & Titon, Inc.  
 Engineers • Surveyors • Planners • Scientists  
 5500 New Albany Road, Columbus, OH 43254  
 Phone: 614.775.4000 Toll Free: 888.775.3448  
 emht.com

By: *Heather L. King* Date: 6/28/23  
 Heather L. King  
 Professional Surveyor No. 8307  
 hking@emht.com

REVISIONS

MARK	DATE	DESCRIPTION

# **Exhibit B**

**COMMUNITY ENTERTAINMENT DISTRICT**  
**54.123 ACRES**

Situated in the State of Ohio, County of Franklin, City of New Albany, located in Quarter Townships 3 and 4, Township 2, Range 16, United States Military District, being all of that 5.026 acre tract conveyed to Village of New Albany, Ohio by deed of record in Instrument Number 199911050278774, all of Reserve A and Reserve B of "Village Hall Road Dedication and Easements Section 2", of record in Plat Book 110, Page 38, conveyed to Village of New Albany, Ohio by deed of record in Instrument Number 20161209016976, all of that 4.808 acre tract conveyed to City of New Albany by deed of record in Instrument Number 201307050113290, a remainder of that 0.786 acre tract conveyed to The New Albany Company LLC by deeds of records in Official Record 29142E07 and Instrument Number 199811120289607, a remainder of that 98.701 acre tract conveyed to The New Albany Company LLC by deeds of record in Official Record 14590G17 and Instrument Number 99811120289607, a remainder of that 2.385 acre tract conveyed to The New Albany Company LLC by deeds of record in Official Record 14590G17 and Instrument Number 199811120289607, a remainder of that 19.975 acre tract conveyed to The New Albany Company LLC by deeds of record in Official Record 13030C10 and Instrument Number 199811120289607, all of that 1.73 acre tract conveyed to Market Street Associates, LLC by deed of record in Instrument Number 201808070105672, all of that 0.274 acre tract conveyed to Market Street Associates, LLC by deed of record in Instrument Number 201808070105674, all of that 1.714 acre tract conveyed to Market Street Associates, LLC by deed of record in Instrument Number 201110030125094, all of that 0.675 acre tract conveyed to DNA MMI LLC by deed of record in Instrument Number 201309190160264, all of that 0.007 acre tract conveyed to DNA MMI LLC by deed of record in Instrument Number 201509180131696, all of that 0.007 acre tract, 1.006 acre tract and 0.009 acre tract conveyed to DNA MMII LLC by deed of record Instrument Number 201608120106038, all of that 1.319 acre tract conveyed The New Albany Company LLC by deed of record in Instrument Number 201808070105495, part of that tract conveyed to The New Albany Company LLC by deed of record in Official Record 13237C20, all of that 1.103 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 201702230025781, all of that 0.880 acre tract conveyed to 153 W. Main LLC by deed of record in Instrument Number 202204260063814, those tracts conveyed to The New Albany Company LLC by deed of record in Instrument Number 200507050130939, that tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 201111140147342, that 0.645 acre tract conveyed to 49 E. Granville Road LLC by deed of record in Instrument Number 201912270173753, part of that 1.808 acre tract conveyed to Whitebarn Organics, LLC by deed of record In Instrument Number 201209250143281, part of that 1.892 acre tract conveyed to Whitebarn Organics, LLC by deed of record in Instrument Number 201209250143283, part of that 4.553 acre tract conveyed to Whitebarn Organics, LLC by deed of record in Instrument Number 200203110063000, part of the remainder of that 73.792 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 201312310212561, all of that 1.116 acre tract conveyed to Whitebarn Organics, LLC by deed of record in Instrument Number 201209250143273, all of that 0.547 acre tract conveyed to Whitebarn Organics, LLC by deed of record in Instrument Number 201209250143281, part of that 2.138 acre tract conveyed to Whitebarn Organics, LLC by deed of record in Instrument Number 201209250143273, part of that 0.064 acre tract conveyed to Columbus and Southern Ohio Electric Company by deed of record in Deed Book 1154, Page 304, part of that 0.066 acre tract conveyed to Columbus and Southern Ohio Electric Company by deed of record in Deed Book 1734, Page 369, all of that 0.825 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 200801240011670, all of the remainder of that tract conveyed to Ann A. Ulry by deed of record in Deed Book 350, Page 330, all of that 0.645 acre tract conveyed to 49 E. Granville Road LLC by deed of record in Instrument Number 201912270173753, all of that 0.384 acre tract conveyed to New Albany Company LLC by deed of record in Instrument Number 202003050033173, all of that 0.822 acre tract conveyed to The New Albany Company, LLC by deed of record in Instrument Number 201808290117095, all of that 1.603 acre tract conveyed to Old Mill NA LLC by deed of record in Instrument Number 202102090025842, all of that 1.474 acre tract conveyed to M & N Properties LTD. by deed of record in Instrument Numbers 199810010250195 and 199901210016267, part of those tracts conveyed to The New Albany Company LLC by deed of record in Instrument Number 200301070006112, part of that tract



**COMMUNITY ENTERTAINMENT DISTRICT**  
**54.123 ACRES**

- 2 -

conveyed to The New Albany Company LLC by deed of record in Instrument Number 200708210147391, all of that tract conveyed to The New Albany Company LLC by deed of record in Official Record 23259C06, all of those tracts conveyed to The New Albany Company LLC by deed of record in Instrument Number 201509280135758, all of that tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 201605250066065, all of those tracts conveyed to The New Albany Company LLC by deed of record in Instrument Number 201808100107713, all of those tracts conveyed to The New Albany Company LLC by deed of record in Instrument Number 202302150014767, all of that tract conveyed to The New Albany Company LLC by deed of record in Official Record 13779G14, all of those tracts conveyed to The New Albany Company LLC by deed of record in Instrument Number 201912160168932, all of that tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 201912160168969, all of that tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 201405230064437, all of that tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 201407180092377, all of that tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 201311270197041, all of those tracts conveyed to The New Albany Company LLC by deed of record in Instrument Number 202009290147728, all of that tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 201808100107713, all that tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 202007010094955, all of those tracts conveyed to The New Albany Company LLC by deed of record in Instrument Number 201912160168970, all of that tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 201605250066064, part of that 4.272 acre tract conveyed to Village of New Albany, Ohio by deed of record in Instrument Number 200411240270346, and portions of right-of-way within Reynoldsburg-New Albany Road, Market Street, Main Street (Columbus-Millersburg Road/U.S. Route 62), Dublin-Granville Road, Village Hall Road, High Street, Second Street, Third Street, Ulry Avenue, Locust Alley and Walnut Alley, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being described as follows:

Beginning, for reference, at the centerline intersection of Reynoldsburg-New Albany Road with Village Hall Road, of record in Plat Book 110, Page 45;

Thence South  $10^{\circ} 16' 52''$  West, with the centerline of said Reynoldsburg-New Albany Road, a distance of 39.99 feet to a point;

Thence South  $79^{\circ} 42' 29''$  East, across the right-of-way of said Reynoldsburg-New Albany Road, a distance of 40.00 feet to a point in the easterly right-of-way line of said Reynoldsburg-New Albany Road and in the westerly line of said 4.553 acre tract, being the TRUE POINT OF BEGINNING;

Thence South  $10^{\circ} 16' 52''$  West, with said easterly right-of-way line, the westerly line of said 4.553 acre and 1.892 acre tracts, a distance of 315.58 feet to a point;

Thence North  $88^{\circ} 19' 49''$  West, across said Reynoldsburg-New Albany Road, a distance of 75.90 feet to a point on the arc of a curve in the northerly right-of-way line of said Market Street;

Thence with said northerly right-of-way line, the following courses and distances:

with the arc of a curve to the right, having a central angle of  $84^{\circ} 32' 05''$ , a radius of 20.00 feet, an arc length of 29.51 feet, a chord bearing of South  $52^{\circ} 47' 21''$  West and chord distance of 26.90 feet to a point;

North  $84^{\circ} 56' 36''$  West, a distance of 412.69 feet to a point of curvature;

**COMMUNITY ENTERTAINMENT DISTRICT**  
**54.123 ACRES**

- 3 -

with the arc of a curve to the right, having a central angle of 15° 16' 00", a radius of 932.93 feet, an arc length of 248.58 feet, a chord bearing of North 77° 18' 36" West and chord distance of 247.85 feet to a point;

North 68° 20' 45" West, a distance of 48.07 feet to a point of curvature; and

with the arc of a curve to the right, having a central angle of 01° 29' 39", a radius of 958.82 feet, an arc length of 25.00 feet, a chord bearing of North 66° 16' 04" West and chord distance of 25.00 feet to a point;

Thence South 22° 59' 06" West, across the right-of-way of said Market Street, partially with the northwesterly right-of-way line of Ackerly Farm Road, as dedicated in Plat Book 112, Page 77, a distance of 122.64 feet to a point of curvature;

Thence with said northwesterly right-of-way line, the following courses and distances:

with the arc of a curve to the right, having a central angle of 03° 30' 34", a radius of 1157.28 feet, an arc length of 70.89 feet, a chord bearing of South 24° 44' 23" West and chord distance of 70.88 feet to a point of compound curvature;

with the arc of a curve to the right, having a central angle of 88° 24' 11", a radius of 20.00 feet, an arc length of 30.86 feet, a chord bearing of South 70° 41' 46" West and chord distance of 27.89 feet to a point; and

South 31° 53' 18" West, a distance of 26.12 feet to a point on the arc of a curve;

Thence with the southwesterly line of said 1.103 acre tract, with the arc of a curve to the right, having a central angle of 10° 45' 51", a radius of 1546.26 feet, an arc length of 290.49 feet, a chord bearing of North 58° 04' 13" West and chord distance of 290.06 feet to a point;

Thence with the northwesterly line of said 1.103 acre tract, the following courses and distances:

North 37° 29' 52" East, a distance of 30.49 feet to a point on the arc of a curve;

with the arc of a curve to the right, having a central angle of 103° 29' 55", a radius of 20.72 feet, an arc length of 37.43 feet, a chord bearing of North 12° 38' 44" West and chord distance of 32.54 feet to a point of compound curvature; and

with the arc of a curve to the right, having a central angle of 04° 27' 15", a radius of 974.50 feet, an arc length of 75.76 feet, a chord bearing of North 42° 10' 41" East and chord distance of 75.74 feet to a point;

Thence North 44° 24' 18" East, with said northwesterly line and partially across said Market Street right-of-way, a distance of 112.98 feet to a point on the arc of a curve in the northerly right-of-way line of said Market Street;

Thence with said northerly right-of-way line, the following courses and distances:

with the arc of a curve to the right, having a central angle of 07° 20' 27", a radius of 960.00 feet, an arc length of 123.00 feet, a chord bearing of North 49° 14' 55" West and chord distance of 122.91 feet to a point;

North 45° 34' 41" West, a distance of 82.64 feet to a point;

**COMMUNITY ENTERTAINMENT DISTRICT  
54.123 ACRES**

- 4 -

North 45° 50' 53" West, partially across the right-of-way of said Main Street, a distance of 258.75 feet to a point of curvature;

with the arc of a curve to the left, having a central angle of 04° 47' 55", a radius of 1040.00 feet, an arc length of 87.10 feet, a chord bearing of North 50° 45' 06" West and chord distance of 87.07 feet to a point; and

North 53° 09' 04" West, a distance of 147.71 feet to a point at a westerly corner of said 1.714 acre Market Street Associates tract;

Thence with the perimeter of said Market Street Associates tracts, said City of New Albany and Village of New Albany tracts, and the westerly terminus of said Village Hall Road, the following courses and distances:

North 36° 50' 56" East, a distance of 76.87 feet to a point of curvature;

with the arc of a curve to the left, having a central angle of 78° 17' 02", a radius of 24.00 feet, an arc length of 32.79 feet, a chord bearing of North 14° 00' 32" West and chord distance of 30.30 feet to a point;

North 53° 09' 03" West, a distance of 97.75 feet to a point;

South 36° 50' 56" West, a distance of 96.00 feet to a point;

North 53° 09' 04" West, with said northerly right-of-way line, a distance of 144.75 feet to a point;

North 36° 50' 56" East, a distance of 238.00 feet to a point;

South 53° 09' 04" East, a distance of 179.50 feet to a point;

North 36° 50' 56" East, a distance of 109.00 feet to a point;

North 53° 09' 04" West, a distance of 9.25 feet to a point;

North 42° 58' 26" East, a distance of 37.84 feet to a point;

North 37° 17' 53" East, a distance of 19.97 feet to a point;

North 30° 30' 09" West, a distance of 227.75 feet to a point;

North 04° 41' 42" East, a distance of 42.71 feet to a point;

North 86° 04' 06" West, a distance of 243.40 feet to a point;

South 03° 55' 54" West, a distance of 61.27 feet to a point;

South 36° 50' 56" West, a distance of 106.75 feet to a point;

South 53° 09' 03" East, a distance of 179.50 feet to a point;

South 36° 50' 56" West, a distance of 238.00 feet to a point in said northerly right-of-way line; and

**COMMUNITY ENTERTAINMENT DISTRICT**  
**54.123 ACRES**

- 5 -

North 53° 09' 04" West, with said northerly right-of-way line, a distance of 260.00 feet to a point;

Thence with said northerly right-of-way line, the following courses and distances:

North 47° 27' 52" West, a distance of 229.24 feet to a point of curvature;

with the arc of a curve to the right, having a central angle of 26° 42' 19", a radius of 450.00 feet, an arc length of 209.74 feet, a chord bearing of North 34° 06' 43" West and chord distance of 207.85 feet to a point; and

North 20° 45' 33" West, a distance of 7.87 feet to a point of curvature;

with the arc of a curve to the right, having a central angle of 106° 39' 21", a radius of 40.00 feet, an arc length of 74.46 feet, a chord bearing of North 32° 34' 08" East and chord distance of 64.17 feet to a point in the southerly right-of-way line of East Dublin Granville Road;

Thence with said southerly right-of-way line, the following courses and distances:

North 85° 53' 48" East, a distance of 473.09 feet to a point;

North 86° 41' 51" East, a distance of 158.78 feet to a point;

North 03° 15' 07" East, a distance of 20.10 feet to a point on the arc of a curve;

with the arc of a curve to the right, having a central angle of 01° 27' 40", a radius of 5699.58 feet, an arc length of 145.36 feet, a chord bearing of North 88° 14' 58" East and chord distance of 145.35 feet to a point;

North 88° 58' 48" East, a distance of 291.29 feet to a point of curvature;

with the arc of a curve to the right, having a central angle of 15° 55' 00", a radius of 606.62 feet, an arc length of 168.52 feet, a chord bearing of South 83° 03' 42" East and chord distance of 167.98 feet to a point; and

South 75° 06' 12" East, a distance of 242.01 feet to a point;

Thence South 06° 06' 41" West, with the easterly line of said 5.026 acre tract, a distance of 182.72 feet to a point in the northerly line of said 1.474 acre tract;

Thence South 75° 03' 07" East, with the northerly line of said 1.474 acre tract, a distance of 18.00 feet to a point;

Thence South 89° 17' 28" East, continuing with the northerly line, a distance of 58.81 feet to a point in the westerly line of said 0.822 acre tract;

Thence North 03° 05' 53" East, with the westerly line of said 0.822 acre and 1.603 acre tracts, a distance of 169.77 feet to a point in said southerly right-of-way line;

Thence with said southerly right-of-way line, the following courses and distances:

South 75° 06' 12" East, a distance of 206.56 feet to a point;

South 74° 35' 03" East, a distance of 9.84 feet to a point of curvature;

**COMMUNITY ENTERTAINMENT DISTRICT**  
**54.123 ACRES**

- 6 -

with the arc of a curve to the right, having a central angle of  $01^{\circ} 34' 19''$ , a radius of 1487.00 feet, an arc length of 40.80 feet, a chord bearing of South  $68^{\circ} 25' 34''$  East and chord distance of 40.80 feet to a point of compound curvature;

with the arc of a curve to the right, having a central angle of  $13^{\circ} 29' 12''$ , a radius of 558.50 feet, an arc length of 131.46 feet, a chord bearing of South  $60^{\circ} 53' 48''$  East and chord distance of 131.16 feet to a point;

South  $54^{\circ} 09' 12''$  East, a distance of 68.27 feet to a point;

South  $36^{\circ} 56' 21''$  East, a distance of 10.36 feet to a point on the arc of a curve;

with the arc of a curve to the right, having a central angle of  $53^{\circ} 15' 57''$ , a radius of 20.50 feet, an arc length of 19.06 feet, a chord bearing of South  $25^{\circ} 32' 45''$  West and chord distance of 18.38 feet to a point; and

South  $31^{\circ} 45' 19''$  East, a distance of 4.89 feet to a point in the northwesterly right-of-way line of said Main Street;

Thence South  $31^{\circ} 46' 45''$  East, across said Main Street, a distance of 60.00 feet to a point in the southeasterly right-of-way line thereof;

Thence North  $58^{\circ} 13' 15''$  East, with said southerly right-of-way line, a distance of 65.16 feet to a point in the southwesterly right-of-way line of said Dublin-Granville Road;

Thence North  $57^{\circ} 55' 22''$  East, across said Dublin-Granville Road, a distance of 65.51 feet to a point in the westerly right-of-way line of said Main Street;

Thence with the westerly and southerly right-of-way line of said Main Street, the following courses and distances:

North  $34^{\circ} 53' 15''$  East, a distance of 173.19 feet to a point;

North  $46^{\circ} 31' 13''$  East, a distance of 10.82 feet to a point on the arc of a curve;

with the arc of a curve to the right, having a central angle of  $38^{\circ} 04' 25''$ , a radius of 68.00 feet, an arc length of 45.19 feet, a chord bearing of North  $66^{\circ} 58' 12''$  East and chord distance of 44.36 feet to a point; and

North  $86^{\circ} 59' 45''$  East, a distance of 22.92 feet to a point on the westerly right-of-way line of said Locust Alley;

Thence South  $02^{\circ} 59' 34''$  West, with said westerly right-of-way line, a distance of 207.94 feet to a point;

Thence South  $87^{\circ} 00' 26''$  East, across said Locust Alley and with the northerly line of said The New Albany Company LLC tract, a distance of 116.46 feet to a point in the westerly right-of-way line of said High Street;

Thence South  $02^{\circ} 58' 58''$  West, with the westerly right-of-way line of said High Street, a distance of 117.00 feet to a point;

Thence South  $87^{\circ} 00' 26''$  East, across said High Street and with the northerly line of said The New Albany Company LLC tract, a distance of 160.02 feet to a point in the westerly right-of-way line of said Walnut Alley;

**COMMUNITY ENTERTAINMENT DISTRICT**  
**54.123 ACRES**

- 7 -

Thence South 02° 59' 34" West, with the westerly right-of-way line of said Walnut Alley and across said Dublin-Granville Road, a distance of 215.96 feet to a point in the southerly right-of-way line of said Dublin-Granville Road;

Thence South 53° 21' 10" East, with said southerly right-of-way line, a distance of 114.44 feet to a point;

Thence South 86° 00' 58" East, with said southerly right-of-way line, a distance of 71.33 feet to a point;

Thence North 02° 59' 58" East, across said Dublin-Granville Road and with the easterly right-of-way line of said Second Street, a distance of 355.45 feet to a point;

Thence North 86° 58' 15" West, across said Second Street and with the southerly line of said The New Albany Company LLC tract, a distance of 150.07 feet to a point in the easterly right-of-way line of Cherry Alley;

Thence North 02° 58' 58" East, with said easterly right-of-way line, a distance of 150.00 feet to a point;

Thence South 87° 00' 26" East, with the northerly line of said The New Albany Company LLC tract, a distance of 100.06 feet to a point in the westerly right-of-way line of said Second Street;

Thence South 02° 59' 34" West, with said westerly right-of-way line, a distance of 50.00 feet to a point;

Thence South 86° 57' 09" East, across the right-of-way of said Second Street and with the southerly line of said The New Albany Company LLC tract, a distance of 100.04 feet to a point;

Thence North 02° 59' 34" East, with the westerly line of said The New Albany Company LLC tract and across said Main Street, a distance of 215.87 feet to a point in the northerly right-of-way line thereof;

Thence North 86° 58' 17" West, with said northerly right-of-way line, a distance of 40.46 feet to a point of curvature;

Thence with the perimeter of said The New Albany Company, LLC tracts, the following courses and distances:

with the arc of a curve to the right, having a central angle of 89° 56' 30", a radius of 10.00 feet, an arc length of 15.70 feet, a chord bearing of North 42° 00' 02" West and chord distance of 14.13 feet to a point of tangency;

North 02° 58' 13" East, a distance of 146.01 feet to a point;

South 86° 58' 17" East, a distance of 100.00 feet to a point;

North 02° 58' 13" East, a distance of 3.00 feet to a point;

South 86° 58' 17" East, a distance of 121.25 feet to a point;

South 02° 58' 13" West, a distance of 93.59 feet to a point;

South 86° 56' 35" East, across said Third Street, a distance of 53.58 feet to a point;

**COMMUNITY ENTERTAINMENT DISTRICT**  
**54.123 ACRES**

- 8 -

North 43° 04' 25" East, a distance of 120.00 feet to a point; and

South 46° 57' 51" East, a distance of 51.88 feet to a point in the northwesterly right-of-way line of said Main Street;

Thence South 43° 25' 20" West, with said northwesterly right-of-way line, a distance of 144.32 feet to a point;

Thence North 86° 56' 35" West, with the northerly right-of-way line of said Main Street, a distance of 36.94 feet to a point;

Thence South 03° 01' 45" West, across said Main Street, a distance of 80.00 feet to a point in the southerly right-of-way line thereof;

Thence North 86° 58' 15" West, with said southerly right-of-way line, a distance of 44.15 feet to a point in the westerly right-of-way line of said Third Street;

Thence South 02° 59' 34" West, with said westerly right-of-way line and across said Dublin-Granville Road, a distance of 620.07 feet to a point;

Thence across said 73.792 acre tract and said Whitebarn Organics tracts, the following courses and distances:

South 86° 00' 04" East, a distance of 78.19 feet to a point on the arc of a curve;

with the arc of a curve to the left, having a central angle of 91° 00' 34", a radius of 25.00 feet, an arc length of 39.71 feet, a chord bearing of South 48° 29' 39" West and chord distance of 35.67 feet to a point;

South 02° 59' 23" West, a distance of 28.66 feet to a point of curvature;

with the arc of a curve to the right, having a central angle of 27° 17' 38", a radius of 435.00 feet, an arc length of 207.22 feet, a chord bearing of South 16° 38' 12" West and chord distance of 205.27 feet to a point of reverse curvature;

with the arc of a curve to the left, having a central angle of 18° 04' 39", a radius of 965.00 feet, an arc length of 304.47 feet, a chord bearing of South 21° 14' 41" West and chord distance of 303.21 feet to a point of reverse curvature;

with the arc of a curve to the right, having a central angle of 64° 49' 35", a radius of 385.00 feet, an arc length of 435.60 feet, a chord bearing of South 44° 37' 09" West and chord distance of 412.74 feet to a point of compound curvature;

with the arc of a curve to the right, having a central angle of 08° 14' 54", a radius of 817.00 feet, an arc length of 117.62 feet, a chord bearing of South 81° 09' 23" West and chord distance of 117.51 feet to a point;

South 85° 16' 50" West, a distance of 111.68 feet to a point in the easterly right-of-way line of said Reynoldsburg-New Albany Road;

Thence North 10° 31' 22" East, with said easterly right-of-way line, a distance of 123.21 feet to a point;

Thence North 10° 16' 52" East, with said easterly right-of-way line, a distance of 315.58 feet to a point;

**COMMUNITY ENTERTAINMENT DISTRICT**

**54.123 ACRES**

**- 9 -**

Thence North 79° 42' 29" West, across the right-of-way of said Reynoldsburg-New Albany Road, a distance of 85.00 feet to a point on the arc of a curve in the southerly right-of-way line of said Village Hall Road;

Thence with the southerly right-of-way line of said Village Hall Road, the following courses and distances:

with the arc of a curve to the left, having a central angle of 80° 38' 47", a radius of 25.00 feet, an arc length of 35.19 feet, a chord bearing of North 30° 04' 06" West and a curve distance of 32.35 feet to a point;

North 70° 23' 35" West, a distance of 101.81 feet to a point;

North 70° 23' 27" West, a distance of 196.98 feet to a point of curvature;

with the arc of a curve to the right, having a central angle of 31° 25' 23", a radius of 538.00 feet, an arc length of 295.06 feet, a chord bearing of North 54° 40' 48" West and chord distance of 291.37 feet to a point of tangency;

North 38° 58' 07" West, a distance of 65.02 feet to a point; and

North 38° 55' 36" West, a distance of 239.23 feet to a point on the arc of a curve in the southeasterly right-of-way line of said Main Street;

Thence with said southeasterly right-of-way line, with the arc of a curve to the left, having a central angle of 09° 36' 29", a radius of 776.69 feet, an arc length of 130.24 feet, a chord bearing of South 51° 28' 58" West and chord distance of 130.09 feet to a point;

Thence South 46° 40' 43" West, with said southeasterly right-of-way line, a distance of 38.01 feet to a point at the westerly corner of said 0.880 acre tract;

Thence South 43° 19' 22" East, with the westerly line of said 0.880 acre tract, a distance of 237.99 feet to a point in the northwesterly line of a remainder of said The New Albany Company LLC tract;

Thence South 46° 40' 37" West, with the northwesterly line of said The New Albany Company LLC tract, a distance of 217.00 feet to a point at the easterly corner of said 1.319 acre tract;

Thence North 43° 19' 22" West, with a northeasterly line of said 1.319 acre tract, a distance of 143.29 feet to a point;

Thence South 46° 40' 39" West, with a northerly line of said 1.319 acre tract, a distance of 69.45 feet to a point;

Thence North 45° 35' 11" West, with the northeasterly line of said 1.319 tract and across said Main Street, a distance of 173.80 feet to a point in the northwesterly right-of-way line thereof;

Thence North 44° 25' 19" East, with said northwesterly right-of-way line, a distance of 26.57 feet to a point;

Thence North 46° 40' 43" East, with said northwesterly right-of-way line, a distance of 213.31 feet to a point at the easterly corner of said 1.006 acre tract;



**COMMUNITY ENTERTAINMENT DISTRICT**

**54.123 ACRES**

**- 10 -**

Thence North 43° 18' 04" West, with the northeasterly line of said 1.006 acre tract, a distance of 125.01 feet to a point on the arc of a curve in the southeasterly line of said 4.808 acre tract;

Thence with the southerly line of said 4.808 acre tract, the following courses and distances:

with the arc of a curve to the left, having a central angle of 17° 15' 36", a radius of 148.67 feet, an arc length of 44.79 feet, a chord bearing of North 18° 07' 03" East and chord distance of 44.62 feet to a point of reverse curvature;

with the arc of a curve to the right, having a central angle of 34° 58' 53", a radius of 25.00 feet, an arc length of 15.26 feet, a chord bearing of North 26° 58' 42" East and chord distance of 15.03 feet to a point of reverse curvature;

with the arc of a curve to the left, having a central angle of 40° 36' 55", a radius of 28.00 feet, an arc length of 19.85 feet, a chord bearing of North 24° 09' 41" East and chord distance of 19.44 feet to a point of compound curvature;

with the arc of a curve to the left, having a central angle of 10° 59' 27", a radius of 250.00 feet, an arc length of 47.96 feet, a chord bearing of North 01° 38' 30" West and chord distance of 47.88 feet to a point of compound curvature;

with the arc of a curve to the left, having a central angle of 51° 49' 13", a radius of 20.00 feet, an arc length of 18.09 feet, a chord bearing of North 33° 02' 50" West and chord distance of 17.48 feet to a point of reverse curvature;

with the arc of a curve to the right, having a central angle of 38° 20' 45", a radius of 17.00 feet, an arc length of 11.38 feet, a chord bearing of North 39° 47' 04" West and chord distance of 11.17 feet to a point of compound curvature;

with the arc of a curve to the right, having a central angle of 28° 58' 29", a radius of 45.00 feet, an arc length of 22.76 feet, a chord bearing of North 06° 07' 27" West and chord distance of 22.52 feet to a point of compound curvature; and

with the arc of a curve to the right, having a central angle of 32° 24' 08", a radius of 210.00 feet, an arc length of 118.76 feet, a chord bearing of North 24° 33' 51" East and chord distance of 117.18 feet to a point;

Thence North 40° 45' 55" East, with said southerly line and across said Village Hall Road, a distance of 105.26 feet to a point on the arc of a curve in the easterly right-of-way line thereof;

Thence with said easterly right-of-way line, the following courses and distances:

with the arc of a curve to the right, having a central angle of 10° 19' 36", a radius of 465.84 feet, an arc length of 83.96 feet, a chord bearing of South 40° 13' 43" East and chord distance of 83.85 feet to a point;

South 14° 56' 53" West, a distance of 3.59 feet to a point;

South 26° 07' 27" East, a distance of 236.82 feet to a point in the northwesterly right-of-way line of said Main Street;

**COMMUNITY ENTERTAINMENT DISTRICT  
54.123 ACRES**

- 11 -

Thence North 57° 59' 41" East, with said northwesterly right-of-way line, a distance of 6.76 feet to a point;

Thence North 58° 13' 15" East, with said northwesterly right-of-way line, a distance of 257.31 feet to a point;

Thence South 44° 07' 38" East, across the right-of-way of said Main Street a distance of 40.95 feet to a point in the centerline of said Main Street;

Thence North 58° 13' 16" East, with the centerline of said Main Street, a distance of 115.22 feet to a point;

Thence South 53° 59' 55" East, across the right-of-way of said Main Street and with the southwesterly line of said New Albany Company LLC tract, said 0.645 acre tract and said Anne Ulry tract, a distance of 388.00 feet to a point;

Thence North 02° 38' 39" East, with the easterly line of said Ann Ulry tract, a distance of 76.81 feet to a point at the southwesterly corner of said 0.825 acre tract;

Thence with the southerly line of said 0.825 acre tract, the following courses and distances:

South 40° 44' 22" East, a distance of 80.00 feet to a point;

South 08° 20' 17" East, a distance of 85.00 feet to a point;

South 84° 01' 48" East, a distance of 16.04 feet to a point;

South 20° 33' 15" East, a distance of 76.01 feet to a point;

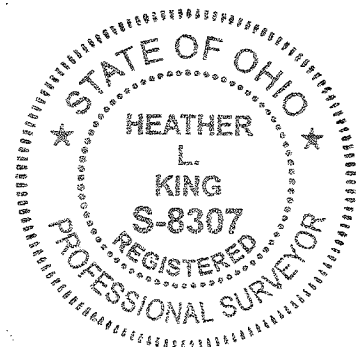
South 56° 42' 35" East, a distance of 50.00 feet to a point; and

North 24° 15' 44" East, a distance of 20.84 feet to a point in the westerly right-of-way line of said Reynoldsburg-New Albany Road;

Thence South 79° 45' 27" East, across said Reynoldsburg-New Albany Road, a distance of 85.00 feet to a point in the easterly right-of-way line of said Reynoldsburg-New Albany Road;

Thence South 10° 16' 52" West, with said easterly right-of-way line, a distance of 411.73 feet to the TRUE POINT OF BEGINNING, containing 54.123 acres, more or less.

The area encompassed by the proposed CED is more than 20 contiguous acres. This description was prepared from record information only.



EVANS, MECHWART, HAMBELTON & TILTON, INC.

*Heather L. King* 5/25/23

Heather L. King  
Professional Surveyor No. 8307

# **Exhibit C-1**

# Description of Uses

## **Existing Establishments:**

### Commercial Establishments:

#### Restaurants/Bars:

- Starbucks
- Whit's Frozen Custard
- Rusty Bucket
- BrewDog
- Johnson's Ice Cream
- Freshii
- Fox in the Snow
- Hudson 29
- Mellow Mushroom

#### Office:

- New Albany Foundation
- New Albany Realty
- MM Insurance
- Huntington National Bank
- Velva Investment Management
- UBS Financial Services
- Learning Express
- Stewart Title
- United States Post Office
- Ohio OB/GYN Inc.
- Wallick Communities
- Talisman Capital
- PNC Bank
- Cooke Demers, LLC
- Maple Orthodontics
- Hunter Capital
- L2H
- First Intercontinental Realty
- Scharver Insurance
- Hardgrove & Nicholas, Co., LPA
- New Albany Chamber of Commerce

#### Retail:

- Tailfeathers
- Pet People
- Truluck
- VeloScience Bike Works
- Hayley Gallery Inc.
- CVS Pharmacy

#### Health and Lifestyle:

- Reveal Aesthetic
- Main Street Dental
- Premier Allergy and Asthma
- Life Cycle Direct Primary Care
- Select Home Care
- Eye Designs
- Pure Barre
- W Nail Bar
- 3 Minute Fitness
- Go Yoga
- Sycamore Wellness
- Studio 605

#### Residential

- Single Family Homes
- Apartments

#### Recreation

- Rose Run Park

# **Exhibit C-2**

## Description of Uses

### **Establishments Planned:**

#### Commercial Establishments:

Restaurants

Bars

Retail Sales Establishments

Health and Lifestyle Uses

Office

#### Residential Establishments:

For-Sale Townhomes

For-Sale Duplexes

For-Sale Single Family Dwellings

For-Sale “Flats-Style” Condominium Units

Rental Townhomes

Rental Duplexes

Rental Single Family Dwellings

Rental “Flats-Style” Apartment Units

# **Exhibit D-1**

<u>Parcel ID</u>	<u>Zoning District</u>	<u>ORD #</u>	<u>Date Adopted</u>
222-000255-00	UCC	O-09-2011	Passed 5-17-11
222-004180-00	Market Square Expansion I-PUD	O-05-2006	Passed 8-1-06
222-004179-00	Market Square Expansion I-PUD	O-05-2006	Passed 8-1-06
222-004556-00	Markt Street Expansion NACO/UCC	O-05-2006	Passed 8-1-06
222-000067-00	NACO 1998 C-PUD Sub 4A NW Market St/UCC	O-01-98	Passed 6-16-98
222-004972-00	NACO 1998 C-PUD Sub 4A NW Market St/UCC	O-01-98	Passed 6-16-98
222-002907-00	NACO 1998 C-PUD Sub 4A NW Market St/UCC	O-01-98	Passed 6-16-98
222-002910-00	NACO 1998 C-PUD Sub 4A NW Market St/UCC	O-01-98	Passed 6-16-98
222-004558-00	NACO 1998 C-PUD Sub 4A NW Market St/UCC	O-01-98	Passed 6-16-98
222-004559-00	Markt Street Expansion NACO/UCC	O-05-2006	Passed 8-1-06
222-002559-00	NACO 1998 C-PUD Sub 4B NE Market St/UCC	O-01-98	Passed 6-16-98
(Portion) 222-000169-00	NACO 1998 C-PUD Sub 4B NE Market St/UCC	O-01-98	Passed 6-16-98
222-004890-00	Acklerly Park Townhomes I-PUD/UCC	O-49-2009	Passed 1-19-10
222-002273-00	NACO 1998 C-PUD Sub 4B NE Market St/UCC	O-01-98	Passed 6-16-98
222-000161-00	UCC	O-09-2011	Passed 5-17-11
222-000162-00	UCC	O-09-2011	Passed 5-17-11
222-000174-00	UCC	O-09-2011	Passed 5-17-11
222-000572-00	1998 NACO PUD Sub 2A: North Farms	O-01-98	Passed 6-16-98
222-000172-00	UCC	O-09-2011	Passed 5-17-11
222-000097-00, 222-000130-00, 222-000225-00	1998 NACO PUD Sub 2B: North Farms Cluster/UCC	O-01-98	Passed 6-16-98
222-004343-00	NACO 1998 C-PUD Sub 4B NE Market St/UCC	O-01-98	Passed 6-16-98
222-000226-00	UCC	O-09-2011	Passed 5-17-11
222-000021-00	UCC	O-09-2011	Passed 5-17-11
222-000092-00	UCC	O-09-2011	Passed 5-17-11
222-000254-00	UCC	O-09-2011	Passed 5-17-11
222-000070-00	UCC	O-09-2011	Passed 5-17-11
222-000039-00	UCC	O-09-2011	Passed 5-17-11
222-000109-00	UCC	O-09-2011	Passed 5-17-11
222-000138-00	UCC	O-09-2011	Passed 5-17-11
222-001915-00	UCC	O-09-2011	Passed 5-17-11
222-000076-00	UCC	O-09-2011	Passed 5-17-11
222-000079-00	UCC	O-09-2011	Passed 5-17-11
222-000090-00	UCC	O-09-2011	Passed 5-17-11
222-000081-00	UCC	O-09-2011	Passed 5-17-11
222-000072-00	UCC	O-09-2011	Passed 5-17-11
222-000048-00	UCC	O-09-2011	Passed 5-17-11
222-000126-00	UCC	O-09-2011	Passed 5-17-11
222-000075-00	UCC	O-09-2011	Passed 5-17-11
222-000123-00	UCC	O-09-2011	Passed 5-17-11
222-000026-00	UCC	O-09-2011	Passed 5-17-11
222-000049-00	UCC	O-09-2011	Passed 5-17-11
222-000020-00	UCC	O-09-2011	Passed 5-17-11
222-000002-00	UCC	O-09-2011	Passed 5-17-11
222-000045-00	UCC	O-09-2011	Passed 5-17-11
222-000029-00	UCC	O-09-2011	Passed 5-17-11
222-000023-00	UCC	O-09-2011	Passed 5-17-11
222-000011-00	UCC	O-09-2011	Passed 5-17-11
222-000116-00	UCC	O-09-2011	Passed 5-17-11
222-000078-00	UCC	O-09-2011	Passed 5-17-11
222-000222-00	UCC	O-09-2011	Passed 5-17-11
222-000059-00	UCC	O-09-2011	Passed 5-17-11
222-000084-00	UCC	O-09-2011	Passed 5-17-11
222-000025-00	UCC	O-09-2011	Passed 5-17-11
222-000015-00	UCC	O-09-2011	Passed 5-17-11
222-000096-00	UCC	O-09-2011	Passed 5-17-11
222-000003-00	UCC	O-09-2011	Passed 5-17-11
222-001670-00	UCC	O-09-2011	Passed 5-17-11
222-000016-00	UCC	O-09-2011	Passed 5-17-11
222-000012-00	UCC	O-09-2011	Passed 5-17-11
222-000035-00	UCC	O-09-2011	Passed 5-17-11
222-000036-00	UCC	O-09-2011	Passed 5-17-11
222-000063-00	UCC	O-09-2011	Passed 5-17-11
222-000286-00	UCC	O-09-2011	Passed 5-17-11
222-000105-00	UCC	O-09-2011	Passed 5-17-11
222-003922-00	1998 NACO PUD Sub 4C: Village Center Commercial/UCC	O-01-98	Passed 6-16-98
222-003924-00	New Albany Exchange I-PUD	O-27-2005	Passed 10-18-05
222-003923-00	New Albany Exchange I-PUD	O-27-2005	Passed 10-18-05
222-000167-00	Community Facilities District	O-08-2006	Passed 9-5-06
222-000224-00	Community Facilities District Hamlet at Sugar Run	O-08-2006 O-40-2022	Passed 9-5-06 Passed 12-6-22



# **Exhibit D-2**



Prepared: 4/27/11  
Introduced: 5/3/11  
Revised:  
Adopted: 5/17/11  
Effective:

## ORDINANCE O-09-2011

### AN ORDINANCE TO ENACT CHAPTER 1140 "UC URBAN CENTER DISTRICT" AND CHAPTER 1158 "UCO URBAN CENTER OVERLAY DISTRICT" OF THE CITY OF NEW ALBANY, OHIO CODIFIED ORDINANCES

**WHEREAS**, it has been found that the Codified Ordinances of the city of New Albany, need to be amended to enact Chapter 1140 and Chapter 1158, new chapters, and

**WHEREAS**, the enactment of Chapter 1140 "UC Urban Center District" will establish a new form-based village center zoning district; and

**WHEREAS**, the enactment of Chapter 1158 "UCO Urban Center Overlay District" will establish a new form based overlay district for all lands located within the Village Center District (as identified by the current New Albany Strategic Plan) with the zoning designation of Planned Unit Development; and

**WHEREAS**, the enactment of Chapters 1140 and Chapter 1158 is necessary in order to provide more opportunities for redevelopment, address inadequacies in the current code, increase consistency in zoning decisions, and ensure the village center is the heart of community activity; and

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

**WHEREAS**, the Planning Commission has recommended approval of the proposed amendments to the Zoning Ordinance.


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

**SECTION 1.** The Codified Ordinance Chapter 1140 "UC Urban Center District" and Chapter 1158 "UCO Urban Center Overlay District" as attached in **EXHIBIT A** and **EXHIBIT B** shall be enacted as requested by the city of New Albany.

**SECTION 2.** 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 17<sup>th</sup> day of May, 2011.

**Attest:**

  
\_\_\_\_\_  
Nancy I. Ferguson  
Mayor

  
\_\_\_\_\_  
Betty J. Bosko  
Clerk of Council

## **CHAPTER 1140 UC Urban Center District**

- 1140.01 Adoption.
- 1140.02 Purpose.
- 1140.03 Request for Additional Building Typologies.
- 1140.04 Waivers.
- 1140.99 Penalty.

### **1140.01 ADOPTION.**

The Urban Center District is hereby established and the Urban Center Code is hereby adopted and incorporated by reference, as if set out at length herein.

### **1140.02 PURPOSE.**

This Urban Center District is established to provide for a mix of residential and commercial uses within the area defined by the New Albany Strategic Plan as the Village Center. Development in the Village Center should be developed in a traditional town center form. The Urban Center Code standards adopted herein establish the “form” for the Village Center, and encourage redevelopment by providing flexible and multiple options for building style, as well as a mix of uses. The Urban Center Code is intended to be implemented in conjunction with the New Albany Design Guidelines and Requirements.

### **1140.03 REQUEST FOR ADDITIONAL BUILDING TYPOLOGIES.**

- A. Any person owning or having an interest in property within the Urban Center District may file an application to obtain additional building typology(ies) not identified in the Urban Center Code for approval from the Architectural Review Board (ARB). The application for building typology approval shall be made on such forms as prescribed by the City of New Albany, along with such plans, drawings, specifications and other materials as may be needed by staff or the ARB to make a determination.
  - (1) The materials that shall be required in an application to the ARB include, but are not limited to:
    - a. Graphic exhibits and lot standards that correspond to the desired placement in an Urban Center Sub-District.
    - b. Written description of the proposed typology.
    - c. Legal description of property as recorded in the Franklin County Recorder’s office.
    - d. A plot plan drawn to an appropriate scale showing the following as applicable:
      - 1. The boundaries and dimensions of the lot.
      - 2. The size and location of proposed structures.
      - 3. The proposed use of all parts of the lots and structures, including accesses, walks, off-street parking and loading spaces, and landscaping.

- (2) The City staff reserves the right to require that the applicant submit more documentation than set forth in 1140.04(A)(1), or less, based upon the facts and circumstances of each application.

B. In considering the request for an additional building typology(ies), the ARB shall only grant the request if the applicant demonstrates that the proposed typology:

- (1) Provides a design, building massing and scale appropriate to and compatible with the building typologies allowed in the subarea;
- (2) Provides an attractive and desirable site layout and design, including, but not limited to, building arrangement, exterior appearance and setbacks, etc. that achieves an Urban Center form;
- (3) Demonstrates its ability to fit within the goals of the New Albany Strategic Planning documents and policies; and
- (4) Demonstrates its ability to fit within the goals of the New Albany Design Guidelines and Requirements.

#### **1140.04 WAIVERS.**

On a particular property, extraordinary circumstances may exist making strict enforcement of the requirements of this chapter unreasonable. Therefore, a property owner within the Urban Center District may apply for a waiver from the requirements of this chapter unless otherwise specified. The variance procedures set forth in Chapter 1113 shall apply to the waiver process. However, the ARB and not the Board of Zoning Appeals shall hear and decide upon requested waivers from the requirements of this chapter. Deviations from the Street and Network Standards shall not be considered waivers and shall follow the variance process in Chapter 1187 unless otherwise specified.

#### **1140.05 APPEALS.**

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

#### **1140.99 PENALTY.**

(a) Whoever constructs, reconstructs, alters, or modifies any exterior architectural or environmental feature now or hereafter within the Urban Center District in violation of this chapter, shall be subject to the penalties specified in Section 1109.99.

(b) Any individual or individual property owner that demolishes a structure within the Urban Center District in violation of this chapter shall be subject to a fine of up to ten thousand dollars (\$10,000).

(c) Any partnership, association, business entity, etc. that demolishes or causes the demolition of a structure within the Urban Center District in violation of this chapter shall be subject to a fine of up to fifty thousand dollars (\$50,000).

## **CHAPTER 1158 UCO Urban Center Overlay District**

- 1158.01 Adoption.
- 1158.02 Purpose.
- 1158.03 Scope and Application.
- 1158.04 Approval Procedure.
- 1158.05 Request for Additional Building Typologies.
- 1158.06 Waivers.
- 1158.07 Appeals.
- 1158.99 Penalty.

### **1158.01 ADOPTION.**

The Urban Center Overlay District is hereby established and the Urban Center Form-Based Code is hereby adopted and incorporated by reference, as if set out at length herein.

### **1158.02 PURPOSE.**

This Urban Center Overlay District is established to provide guidance and direction for Planned Unit Developments located within the area defined by the New Albany Strategic Plan as the Village Center. The Urban Center Code standards adopted herein establish the “form” for the Village Center, and the standards encourage redevelopment by providing flexible and multiple options for building style, as well as a mix of uses. The Urban Center Code is intended to be implemented in conjunction with the New Albany Design Guidelines and Requirements.

### **1158.03 SCOPE AND APPLICATION.**

- A. Property Subject to UCO. This chapter shall apply to all lands located within the Village Center Area (as identified by the current New Albany Strategic Plan) with the zoning designation of Planned Unit Development.
- B. Overlay District Designation. The Village Center Area (as identified by the current New Albany Strategic Plan) shall be shown as an overlay district on the Official Zoning District map and designated as the Urban Center Overlay (UCO) District.
- C. Effect on Planned Unit Development Texts. Planned Unit Development (PUD) districts in existence and all associated zoning texts and development plans adopted prior to the effective date of this Chapter 1158 shall continue in effect and shall be considered to be legally conforming under this code. Property that has a PUD zoning designation on the effective date of this ordinance may be developed, at the election of the property owner or applicant, in one of the following manners:
  - (1) Pursuant to the terms of the approved zoning text and development plan(s) for the relevant PUD, provided that if the approved zoning text and/or development plan(s) are silent on any particular matter, issue, restriction, or

requirement that is addressed in the Urban Center Code, then the Urban Center Code shall apply to that matter, issue, restriction, or requirement; or

- (2) In accordance with the requirements of the Urban Center Code, provided that in this circumstance the approved PUD zoning text and/or development plan(s) for the property shall not apply.”

#### **1158.04 APPROVAL PROCEDURE.**

- A. Property to be Developed in Accordance with PUD Regulations. Any property owner or applicant that desires to develop its property in accordance with Section 1158.03(C)(1) shall be required to file and obtain approval of preliminary and final development plan applications as required under Chapter 1159 of the Codified Ordinances.
- B. Property to be Developed in Accordance with Urban-Center Code. Any property owner or applicant that desires to develop its property in accordance with Section 1158.03(C)(2) shall be required to follow all of the procedures required for approval of developments under the Urban Center Code, and the provisions of Chapter 1159 of the Codified Ordinances shall not apply. Once a building permit has been issued for development as contemplated in Section 1158.03(C)(2), all future development, redevelopment, alterations, or reconstruction of improvements on a property zoned with a PUD designation shall occur in accordance with the requirements of the Urban Center Form-Based Code.”

#### **1158.05 REQUEST FOR ADDITIONAL BUILDING TYPOLOGIES.**

- A. Any person owning or having an interest in property within the Urban Center Overlay District, may file an application to obtain additional building typology(ies) not identified in the Urban Center Code for approval from the Architectural Review Board (ARB). The application for building typology approval shall be made on such forms as prescribed by the City of New Albany, along with such plans, drawings, specifications and other materials as may be needed by staff or the ARB to make a determination.
- (1) The materials that shall be required in an application to the ARB include, but are not limited to:
- a. Graphic exhibits and lot standards that correspond to the desired placement in an Urban Center Sub-District.
  - b. Written description of the proposed typology.
  - c. Legal description of property as recorded in the Franklin County Recorder's office.

- d. A plot plan drawn to an appropriate scale showing the following as applicable:
  - 1. The boundaries and dimensions of the lot.
  - 2. The size and location of proposed structures.
  - 3. The proposed use of all parts of the lots and structures, including accesses, walks, off-street parking and loading spaces, and landscaping.
- (2) The City staff reserves the right to require that the applicant submit more documentation than set forth in 1159.04(A)(1), or less, based upon the facts and circumstances of each application.
- B. In considering the request for an additional building typology(ies) the ARB shall only grant the request if the applicant demonstrates that the proposed typology:
  - a. Provides a design, building massing and scale appropriate to and compatible with the building typologies allowed in the subarea;
  - b. Provides an attractive and desirable site layout and design, including, but not limited to, building arrangement, exterior appearance and setbacks, etc. that achieves an Urban Center form;
  - c. Demonstrates its ability to fit within the goals of the City Strategic Planning documents and policies; and
  - d. Demonstrates its ability to fit within the goals of the New Albany Design Guidelines and Requirements.

#### **1158.06 WAIVERS.**

Extraordinary circumstances may exist making strict enforcement of the requirements of this chapter unreasonable. Therefore, a Planned Unit Development property owner within the Urban Center Overlay District may apply for a waiver from the requirements of this chapter. The variance procedures set forth in Chapter 1113 shall apply to the waiver process. However, the ARB and not the Board of Zoning Appeals shall hear and decide upon requested waivers from the requirements of this chapter.

#### **1158.07 APPEALS.**

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

#### **1158.99 PENALTY.**

(a) Whoever constructs, reconstructs, alters, or modifies any exterior architectural or environmental feature now or hereafter within the Urban Center Overlay District in violation of this chapter, shall be subject to the penalties specified in Section 1109.99.

(b) Any individual or individual property owner that demolishes a structure within the Urban Center Overlay District in violation of this chapter shall be subject to a fine of up to ten thousand dollars (\$10,000).

(c) Any partnership, association, business entity, etc. that demolishes or causes the demolition of a structure within the Urban Center Overlay District in violation of this chapter shall be subject to a fine of up to fifty thousand dollars (\$50,000).





Prepared: 03/02/06  
Introduced: 03/07/06  
Amended: 08/01/06  
Adopted: 8/1/06

## ORDINANCE O-05-2006

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE VILLAGE OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 7+/- ACRES OF LAND LOCATED IN THE VILLAGE OF NEW ALBANY FROM ITS CURRENT ZONING "R-7" URBAN DENSITY RESIDENTIAL, AND "I-PUD" INFILL PLANNED UNIT DEVELOPMENT TO "I-PUD" INFILL PLANNED UNIT DEVELOPMENT FOR THE DEVELOPMENT KNOWN AS MARKET SQUARE AREA EXPANSION, AS REQUESTED BY THE NEW ALBANY COMPANY**

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

**WHEREAS**, the Planning Commission and the Village 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 of The New Albany Company, the Planning Commission gave a positive recommendation during their June 5<sup>th</sup>, 2006 meeting and the Architectural Review Board recommended its approval at their April 10<sup>th</sup> meeting.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Municipality of New Albany, County of Franklin, State of Ohio:

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

A 7 +/- acre plot located in the Village of New Albany be rezoned from its current zoning "R-7" Urban Density Residential, to "I-PUD" Infill Planned Unit Development. The property description is hereby attached and marked Exhibit A.

**Section 2.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and any decision making bodies of the Municipality of New Albany which resulted in such formal action were in meetings open to the public or in compliance with all legal requirements of the Municipality of New Albany, County of Franklin, State of Ohio.

ORD. 05-2006

**Section 3.** That this Ordinance shall take effect and be in force at the earliest period allowed by law.

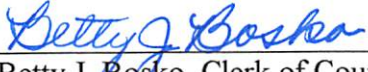
**CERTIFIED AS ADOPTED,** this 10<sup>th</sup> day of August, 2006.

  
\_\_\_\_\_  
Nancy I. Ferguson, Mayor

\_\_\_\_\_  
Joseph Stefanov, Village Administrator

**ATTEST:**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Betty J. Bosko, Clerk of Council

\_\_\_\_\_  
Mitchell Banchefsky, Village Solicitor

I hereby certify that copies of this Ordinance were posted in accordance with Section 6.12 of the Charter of the Village of New Albany starting on \_\_\_\_\_, 2005.

\_\_\_\_\_  
Betty J. Bosko, Clerk of Council

\_\_\_\_\_  
Date

RECEIVED  
MAR 03 2006  
BY: \_\_\_\_\_

**ZONING DESCRIPTION**  
**7.3 ACRES**

Situated in the State of Ohio, County of Franklin, Village of New Albany, Lots 38 and 39, Quarter Township 3, Township 2, Range 16, United States Military District, being a part of those tracts conveyed to The New Albany Company, LLC as shown in Instrument Numbers 1998111120289607, 199911050278774, 200601190012026, 200602220034135 and 200602270036943 and Official Records 13773D15 and 14698A16, M & N Properties Ltd. as shown in Instrument Number 199901210016267, and Market Street Associates, LLC as shown in Instrument Number 200201180017376, and described as follows:

Beginning at the northeast corner of Parcel 3 as shown in said Instrument Number 200602220034135;

thence South 04° 43' 42" West, with an east line thereof, 41.78 feet;

thence South 75° 03' 07" East, with a south line of that 5.206 acre tract as shown in said Instrument Number 199911050278774, 303.76 feet;

thence South 14° 56' 53" West, 107.10 feet;

thence South 20° 30' 28" East, 53.49 feet;

thence South 29° 22' 16" East, 52.76 feet;

thence South 30° 47' 46" East, 129.22 feet to the proposed north right-of-way line for Main Street (U.S. 62);

thence with the existing and said proposed north right-of-way line and partly with the north line of that 0.120 acre tract conveyed to the Village of New Albany as shown in Instrument Number 199904010081395, the following courses;

with a curve to the left, having a central angle of 04° 03' 05", a radius of 968.54 feet and an arc length of 68.48 feet, a chord bearing and chord distance of South 56° 19' 07" West, 68.47 feet;

with a curve to the left, having a central angle of 07° 53' 57", a radius of 870.81 feet and an arc length of 120.06 feet, a chord bearing and chord distance of South 50° 19' 01" West, 119.96 feet;

South 46° 40' 43" West, 172.19 feet;

South 45° 33' 53" West, 169.26 feet;

thence leaving said north right-of-way the following courses; \_\_\_\_\_

North 45° 34' 41" West, 135.30 feet;

with a curve to the right, having a central angle of 07° 49' 40", a radius of 470.00 feet and an arc length of 64.21 feet, a chord bearing and chord distance of North 42° 50' 49" East, 64.16 feet;

North 46° 45' 39" East, 47.72 feet;

**ZONING DESCRIPTION  
7.3 ACRES**

-2-

North 43° 14' 21" West, 30.00 feet;

North 42° 56' 33" West, 20.00 feet;

North 42° 56' 10" West, 310.23 feet;

North 53° 09' 04" West, 9.25 feet;

North 42° 58' 26" East, 37.84 feet;

North 37° 17' 53" East, 19.97 feet;

North 30° 30' 09" West, 227.75 feet;

North 04° 41' 42" East, 42.71 feet;

thence across said 5.206 acre tract, the following courses;

North 81° 24' 40" East, 87.71 feet;

North 81° 25' 20" East, 87.70 feet;

North 87° 01' 34" East, 16.44 feet;

North 86° 22' 21" East, 18.42 feet;

South 89° 30' 51" East, 34.86 feet;

thence with the perimeter of said Parcel 3, the following courses:

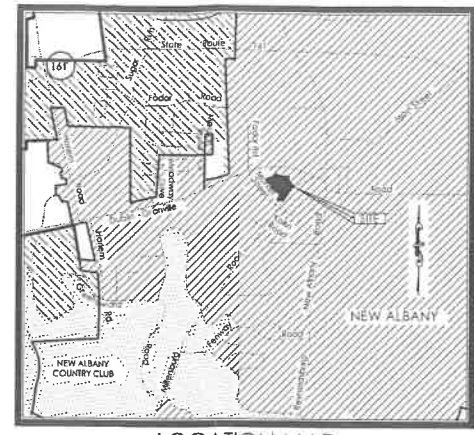
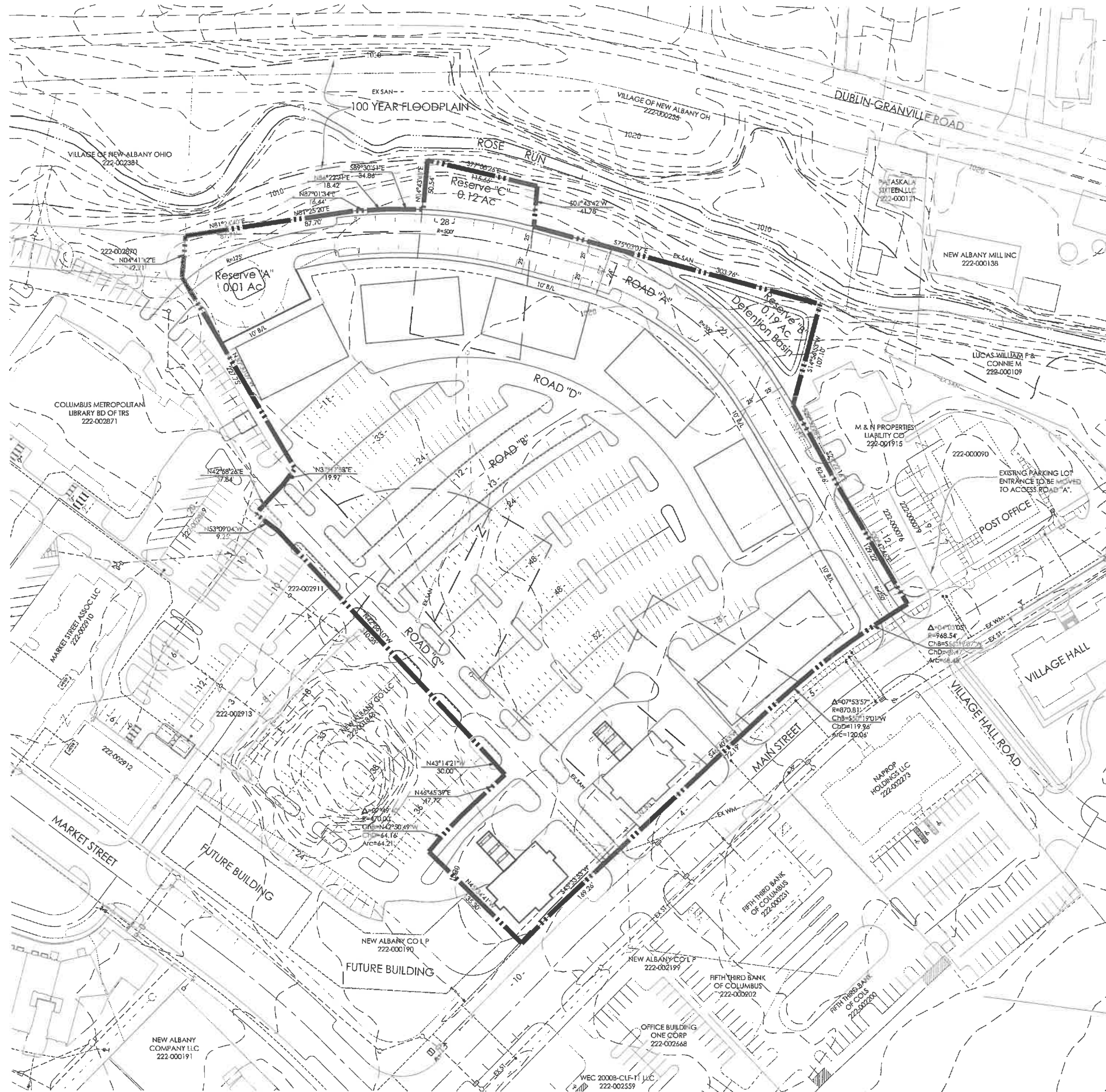
North 04° 43' 43" East, 50.54 feet;

South 77° 00' 26" East, 115.66 feet to the Point of Beginning, containing 7.3 acres, more or less.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

The description was prepared for zoning purposes only and is not for transfer.

**EVANS, MECHWART, HAMBLETON & TILTON, INC.**



LOCATION MAP  
NO SCALE

**SITE STATISTICS**

TOTAL ACREAGE: 7.2 Ac.

**NOTES:**

- Note "A": All of Downtown Development is in the Flood Hazard Zone X as shown on the Federal Emergency Management Agency Flood Insurance Rate Map, Map Number 39049C0183 G, effective date AUGUST 2, 1995.
- Note "B": All existing buildings shown hereon plan will be removed prior to development.
- Note "C": Reserves "A" and "B" to be owned and maintained by the Downtown Development Owners Association. Reserve "C" to be owned and maintained by the Village of New Albany as Park.

C:\COMPLAN\LIBRARY\PROJECTS\2005\485\CHG\2\050485\CHG\2\050485.PLT - PLOTTED BY SCHWAB, 16/27/2006 3:53:16 PM

# DOWNTOWN DEVELOPMENT

City of New Albany · Franklin County · Ohio

PRELIMINARY DEVELOPMENT PLAN

PRELIMINARY DEVELOPMENT PLAN

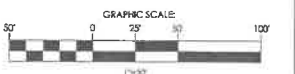
SITE PLAN

PREPARED FOR:  
**NEW ALBANY COMPANY**  
P.O. Box 490  
8000 Walton Parkway, Suite 120  
New Albany, OH 43054

PREPARED BY:

Evans, Mechwart, Hamblen & Wilson, Inc.  
Engineers • Surveyors • Planners • Scientists  
5520 New Albany Road, Columbus, OH 43254  
Phone: 614.775.4500 Fax: 614.775.4600  
M C M X I V I

DATE:	MARCH 3, 2006
REVISED:	
REVISED:	
REVISED:	
REVISED:	
REVISED:	
REVISED:	



NORTH

SHEET

22

DOWNTOWN DEVELOPMENT 20052489

*exhibit A*

WEC 2000B-CL-11 LLC  
222-002559

## SUBAREA 4A: NORTHWEST MARKET STREET

Northwest Market Street is located north of Market Street, south of Dublin-Granville Road and to the west of Main Street. The site is  $\pm$  14.090 acres.

### **I. Permitted Uses**

1. Office buildings and the permitted uses contained in the Codified Ordinances of the Village of New Albany, O Office District, Section 1143.02 and the conditional uses contained in Section 1143.03, provided that the conditional uses comply with Chapter 1115.
2. Commercial buildings and the permitted uses contained in the Codified Ordinances of the Village of New Albany, C-2 General Business (Commercial) District, Section 1147.02 and the conditional uses contained in Section 1147.03, provided that the conditional uses comply with Chapter 1115.
3. Cluster detached and attached dwellings and the permitted uses contained in the Codified Ordinances of the Village of New Albany, R-2, R-3 and R-4 Single Family Residential Districts, Section 1133.02, the accessory uses contained in Section 1133.03 and the conditional uses contained in Section 1133.04, provided that the conditional uses comply with Chapter 1115. (Refer to Appendix for definitions).
4. Multi-family dwellings and the permitted uses contained in the Codified Ordinances of the Village of New Albany, R-7 Urban Density Residential District, Section 1139.02, the accessory uses contained in Section 1139.03 and the conditional uses contained in Section 1139.04, provided that the conditional uses comply with Chapter 1115. (Refer to Appendix for definitions).
5. Community Facilities and the permitted uses contained in the Codified Ordinances of the Village of New Albany, CF Community Facilities District, Section 1151.02 and subject to approval by planning commission in accordance with Section 1151.05.

### **II. Unit Types**

Northwest Market Street offers a mixture of land uses and hence a variety of building types and sizes. Northwest Market Street will feature professional offices, public facilities, retail stores, commercial/residential structures (retail 1st floor with apartments and/or offices on the 2nd and 3rd floors, and/or multi-family residential. Buildings within this subarea shall comply with the design guidelines of the development standards in this text.

### **III. Development Standards**

Unless otherwise specified in the submitted drawings or in this written text the development standards of Title Five of the Codified Ordinances of the Village of New Albany shall apply to this subarea.

Basic development standards are compiled regarding proposed density, site issues, traffic, circulation, landscape and architectural standards. These component standards ensure consistency and quality throughout the parcel's development. It is the intent of the standards in this subarea to incorporate planning techniques including: massing architectural elements to maintain a village scale; fronting primary buildings and their main entrance on primary streets; designing buildings along public streets to have the same design material on all facades/elevations; requiring the majority of parking to be located behind buildings; establishing leisure path connections between rear parking and sidewalks along the front of buildings; and encouraging open space in the form of common green areas.

#### **4a.01 Density, Height, Lot and/or Setback Commitments**

1. The maximum number of dwelling units shall be fifty. These units shall be allowed but, must be transferred from other subareas or the residential land bank pursuant to the General Development Standards, Residential Density Section.
2. The permitted maximum density within this subarea shall not exceed the ratio of  $\pm$  12,000 gross square feet of building per net acre of site.
3. Market Street shall be extended from its existing terminus at Dublin-Granville Road and run along the southern edge of the property to Main Street (U.S. 62). The Market Street extension will serve as a collector for the subarea and shall have an 80 foot right-of-way.
4. The building and pavement setbacks shall be six feet from the Market Street right-of-way, not to include sidewalks. Residential setbacks along Market Street may vary. The setbacks from the centerline of Main Street (U.S. Route 62) shall be fifty feet for buildings and pavement on the west side of the street. The building setback for Market Square shall be nine feet from the boulevard right-of-way.
5. Setbacks for all other property boundaries shall be ten feet for buildings and pavement.
6. There shall be no minimum lot width at the building line for multi-family dwellings.
7. There shall be no minimum front yard, side yard or rear yard setback for multi-family dwellings.
8. The total lot coverage, which includes all areas of parking and building coverage, shall not exceed ninety percent of the total lot area.
9. Sixty percent of the buildings fronting Market Street shall be at the build-to line.

10. Forty percent of the building facade, to include: stoops, steps and covered porches, shall be permitted to encroach a maximum of four feet within the building setback line. They shall not be permitted to encroach within rights-of-way or easements.
11. The maximum building height shall not exceed forty-five feet. All structures to include: office buildings, commercial buildings, cluster and multi-family dwellings, and community facility buildings shall have at least a one and a half story appearance.

#### **4a.02 Access, Loading, Parking and/or other Traffic Related Commitments**

1. All entry drives shall be coordinated with roadway improvements.
2. Road widths and right-of-ways:
  - a) Market Street right-of-way: 80 feet
  - b) Drive aisles: 20 foot minimum
  - c) Service drives: 20 foot minimum
  - d) Market Square right-of-way: 150 feet
3. Full service curb cuts along Market Street shall be a minimum of 200 feet apart (excluding Market Square Boulevard) as measured from centerline to centerline.
4. Parking:
  - a) All parking shall be cross access easement.
  - b) Due to the mixed use nature of the proposed development, it would be impossible and inappropriate to have each use make provision on its own tax parcel for all the required parking and loading spaces.
  - c) The following parking ratios shall be utilized for shared cross access easement parking:  
  
Retail: one space per 200 S.F.  
  
Restaurants: one space per 100 S.F. (without drive-through)  
  
Office: one space per 400 S.F.  
  
Multi-Family: 1.5 spaces per dwelling unit
5. Drive-through uses shall be permitted as a conditional use.



#### 4a.03 Architectural Standards

1. Office, Retail & Community Facility Buildings:
  - a) Buildings shall be designed to be seen from 360 degrees. Building additions, whether attached or detached, shall be of similar design, materials and construction.
  - b) Architectural Style: Building designs shall be derived from traditional American styles including Georgian, Colonial, Federal, Classical Revival, and Barn Vernacular interpretations that reinforce a common historic architectural vocabulary.
  - c) Architectural Massing: Particular attention shall be given to traditional massing of the elements, the roof forms, the floor to ceiling heights, the window arrangement, proportions and relationship of each part of the building to the whole, as well as, the general building symmetry.
  - d) Exterior Materials:
    1. Exterior wall finishes: Brick, wood siding, and approved composition material are acceptable exterior wall finish materials. Exterior wall finish materials must be used to complete massing elements. The application of brick veneer to a single building facade is prohibited.
    2. Roofs: 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, dimensional asphalt shingle, and standing seam metal.
    3. Windows: True-divided and/or simulated divided light windows with exterior muntins are required for all non-residential parcels. The ground floors of commercial areas may have appropriately scaled store front window systems that utilize large glass areas which are uninterrupted by divided lites. Window sizes and fenestration shall reinforce traditional examples and patterns
    4. Exterior Paint Colors: Exterior paint colors for siding, doors, shutters, fascias, cornices, soffits and miscellaneous trim shall be selected from pre-approved color guide historic colors. (Refer to Appendix for manufacturers and color palettes).
    5. Building Additions: Whether attached or detached, shall be of similar or compatible design and materials.

e) General Architectural Requirements:

1. Poured concrete exterior walls are prohibited.
2. Prefabricated metal buildings are prohibited.

2. Cluster Residential

The residential dwellings in this subarea shall consist of single story or multi-story homes attached with a common wall, partially attached via a garage or overhang or fully detached. No single family residence shall be allowed to stack on top of another.

a) Exterior Materials:

1. Wall finish materials: Brick, wood siding, and approved composition material are acceptable exterior wall finish materials. Exterior wall finish material must be used to complete massing elements. The application of brick veneer to a single building facade is prohibited.
2. Brick: House brick to be of a "handmade appearance". Traditional brick detailing is required, such as, but not limited to, traditional bonds, watertable caps, sills, jack arches, segmental arches and soldier courses.
3. Siding: Siding shall be cedar shiplap wood siding or an approved composition material with a natural appearance. Houses with wood or compositional siding shall have brick chimneys, and brick plinths to the height of the watertable.
4. Roof: Pitched roofs shall be required to have a minimum 6:12 rise over run. Roof pitches with a rise over run of less than 6:12 are permitted on minor roofs (i.e. entry porches, dormers, etc.). Flat roofs shall be permitted, but must integrate strong cornice lines. Roofs may be of natural slate, wood shake or wood shingle, metal standing seam, or an architectural grade fiberglass asphalt shingle.
5. Windows: Wood constructed windows shall be required, using traditional themes on all elevations. Simulated or true divided lites in double hung windows with vertically oriented light patterns shall be used.
6. Shutters: Where used, shutters shall be sized to cover the adjacent window and appear operable. Shutters shall be mounted on appropriate shutter hardware (hinges and shutter dogs).

7. Gutters and downspouts: Traditional half round gutters and/or ogee gutters with downspouts shall be used.
  8. Exterior paint colors: Wood siding to be an “off white” color, trim and windows to be white. Accent colors for shutters and doors to be selected from pre-approved color guide historic colors. (Refer to Appendix for manufacturers and color palettes).
  9. Skylights: Skylights in the roof shall be permitted, provided they are not visible from off-site. Cupolas, dormers, lanterns, belvederes or window bays are permitted, provided they are consistent with the architectural theme.
- b) Lighting: Each house shall have a minimum of one approved yard light near the sidewalk at the front entry and one wall mounted porch light at the front door. (Refer to yard light detail in Section 5, Figure 1 of the General Development Standards). Lamp locations shall be consistent from house to house. All yard lights shall have a photocell light sensor.
- c) Vehicular and Pedestrian Standards:
1. Garages:
    - a. Individual bay doors are required, double wide garage doors are prohibited. The width of garage doors shall not exceed nine feet. The scale of the garage shall be minimized by low, one-story roof lines and low fascia lines. Windows are encouraged in the walls of garages. Sufficient storage area shall be planned for tools, auto accessories and trash storage in the total garage space. All front loaded garages shall be placed a minimum of ten feet behind the front face of the primary dwelling.
    - b. Garage doors (Pedestrian): All such doors shall be solid paneled.
    - c. Garage doors (Vehicular): All such doors shall be solid paneled. No glazing shall be permitted in garage doors unless they are consistent with the architectural theme.
  2. Driveways and Entry Courts: The appearance of driveways and entry courts shall be consistent throughout the neighborhood. Driveways shall be made of a durable material. Appropriate materials are brick, dark color concrete pavers, asphalt with controlled edges, and rolled-in stone topping. Concrete driveways are prohibited.

3. Walkways and Sidewalks: A minimum three foot wide private sidewalk constructed of brick shall be required for every residence from public sidewalk to the residence. A four foot wide public sidewalk shall be required within the right-of-way of all publicly dedicated streets, on both sides of the road within the development. Landscape timbers and railroad tie edging of walks or driveways is prohibited.

d) Attached Structures:

1. Screen Porches: Screen porches are encourage on the rear or sides of homes but are not permitted on the front. Detailing shall be traditional wood with a break in screening at rail height. Columns or full height vertical wood members shall be at least 6" x 6". All screen porch trim shall be painted. Roof lines of screen porches shall conform to the architectural style of the home and blend into the massing of the hone.
2. Service Courts: Service courts shall be provided to shield certain outdoor facilities from neighboring properties, including: air conditioners/heat pumps, garbage cans and carts, irrigation controllers, pumps, generators and meters. All such facilities on a site shall be enclosed within a service court which is attached to the house, entirely enclosed by a privacy wall or fence being a minimum of four feet high. Service courts shall be located away from the bedrooms of adjoining residences where possible. They may be located in side or rear yards, but not in the front yard.

e) Swimming Pools/Spas:

1. All swimming pools/spas shall be located in the rear yard, within the building line of the site, completely enclosed by fencing and screened from adjoining properties.
2. All swimming pools/spas shall be in-ground construction. The swimming pool/spa equipment shall be within the enclosure and completely screened from adjoining properties.
3. Spas may be constructed as part of the house and shall be flush with the top of the paving. Spas shall be completely screened from adjoining properties by fencing or landscaping.

f) Storage Buildings:

1. Ancillary Structures: Ancillary structures shall be no more than one-story and shall be constructed of the same wall and roof materials as the home. The colors, walls, roof and trim shall match those used on the home.

- g) Mailboxes/Addresses: Each residence shall be required to install a standard mailbox. (Refer to mailbox detail in Section 5, Figure 2 of the General Development Standards).
- h) House Numbering: Each residence shall be required to install house numbers in a common location to the right of the front door.

2. Multi-Family Residential:

The residential dwellings in this subarea shall consist of single story or multi-story homes attached with a common wall, partially attached via a garage or overhang or fully detached. Residential dwellings in this subarea shall be permitted above office and commercial uses.

- a) Wall finish materials: Brick, wood siding and vinyl siding are approved exterior wall finish materials. Exterior wall finish materials must be used to complete massing elements. The application of brick veneer to a single building facade is prohibited. Exposed concrete foundation walls are not permitted; brick veneer foundations are required.
- b) Roof: Pitched roofs shall be required. Flat roofs shall be permitted, but must integrate strong cornice lines. Roofs may be natural or synthetic slate, wood shake or wood shingle, metal standing seam, or an architectural grade fiberglass asphalt shingle.
- c) Windows: Traditional double hung and casement windows are required. Common window fenestration shall be used on all elevations.
- d) Exterior paint colors: Exterior paint colors for siding, doors, shutters, fascias, cornices, soffits and miscellaneous trim shall be selected from pre-approved color guide historic colors. (Refer to Appendix for manufacturers and color palettes).
- e) Chimneys: Any exposed exterior chimneys shall be brick. Wood and vinyl siding as well as stucco chimneys are prohibited.
- f) Storage Standards:
  - 1. Equipment Storage: Storage of all maintenance equipment shall be within garages or storage structures. Such items should not be visible from streets, common open spaces or adjacent lots or developments.
  - 2. Vehicle Storage: All campers, off-road vehicles, pick-up trucks or boats must be parked within an enclosed garage. No undrivable vehicles or parts of vehicles may be stored outside.

#### 4a.04 Buffering, Landscaping, Open Space and/or Screening Commitments

1. Tree Preservation: Reasonable and good faith efforts will be made to preserve existing trees and tree rows occurring within this subarea. Consideration will be given to laying out streets, lots, structures and parking areas to avoid the unnecessary destruction of these wooded areas. Additionally, standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.
2. Street Trees: Deciduous street trees shall be placed within the Market Street (Collector) and the sub-collector street right-of-ways and be spaced at a maximum of 30 feet on center. The minimum size for street trees shall be two and a half inch caliper. Trees may be grouped, provided the quantity is equivalent to 1 tree per thirty feet or fraction thereof. This requirement may be waived in areas where existing vegetation occurs. Trees shall not obstruct sight distance or signage, subject to staff approval. Street tree and signage locations shall be shown on the final development plan for review and approval.
3. Along property lines adjacent to existing residential land uses, within the ten foot setback, a mixture of evergreen and deciduous trees shall be planted.
4. Parking lots shall be screened from public rights-of-way with a minimum 30" high evergreen landscape hedge or wall.
5. Fences: Temporary Fences: Fences used as temporary barriers during construction around vegetation must be sturdy, at least 3 feet tall, and easy to maintain. All temporary fences must be removed prior to the issuance of a certificate of occupancy.
6. Interior Landscaping: Interior landscaping within parking areas ("Interior Landscaping") shall conform to the following standards:
  - a) The required amount of interior landscaping area shall be a minimum of eight (8%) of the total area of the parking lot pavement. The landscaped areas shall be arranged in such a manner so as to visually break up the large expanses of pavement and to provide landscaped walking paths between parking lots and the main buildings.
  - b) Up to 20,000 square feet: A minimum of one tree per 5,000 square feet of ground coverage and a total tree planting equal to one inch in tree trunk size for every 2,000 square feet of ground coverage.
  - c) Between 20,000 and 50,000 square feet: A minimum of one tree for every 5,000 square feet of ground coverage and a total tree planting equal to ten inches plus one-half inch in tree trunk size for every 2,000 square feet over 20,000 feet in ground coverage.

- d) Over 50,000 square feet: A minimum of one tree for every 5,000 square feet of ground coverage and a total tree planting equal to twenty-five inches plus one-half inch in tree trunk size for every 4,000 square feet over 50,000 square feet in ground coverage.
- 7. At least 50% of required tree plantings shall be integrated within parking or service areas. Existing trees of 2 1/2" caliper which meet the intent of the interior landscape requirement may count towards that calculation. Maximum possible green space shall be provided to minimize extensive unbroken hard surface areas.
- 8. Landscaping islands are required within parking lots and shall be provided at a rate of 8 square feet of landscaped area per 100 square feet of vehicular use area in such a manner as to visually break up large expanses of pavement.
- 9. Minimum tree size shall be no less than 2 1/2" caliper for street and/or shade trees and 1" caliper for ornamental trees.
- 10. If landscaping is used to screen Service Areas, 90% opacity is required for all non-servicing sides and must be protected from service vehicles. Screening shall be 1" above height of structure to be screened but not less than 7' above finished grade.
- 11. Leisure Trails: Leisure trails shall be provided throughout this subarea in a manner consistent with the existing leisure path structure. The leisure trails shall link with the path structure in adjoining subareas to enhance the coherent, overall leisure trail system of New Albany. Leisure trails shall be eight feet wide and shall be located along stream and creek preservation right-of-ways whenever possible in order to enhance the natural recreational assets of the pathways. Leisure trails in the Village Center District shall be provided to link public buildings with natural and parkland areas, schools, and other public institutions. At the time of Preliminary Development Plan, a leisure trail will be submitted for Planning Commission review.

**4a.05 Dumpsters, Lighting, Outdoor Display Areas and/or other Environmental Commitments**

- 1. Mechanical equipment: Any external mechanical equipment shall be totally screened from all public roads and/or adjacent properties at ground level with materials that are similar to or the same as used on the majority of the building or, if screened by landscaping, providing that the same shall provide one hundred percent opacity. This would include any rooftop equipment, satellite dishes (excluding communication devices), as well as ground mounted mechanical equipment. The screening of the mechanical equipment shall be coordinated with the rest of the architecture so as to avoid being seen as an "add-on".

2. Service Area and Dumpsters: All service areas including loading docks, exterior storage of materials, supplies, equipment or products and trash containers shall be totally screened from all public roads and/or adjacent properties at ground level with walls or landscaping. Any walls shall be of the same or compatible materials used on the building and shall be complemented with landscaping.
3. Lighting:
  - a) All external parking lot lighting shall be cut-off type fixtures and down cast to reduce "spillage".
  - b) Village of New Albany gooseneck street lights shall be utilized. (Holophane-Holbrook HLDK-175 MH 120 or its equivalent). All fixtures shall be wall mounted or located on poles having a maximum height of thirty feet. Pedestrian lighting may be placed on shorter poles or in bollards. (Refer to street light fixture detail in Section 3, Figure 1 of the General Development Standards). Other light fixtures may be used subject to approval by the Village of New Albany Planning Commission.
  - c) Ornamental or historical globe fixtures may be used along sidewalks and pedestrian areas.
  - d) Pole locations shall be set back from the outer edges of the perimeter and side lot areas at a distance that would allow the 45 degree cut-off angle of the luminaire to terminate at the base of the earth mounds at a height not to exceed 2 feet above grade.
  - e) All light poles and standards shall be black or New Albany Green and constructed of metal.
  - f) Parking lot lighting shall be of the same light source type and style. Building, pedestrian and landscape lighting may be incandescent or metal halide.
  - g) Landscape uplighting from a concealed source shall be permitted. All uplight fixtures must be screened by landscaping.
  - h) No permanent colored lights or neon lights shall be used on the exterior of the building.
  - i) Flood lighting of buildings or landscaping is prohibited, except in areas required for employee security.
  - j) External building lighting shall be limited to wall mounted sconces. Building lighting shall be mounted on the first floor only. No uplighting or washing of the building shall be permitted.



Proposed amendment to the zoning text for Market Square:

4a.06 Graphics and Signage Commitments

4. Retail Center:

- a) One primary wall mounted sign per retail shop façade shall be permitted. Corner tenants shall be limited to a maximum of 2 signs. One square foot of sign face per each lineal foot of shop frontage shall be allowed, not to exceed a maximum of eighty square feet. Signs attached to buildings shall be located no higher than the cornice of the building. All wall mounted signage shall have a common background color.
- b) Retail tenants are permitted one sandwich board sign, not to exceed 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. Sign panels may be dry erase or chalk boards. Sign panels may also be inserted into the sign frame. Changeable copy sign panels with individual letters or numbers, such as those used at a gas station are not permitted. Signs may be displayed only during business hours.
- c) Hanging signs are permitted only if the tenant does not use a sandwich board sign. Hanging signs may protrude from the building façade or be mounted on a post or pole adjacent to the building. Hanging signs shall not exceed 10 square feet per sign face or 20 square feet if double sided.

*Amended 1-6-03 P.C. Approved*

#### 4a.06 Graphics and Signage Commitments

1. All signage shall conform to the standards set forth in Section 1169.08 of the Codified Ordinances of the Village of New Albany, unless otherwise stated below.
2. All ground mounted signage shall be externally illuminated from a concealed source.
3. Backlighting of individual letters on wall mounted signage shall be permitted. Internally illuminated wall mounted and ground supported signage shall be prohibited.
4. Retail Center:
  - a) One primary wall mounted sign per retail shop facade shall be permitted. Corner tenants shall be limited to a maximum of 2 signs. One square foot of sign face per each lineal foot of shop frontage shall be allowed, not to exceed a maximum of eighty square feet. Signs attached to buildings shall be located no higher than the cornice of the building. All wall mounted signage shall have a common background color.
  - b) Hanging signs may protrude from the building facade or be mounted on a post or pole adjacent to the building. Hanging signs shall not exceed 10 square feet per sign face or 20 square feet if double sided.
5. Outparcel:
  - a) One ground supported sign shall be permitted per each outparcel facade. Ground supported signage shall be limited to a maximum height of six feet and maximum area of fifty square feet per sign face or one hundred square feet if double sided. This sign may be placed within the setback area at a minimum distance from the right-of-way.
6. Office:
  - a) One primary wall mounted sign per building parcel facade. One square foot of sign face per each lineal foot of building shall be allowed, not to exceed a maximum of fifty square feet.
  - b) Hanging signs may protrude from the building facade or be mounted on a post or pole adjacent to the building. Hanging signs shall not exceed 10 square feet per sign face or 20 square feet if double sided.
7. Multi-Family Residential:
  - a) Signage shall be integrated and consistent with the architecture of the building.

- b) One primary wall mounted sign shall be allowed per multi-family development. Signage mounted on the buildings shall be limited to a maximum area of forty square feet and shall be located no higher than the second floor.
  - c) One ground supported sign per multi-family development shall be permitted at each curb cut location. Ground supported signage shall be limited to a maximum height of six feet and a maximum area of fifty square feet or one hundred square feet if double sided.
8. The information shall be limited to the name and function of the business. Smaller secondary signs may contain more detailed information to be read by people entering the building.
9. The development shall utilize standard Village of New Albany street, regulatory and directional signage. Entry and exit signs shall be limited to a maximum height of three feet and a maximum area of three square feet. Identification logo or name shall not be displayed on directional signage. Other signage may be used subject to approval by the Village of New Albany Planning Commission.
10. General Signage Criteria:
- a) Signs shall not obscure architectural features of the building.
  - b) No signs shall be painted directly on the surface of the building, wall or fence. No wall murals shall be allowed.
  - c) No roof signs nor parapet signs shall be permitted nor shall a sign extend higher than the building.
  - d) No flashing, traveling, animated or intermittently illuminated signs shall be used. No banners, tethered balloons or pennants shall be used. Temporary interior window advertisements are prohibited.
  - e) The following signs are not permitted as permanent signs: Banner or streamers, sidewalk or curb signs (sandwich of "A" type), portable displays or mobile signs, gas filled devices, roof mounted signs, revolving or rotating signs and neon signs. Outdoor display signs shall be prohibited except for special sales promotion events lasting not longer than one week.
  - f) Signage shall be limited to a maximum of three colors.

#### **4a.07 Miscellaneous Commitments**

1. Utilities: All utility lines including water supply, sanitary water service, electricity, telephone and gas, and their connections or feeder line shall be placed underground. Meters, transformers, etc. may be placed above ground, but shall be clustered and screened from view. To the extent possible, utility line placement shall be sensitive to existing vegetation. All proposed utilities shall be placed underground. Utility easement location and width shall be determined at the Preliminary Development Plan stage.

## **SUBAREA 4B: NORTHEAST MARKET STREET**

Northeast Market Street is bordered by Market Street to the south, Main Street (US 62) to the west, and Reynoldsburg-New Albany Road to the east. The site is  $\pm$  18.270 acres.

### **I. Permitted Uses**

1. Office buildings and the permitted uses contained in the Codified Ordinances of the Village of New Albany, O Office District, Section 1143.02 and the conditional uses contained in Section 1143.03, provided that the conditional uses comply with Chapter 1115.
2. Commercial buildings and the permitted uses contained in the Codified Ordinances of the Village of New Albany, C-1 Neighborhood Business District, Section 1145.02 and the conditional uses contained in Section 1145.03, provided that the conditional uses comply with Chapter 1115.
3. Community Facilities and the permitted uses contained in the Codified Ordinance of the Village of New Albany, CF Community Facilities District, Section 1151.02 and subject to approval by planning commission in accordance with Section 1151.05.
4. Multi-family dwellings and the permitted uses contained in the Codified Ordinances of the Village of New Albany, R-7 Urban Density Residential District, Section 1139.03 and the conditional uses contained in Section 1139.04, provided that the conditional uses comply with Chapter 1115.

### **II. Unit Types**

Northeast Market Street offers a mixture of land uses and hence a variety of building types and sizes. Northeast Market Street will feature professional offices, public facilities, retail stores, commercial/residential structures (retail 1st floor with apartments and/or offices on the 2nd and 3rd floors, and/or multi-family residential. Buildings within this subarea shall comply with the design guidelines of the development standards in this text.

### **III. Development Standards**

Unless otherwise specified in the submitted drawings or in this written text the development standards of Title Five of the Codified Ordinances of the Village of New Albany shall apply to this subarea.

Basic development standards are compiled regarding proposed density, site issues, traffic, circulation, landscape and architectural standards. These component standards ensure consistency and quality throughout the parcel's development. It is the intent of the standards in this subarea to incorporate planning techniques including: massing architectural elements to maintain a village scale; fronting primary buildings and their

main entrance on primary streets; designing buildings along public streets to have the same design material on all facades/elevations; requiring the majority of parking to be located behind buildings; establishing leisure path connections between rear parking and sidewalks along the front of buildings; and encouraging open space in the form of common green areas.

#### **4b.01 Density, Height, Lot and/or Setback Commitments**

1. Commercial/Retail
  - a) The permitted maximum density of office and commercial structures within this subarea shall not exceed the ratio of  $\pm$  12,000 gross square feet of building per net acre of site.
  - b) Only retail and/or office "shop front" operations shall occur on the ground floor. Office or residential uses shall be permitted on the second and third floors above the "shop front" commercial uses.
2. Multi-Family Residential
  - a) The maximum number of multi-family residential units within this subarea shall be 302.
  - b) There shall be no minimum lot area.
  - c) There shall be no minimum lot width
3. Market Street shall serve as a collector street and be extended from its existing terminus at Dublin-Granville Road. Market Street shall run along the southern edge of Northwest Market Street to Main Street (U.S. 62) and continue along the southern boundary of Northeast Market Street to Reynoldsburg-New Albany Road. The Market Street collector shall have an 80 foot right-of-way.
4. The building and pavement setbacks shall be six feet from the Market Street right-of-way, not to include sidewalks. Residential setbacks along Market Street may vary. The setbacks from the centerline of Main Street (U.S. Route 62) shall be sixty feet for buildings and fifty feet for pavement on the east side of the street.
5. Setbacks from all other streets shall be zero feet for buildings and pavement.
6. Setbacks for all other property boundaries shall be 10 feet for buildings and pavement.
7. The total lot coverage, which includes all areas of parking and building coverage, shall not exceed ninety percent of the total lot area.

8. Sixty percent of the buildings fronting Market Street shall be at the build-to line.
9. Forty percent of the building facade, to include: stoops, steps and covered porches, shall be permitted to encroach a maximum of four feet within the building setback line. They shall not be permitted to encroach within rights-of-ways or easements.
10. The maximum building height shall not exceed forty-five feet. All structures to include: office buildings, commercial buildings, multi-family dwellings and community facilities buildings shall have at least a one and a half story appearance.

**4b.02 Access, Loading, Parking and/or other Traffic related Commitments**

1. All entry drives shall be coordinated with roadway improvements.
2. Road widths and right-of-ways:
  - a) Market Street (Collector) right-of-way: 80 feet
  - b) Sub-collectors: 60' right-of-way
  - c) Sub-collector street width: 40 feet ( two 11 foot travel lanes, 9 foot parallel parking both sides of street).
  - d) Drive aisles: 20 foot minimum
  - e) Service drives: 20 foot minimum
3. Full service curb cuts along Market Street shall be a minimum of 200 feet apart as measured from centerline to centerline.
4. Parking:
  - a) All parking shall be cross access easement.
  - b) Due to the mixed use nature of the proposed development, it would be impossible and inappropriate to have each use make provision on its own tax parcel for all the required parking and loading spaces.
  - c) The following parking ratios shall be utilized for shared cross easement parking:  
  
Retail: one space per 200 S.F.  
  
Restaurants: one space per 100 S.F. (without drive through)  
  
Office: one space per 400 S.F.  
  
Multi-Family: 1.5 spaces per dwelling unit

5. Drive thru uses shall be permitted as conditional uses.

#### 4b.03 Architectural Standards

1. Office, Retail & Community Facility Buildings:
  - a) Buildings shall be designed to be seen from 360 degrees. Building additions, whether attached or detached, shall be of similar design, materials, and construction.
  - b) Architectural Style: Building designs shall be derived from traditional American styles including Georgian, Colonial, Federal, Classical Revival, and Barn Vernacular interpretations that reinforce a common historic architectural vocabulary.
  - c) Architectural Massing: Particular attention shall be given to traditional massing of the elements, the roof forms, the floor to ceiling heights, the window arrangement, proportions and relationship of each part of the building to the whole, as well as, the general building symmetry.
  - d) Exterior Materials:
    1. Exterior wall finishes: Brick, wood siding, and approved composition material are acceptable exterior wall finish materials. Exterior wall finish materials must be used to complete massing elements. The application of brick veneer to a single building facade is prohibited.
    2. Roofs: 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, dimensional asphalt shingle, and standing seam metal.
    3. Windows: True-divided and/or simulated divided light windows with exterior muntins are required for all non-residential parcels. The ground floors of commercial areas may have appropriately scaled store front window systems that utilize large glass areas which are uninterrupted by divided lites. Window sizes and fenestration shall reinforce traditional examples and patterns
    4. Exterior Paint Colors: Exterior paint colors for siding, doors, shutters, fascias, cornices, soffits and miscellaneous trim shall be selected from pre-approved color guide historic colors. (Refer to Appendix for manufacturers and color palettes).



5. Building Additions: Whether attached or detached, shall be of similar or compatible design and materials.

e) General Architectural Requirements:

1. Poured concrete exterior walls are prohibited.
2. Prefabricated metal buildings are prohibited.

2. Multi-Family Residential:

The residential dwellings in this subarea shall consist of single story or multi-story homes attached with a common wall, partially attached via a garage or overhang or fully detached. Residential dwellings in this subarea shall be permitted above office and commercial uses.

- a) Wall finish materials: Brick, wood siding and vinyl siding are approved exterior wall finish materials. Exterior wall finish materials must be used to complete massing elements. The application of brick veneer to a single building facade is prohibited. Exposed concrete foundation walls are not permitted; brick veneer foundations are required.
- b) Roof: Pitched roofs shall be required. Flat roofs shall be permitted, but must integrate strong cornice lines. Roofs may be natural or synthetic slate, wood shake or wood shingle, metal standing seam, or an architectural grade fiberglass asphalt shingle.
- c) Windows: Traditional double hung and casement windows are required. Common window fenestration shall be used on all elevations.
- d) Exterior paint colors: Exterior paint colors for siding, doors, shutters, fascias, cornices, soffits and miscellaneous trim shall be selected from pre-approved color guide historic colors. (Refer to Appendix for manufacturers and color palettes).
- e) Chimneys: Any exposed exterior chimneys shall be brick. Wood and vinyl siding as well as stucco chimneys are prohibited.
- f) Storage Standards:
  1. Equipment Storage: Storage of all maintenance equipment shall be within garages or storage structures. Such items should not be visible from streets, common open spaces or adjacent lots or developments.

2. Vehicle Storage: All campers, off-road vehicles, pick-up trucks or boats must be parked within an enclosed garage. No undrivable vehicles or parts of vehicles may be stored outside.

#### **4b.04 Buffering, Landscaping, Open Space and/or Screening Commitments**

1. Tree Preservation: Reasonable and good faith efforts will be made to preserve existing trees and tree rows occurring within this subarea. Consideration will be given to laying out streets, lots, structures and parking areas to avoid the unnecessary destruction of these wooded areas. Additionally, standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.
2. Street Trees: Deciduous street trees shall be placed within the Fodor Road (Collector) and the sub-collector street right-of-ways and be spaced at a maximum of 30 feet on center. The minimum size for street trees shall be two and a half inch caliper. Trees may be grouped, provided the quantity is equivalent to 1 tree per thirty feet or fraction thereof. This requirement may be waived in areas where existing vegetation occurs. Trees shall not obstruct sight distance or signage, subject to staff approval. Street tree and signage locations shall be shown on the final development plan for review and approval.
3. Along property lines adjacent to existing residential land uses, within the ten foot setback, a mixture of evergreen and deciduous trees shall be planted.
4. Parking lots shall be screened from public rights-of-way with a minimum 30" high evergreen landscape hedge or wall.
5. Fences: Temporary Fences: Fences used as temporary barriers during construction around vegetation must be sturdy, at least 3 feet tall, and easy to maintain. All temporary fences must be removed prior to the issuance of a certificate of occupancy.
6. Interior Landscaping: Interior landscaping within parking areas ("Interior Landscaping") shall conform to the following standards:
  - a) The required amount of interior landscaping area shall be a minimum of eight (8%) of the total area of the parking lot pavement. The landscaped areas shall be arranged in such a manner so as to visually break up the large expanses of pavement and to provide landscaped walking paths between parking lots and the main buildings.

- b) Up to 20,000 square feet: A minimum of one tree per 5,000 square feet of ground coverage and a total tree planting equal to one inch in tree trunk size for every 2,000 square feet of ground coverage.
  - c) Between 20,000 and 50,000 square feet: A minimum of one tree for every 5,000 square feet of ground coverage and a total tree planting equal to ten inches plus one-half inch in tree trunk size for every 2,000 square feet over 20,000 feet in ground coverage.
  - d) Over 50,000 square feet: A minimum of one tree for every 5,000 square feet of ground coverage and a total tree planting equal to twenty-five inches plus one-half inch in tree trunk size for every 4,000 square feet over 50,000 square feet in ground coverage.
7. At least 50% of required tree plantings shall be integrated within parking or service areas. Existing trees of 2 1/2" caliper which meet the intent of the interior landscape requirement may count towards that calculation. Maximum possible green space shall be provided to minimize extensive unbroken hard surface areas.
  8. Landscaping islands are required within parking lots and shall be provided at a rate of 8 square feet of landscaped area per 100 square feet of vehicular use area in such a manner as to visually break up large expanses of pavement.
  9. Minimum tree size shall be no less than 2 1/2" caliper for street and/or shade trees and 1" caliper for ornamental trees.
  10. If landscaping is used to screen Service Areas, 90% opacity is required for all non-servicing sides and must be protected from service vehicles. Screening shall be 1" above height of structure to be screened but not less than 7' above finished grade.
  11. Leisure Trails: Leisure trails shall be provided throughout this subarea in a manner consistent with the existing leisure path structure. The leisure trails shall link with the path structure in adjoining subareas to enhance the coherent, overall leisure trail system of New Albany. Leisure trails shall be eight feet wide and shall be located along stream and creek preservation right-of-ways whenever possible in order to enhance the natural recreational assets of the pathways. Leisure trails in the Village Center District shall be provided to link public buildings with natural and parkland areas, schools, and other public institutions. At the time of Preliminary Development Plan, a leisure trail will be submitted for Planning Commission review.

**4b.05 Dumpsters, Lighting, Outdoor Display Areas and/or other Environmental Commitments**

1. Mechanical equipment: Any external mechanical equipment shall be totally screened from all public roads and/or adjacent properties at ground level with materials that are similar to or the same as used on the majority of the building or, if screened by landscaping, providing that the same shall provide one hundred percent opacity. This would include any rooftop equipment, satellite dishes (excluding communication devices), as well as ground mounted mechanical equipment. The screening of the mechanical equipment shall be coordinated with the rest of the architecture so as to avoid being seen as an "add-on".
2. Service Area and Dumpsters: All service areas including loading docks, exterior storage of materials, supplies, equipment or products and trash containers shall be totally screened from all public roads and/or adjacent properties at ground level with walls or landscaping. Any walls shall be of the same or compatible materials used on the building and shall be complemented with landscaping.
3. Lighting:
  - a) All external parking lot lighting shall be cut-off type fixtures and down cast to reduce "spillage".
  - b) Village of New Albany gooseneck street lights shall be utilized. (Holophane-Holbrook HLDK-175 MH 120 or its equivalent). All fixtures shall be wall mounted or located on poles having a maximum height of thirty feet. Pedestrian lighting may be placed on shorter poles or in bollards. (Refer to street light fixture detail in Section 3, Figure 1 of the General Development Standards). Other light fixtures may be used subject to approval by the Village of New Albany Planning Commission.
  - c) Ornamental or historical globe fixtures may be used along sidewalks and pedestrian areas.
  - d) Pole locations shall be set back from the outer edges of the perimeter and side lot areas at a distance that would allow the 45 degree cut-off angle of the luminaire to terminate at the base of the earth mounds at a height not to exceed 2 feet above grade.
  - e) All light poles and standards shall be black or New Albany Green and constructed of metal.

- f) Parking lot lighting shall be of the same light source type and style. Building, pedestrian and landscape lighting may be incandescent or metal halide.
- g) Landscape uplighting from a concealed source shall be permitted. All uplight fixtures must be screened by landscaping.
- h) No permanent colored lights or neon lights shall be used on the exterior of the building.
- i) Flood lighting of buildings or landscaping is prohibited, except in areas required for employee security.
- j) External building lighting shall be limited to wall mounted sconces. Building lighting shall be mounted on the first floor only. No uplighting or washing of the building shall be permitted.

**4b.06 Graphics and Signage Commitments**

- 1. All signage shall conform to the standards set forth in Section 1169.08 of the Codified Ordinances of the Village of New Albany, unless otherwise stated below.
- 2. All ground mounted signage shall be externally illuminated from a concealed source.
- 3. Backlighting of individual letters on wall mounted signage shall be permitted. Internally illuminated wall mounted and ground supported signage shall be prohibited.
- 4. Retail Center:
  - a) One primary wall mounted sign per retail shop facade shall be permitted. Corner tenants shall be limited to a maximum of 2 signs. One square foot of sign face per each lineal foot of shop frontage shall be allowed, not to exceed a maximum of eighty square feet. Signs attached to buildings shall be located no higher than the cornice of the building. All wall mounted signage shall have a common background color.
  - b) Hanging signs may protrude from the building facade or be mounted on a post or pole adjacent to the building. Hanging signs shall not exceed 10 square feet per sign face or 20 square feet if double sided.

5. Outparcel:

- a) One ground supported sign shall be permitted per each outparcel facade. Ground supported signage shall be limited to a maximum height of six feet and maximum area of fifty square feet per sign face or one hundred square feet if double sided. This sign may be placed within the setback area at a minimum distance from the right-of-way.

6. Office:

- a) One primary wall mounted sign per building parcel facade. One square foot of sign face per each lineal foot of building shall be allowed, not to exceed a maximum of fifty square feet.
- b) Hanging signs may protrude from the building facade or be mounted on a post or pole adjacent to the building. Hanging signs shall not exceed 10 square feet per sign face or 20 square feet if double sided.

7. Multi-Family Residential:

- a) Signage shall be integrated and consistent with the architecture of the building.
- b) One primary wall mounted sign shall be allowed per multi-family development. Signage mounted on the buildings shall be limited to a maximum area of forty square feet and shall be located no higher than the second floor.
- c) One ground supported sign per multi-family development shall be permitted at each curb cut location. Ground supported signage shall be limited to a maximum height of six feet and a maximum area of fifty square feet or one hundred square feet if double sided.

8. The information shall be limited to the name and function of the business. Smaller secondary signs may contain more detailed information to be read by people entering the building.

9. The development shall utilize standard Village of New Albany street, regulatory and directional signage. Entry and exit signs shall be limited to a maximum height of three feet and a maximum area of three square feet. Identification logo or name shall not be displayed on directional signage. Other signage may be used subject to approval by the Village of New Albany Planning Commission.

10. General Signage Criteria:

- a) Signs shall not obscure architectural features of the building.
- b) No signs shall be painted directly on the surface of the building, wall or fence. No wall murals shall be allowed.
- c) No roof signs nor parapet signs shall be permitted nor shall a sign extend higher than the building.
- d) No flashing, traveling, animated or intermittently illuminated signs shall be used. No banners, tethered balloons or pennants shall be used. Temporary interior window advertisements are prohibited.
- e) The following signs are not permitted as permanent signs: Banner or streamers, sidewalk or curb signs (sandwich of "A" type), portable displays or mobile signs, gas filled devices, roof mounted signs, revolving or rotating signs and neon signs. Outdoor display signs shall be prohibited except for special sales promotion events lasting not longer than one week.
- f) Signage shall be limited to a maximum of three colors.

**4b.07 Miscellaneous Commitments**

- 1. Utilities: All utility lines including water supply, sanitary water service, electricity, telephone and gas, and their connections or feeder line shall be placed underground. Meters, transformers, etc. may be placed above ground, but shall be clustered and screened from view. To the extent possible, utility line placement shall be sensitive to existing vegetation. All proposed utilities shall be placed underground. Utility easement location and width shall be determined at the Preliminary Development Plan stage.



Prepared: 10/30/09  
Introduced: 11/03/09  
Amended:  
Adopted: 1/19/2010

### **Ordinance O-49-2009**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE VILLAGE OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 4.25 +/- ACRES OF LAND, ACKERLY PARK TOWNHOMES, LOCATED ON THE EAST SIDE OF JOHNSTOWN ROAD, SOUTH OF MARKET STREET, FROM ITS CURRENT ZONING OF "R-4" SINGLE FAMILY RESIDENTIAL, AND "C-PUD" COMPREHENSIVE PLANNED UNIT DEVELOPMENT TO "I-PUD" INFILL PLANNED UNIT DEVELOPMENT, AS REQUESTED BY THE NEW ALBANY COMPANY**

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

**WHEREAS**, the Planning Commission and the Village 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 of The New Albany Company, the Planning Commission of the Village of New Albany has reviewed the proposed Ordinance amendment and recommended its approval.

**NOW THEREFORE, BE IT OBTAINED** by Council of the Municipality of New Albany, County of Franklin, State of Ohio:

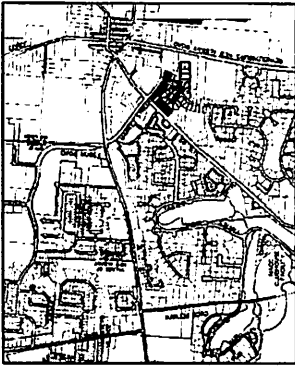
**Section 1.** That the Village Council of the Village of New Albany hereby amends the Zoning Ordinance Map of the village of New Albany to change zoning classification of the following described parcel:

A 4.25 +/- acre plot of land, Ackerly Park Townhomes, located on the east side of Johnstown Road, south of Market Street, from its current zoning of "R-4" Single Family Residential, and "C-PUD" Comprehensive Planned Unit Development to "I-PUD" Infill Planned Unit Development.

**Section 2.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and any decision making bodies of the Municipality of New Albany which resulted in such formal action were in meetings open to the public or in compliance with all legal requirements of the Municipality of New Albany, County of Franklin, State of Ohio.

**Section 3.** That this Ordinance shall take effect and be in force at the earliest period allowed by law.





Drawn by  
Reference: 10/1/09

Existing Zoning: Single Family Residence  
P.U.C. Comprehensive Planned Unit Development

**NEW ALBANY, OHIO**  
**ACKERLY PARK**  
**VILLAGE CENTER REZONING**

PRELIMINARY DEVELOPMENT PLAN

A Project of  
The New Albany City & Township Co.

GRAPHIC SCALE

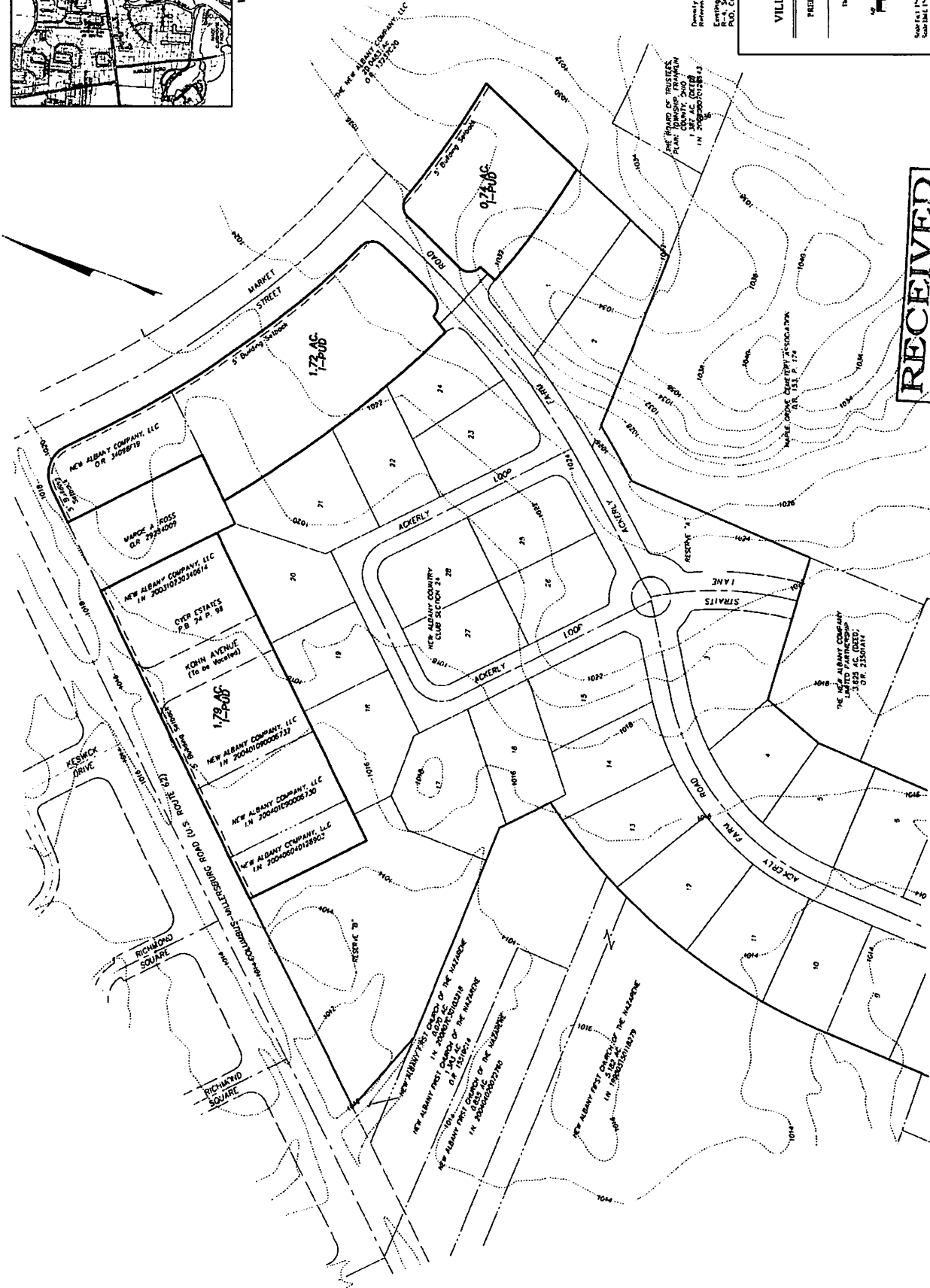


Date: October 22, 2009

Scale: 1" = 100'

Sheet 1 of 1

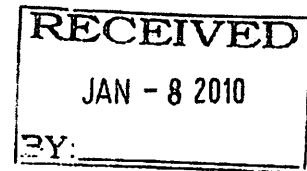
**RECEIVED**  
**OCT 23 2009**  
BY:



\\csm01\csm\proj\10090100\proj\10090100\10090100.dwg - 10/23/09 10:23:30 AM - 10/23/09 10:23:30 AM - 10/23/09 10:23:30 AM

**FILE COPY**

I- PUD  
ACKERLY PARK TOWNHOMES  
VILLAGE CENTER  
January 4, 2010



**Introduction:**

The subject site is approximately 4.25 acres in size and consists of the area along the east side of Route 62 and south of the Market Street extension as illustrated on the attached site plan. Simultaneously with this application, the developer will be pursuing the vacation of the right-of-way for Kohn Avenue, which is located on the east side of Route 62 across from Keswick Drive.

**I. Permitted Uses:**

Permitted uses shall include townhomes for sale, attached and cluster dwellings, and permitted uses contained in the Codified Ordinances of the Village of New Albany, R-7, Urban Density Residential District, Section 1139.02; the accessory uses contained in Section 1139.03; and the conditional uses contained in Section 1139.04, provided that the conditional uses apply with Chapter 1115.

**II. Development Standards:**

All units shall comply with the design guidelines of the development standards in this text. Unless otherwise specified in the submitted drawings or in this written text, the development standards of Part Eleven of the Codified Ordinances of the Village of New Albany shall apply to this subarea. Basic development standards are compiled regarding proposed density, site issues, traffic, circulation, landscape and architectural standards. These component standards ensure consistency and quality throughout the development. It is the intent of the standards in this subarea to incorporate planning techniques including the massing of architectural elements to maintain a village scale; fronting primary buildings and their main entrances on primary streets; designing buildings along public streets to have the same design material on all elevations; and to provide for sidewalks along the front of buildings.

**III. Density, Lot and Setback Commitments**

a. The maximum number of dwelling units in this subarea shall be 30 (thirty).

b. **Setbacks:**

i. **U.S. Route 62; Market Street:** There shall be a minimum building and pavement setback of five (5) feet from the U.S. Route 62 and Market Street rights-of-way. Pedestrian connections, either in the form of leisure trail and / or sidewalks, will be made along both U.S. Route 62 and the Market Street extension.

ii. **Ackerly Farm Road:** There shall be a minimum building and pavement setback of seven and one half (7 ½) feet from the Ackerly Farm Road right-of-way.

iii. Rear Yard: There shall be a minimum rear yard setback of 10 feet for buildings and 5 feet for pavement.

iv. Perimeter Boundaries: Unless otherwise set forth above, there shall be a minimum building and pavement setback of five (5) feet from the perimeter boundary lines of this I-PUD.

v. There shall be a zero setback for buildings and pavement with regard to interior lot lines within this I-PUD.

c. Stoops, steps and covered porches shall be permitted to encroach a maximum of five (5) feet within the front yard setback. They shall not be permitted to encroach within rights-of-way or easements.

d. Zero (0) foot pavement setback may occur when a shared driveway is present.

e. In circumstances where there is zero (0) lot line development, appropriate easements shall be implemented to accommodate off-site footings, eaves, public and private utilities.

f. There shall be no minimum lot area or maximum lot coverage for each lot.

g. The minimum gross floor area of a town house shall be one thousand five hundred (1,500) square feet.

IV. Access, Loading, Parking, and/or other Traffic Related Commitments

All units shall be required to have a minimum of two (2) off-street parking spaces to include garages.

V. Architectural Standards

Architectural style is to be based on traditional American architecture and forms, and shall be consistent with the exhibits and illustrations accompanying this preliminary development plan.

a. Maximum building height: Forty-five (45) feet as measured from finished grade at the front door to the ridge on the roof. The primary elevation shall be a minimum of two and one-half (2 ½) stories in height.

b. Exterior Materials:

1. Wall finish materials: Brick and wood siding and wood look-alike (such as hardiplank or its equivalent) are approved exterior wall finish materials. Exterior wall finish materials must be used to complete massing elements. The application of brick veneer to a single building facade shall be prohibited.

2. Brick: House brick is to be of a "handmade appearance". Traditional brick

detailing is required such as, but not limited to, traditional bonds, water table caps, sills, jack arches, segmental arches and soldier courses.

3. Siding: Siding, when used, shall be cedar shiplap wood siding or simulated wood such as hardiplank or its equivalent. Houses with wood siding shall have brick chimneys and brick, stone or cast stone plinths to the height of the water table.

4. Roofs: Pitched roofs shall be required to have a minimum 7:12 rise over run. Roof pitches with a rise over run of less than 7:12 are permitted on minor roof sections (i.e. entry porches, dormers, etc.). Flat roofs shall be permitted, but must integrate strong cornice lines. Roofs may be of natural slate, wood shake or wood shingle, or an architectural grade fiberglass asphalt shingle.

5. Windows: True divided light and simulated divided light double hung windows with vertically oriented light patterns shall be used. Casement windows shall also be permitted.

6. Shutters: Where used, shutters shall be sized to cover the adjacent window and appear operable. Shutters shall be mounted on appropriate shutter hardware (hinges and shutter dogs).

7. Gutters and downspouts: Traditional half round gutters and/or ogee gutters with downspouts shall be used.

8. Chimneys: Any exposed exterior chimneys shall be brick. Wood and vinyl siding on chimneys, as well as stucco chimneys, are prohibited. Fireboxes that utilize cantilevered floor joist construction are prohibited.

9. Skylights: Skylights in the roof shall be permitted, provided they are not visible from off-site. Cupolas, dormers, lanterns, belvederes or window bays shall be permitted, provided they are consistent with the architectural theme.

c. Lighting: Each unit shall have a minimum of one (1) approved yard light near the sidewalk at the front entry and one (1) wall mounted or ceiling hung porch light at the front door. All porch lights and lights at the garage doors shall be "cut-off" or "downcast" in design, where the illumination is from a concealed / controlled source. Lamp locations shall be consistent from house to house. Yard lights shall have a photocell light sensor, if they are electric. Gas lights for yard and/or wall-mounted porch lights shall be permitted.

d. Vehicular and Pedestrian Standards:

1. Garages:

The scale of the garage shall be minimized by utilizing low, one-story

rooflines and low fascia lines. Windows are encouraged in the walls of garages. Sufficient storage area shall be planned for tools, auto accessories and trash storage in the total garage space.

A. Garage doors (Pedestrian): All such doors shall be paneled and may have windows.

B. Garage doors (Vehicular): All such doors shall be solid paneled.

3. Walkways: A minimum three (3) foot wide private sidewalk, constructed of brick, shall be required for every residence from the public sidewalk to the front door. In the case where an auto court oriented towards the front of the house exists, a separate sidewalk shall not be required. Landscape timbers and railroad tie edging of walks or driveways are prohibited.

2. Equipment Storage: Storage of all maintenance equipment shall be within garages or storage structures. Such items should not be visible from streets, common open spaces, or adjacent lots or developments.

3. Vehicle Storage: All campers, off-road vehicles, pick-up trucks, or boats must be parked within an enclosed garage. No undrivable vehicles or parts of vehicles may be stored outside. Owner or guest vehicles which cannot be accommodated in garages must be parked within screened, paved areas of back or side yards.

e. Mailboxes/Addresses: Each residence shall be required to install a standard mailbox.

f. House Numbering: Each residence shall be required to install house numbers in a common location to the side of the front door.

## VI. Buffering, Landscaping, Open Space, and/or Screening Commitments

a. Street Trees: Street trees shall be required along Main Street and Market Street. Trees are to be minimum of two and one half (2 ½) inches in caliper at installation and shall be spaced at a minimum distance of thirty (30) feet on center on average. Trees may be grouped, provided the quantity is equivalent to one (1) tree per thirty (30) feet or fraction thereof. This requirement may be waived in areas where existing vegetation occurs. Trees shall not obstruct sight distance or signage, subject to staff approval. Street tree and signage locations shall be shown on the final development plan for review and approval.

b. Fences:

1. Temporary Fences: Fences used as temporary barriers during construction around vegetation must be sturdy, at least three (3) feet tall, and easy to maintain. All temporary fences must be removed prior to the issuance of a

certificate of occupancy.

A three rail horse fence shall be constructed along the south side of Market Street, south of the existing temporary leisure trail. This fence is intended to be temporary in nature and will be removed when construction begins within this district.

2. **Permanent Walls and Fences:** Walls and fences may be utilized to define spaces such as private gardens, patios, etc. Fences and walls shall be architectural extensions of the house or other buildings, and shall be constructed using like materials and colors as the house or that complement the building architecture.

c. **Rear Yard Buffer:** In order to buffer multi-family development in this I-PUD from single-family residential development to the east, an earthmound previously was installed which is located both within this I-PUD and the adjacent I-PUD. This earthmound contains a four-board white horse fence and landscaping. Details of this buffer shall be provided at the time of final development plan so that they can be made of record with respect to this development. The buffer shall be maintained in the form that is approved as a part of the final development plan.

d. **Proximity to Playground Equipment:** Section 1187.15(C)(6) of the Codified Ordinances requires that residences must be within 1,200 feet of playground equipment and a pocket park or a larger size park. The open space and parkland that was created as a part of the adjacent Ackerly Park single-family housing development includes a heavily wooded reserve area adjacent to the cemetery and a reserve area near U.S. Route 62 that includes a sizable pond. These reserve areas do not provide the type of environment that is conducive to the installation of playground equipment and the use of that equipment by children. Residents of the I-PUD that is the subject of this text also have the ability to enjoy the playground equipment near the intersection of Alpath Road and Ogden Woods Boulevard, which is found approximately 1,200 feet from the I-PUD. Furthermore, the residents of this I-PUD are located within close proximity to the Ackerly Park reserve area to the south. For these reasons, the PUD shall be exempt from the requirements of Section 1187.15(C)(6) of the Codified Ordinances.

e. **Parkland Dedication:** The Village and the developer of this I-PUD are parties to that certain "Status Agreement," pursuant to which a "Parkland Dedication Chart" was approved by both parties to recognize the large amounts of parkland that the developer has dedicated to the Village in the past. As a result of such past dedications, the developer enjoys a number of "Parkland Dedication Credits" that may be withdrawn in conjunction with new residential development in lieu of dedicating additional open space or parkland. Parkland dedication requirements for this I-PUD shall be met through the withdrawal of Parkland Dedication Credits as contemplated and permitted under the Status Agreement.

VII. Dumpsters, Lighting, Outdoor Display Areas and/or Environmental Commitments

a. Lighting:

1. The Village of New Albany gooseneck streetlights shall be utilized. (Holophane Holbrook HLDK-175 MH 120 or its equivalent). Finish of the fixtures shall be in New Albany Green.
2. Security Lighting: Pole mounted yard lights and large floodlights mounted to the house are prohibited.

VIII. Graphics and Signage Commitments

The development shall utilize standard Village of New Albany street and regulatory signage.

Entry features shall be constructed on the east and west sides of Ackerly Farm Road at the Market Street intersection. These features shall be similar in design to the "entry node" located at the intersection of Market Street and Keswick Road, and shall be subject to review and approval of Village Staff.

IX. Miscellaneous Commitments

- a. Pre-fabricated storage buildings are prohibited.
- b. Sport and Recreational Equipment: Basketball backboards and supports, swing sets and other children's play facilities shall be permitted, provided they are screened from adjoining properties.
  - a. Utilities: All proposed utilities shall be placed underground.

**GENERAL MATTERS**

I. Homeowners' Association:

All property owners within this development shall be required to join and maintain membership in a forced and funded homeowners' association, which will be formed prior to any lots being sold. Homeowners' association responsibilities shall be detailed within Declarations of Covenants and Restrictions before being duly recorded in the office of the Franklin County Recorder. These Declarations of Covenants and Restrictions shall run with the land and shall include a requirement that the homeowners' association shall be responsible for maintenance of all open space within the development.

II. 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 the New Albany Zoning Code in the zoning district listed in the Permitted Use section of this 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 Village of New Albany.

III. Appeals and Variances

a. Appeals

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

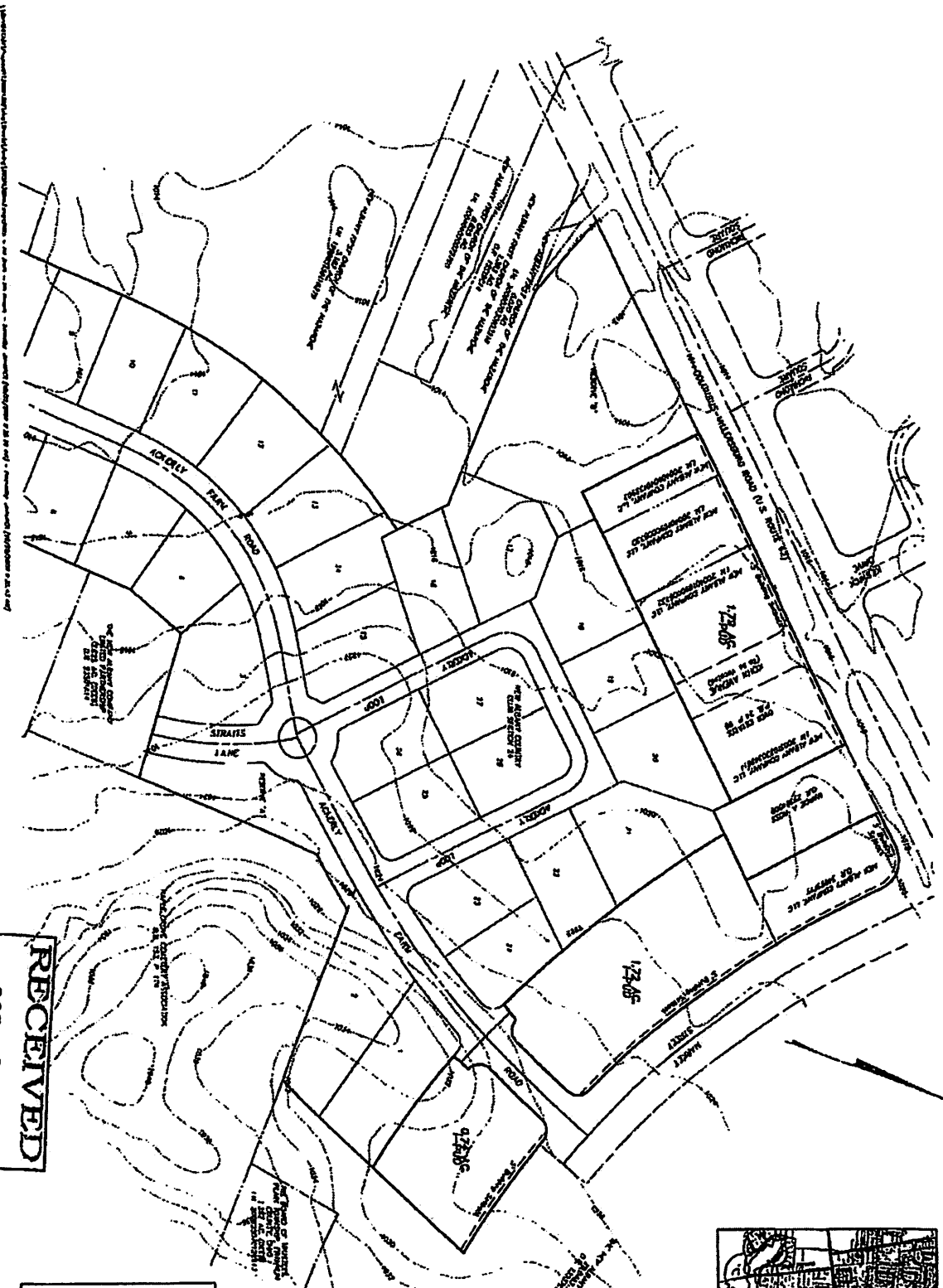
b. Nature of Variance

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

c. Variance and Appeals Process

The procedures and requirements of Chapter 1113, Appeals and Variances, of the Codified Ordinances of the Village of New Albany shall be followed in cases of appeals. The Planning Commission shall hear requests for variance.

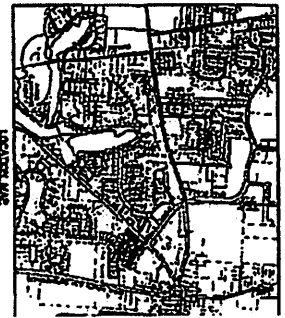




FILE COPY

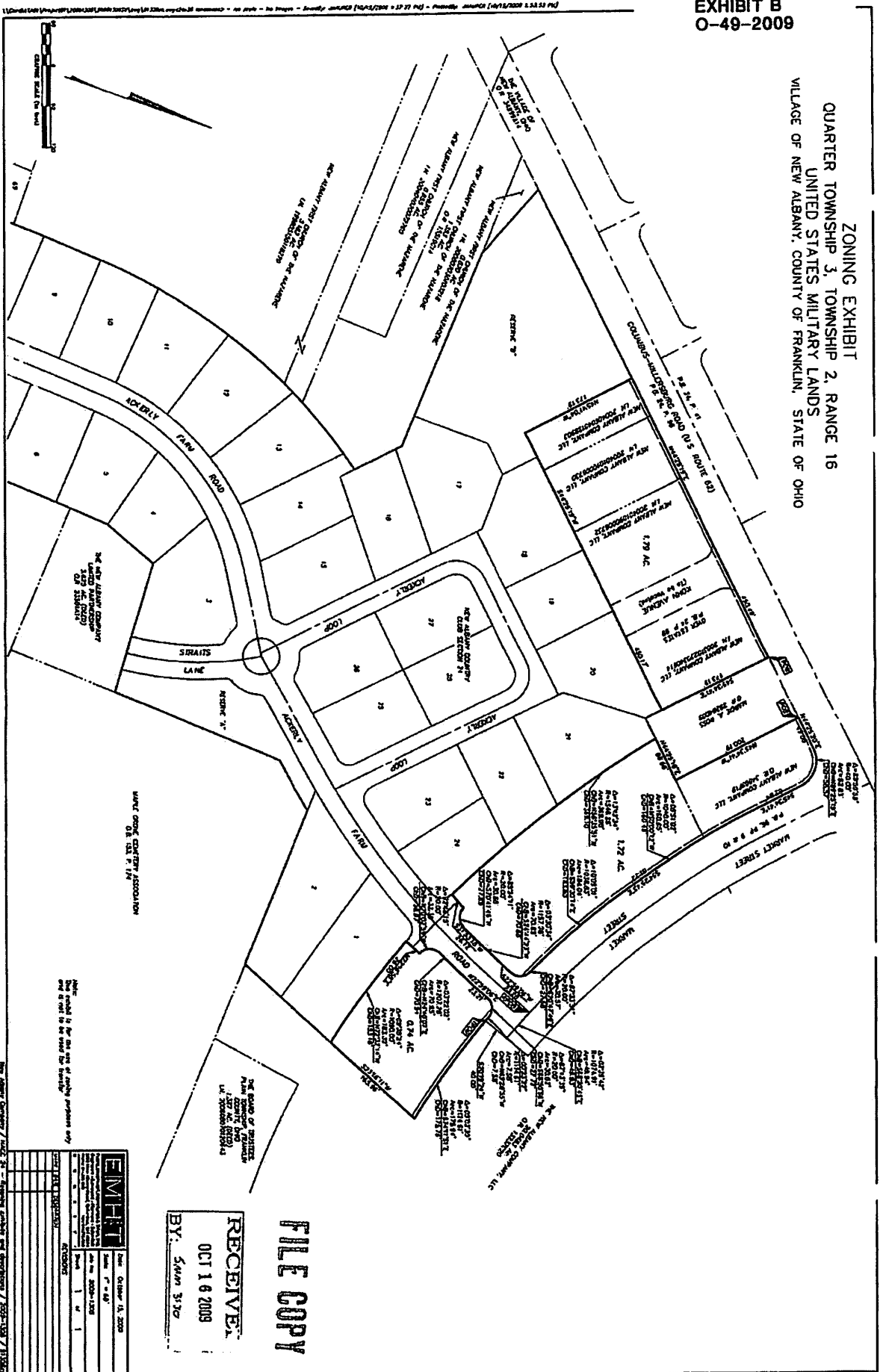
RECEIVED  
OCT 23 2009

FILE COPY



Project Name: **ACKLEY PARK VILLAGES CENTER RESIDENCES**  
 Project Location: **NEW ALBANY, OHIO**  
 Project Description: **VILLAGES CENTER RESIDENCES**  
 Project Status: **PRELIMINARY DEVELOPMENT PLAN**  
 Project Date: **October 2009**  
 Project No.: **1/2-05**

ZONING EXHIBIT  
QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 16  
UNITED STATES MILITARY LANDS  
VILLAGE OF NEW ALBANY, COUNTY OF FRANKLIN, STATE OF OHIO



FILE COPY

RECEIVED

OCT 16 2009

BY: SWAN STOR

<b>EMHET</b>	
Plan No.	0009-1208
Sheet No.	1 of 1
Date	October 15, 2009
Scale	1" = 40'
Author	EMHET
Checker	EMHET
Recorder	EMHET
Plotter	EMHET
City	Franklin, Ohio
County	Franklin, Ohio
State	Ohio
Project	0009-1208
Drawn	EMHET
Checked	EMHET
Recorded	EMHET
Plotted	EMHET
City	Franklin, Ohio
County	Franklin, Ohio
State	Ohio

EMHET Company / 1225 St. Anthony Avenue / Columbus, OH 43215 / 614.291.1111

EXHIBIT C  
O-49-2009

RECEIVED  
OCT 16 2009

SMM 3:30

ZONING EXHIBIT  
0.74 ACRE

Situated in the State of Ohio, County of Franklin, Village of New Albany, lying in Quarter Township 3, Township 2, Range 16, United States Military Lands, being part of that 20.0483 acre tract as conveyed to New Albany Company, LLC by deed of record in Official Record 13237C20 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and described as follows:

Beginning, for reference, at the centerline intersection of Ackerly Farm Road with Market Street;

thence across said 20.0483 acre tract, with the arc of a curve to the left, having a central angle of  $02^{\circ} 39' 42''$ , a radius of 1074.91 feet, an arc length of 49.94 feet, a chord bearing and distance of South  $68^{\circ} 20' 45''$  East, 49.93 feet to a point;

thence South  $20^{\circ} 19' 24''$  West, across the right-of-way of said Market Street, a distance of 40.00 feet to a point on the westerly right-of-way line of said Market Street, being the TRUE POINT OF BEGINNING;

thence with said westerly right-of-way line, with the arc of a curve to the left, having a central angle of  $09^{\circ} 02' 30''$ , a radius of 1114.91 feet, an arc length of 175.94 feet, a chord bearing and distance of South  $74^{\circ} 11' 51''$  East, 175.76 feet to a point;

thence South  $23^{\circ} 16' 11''$  West, across said 20.0483 acre tract, a distance of 165.96 feet to the northeasterly corner of Lot 1 of that subdivision entitled "New Albany Country Club 24" of record in Plat Book \_\_, Pages \_\_\_\_;

thence with the line common to said 20.0483 acre tract and said Lot 1, with the arc of a curve to the right, having a central angle of  $09^{\circ} 38' 24''$ , a radius of 1090.00 feet, an arc length of 183.39 feet, a chord bearing and distance of North  $72^{\circ} 32' 14''$  West, 183.18 feet to a point on the easterly right-of-way line of said Ackerly Farm Road;

thence with said easterly right-of-way line, the following courses and distances:

North  $22^{\circ} 16' 58''$  East, a distance of 26.00 feet to a point on the arc of a curve;

with the arc of said curve to the right, having a central angle of  $92^{\circ} 48' 15''$ , a radius of 20.00 feet, an arc length of 32.39 feet, a chord bearing and distance of North  $20^{\circ} 02' 59''$  West, 28.97 feet to a point of reverse curvature;

with the arc of said curve to the left, having a central angle of  $03^{\circ} 22' 02''$ , a radius of 1207.28 feet, an arc length of 70.95 feet, a chord bearing and distance of North  $24^{\circ} 40' 07''$  East, 70.94 feet to a point;

North  $22^{\circ} 59' 06''$  East, a distance of 23.21 feet to a point on the arc of a curve;

with the arc of said curve to the right, having a central angle of  $87^{\circ} 43' 39''$ , a radius of 20.00 feet, an arc length of 30.62 feet, a chord bearing and distance of North  $66^{\circ} 50' 56''$  East, 27.72 feet to a point of reverse curvature;

with the arc of said curve to the left, having a central angle of  $00^{\circ} 23' 22''$ , a radius of 1114.91 feet, an arc length of 7.58 feet, a chord bearing and distance of South  $69^{\circ} 28' 55''$  East, 7.58 feet to the TRUE POINT OF BEGINNING and containing 0.740 acre of land, more or less.

This description is for the use of zoning purposes only and is not to be used for transfer.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

FILE COPY

RE  
OCT 16 2009  
BY: SAM 3:30

ZONING EXHIBIT  
1.72 ACRES

Situated in the State of Ohio, County of Franklin, Village of New Albany, lying in Quarter Township 3, Township 2, Range 16, United States Military Lands, being all of Lot 4 of that subdivision entitled "Oyer Estates" of record in Plat Book 24, Page 98 as conveyed to New Albany Company, LLC by deed of record in Official Record 34098F19, and part of that 20.0483 acre tract as conveyed to New Albany Company, LLC by deed of record in Official Record 13237C20 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and described as follows:

FILED

Beginning, at a point on the southerly right-of-way line of Columbus-Millersburg Road (U.S. Route 62), and at the common corner of said Lot 4 and Lot 5 of said "Oyer Estates" as conveyed to Margie A. Ross by deed of record in Official Record 29284D09;

thence North 44° 25' 20" East, with said southerly right-of-way line, a distance of 49.88 feet to a point on the arc curve;

thence with the westerly right-of-way line of Market Street, the following courses and distances:

with the arc of said curve to the right, having a central angle of 89° 59' 58", a radius of 40.00 feet, an arc length of 62.83 feet, a chord bearing and distance of North 89° 25' 19" East, 56.57 feet to a point;

South 45° 34' 41" East, a distance of 82.64 feet to a point of curvature;

with the arc of said curve to the left, having a central angle of 08° 51' 02", a radius of 1040.00 feet, an arc length of 160.65 feet, a chord bearing and distance of South 50° 00' 12" East, 160.49 feet to a point;

South 54° 25' 43" East, a distance of 51.22 feet to a point of curvature;

with the arc of said curve to the left, having a central angle of 10° 09' 01", a radius of 1038.83 feet, an arc length of 184.04 feet, a chord bearing and distance of South 59° 30' 14" East, 183.80 feet to a point of reverse curvature;

thence with the northerly right-of-way line of Ackerly Farm Road, the following courses and distances:

with the arc of said curve to the right, having a central angle of 87° 33' 51", a radius of 20.00 feet, an arc length of 30.57 feet, a chord bearing and distance of South 20° 47' 49" East, 27.68 feet to a point;

South 22° 59' 06" West, a distance of 23.28 feet to a point of curvature;

with the arc of said curve to the right, having a central angle of 03° 30' 34", a radius of 1157.28 feet, an arc length of 70.89 feet, a chord bearing and distance of South 24° 44' 23" West, a chord distance of 70.88 feet to a point of compound curvature;

with the arc of said curve to the right, having a central angle of 88° 24' 11", a radius of 20.00 feet, an arc length of 30.86 feet, a chord bearing and distance of South 70° 41' 46" West, 27.89 feet to a point;

South 31° 53' 18" West, a distance of 26.12 feet to a southwesterly corner of said 20.0483 acre tract;

thence with the westerly line of said 20.0483 acre tract and with the easterly line of Lots 21, 22, and 24 of that subdivision entitled "New Albany Country Club Section 24" by deed of record in Plat Book \_\_\_\_\_, Pages \_\_\_\_\_, with the arc of a curve to the right, having a central

RECEIVED  
OCT 16 2009  
BY:

ZONING EXHIBIT  
1.72 ACRES  
-2-

angle of 13° 42' 34", a radius of 1546.26 feet, an arc length of 369.98 feet, a chord bearing and distance of North 56° 35' 51" West, a chord distance of 369.10 feet to a point on the northeasterly corner of said Lot 21;

thence North 44° 25' 18" East, with the line common to said 20.0483 acre tract and said Lot 5, a distance of 66.68 feet to the common corner of said Lots 4 and 5;

thence North 45° 34' 41" West, with the line common to said Lots 4 and 5, a distance of 200.19 feet to the POINT OF BEGINNING and containing 1.72 acres of land, more or less.

This description is for the use of zoning purposes only and is not to be used for transfer.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

FILED COPY

RE  
OCT 16 2009  
BY: *SM 3:30*

**ZONING EXHIBIT  
1.79 ACRES**

FILE COPY

Situated in the State of Ohio, County of Franklin, Village of New Albany, lying in Quarter Township 3, Township 2, Range 16, United States Military Lands, being all of Lots 6, 7, 8 and part of Lot 9 of that subdivision entitled "Oyer Estates" of record in Plat Book 24, Page 98 as conveyed to New Albany Company, LLC by deeds of record in Instrument Number 200310230340614, Instrument Number 200401090006732, Instrument Number 200401090006730, and Instrument Number 200406040128903, respectively, and all of that Vacated Kohn Avenue of record in Instrument Number 200810230156993 and Ordinance Number 0-14-2008 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and described as follows:

Beginning, at a point on the southerly right-of-way line of Columbus-Millersburg Road (U.S. Route 62), and at the common corner of said Lot 6 and Lot 5 of said "Oyer Estates" as conveyed to Margie A. Ross by deed of record in Official Record 29284D09;

thence South 45° 34' 41" East, with the line common to said Lots 5 and 6, a distance of 173.19 feet to the southeasterly corner of said Lot 6;

thence South 44° 25' 19" West, with the southerly line of said Lots 6 through 9 and the southerly terminus of said vacated Kohn Avenue, with the northerly line of Lots 18, 19, and 20 of that subdivision entitled "New Albany Country Club 24" of record in Plat Book \_\_, Pages \_\_\_\_, and partly across said Lot 9, a distance of 450.17 feet to a point;

thence North 45° 41' 04" West, across said Lot 9, a distance of 173.19 feet to a point on the southerly right-of-way line of said Columbus-Millersburg Road;

thence North 44° 25' 19" East, with said southerly right-of-way line, a distance of 450.49 feet to the POINT OF BEGINNING and containing 1.79 acres of land, more or less.

This description is for the use of zoning purposes only and is not to be used for transfer.

**EVANS, MECHWART, HAMBLETON & TILTON, INC.**

## **SUBAREA 2A: NORTH FARMS**

North Farms is located south of Dublin-Granville Road, east of Reynoldsburg-New Albany Road and west of Kitzmiller Road. The site is  $\pm$  706.630 acres.

### **I. Permitted Uses**

1. Single family detached dwellings and the permitted uses contained in the Codified Ordinances of the Village of New Albany, R-1 Residential Estate District, Section 1131.02, the accessory uses contained in Section 1131.03 and the conditional uses contained in Section 1131.04, provided that the conditional uses comply with Chapter 1115.
2. Cluster detached and attached dwellings and the permitted uses contained in the Codified Ordinances of the Village of New Albany, R-2, R-3 and R-4 Single Family Residential Districts, Section 1133.02, the accessory uses contained in Section 1133.03 and the conditional uses contained in Section 1133.04, provided that the conditional uses comply with Chapter 1115. (Refer to Appendix for definitions).
3. Agricultural permitted uses contained in the Codified Ordinances of the Village of New Albany, Agricultural District, Section 1129.03, the accessory uses contained in Section 1129.04 and the conditional uses contained in Section 1129.05, provided that the conditional uses comply with Chapter 1115.

### **II. Unit Types**

Single family and cluster dwelling units shall comply with the design guidelines of the development standards in this text.

### **III. Development Standards**

Unless otherwise specified in the submitted drawings or in this written text the development standards of Title Five of the Codified Ordinances of the Village of New Albany shall apply to this subarea.

Basic development standards are compiled regarding proposed density, site issues; traffic, circulation, landscape and architectural standards. These component standards ensure consistency and quality throughout the parcel's development.

#### **2a.01 Density, Height, Lot and/or Setback Commitments**

1. The maximum number of single family and cluster dwellings shall be four hundred ninety-one; the maximum number of cluster dwellings shall be fifty.
2. There shall be no minimum lot area for each lot.

3. The minimum lot width at the building line shall be one hundred twenty feet for single family dwellings and fifty feet for cluster dwellings.
4. The minimum front yard setback shall be thirty feet for single family dwellings and fifteen feet for cluster dwellings.  
The minimum rear yard setback shall be thirty feet for single family dwellings and ten feet for cluster dwellings.  
The minimum side yard setback shall be ten feet for single family dwellings and zero feet for cluster dwellings.
5. Garages must adhere to the minimum side yard and rear yard setbacks along all public roads.
6. Zero lot line development shall be permitted for attached dwellings however, appropriate easements shall be implemented to accommodate off-site footings, eaves, public and private utilities.
7. The minimum building setback from Reynoldsburg-New Albany Road, Fodor Road, Kitzmiller Road and Dublin-Granville Road rights-of-way shall be one hundred feet.
8. Where a side yard or rear yard is adjacent to a public street, the side or rear yard must adhere to any platted building line.
9. All lots shall have frontage and access on a public and/or private right-of-way.
10. Reasonable and good faith efforts will be made to not back homes onto public rights-of-way and public parks. If this cannot be achieved, the developer will demonstrate a reasonable hardship and what mitigating factors will be made.
11. Stoops, steps and covered porches shall be permitted to encroach a maximum of five feet within the front yard setback for cluster dwellings. They shall not be permitted to encroach within rights-of-way or easements.
12. Maximum building height: Forty-five feet as measured from finished grade at the front door to the ridge on the roof.

**2a.02 Access, Loading, Parking and/or other Traffic related Commitments**

1. All single family homes shall be required to have a minimum of two off-street parking spaces, to include garages. Cluster homes shall have a minimum of two and a half off-street parking spaces, to include garages.
2. Road widths and right-of-ways:
  - a) 22 foot wide cluster road - 40 foot R.O.W. (Refer to road cross-section detail in Section 2, Figure 2 of the General Development Standards).



- b) 26 foot wide internal road - 50 foot R.O.W. (Refer to road cross-section detail in Section 2, Figure 3 of the General Development Standards).
  - c) The base of the private road shall be built to Village standards and shall be approved and inspected by the Village Engineer.
  - d) If a collector road is required, it shall have a 60 foot R.O.W.
- 3. The private roadway may be gated at the entrance of Kitzmiller, Reynoldsburg-New Albany and Dublin-Granville Roads.
  - 4. On-street parking shall be prohibited on pavement widths of 22' and on curvilinear sections of roads measuring 26'.
  - 5. Driveway Aprons: All driveway aprons (curb-cuts) shall be constructed to accommodate a maximum 12' driveway at the right-of-way line.
  - 6. At the time of preliminary development plan review, the developer will perform a traffic impact study to determine the need for left turn lanes on both the new subdivision street and the existing street. The developer will be responsible for providing any warranted traffic control devices at the intersection.

### **2a.03 Architectural Standards**

The residential dwellings in this subarea shall consist of single story or multi-story homes attached with a common wall, partially attached via a garage or overhang or fully detached. No single family residence shall be allowed to stack on top of another.

- 1. Exterior Materials:
  - a) Wall finish materials: Brick, wood siding, and approved composition material are acceptable exterior wall finish materials. Exterior wall finish material must be used to complete massing elements. The application of brick veneer to a single building facade is prohibited.
  - b) Brick: House brick to be of a "handmade appearance". Traditional brick detailing is required, such as, but not limited to, traditional bonds, watertable caps, sills, jack arches, segmental arches and soldier courses.
  - c) Siding: Siding shall be cedar shiplap wood siding or an approved composition material with a natural appearance. Houses with wood or compositional siding shall have brick chimneys, and brick plinths to the height of the watertable.

- d) **Roof:** Pitched roofs shall be required to have a minimum 6:12 rise over run. Roof pitches with a rise over run of less than 6:12 are permitted on minor roofs (i.e. entry porches, dormers, etc.). Flat roofs are permitted, but must integrate strong cornice lines. Roofs may be of natural slate, wood shake or wood shingle, metal standing seam, or an architectural grade fiberglass asphalt shingle.
  - e) **Windows:** Wood constructed windows are required, using traditional themes on all elevations. Simulated or true divided lites in double hung windows with vertically oriented light patterns shall be used.
  - f) **Shutters:** Where used, shutters shall be sized to cover the adjacent window and appear operable. Shutters shall be mounted on appropriate shutter hardware (hinges and shutter dogs).
  - g) **Gutters and downspouts:** Traditional half round gutters and/or ogee gutters with downspouts shall be used.
  - h) **Exterior paint colors:** Wood siding to be an "off white" color, trim and windows to be white. Accent colors for shutters and doors to be selected from pre-approved color guide historic colors. (See Appendix for manufacturers and color palettes).
  - i) **Skylights:** Skylights in the roof shall be permitted, provided they are not visible from off-site. Cupolas, dormers, lanterns, belvederes or window bays are permitted, provided they are consistent with the architectural theme.
2. **Lighting:** Each house shall have a minimum of one approved yard light near the sidewalk at the front entry and one wall mounted porch light at the front door. (Refer to yard light detail in Section 5, Figure 1 of the General Development Standards). Lamp locations shall be consistent from house to house. All yard lights shall have a photocell light sensor.
3. **Vehicular and Pedestrian Standards:**
- a) **Garages:**
    - 1. Individual bay doors are required. Double wide garage doors are prohibited. The width of garage doors shall not exceed nine feet. The scale of the garage shall be minimized by low, one-story roof lines and low fascia lines. Windows are encouraged in the walls of garages. Sufficient storage area shall be planned for tools, auto accessories and trash storage in the total garage space. All front loaded garages shall be placed a minimum of ten feet behind the front face of the primary dwelling.

2. Garage doors (Pedestrian): All such doors shall be solid paneled.
  3. Garage doors (Vehicular): All such doors shall be solid paneled. No glazing shall be permitted in garage doors unless they are consistent with the architectural theme.
- b) Driveways and Entry Courts: The appearance of driveways and entry courts shall be consistent throughout the neighborhood. Driveways shall be made of a durable material. Appropriate materials are brick, dark color concrete pavers, asphalt with controlled edges, and rolled-in stone topping. Concrete driveways are prohibited. Gravel driveways shall be permitted.
4. Attached Structures:
- a) Screen Porches: Screen porches are encouraged on the rear or sides of homes but are not permitted on the front. Detailing shall be traditional wood with a break in screening at rail height. Columns or full height vertical wood members shall be at least 6" x 6". All screen porch trim shall be painted. Roof lines of screen porches shall conform to the architectural style of the home and blend into the massing of the home.
  - b) Service Courts: Service courts shall be provided to shield certain outdoor facilities from neighboring properties, including: air conditioners/heat pumps, garbage cans and carts, irrigation controllers, pumps, generators and meters. All such facilities on a site shall be enclosed within a service court which is attached to the house, entirely enclosed by a privacy wall or fence being a minimum of four feet high. Service courts shall be located away from the bedrooms of adjoining residences where possible. They may be located in side or rear yards, but not in the front yard.
5. Swimming Pools/Spas:
- a) All swimming pools/spas shall be located in the rear yard, within the building line of the site, completely enclosed by fencing and screened from adjoining properties.
  - b) All swimming pools/spas shall be in-ground construction. The swimming pool/spa equipment shall be within the enclosure and completely screened from adjoining properties.
  - c) Spas may be constructed as part of the house and shall be flush with the top of the paving. Spas shall be completely screened from adjoining properties by fencing or landscaping.

6. **Storage Buildings:**

- a) **Ancillary Structures:** Ancillary structures shall be constructed of the same wall and roof materials as the home. The colors, walls, roof and trim shall match those used on the home.
- b) **Equipment Storage:** Storage of all maintenance equipment shall be within garages or storage structures or well screened. Such items should not be visible from streets, common open spaces or adjacent lots or developments.
- c) **Vehicle Storage:** All campers, off-road vehicles, pick-up trucks or boats must be parked within an enclosed garage. No undrivable vehicles or parts of vehicles may be stored outside. Owner or guest vehicles which cannot be accommodated in garages must be parked within screened, paved areas of back and side yards.

7. **Mailboxes/Addresses:** Each residence shall be required to install a standard mailbox. (Refer to mailbox detail in Section 5, Figure 2 of the General Development Standards).

8. **House Numbering:** Each residence shall be required to install house numbers in a common location to the right of the front door.

**2a.04 Buffering, Landscaping, Open Space and/or Screening Commitments**

- 1. **Tree Preservation:** Reasonable and good faith efforts will be made to preserve existing trees and tree rows occurring within this subarea. Consideration will be given to laying out streets, lots, structures and parking areas to avoid the unnecessary destruction of these wooded areas. Additionally, standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.
- 2. **Parks and Open Space:** Land will be designated as parks and open space in this subarea at the time of Preliminary Development Plan review. The goal will be to have some open space area within 1,200 l.f. of all residential units. We will use reasonable good faith efforts to accomplish this. If this cannot be achieved, the developer will demonstrate a reasonable hardship and what mitigating factors will be made.
- 3. **Fences:**
  - a) **Temporary Fences:** Fences used as temporary barriers during construction around vegetation must be sturdy, at least 3 feet tall, and easy to maintain. All temporary fences must be removed prior to the issuance of a certificate of occupancy.

- b) **Permanent Walls and Fences:** Walls and fences used in connection with single family houses may be utilized to define spaces such as private gardens, patios, pools, etc., rather than delineating lot lines. Privacy fences and walls, in all cases, shall be limited to small enclosures around the house, unless the developer provides for such as part of the overall subdivision plan.  
Fences and walls shall be architectural extensions of the house or other buildings, and shall be constructed using like materials and colors as the house or that complement the building architecture.

#### **2a.05 Dumpsters, Lighting, Outdoor Display Areas and/or other Environmental Commitments**

##### **1. Lighting:**

- a) Landscape lighting shall be used to provide for safety and ingress and egress only. Fixture lamps shall be incandescent and shall be shielded by planting or other methods.
- b) Village of New Albany gooseneck street lights shall be utilized. (Holophane-Holbrook HLDK-175 MH 120 or its equivalent). Finish of the fixtures shall be in New Albany Green. (Refer to street light fixture detail in Section 3, Figure 1 of the General Development Standards). Other light fixtures may be used subject to approval by the Village of New Albany Planning Commission.
- c) Security Lighting: Pole mounted yard lights and large flood lights mounted to the house are prohibited.

2. **Garbage Cans:** All garbage cans and other waste containers shall be kept in the garage, storage buildings or within approved screened areas.

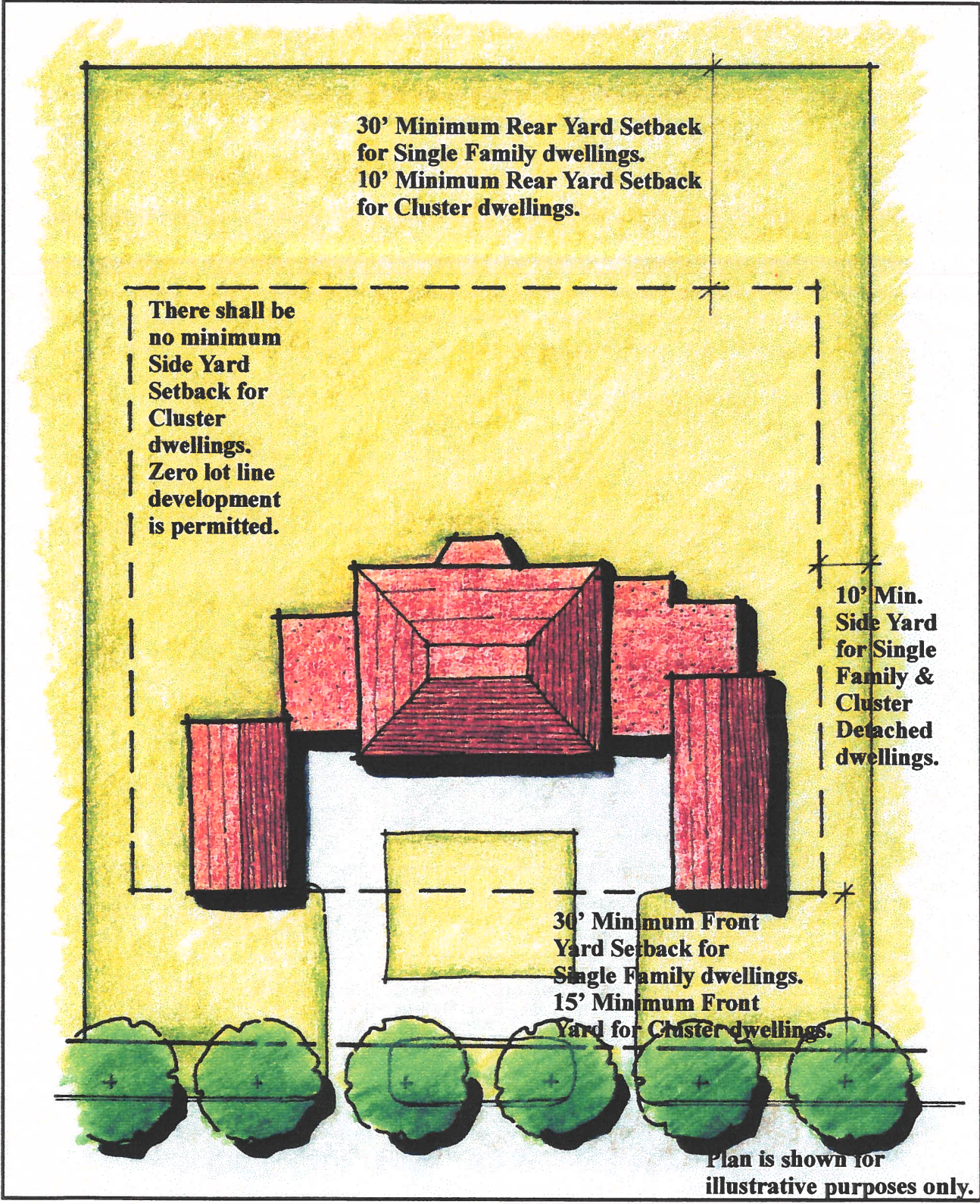
#### **2a.06 Graphics and Signage Commitments**

The development shall utilize standard Village of New Albany street and regulatory signage. Other signage may be used subject to approval by the Village of New Albany Planning Commission.

#### **2a.07 Miscellaneous Commitments**

1. Pre-fabricated storage buildings are prohibited.
2. **Sport and Recreational Equipment:** Basketball backboards and supports, swing sets and other children's play facilities shall be permitted, provided they are screened from adjoining properties.

3. **Utilities:** All proposed utilities shall be placed underground. Utility easement location and width shall be determined at the Preliminary Development Plan stage.
4. At the time of Preliminary Development Plan review, the necessity of a third tier homeowner's association shall be established for cluster developments.



# NORTH FARMS LOT STANDARD PLAN

N.T.S.  
2a -13

**SUBAREA 2B: NORTH FARMS CLUSTER**

North Farms Cluster is located south of Dublin-Granville Road, east of Reynoldsburg-New Albany Road, and north of Sugar Run Creek. The site is ± 13.860 acres.

**I. Permitted Uses**

Cluster detached and attached dwellings and the accessory uses contained in the Codified Ordinance of the Village of New Albany, R-2, R-3 and R-4 Single Family Residential Districts, Section 1131.02, the accessory uses contained in Section 1131.03 and the conditional uses contained in Section 1131.04, provided that the conditional uses comply with Chapter 1115. (Refer to Appendix for definitions).

**II. Unit Types**

Cluster dwelling units shall comply with the design guidelines of the development standards in this text.

**III. Development Standards**

Unless otherwise specified in the submitted drawings or in this written text the development standards of Title Five of the Codified Ordinance of the Village of New Albany shall apply to this subarea.

Basic development standards are compiled regarding proposed density, site issues, traffic, circulation, landscape and architectural standards. These component standards ensure consistency and quality throughout the parcel's development.

**2b.01 Density, Height, Lot and/or Setback Commitments**

1. The maximum number of cluster dwellings shall be fifty.
2. There shall be no minimum lot area for each lot.
3. The minimum lot width at the building line shall be fifty feet.
4. The minimum front yard setback shall be fifteen feet for cluster detached and attached dwellings.  
The minimum rear yard setback shall be ten feet for detached and attached cluster dwellings.  
The minimum side yard setback shall be ten feet for detached and zero feet for attached cluster dwellings.
5. Garages must adhere to the minimum side yard and rear yard setbacks along all public roads.



6. Zero lot line development shall be permitted however, appropriate easements shall be implemented to accommodate off-site footings, eaves, public and private utilities.
7. Where a side yard or rear yard is adjacent to a public street, the side or rear yard must adhere to any platted building line.
8. The minimum building and pavement setback shall be one hundred feet from the Dublin-Granville and Reynoldsburg-New Albany Road rights-of-way, unless a variance is granted by the Planning Commission. The minimum building and pavement setback shall be sixty feet from the Fodor Road right-of-way.
9. All lots shall have frontage and access on a public right-of-way.
10. Reasonable and good faith efforts will be made to not back homes onto public rights-of-way and public parks. If this cannot be achieved, the developer will demonstrate a reasonable hardship and what mitigating factors will be made.
11. Stoops, steps and covered porches shall be permitted to encroach a maximum of five feet within the front yard setback. They shall not be permitted to encroach within rights-of-way or easements.
12. Maximum building height: Forty feet as measured from finished grade at the front door to the ridge on the roof.

**2b.02 Access, Loading, Parking and/or other Traffic related Commitments**

1. All cluster homes shall be required to have a minimum of two and a half off-street parking spaces, to include garages.
2. Road widths and right-of-ways:
  - a) 22 foot wide cluster road - 40 foot R.O.W. (Refer to road cross-section detail in Section 2, Figure 2 of the General Development Standards).
  - b) The base of any private road shall be built to Village standards and shall be approved and inspected by the Village Engineer.
3. On-street parking shall be prohibited on pavement widths of 22'.
4. Driveway Aprons: All driveway aprons (curb-cuts) shall be constructed to accommodate a maximum 12' driveway at the right-of-way line.
5. At the time of preliminary development plan review, the developer will perform a traffic impact study to determine the need for left turn lanes on both the new subdivision street and the existing street. The developer will be responsible for providing any warranted traffic control devices at the intersection.

### **2b.03 Architectural Standards**

The residential dwellings in this subarea shall consist of single story or multi-story homes attached with a common wall, partially attached via a garage or overhang or fully detached. No single family residence shall be allowed to stack on top of another.

#### **1. Exterior Materials:**

- a) **Wall finish materials:** Brick, wood siding, and approved composition material are acceptable exterior wall finish materials. Exterior wall finish material must be used to complete massing elements. The application of brick veneer to a single building facade is prohibited.
- b) **Brick:** House brick to be of a "handmade appearance". Traditional brick detailing is required, such as, but not limited to, traditional bonds, watertable caps, sills, jack arches, segmental arches and soldier courses.
- c) **Siding:** Siding shall be cedar shiplap wood siding or an approved composition material with a natural appearance. Houses with wood or compositional siding shall have brick chimneys, and brick plinths to the height of the watertable.
- d) **Roof:** Pitched roofs shall be required to have a minimum 6:12 rise over run. Roof pitches with a rise over run of less than 6:12 shall be permitted on minor roofs (i.e. entry porches, dormers, etc.). Flat roofs shall be permitted, but must integrate strong cornice lines. Roofs may be of natural slate, wood shake or wood shingle, metal standing seam, or an architectural grade fiberglass asphalt shingle.
- e) **Windows:** Wood constructed windows are required, using traditional themes on all elevations. Simulated or true divided lites in double hung windows with vertically oriented light patterns shall be used.
- f) **Shutters:** Where used, shutters shall be sized to cover the adjacent window and appear operable. Shutters shall be mounted on appropriate shutter hardware (hinges and shutter dogs).
- g) **Gutters and downspouts:** Traditional half round gutters and/or ogee gutters with downspouts shall be used.
- h) **Exterior paint colors:** Wood siding to be an "off white" color, trim and windows to be white. Accent colors for shutters and doors to be selected from pre-approved color guide historic colors. (Refer to Appendix for manufacturers and color palettes).

- i) **Skylights:** Skylights in the roof shall be permitted, provided they are not visible from off-site. Cupolas, dormers, lanterns, belvederes or window bays are permitted, provided they are consistent with the architectural theme.
- 2. **Lighting:** Each house shall have a minimum of one approved yard light near the sidewalk at the front entry and one wall mounted porch light at the front door. (Refer to yard light detail in Section 5, Figure 1 of the General Development Standards). Lamp locations shall be consistent from house to house. All yard lights shall have a photocell light sensor.
- 3. **Vehicular and Pedestrian Standards:**
  - a) **Garages:**
    - 1. Individual bay doors are required, double wide garage doors are prohibited. The width of garage doors shall not exceed nine feet. The scale of the garage shall be minimized by low, one-story roof lines and low fascia lines. Windows are encouraged in the walls of garages. Sufficient storage area shall be planned for tools, auto accessories and trash storage in the total garage space. All front loaded garages shall be placed a minimum of ten feet behind the front face of the primary dwelling.
    - 2. **Garage doors (Pedestrian):** All such doors shall be solid paneled.
    - 3. **Garage doors (Vehicular):** All such doors shall be solid paneled. No glazing shall be permitted in garage doors unless they are consistent with the architectural theme.
  - b) **Driveways and Entry Courts:** The appearance of driveways and entry courts shall be consistent throughout the neighborhood. Driveways shall be made of a durable material. Appropriate materials are brick, dark color concrete pavers, asphalt with controlled edges, and rolled-in stone topping. Concrete driveways are prohibited.
  - c) **Walkways and Sidewalks:** A minimum three foot wide private sidewalk constructed of brick shall be required for every residence from public sidewalk to the residence. A four foot public sidewalk shall be required within the right-of-way of all publicly dedicated streets, on both sides of the road within the development. Landscape timbers and railroad tie edging of walks or driveways is prohibited.

4. Attached Structures:

- a) **Screen Porches:** Screen porches are encouraged on the rear or sides of homes but are not permitted on the front. Detailing should be traditional wood with a break in screening at rail height. Columns or full height vertical wood members shall be at least 6" x 6". All screen porch trim shall be painted. Roof lines of screen porches shall conform to the architectural style of the home and blend into the massing of the home.
- b) **Service Courts:** Service courts shall be provided to shield certain outdoor facilities from neighboring properties, including: air conditioners/heat pumps, garbage cans and carts, irrigation controllers, pumps, generators and meters. All such facilities on a site shall be enclosed within a service court which is attached to the house, entirely enclosed by a privacy wall or fence being a minimum of four feet high. Service courts shall be located away from the bedrooms of adjoining residences where possible. They may be located in side or rear yards, but not in the front yard.

5. Swimming Pools/Spas:

- a) All swimming pools/spas shall be located in the rear yard, within the building line of the site, completely enclosed by fencing and screened from adjoining properties.
- b) All swimming pools/spas shall be in-ground construction. The swimming pool/spa equipment shall be within the enclosure and completely screened from adjoining properties.
- c) Spas may be constructed as part of the house and shall be flush with the top of the paving. Spas shall be completely screened from adjoining properties by fencing or landscaping.

6. Storage Buildings:

- a) **Ancillary Structures:** Ancillary structures shall be no more than one-story and shall be constructed of the same wall and roof materials as the home. The colors, walls, roof and trim shall match those used on the home.
- b) **Equipment Storage:** Storage of all maintenance equipment shall be within garages or storage structures or well screened. Such items should not be visible from streets, common open spaces or adjacent lots or developments.

- c) **Vehicle Storage:** All campers, off-road vehicles, pick-up trucks or boats must be parked within an enclosed garage. No undrivable vehicles or parts of vehicles may be stored outside. Owner or guest vehicles which cannot be accommodated in garages must be parked within screened, paved areas of back and side yards.
- 7. **Mailboxes/Addresses:** Each residence shall be required to install a standard mailbox. (Refer to mailbox detail in Section 5, Figure 2 of the General Development Standards).
- 8. **House Numbering:** Each residence shall be required to install house numbers in a common location to the right of the front door.

**2b.04 Buffering, Landscaping, Open Space and/or Screening Commitments**

- 1. **Tree Preservation:** Reasonable and good faith efforts will be made to preserve existing trees and tree rows occurring within this subarea. Consideration will be given to laying out streets, lots, structures and parking areas to avoid the unnecessary destruction of these wooded areas. Additionally, standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.
- 2. **Parks and Open Space:** Land will be designated as parks and open space in this subarea at the time of Preliminary Development Plan review. The goal will be to have some open space area within 1,200 l.f. of all residential units. We will use reasonable good faith efforts to accomplish this. If this cannot be achieved, the developer will demonstrate a reasonable hardship and what mitigating factors will be made.
- 3. **Street Trees:** Street trees shall be required on both sides of internal streets. Trees are to be a minimum of two and a half inch caliper and shall be spaced at a minimum distance of thirty feet on center. Trees may be grouped, provided the quantity is equivalent to 1 tree per thirty feet or fraction thereof. This requirement may be waived in areas where existing vegetation occurs. Trees shall not obstruct sight distance or signage, subject to staff approval. Street tree and signage locations shall be shown on the final development plan for review and approval.
- 4. **Fences:**
  - a) **Temporary Fences:** Fences used as temporary barriers during construction around vegetation must be sturdy, at least 3 feet tall, and easy to maintain. All temporary fences must be removed prior to the issuance of a certificate of occupancy.

- b) **Permanent Walls and Fences:** Walls and fences used in connection with single family houses may be utilized to define spaces such as private gardens, patios, pools, etc., rather than delineating lot lines. Privacy fences and walls, in all cases, shall be limited to small enclosures around the house, unless the developer provides for such as part of the overall subdivision plan.  
Fences and walls shall be architectural extensions of the house or other buildings, and shall be constructed using like materials and colors as the house or that complement the building architecture.

**2b.05 Dumpsters, Lighting, Outdoor Display Areas and/or other Environmental Commitments**

1. **Lighting:**

- a) Landscape lighting shall be used to provide for safety and ingress and egress only. Fixture lamps shall be incandescent and shall be shielded by planting or other methods.
- b) Village of New Albany gooseneck street lights shall be utilized. (Holophane-Holbrook HLDK-175 MH 120 or its equivalent). Finish of the fixtures shall be in New Albany Green. (Refer to street light fixture detail in Section 3, Figure 1 of the General Development Standards). Other light fixtures may be used subject to approval by the Village of New Albany Planning Commission.
- c) Security Lighting: Pole mounted yard lights and large flood lights mounted to the house are prohibited.

2. **Garbage Cans:** All garbage cans and other waste containers shall be kept in the garage, storage buildings or within approved screened areas.

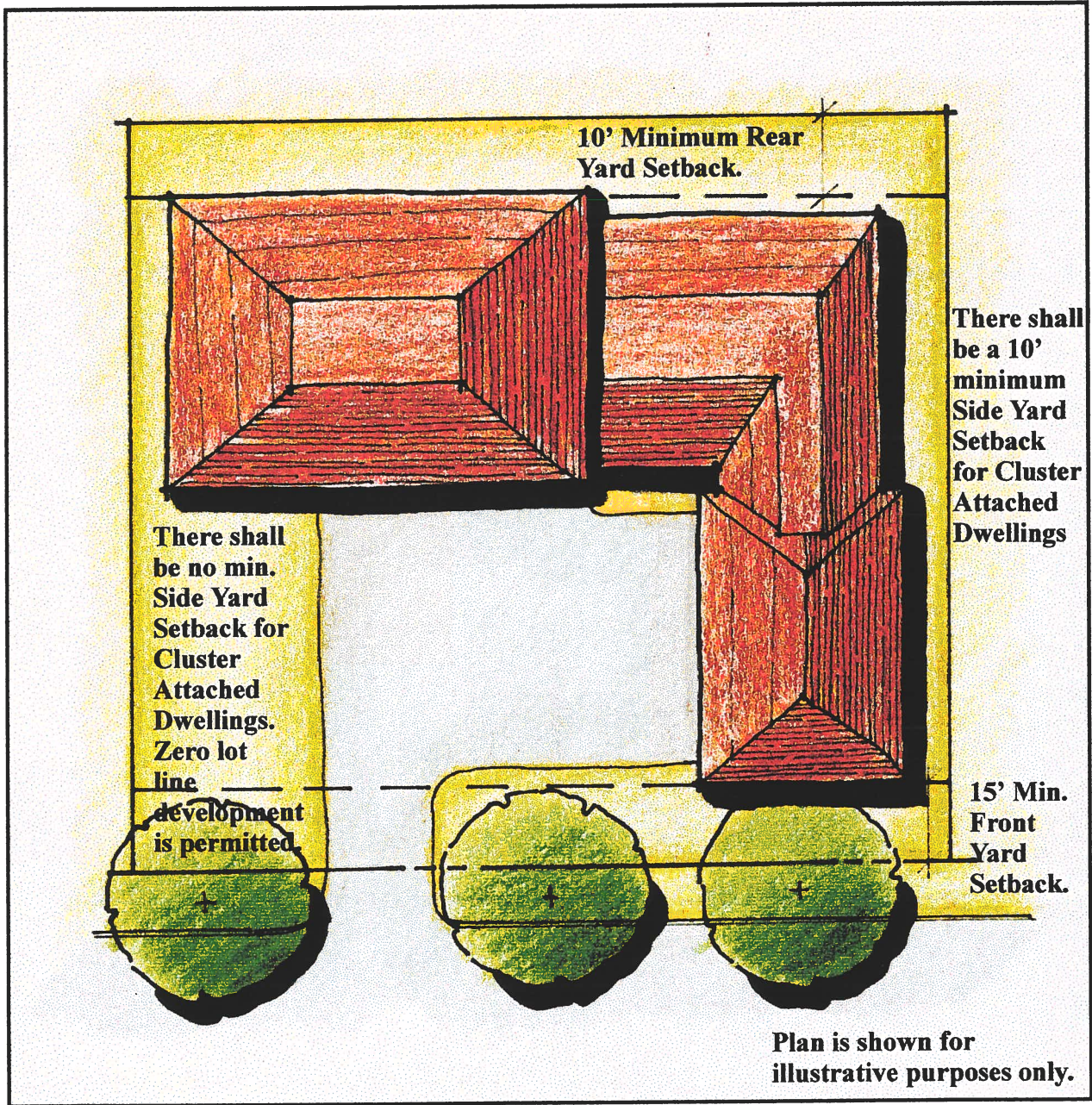
**2b.06 Graphics and Signage Commitments**

The development shall utilize standard Village of New Albany street and regulatory signage. Other signage may be used subject to approval by the Village of New Albany Planning Commission.

**2b.07 Miscellaneous Commitments**

1. Pre-fabricated storage buildings are prohibited.
2. **Sport and Recreational Equipment:** Basketball backboards and supports, swing sets and other children's play facilities shall be permitted, provided they are screened from adjoining properties.

3. **Utilities:** All proposed utilities shall be placed underground. Utility easement location and width shall be determined at the Preliminary Development Plan stage.
4. At the time of Preliminary Development Plan review, the necessity of a third tier homeowner's association shall be established for cluster developments.



# NORTH FARMS CLUSTER LOT STANDARD PLAN

N.T.S.



**SUBAREA 4C: VILLAGE CENTER COMMERCIAL**

*see  
New Albany  
exchange  
Revised  
2005.*

Parcels 303, 417, and 418 are located within the Village Center. The site is ± 6.070 acres combined.

**I. Permitted Uses**

1. Commercial buildings and the permitted uses contained in the Codified Ordinances of the Village of New Albany, C-2 General Business (Commercial) District, Section 1147.02 and the conditional uses contained in Section 1147.03, provided that the conditional uses comply with Chapter 1115.
2. Multi-family dwellings and the permitted uses contained in the Codified Ordinances of the Village of New Albany, R-7 Urban Density Residential District, Section 1139.02, the accessory uses contained in Section 1139.03 and the conditional uses contained in Section 1139.04, provided that the conditional uses comply with Chapter 1115. (Refer to Appendix for definitions).
3. Community Facilities and the permitted uses contained in the Codified Ordinance of the Village of New Albany, CF Community Facilities District, Section 1151.02 and subject to approval by planning commission in accordance with Section 1151.05.

**II. Unit Types**

Village Center Commercial will feature professional offices, public facilities, and retail/commercial structures. Buildings within this subarea shall comply with the design guidelines of the development standards in this text.

**III. Development Standards**

Unless otherwise specified in the submitted drawings or in this written text the development standards of Title Five of the Codified Ordinances of the Village of New Albany shall apply to this subarea.

Basic development standards are compiled regarding proposed density, site issues, traffic, circulation, landscape and architectural standards. These component standards ensure consistency and quality throughout the parcel's development. It is the intent of the standards in this subarea to incorporate planning techniques including: massing architectural elements to maintain a village scale; fronting primary buildings and their main entrance on primary streets; designing buildings along public streets to have the same design material on all facades/elevations; requiring the majority of parking to be located behind buildings; establishing leisure path connections between rear parking and sidewalks along the front of buildings; and encouraging open space in the form of common green areas.

**4c.01 Density, Height, Lot and/or Setback Commitments**

1. The maximum number of dwelling units shall be fifty. These units shall be allowed but, must be transferred from other subareas or the residential land bank pursuant to the General Development Standards, Residential Density Section.
2. The permitted maximum density within this subarea shall not exceed the ratio of  $\pm$  12,000 gross square feet of building per net acre of site.
3. The minimum building and pavement setback shall be ten feet from the Johnstown Road (U.S. Route 62) right-of-way.
4. The minimum building and pavement setback shall be ten feet from the Dublin-Granville Road right-of-way.
5. Setbacks from all other streets shall be zero feet for buildings and pavement.
6. Setbacks for all other property boundaries shall be ten feet for buildings and pavement.
7. There shall be no minimum lot width at the building line for multi-family dwellings.
8. There shall be no minimum front yard, side yard or rear yard setback for multi-family dwellings.
9. The total lot coverage, which includes all areas of parking and building coverage, shall not exceed ninety percent of the total lot area.
10. The maximum building height shall not exceed 45 feet. All structures to include: commercial buildings, multi-family dwellings and community facilities buildings shall have at least a one and a half story appearance.

**4c.02 Access, Loading, Parking and/or other Traffic related Commitments**

1. Road widths and right-of-ways:
  - a) 26 foot wide internal road - 50 foot R.O.W. (Refer to road cross-section detail in Section 2, Figure 3 of the General Development Standards).
2. All entry drives shall be coordinated with improvements in public or private road rights-of-way.
3. Adequate employee and visitor parking shall be provided for each site per Section 1167 of the Codified Ordinances of the Village of New Albany.

4. Full service curb cuts along Johnstown Road (U.S. Route 62) shall be a minimum of 200 feet apart as measured from centerline to centerline.
5. The minimum number of parking spaces for multi-family shall be 1.5.

**4c.03 Architectural Standards**

**1. Retail & Community Facility Buildings:**

- a) **Building Orientation:** Buildings shall be sited with the longest and/or most predominant building facade parallel to a major street.
- b) **Architectural Style:** Building designs shall be derived from traditional American styles including Georgian, Colonial, Federal, Classical Revival and Barn Vernacular interpretations that reinforce a common historic architectural vocabulary.
- c) **Architectural Massing:** Particular attention shall be given to traditional massing of the elements, the roof forms, the floor to ceiling heights, the window arrangements, proportions and relationship of each part of the building to the whole, as well as, the general symmetry.
- d) **Exterior Materials:**
  1. **Exterior wall finishes:** Brick and wood siding are acceptable exterior wall finish materials. Exterior wall finish materials must be used to complete massing elements. The application of brick veneer to a single building facade is prohibited.
  2. **Roofs:** 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, dimensional asphalt shingle, and standing seam metal.
  3. **Windows:** True-divided and/or simulated divided light windows with exterior muntins are required for all non-residential parcels. The ground floors of commercial areas may have appropriately scaled store front window systems that utilize large glass areas which are uninterrupted by divided lites. Window sizes and fenestration should reinforce traditional examples and patterns.
  4. **Exterior Paint Colors:** Exterior paint colors for siding, doors, shutters, fascias, cornices, soffits and miscellaneous trim shall be selected from pre-approved color guide historic colors. (Refer to Appendix for manufacturers and color palettes).

5. **Building Additions:** Whether attached or detached, shall be of similar or compatible design and materials.
6. **General Architectural Requirements:**
  - a) Poured concrete exterior walls are prohibited.
  - b) Prefabricated metal buildings are prohibited.

2. **Multi-Family Residential:**

The residential dwellings in this subarea shall consist of single story or multi-story homes attached with a common wall, partially attached via a garage or overhang or fully detached. Residential dwellings shall be permitted above office and commercial uses.

- a) **Wall finish materials:** Brick, wood siding and vinyl siding are approved exterior wall finish materials. Exterior wall finish materials must be used to complete massing elements. The application of brick veneer to a single building facade is prohibited. Exposed concrete foundation walls are not permitted; brick veneer foundations are required.
- b) **Roof:** Pitched roofs shall be required. Flat roofs shall be permitted, but must integrate strong cornice lines. Roofs may be of natural or synthetic slate, wood shake or wood shingle, metal standing seam, or an architectural grade fiberglass asphalt shingle.
- c) **Windows:** Traditional double hung and casement windows are required. Common window fenestration shall be used on all elevations.
- d) **Exterior paint colors:** Exterior paint colors for siding, doors, shutters, fascias, cornices, soffits and miscellaneous trim shall be selected from pre-approved color guide historic colors. (Refer to Appendix for manufacturers and color palettes).
- e) **Chimneys:** Any exposed exterior chimneys shall be brick. Wood and vinyl siding as well as stucco chimneys are prohibited.
- f) **Storage Standards:**
  1. **Equipment Storage:** Storage of all maintenance equipment shall be within garages or storage structures. Such items should not be visible from streets, common open spaces or adjacent lots or developments.

2. Vehicle Storage: All campers, off-road vehicles, pick-up trucks or boats must be parked within an enclosed garage. No undrivable vehicles or parts of vehicles may be stored outside.

#### **4c.04 Buffering, Landscaping, Open Space and/or Screening Commitments**

1. Tree Preservation: Reasonable and good faith efforts will be made to preserve existing trees and tree rows occurring within this subarea. Consideration will be given to laying out streets, lots, structures and parking areas to avoid the unnecessary destruction of these wooded areas. Additionally, standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.
2. Street Trees: Street trees shall be required on both sides of internal streets. Trees are to be a minimum of two and a half inch caliper and shall be spaced at a minimum distance of thirty feet on center. Trees may be grouped, provided the quantity is equivalent to 1 tree per thirty feet or fraction thereof. This requirement may be waived in areas where existing vegetation occurs. Trees shall not obstruct sight distance or signage, subject to staff approval. Street tree and signage locations shall be shown on the final development plan for review and approval.
3. Fences: Temporary Fences: Fences used as temporary barriers during construction around vegetation must be sturdy, at least 3 feet tall, and easy to maintain. All temporary fences must be removed prior to the issuance of a certificate of occupancy.
4. Parking lots shall be screened from public rights-of-way with a minimum 30" high evergreen landscape hedge or wall.
5. Interior Landscaping: Interior landscaping within parking areas ("Interior Landscaping") shall conform to the following standards:
  - a) The required amount of interior landscaping area shall be a minimum of eight (8%) of the total area of the parking lot pavement. The landscaped areas shall be arranged in such a manner so as to visually break up the large expanses of pavement and to provide landscaped walking paths between parking lots and the main buildings.
  - b) Up to 20,000 square feet: A minimum of one tree per 5,000 square feet of ground coverage and a total tree planting equal to one inch in tree trunk size for every 2,000 square feet of ground coverage.

- c) Between 20,000 and 50,000 square feet: A minimum of one tree for every 5,000 square feet of ground coverage and a total tree planting equal to ten inches plus one-half inch in tree trunk size for every 2,000 square feet over 20,000 square feet in ground coverage.
6. At least 50% of required tree plantings shall be integrated within parking or service areas. Existing trees of 2 1/2" caliper which meet the intent of the interior landscape requirement may count towards that calculation. Maximum possible green space shall be provided to minimize extensive unbroken hard surface areas.
7. Landscaping islands are required within parking lots and shall be provided at a rate of 8 square feet of landscaped area per 100 square feet of vehicular use area in such a manner as to visually break up large expanses of pavement.
8. Minimum tree size shall be no less than 2 1/2" caliper for street and/or shade trees and 1" caliper for ornamental trees.
9. If landscaping is used to screen Service Areas, 90% opacity is required for all non-servicing sides and must be protected from service vehicles. Screening shall be 1" above height of structure to be screened but not less than 7' above finished grade.
10. Leisure Trails: Leisure trails shall be provided throughout this subarea in a manner consistent with the existing leisure path structure. The leisure trails shall link with the path structure in adjoining subareas to enhance the coherent, overall leisure trail system of New Albany. Leisure trails shall be eight feet wide and shall be located along stream and creek preservation right-of-ways whenever possible in order to enhance the natural recreational assets of the pathways. Leisure trails in the Village Center District shall be provided to link public buildings with natural and parkland areas, schools, and other public institutions. At the time of Preliminary Development Plan, a leisure trail will be submitted for Planning Commission review.

**4c.05 Dumpsters, Lighting, Outdoor Display Areas and/or other Environmental Commitments**

1. Mechanical equipment: Any external mechanical equipment shall be totally screened from all public roads and/or adjacent properties at ground level with materials that are similar to or the same as used on the majority of the building or, if screened by landscaping, providing that the same shall provide one hundred percent opacity. This would include any rooftop equipment, satellite dishes (excluding communication devices), as well as ground mounted mechanical equipment. The screening of the mechanical equipment shall be coordinated with the rest of the architecture so as to avoid being seen as an "add-on".

2. **Service Area and Dumpsters:** All service areas including loading docks, exterior storage of materials, supplies, equipment or products and trash containers shall be totally screened from all public roads and/or adjacent properties at ground level with walls or landscaping. Any walls shall be of the same or compatible materials used on the building and shall be complemented with landscaping.
  
3. **Lighting:**
  - a) Landscape lighting shall be used to provide for safety and ingress and egress only. Fixture lamps shall be incandescent and shall be shielded by planting or other methods.
  
  - b) Village of New Albany gooseneck street lights shall be utilized. (Holophane-Holbrook HLDK-175 MH 120 or its equivalent). All fixtures shall be wall mounted or located on poles having a maximum height of 30 feet. Pedestrian lighting may be placed on shorter poles or in bollards. (Refer to street light fixture detail in Section 3, Figure 1 of the General Development Standards).
  
  - c) Luminaires shall have a minimum cut-off of 45 degrees, so as to provide glare control to pedestrian and vehicular traffic, as well as a distinct beam cut-off on the outer perimeter of the setback areas.
  
  - d) Pole locations shall be set back from the outer edges of the Perimeter and side lot areas at a distance that would allow the 45 degree cut-off angle of the luminaire to terminate at the base of the earth mounds at a height not to exceed 2 feet above grade.
  
  - e) All light poles and standards shall be black or New Albany Green and constructed of metal.
  
  - f) Parking lot lighting shall be of a standard light source type and style. Building, pedestrian and landscape lighting may be incandescent or metal halide.
  
  - g) Landscape uplighting from a concealed source shall be permitted. All uplight fixtures must be screened by landscaping.
  
  - h) All external outdoor lighting shall be cut off type fixtures (down lighting).
  
  - i) All external outdoor building lighting to be used shall be from the same manufacturer type or family to ensure aesthetic compatibility.

- j) Building mounted lighting within service areas shall be designed in such a way that no light spillage occurs off-site.

**4c.06 Graphics and Signage Commitments**

1. The development shall utilize standard Village of New Albany street, regulatory and directional signage.
2. Sign lighting shall be externally illuminated. No internally illuminated signage is permitted.
3. Retail Center:
  - a) One primary wall mounted sign per retail shop facade shall be permitted. Corner tenants shall be limited to a maximum of 2 signs. One square foot of sign face per each lineal foot of shop frontage shall be allowed, not to exceed a maximum of eighty square feet. Signs attached to buildings shall be located no higher than the cornice of the building. All wall mounted signage shall have a common background color.
  - b) Hanging signs may protrude from the building facade or be mounted on a post or pole adjacent to the building. Hanging signs shall not exceed 10 square feet per sign face or 20 square feet if double sided.
5. Outparcel:
  - a) One ground supported sign shall be permitted per each outparcel facade. Ground supported signage shall be limited to a maximum height of six feet and maximum area of fifty square feet per sign face or one hundred square feet if double sided.
  - b) One primary wall mounted sign per outparcel frontage on any public right-of-way shall be permitted. One square foot of sign face per each lineal foot of shop frontage shall be allowed, not to exceed a maximum of sixty-five square feet. Signs attached to buildings shall be located no higher than the second floor. All wall mounted signage shall have a common background color.
6. Office:
  - a) One primary wall mounted sign per building parcel facade. One square foot of sign face per each lineal foot of building shall be allowed, not to exceed a maximum of fifty square feet.



- b) Hanging signs may protrude from the building facade or be mounted on a post or pole adjacent to the building. Hanging signs shall not exceed 10 square feet per sign face or 20 square feet if double sided.
6. The information shall be limited to the name and function of the business. Smaller secondary signs may contain more detailed information to be read by people entering the building.
7. The development shall utilize standard Village of New Albany street, regulatory and directional signage. Entry and exit signs shall be limited to a maximum height of three feet and a maximum area of three feet square feet. Identification logo or name shall not be displayed on directional signage. Other light fixtures may be used subject to approval by the Village of New Albany Planning Commission.
8. General Signage Criteria
- a) Signs shall not obscure architectural features of the building.
  - b) No signs shall be painted directly on the surface of any building, wall or fence. No wall murals shall be allowed.
  - c) No roof signs nor parapet signs shall be permitted nor shall a sign extend higher than the building.
  - d) No flashing, traveling, animated or intermittently illuminated signs shall be used. No banners, tethered balloons or pennants shall be used. Temporary interior window advertisements are prohibited.
  - e) The following signs are not permitted as permanent signs: Banner or streamers; sidewalk or curb signs (sandwich or "A" type); portable displays or mobile signs; gas filled devices; roof mounted signs; revolving or rotating signs; neon signs. Outdoor display signs shall be prohibited except for special sales promotion events lasting not longer than one week.
  - f) Signage shall be limited to a maximum of three colors.



Prepared: 09/27/05  
Introduced: 10/04/05  
Amended:  
Adopted: 10/18/05

### ORDINANCE O-27-2005

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE VILLAGE OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 2.06 +/- ACRES OF LAND LOCATED IN THE VILLAGE OF NEW ALBANY FROM ITS CURRENT ZONING "I-PUD" INFILL PLANNED UNIT DEVELOPMENT AND "C-2" GENERAL BUSINESS COMMERCIAL, TO "I-PUD" INFILL PLANNED UNIT DEVELOPMENT MIXED USE, AS REQUESTED BY G. PAUL COMPANY, REPRESENTED BY SKILKIN PROPERTIES FOR THE NEW ALBANY EXCHANGE**

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

**WHEREAS**, the Planning Commission and the Village 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 the G. Paul Company, the Planning Commission of the Village of New Albany has reviewed the proposed Ordinance amendment and recommended its approval.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Municipality of New Albany, County of Franklin, State of Ohio:

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

A 2.06+/- acre plot located in the Village of New Albany be rezoned from its current zoning, "I-PUD" Infill Planned Unit Development, and "C-2" General Business commercial, to "I-PUD" Infill Planned Unit Development, as requested by the G. Paul Company, represented by Skilken Properties for The New Albany Exchange.

**Section 2.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and any decision making bodies of the Municipality of New Albany which resulted in such formal action were in meetings open to the public or in compliance with all legal requirements of the Municipality of New Albany, County of Franklin, State of Ohio.

ORD. 27-2005

**Section 3.** That this Ordinance shall take effect and be in force at the earliest period allowed by law.

**CERTIFIED AS ADOPTED,** this 18<sup>th</sup> day of October, 2005.

Nancy I. Ferguson  
Nancy I. Ferguson, Mayor

\_\_\_\_\_  
Joseph Stefanov, Village Administrator

**ATTEST:**

**APPROVED AS TO FORM:**

Betty J. Bosko  
Betty J. Bosko, Clerk of Council

\_\_\_\_\_  
Mitchell Banchefsky, Village Solicitor

I hereby certify that copies of this Ordinance were posted in accordance with Section 6.12 of the Charter of the Village of New Albany starting on 10/31/05, 2005.

Betty J. Bosko  
Betty J. Bosko, Clerk of Council

12/23/05  
Date



## NEW ALBANY EXCHANGE

Inclusive of parcels 222-000054, 222-000056, and 222-000100 within the Village Center.  
The total site is approximately 2.06 acres.

BY: \_\_\_\_\_

### I. Permitted Uses

1. Commercial buildings and the permitted uses contained in the Codified Ordinances of the Village of New Albany, C-2 General Business (Commercial) District, Section 1147.02 and the conditional uses contained in Section 1147.03, provided that the conditional uses comply with Chapter 1115.
2. Office buildings and the permitted uses contained in the Codified Ordinances of the Village of New Albany, O Office District, Section 1143.02 and the conditional uses contained in Section 1143.03, provided that the conditional uses comply with Chapter 1115.
3. Multi-family dwellings with a minimum size of 800 square feet and the permitted uses contained in the Codified Ordinances of the Village of New Albany, R-7 Urban Density Residential District, Section 1139.02, the accessory uses contained in Section 1139.03 and the conditional uses contained in Section 1139.04, provided that the conditional uses comply with Chapter 1115 (Refer to Appendix for definitions). Multi-family residential dwellings shall be permitted above office and commercial uses.
4. Community Facilities and the permitted uses contained in the Codified Ordinance of the Village of New Albany, CF Community Facilities District, Section 1151.02 and subject to approval by planning commission in accordance with Section 1151.05.

### II. Unit Types

Village Center Commercial will feature professional offices, public facilities, multi-family residential and retail/commercial structures. Buildings within this subarea shall comply with the design guidelines of the development standards in this text.

### III. 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 Village of New Albany shall apply to this subarea.

Basic development standards are compiled regarding proposed density, site issues, traffic, circulation, landscape and architectural standards. These component standards ensure consistency and quality throughout the parcel's development. It is the intent of the standards in this subarea to incorporate planning techniques including: massing architectural elements to maintain a village scale; fronting primary buildings and their main entrance on primary streets; designing buildings along public streets to have the same design material on all facades/elevations; requiring the majority of parking to be located behind buildings; establishing leisure path connections between rear parking and sidewalks along the front of buildings; and encouraging open space in the form of common green areas.

**4c.01 Density, Height, Lot and/or Setback Commitments**

1. The maximum number of dwelling units shall be twenty-three (23).
2. The permitted maximum density within this subarea shall not exceed the ratio of +/- 12,000 gross square feet of building per net acre of site.
3. The minimum building and pavement setback shall be zero feet from the Johnstown Road (U.S. 62) right-of-way after the twenty foot right-of-way dedication.
4. The minimum building and pavement setback from adjacent commercial property(ies) shall be zero feet.
5. The minimum building and pavement setback from adjacent residential property(ies) to be ten feet, except where alley/drive abuts the rear of residential property fronting Miller Avenue, where setbacks shall be zero feet.
6. Setbacks from all other streets and alleys shall be zero feet for buildings and pavement.
7. There shall be no minimum lot width at the building line for multi-family dwellings or commercial buildings.
8. There shall be no minimum front yard, side yard or rear yard setback for multi-family dwellings or commercial buildings.
9. The total lot coverage, which includes all areas of parking and building coverage, shall not exceed ninety percent of the total lot area.
10. The maximum building height shall not exceed 45 feet. All structures shall have at least a one and a half story appearance.

#### **4c.02 Access, Loading, Parking and/or other Traffic related Commitments**

1. **Road widths and rights-of-way:**
  - a) 20 foot wide internal alley – 20 foot R.O.W. as shown on Exhibit A. (Refer to road cross-section detail in Section 2, Figure 3 of the General Development Standards).
2. All entry drives shall be coordinated with improvements in public or private road rights-of-way.
3. Adequate employee and visitor parking shall be provided for each site per Section 1167 of the Codified Ordinances of the Village of New Albany.
4. Full service curb cuts along Johnstown Road (U.S. Route 62) shall be a minimum of 200 feet apart as measured from centerline to centerline (as shown on Exhibit A).
5. The minimum number of parking spaces for each multi-family unit shall be 1.5.

#### **4c.03 Architectural Standards**

1. **Retail & Community Facility Buildings:**
  - a) **Building Orientation:** Buildings shall be sited with the longest and/or most predominant building façade parallel to a major street.
  - b) **Architectural Style:** Building designs shall be derived from traditional American styles including Georgian, Colonial, Federal, Classical Revival and Barn Vernacular interpretations that reinforce a common historic architectural vocabulary.
  - c) **Architectural Massing:** Particular attention shall be given to traditional massing of the elements, the roof forms, the floor to ceiling heights, the window arrangements, proportions and relationship of each part of the building to the whole, as well as, the general symmetry.
  - d) **Exterior Materials:**
    1. Exterior wall finishes: Brick and wood siding are acceptable exterior wall finish materials. Exterior wall finish materials must be used to complete massing elements. The application of brick veneer to a single building façade is prohibited.

2. **Roofs:** 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, dimensional asphalt shingle, and standing seam metal.
3. **Windows:** True-divided and/or simulated divided light windows with exterior muntins are required for all non-residential parcels. The ground floors of commercial areas may have appropriately scaled store front window systems that utilize large glass areas which are uninterrupted by divided lights. Window sizes and fenestration should reinforce traditional examples and patterns.
4. **Exterior Paint Colors:** Exterior paint colors for siding, doors, shutters, fascias, cornices, soffits and miscellaneous trim shall be selected from pre-approved color guide historic colors. (Refer to Appendix for manufacturers and color palettes).
5. **Building Additions:** Whether attached or detached, shall be of similar or compatible design and materials.
6. **Outdoor Uses:** Subject to Village approval, owner may modify the area between the building and public sidewalk for more active use of the space such as an outdoor café.
7. **General Architectural Prohibitions:**
  - a) Poured concrete exterior walls are prohibited.
  - b) Prefabricated metal buildings are prohibited.

#### **4c.04 Buffering, Landscaping, Open Space and/or Screening Commitments**

1. **Tree Preservation:** Reasonable and good faith efforts will be made to preserve existing trees and tree rows occurring within this subarea. Consideration will be given to laying out streets, lots, structures and parking areas to avoid the unnecessary destruction of these wooded areas. Additionally, standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.
2. **Street Trees:** Street trees shall be required on Johnstown Road per Village of New Albany standards. Trees are to be a minimum of two and a half

inch caliper and shall be spaced at a minimum distance of thirty feet on center. Trees may be grouped, provided the quantity is equivalent to 1 tree per thirty feet or fraction thereof. This requirement may be waived in areas where existing vegetation occurs. Trees shall not obstruct sight distance or signage, subject to staff approval. Street tree and signage locations shall be shown on the final development plan for review and approval.

3. **Fences:** Temporary Fences: Fences used as temporary barriers during construction around vegetation must be sturdy, at least 3 feet tall, and easy to maintain. All temporary fences must be removed prior to the issuance of a certificate of occupancy.
4. **Interior Landscaping:** Interior landscaping within parking areas (“Interior Landscaping”) shall conform to the following standards:
  - a) The required amount of interior landscaping area shall be a minimum of eight percent (8%) of the total area of the parking lot pavement. The landscaped areas shall be arranged in such a manner so as to visually break up the large expanses of pavement and to provide landscaped walking paths between parking lots and main buildings.
  - b) **Up to 20,000 square feet:** A minimum of one tree per 5,000 square feet of ground coverage and a total tree planting equal to one inch in tree trunk size for every 2,000 square feet of ground coverage.
  - c) **Between 20,000 and 50,000 square feet:** A minimum of one tree for every 5,000 square feet of ground coverage and a total tree planting equal to ten inches plus one-half inch in tree trunk size for every 2,000 square feet over 20,000 square feet in ground coverage.
5. At least 50% of required tree plantings shall be integrated within parking or service areas. Existing trees of 2 ½” caliper which meet the intent of the interior landscape requirement may count towards that calculation. Maximum possible green space shall be provided to minimize extensive unbroken hard surface areas.
6. Landscaping islands are required within parking lots and shall be provided at a rate of 8 square feet of landscaped area per 100 square feet of vehicular use area in such a manner as to visually break up large expanses of pavement.
7. Minimum tree size shall be no less than 2 ½” caliper for street and/or shade trees and 1” caliper for ornamental trees.



**4c.05 Dumpsters, Lighting, Outdoor Display Areas and/or other Environmental Commitments**

1. **Mechanical Equipment:** Any external mechanical equipment shall be totally screened from all public roads and/or adjacent properties at ground level with materials that are similar to or the same as used on the majority of the building, or if screened by landscaping, providing that the same shall provide one hundred percent opacity. This would include any rooftop equipment, satellite dishes (excluding communication devices), as well as ground mounted mechanical equipment. The screening of the mechanical equipment shall be coordinated with the rest of the architecture so as to avoid being seen as an “add-on”.
2. **Service Area and Dumpsters:** All service areas including loading docks, exterior storage of materials, supplies, equipment or products and trash containers shall be totally screened from all public roads and/or adjacent properties at ground level with walls or landscaping. Any walls shall be of the same or compatible materials used on the building and shall be complemented with landscaping.
3. **Lighting:**
  - a) Landscape lighting shall be used to provide for safety and ingress and egress only. Fixture lamps shall be incandescent or metal halide and shall be shielded by planting or other methods.
  - b) Village of New Albany gooseneck street lights shall be utilized. (Holophane-Holbrook HLDK-175 MH 120 or its equivalent). All fixtures shall be wall mounted or located on poles having a maximum height of 30 feet. Pedestrian lighting may be placed on shorter poles or in bollards. (Refer to street light fixture detail in Section 3, Figure 1 of the General Development Standards).
  - c) Luminaires shall have a minimum cut-off of 45 degrees, so as to provide glare control to pedestrian and vehicular traffic, as well as a distinct beam cut-off on the outer perimeter of the setback area.
  - d) Pole locations shall be set back from the outer edges of the perimeter and side lot areas at a distance that would allow the 45 degree cut-off angle of the luminaire to terminate at grade.
  - e) All light poles and standards shall be black or New Albany Green and constructed of metal.

- f) Parking lot lighting shall be of a standard light source type and style. Building, pedestrian and landscape lighting may be incandescent or metal halide.
- g) Landscape uplighting from a concealed source shall be permitted. All uplight fixtures must be screened by landscaping.
- h) All external outdoor lighting shall be cut off type fixtures (down lighting).
- i) All external outdoor building lighting to be used shall be from the same manufacturer type or family to ensure aesthetic compatibility.
- j) Building mounted lighting within service areas shall be designed in such a way that no light spillage occurs off-site.

#### **4c.06 Graphics and Signage Commitments**

1. The development shall utilize standard Village of New Albany street, regulatory and directional signage.
2. Sign lighting shall be externally illuminated. No internally illuminated signage is permitted.
3. Retail Space:
  - a) One primary wall mounted sign per retail shop façade shall be permitted. Corner tenants shall be limited to a maximum of 2 signs. One square foot of sign face per each lineal foot of shop frontage shall be allowed, not to exceed a maximum of eighty square feet. Signs attached to buildings shall be located no higher than the cornice of the building. All wall mounted signage shall have a common background color.
  - b) Hanging signs may protrude from the building façade or be mounted on a post or pole adjacent to the building. Hanging signs shall not exceed 10 square feet per sign face or 20 square feet if double sided.
4. Office:
  - a) One primary wall mounted sign per building parcel façade. One square foot of sign face per each lineal foot of office frontage shall be allowed, not to exceed a maximum of eighty square feet.

- b) Hanging signs may protrude from the building façade or be mounted on a post or pole adjacent to the building. Hanging signs shall not exceed 10 square feet per sign face or 20 square feet if double sided.
5. The information shall be limited to the name and function of the business. Smaller secondary signs may contain more detailed information to be read by people entering the building.
  6. The development shall utilize standard Village of New Albany street, regulatory and directional signage. Entry and exit signs shall be limited to a maximum height of three feet and a maximum area of three square feet. Identification logo or name shall not be displayed on directional signage.
  7. General Signage Criteria:
    - a) Signs shall not obscure architectural features of the building.
    - b) No signs shall be painted directly on the surface of any building, wall or fence. No wall murals shall be allowed.
    - c) No roof signs nor parapet signs shall be permitted nor shall a sign extend higher than the building.
    - d) No flashing, traveling, animated or intermittently illuminated signs shall be used. No temporary banners, tethered balloons or pennants shall be used. Temporary interior window advertisements are prohibited.
    - e) The following signs are not permitted as permanent signs: Banner or streamers; sidewalk or curb signs (sandwich or “A” type); portable displays or mobile signs; gas filled devices; roof mounted signs; revolving or rotating signs; neon signs. Outdoor display signs shall be prohibited except for special sales promotion events lasting not longer than one week.
    - f) Signage shall be limited to a maximum of three colors.

#### **4c.07 Miscellaneous Commitments**

1. Utilities: All utility lines including water supply, sanitary water service, electricity, telephone and gas, and their connections or feeder line shall be placed underground. Meters, transformers, etc. may be placed above ground, but shall be clustered and screened from view. To the extent

possible, utility line placement shall be sensitive to existing vegetation.  
Utility easement location and width shall be determined at the Preliminary  
Development Plan stage.



Prepared: 3/03/06  
Introduced: 3/07/06  
Amended: 8/15/06  
Adopted: 9/5/06

**ORDINANCE O-08-2006**

**AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE VILLAGE OF NEW ALBANY INCLUDING CHAPTERS 1105; 1129; 1131; 1133; 1135; 1137; 1139; 1141; 1143; 1144; 1145; 1147; 1149; 1151; 1153 TO PERMIT RELIGIOUS USES IN ALL ZONING DISTRICTS**

**WHEREAS**, the Village of New Albany wishes to amend the Codified Ordinance of the Village of New Albany.

**NOW, THEREFORE, BE IT ORDAINED** by Council, Village of New Albany, State of Ohio.

**Section 1.** That CHAPTERS 1105; 1129; 1131; 1133; 1135; 1137; 1139; 1141; 1143; 1144; 1145; 1147; 1149; 1151; 1153 TO PERMIT RELIGIOUS USES.

**Section 2.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and any decision making bodies of the Municipality of New Albany which resulted in such formal action were in meetings open to the public or in compliance with all legal requirements of the Municipality of New Albany, County of Franklin, State of Ohio.

**Section 3.** That this Ordinance shall take effect and be in force <sup>OK:BB</sup> ~~at the earliest~~ period allowed by law.

**CERTIFIED AS ADOPTED**, this 5<sup>th</sup> day of September, 2006.

  
Nancy I. Ferguson, Mayor

\_\_\_\_\_  
Joseph Stefanov, Village Administrator

ORD. 08-2006

**ATTEST:**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_

Betty J. Bosko, Clerk of Council

\_\_\_\_\_

Mitchell Banchefsky, Village Solicitor

I hereby certify that copies of this Ordinance were posted in accordance with Section 6.12 of the Charter of the Village of New Albany starting on 9/8/06, 2006.

  
\_\_\_\_\_

Betty J. Bosko, Clerk of Council

\_\_\_\_\_

Date

**CHAPTER 1129  
Agricultural District****1129.01 PURPOSE.**

This district is established to encourage the existence of agricultural uses, to permit a degree of low-density residential development in areas not requiring public water and sewer for their present or future uses, and to physically conserve areas as needed for intensive development.

**1129.02 AGRICULTURAL USES DEFINED.**

"Agricultural use" means use of land for growing crops in the open, dairying pasturage, horticulture, floriculture and necessary accessory uses, including structures necessary for carrying out farming operations and the residence of the person who owns or operates the farm and family thereof, provided such agricultural use shall not include:

- (a) Maintenance and operation of commercial greenhouses or hydroponic farms, except in zoning districts in which such uses are expressly permitted.
- (b) Wholesale or retail sales as an accessory use unless specifically permitted by this chapter.
- (c) Feeding, grazing or sheltering of animals or poultry, in pens or confined areas within 200 feet of any residential use.

"Agriculture" does not include feeding garbage to animals, raising poultry or fur-bearing animals as a principal use, or operation or maintenance of a commercial stockyard or feed yard.

**1129.03 PERMITTED USES.**

- (a) Agricultural uses, customary agricultural buildings and structures incidental to the carrying out of the principal agricultural activity, and/or no more than one single-family detached dwelling.
- (b) Home occupations, subject to the requirements of Section 1165.08.
- (c) Publicly-owned parks, playgrounds and open space. (Ord. 44-92. Passed 8-4-92.)
- (d) Religious Exercise Facilities and related uses provided that they occupy a lot of not less than five acres.

**1129.04 ACCESSORY USES.**

- (a) Private detached garages or carports.

- (b) Tool or garden sheds.
- (c) Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of construction work.
- (d) Private swimming pools and tennis courts, for primary use by occupants of the principal use of the property on which the pool is located, and subject to the regulations of Chapter 1173.
- (e) Dishes or other devices for the reception of television signals, provided such device is for the sole use of occupants of the principal use of the property on which the device is located, and such device is not located in any front or side yard, and complies with the provisions of Chapter 1177.
- (f) Temporary roadside stands, offering for sale only agricultural products grown on the premises.

#### 1129.05 CONDITIONAL USES.

- (a) Animal boarding facilities.
- (b) Animal hospitals or clinics.
- (c) Privately-owned recreation areas and open space.
- ~~(d) Churches and other places of religious assembly for worship provided that they occupy a lot of not less than five acres.~~
- (ed) Public schools offering general educational courses and having no rooms regularly used for housing or sleeping of students, providing they occupy an amount of acreage that meets or exceeds state standards. (Ord. 44-92. Passed 8-4-92.)

#### 1129.06 DEVELOPMENT STANDARDS.

- (a) Lot Area. For each principal permitted use, the lot area shall be not less than five (5) acres.
- (b) Minimum Lot Frontage. 200 feet frontage on a dedicated, improved street or highway.
- (c) Minimum Front Yard Depth (From Edge of Road Right-of-Way). Fifty (50) feet.
- (d) Minimum Side Yard Width. Twenty (20) feet.
- (e) Minimum Sum of Side Yard Widths. Forty (40) feet.



(f) Minimum Rear Yard Depth. Fifty (50) feet.

(g) Maximum Building Height. Forty-five (45) feet for buildings. Silos, windmills, or any other structure listed as a permitted, accessory or conditional use may exceed this height provided such structures maintain a distance equal to their height to any adjacent property or zoning district.

**1129.07 LOT AND AREA REGULATIONS – ALL NON-RESIDENTIAL USES.**

The area or parcel of land for non-residential uses shall not be less than that required to provide a site adequate for the principal and accessory buildings, off-street parking and other accessory buildings, off-street parking and other accessory uses, set backs, yards and open spaces to accommodate the facility and maintain the character of the neighborhood and in no case shall be less than five acres.

**CHAPTER 1131**  
**R-1 Residential Estate District**

**1131.01 PURPOSE.**

This district is established to accommodate single-family residential development at low densities, similar to what exists in particular areas on the periphery of the Village not served by public water and sewer facilities, and to discourage large concentrations of intensive development where that intensity would be inconsistent with the existing character of the area.

**1131.02 PERMITTED USES.**

- (a) ~~One~~ Single-family detached dwellings.
- (b) Publicly-owned parks, playgrounds, and open space. (Ord. 34-95. Passed 9-19-95.)
- (c) Religious Exercise Facilities and related uses.

**1131.03 ACCESSORY USES.**

- (a) Private detached garages or carports.
- (b) Tool and/or garden sheds.
- (c) Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of the construction work.
- (d) Private swimming pools and tennis courts, for primary use by occupants of the principal use of the property. Private swimming pools shall be subject to the regulations of Chapter 1173.
- (e) Dishes or other devices for the reception of television signals, provided such device is for sole use by occupants of the principal use of the property on which the device is located, such device is not located in any front or side yard, and is located not less than 40 feet from any adjoining property lines and complies with the provisions of Chapter 1177.
- (f) Home occupations, subject to the regulations of Section 1165.08.

**1131.04 CONDITIONAL USES.**

(a) Golf courses and/or country clubs, provided a development plan showing location of all facilities is submitted and approved by the Planning Commission.

(b) Privately-owned parks and recreation areas.

~~(c) Churches and other places of religious assembly for worship provided that it occupies a lot of not less than five acres.~~

(dc) Public schools offering general educational courses and having no rooms regularly used for housing or sleeping of students, providing they occupy an amount of acreage that meets or exceeds state standards.

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

(1) When making its decision to approve, disapprove or approve with conditions an application for a residential model home, the Planning Commission shall consider that the model home:

A. Is appropriately located within the community and sited so that it is easily accessible without creating a nuisance or hazard to nearby properties.

B. Is integrated into the residential character of the neighborhood with external lighting in conformity with customary residential lighting.

C. Is approved with a limited duration which shall be determined by the Planning Commission after consultation with the applicant. Extensions of time may be granted by the Planning Commission, but decisions must be based on the same criteria as outlined in this section.

D. Is identified by no more than one sign which shall be in compliance with regulations governing signage.

E. Shall not be used as a general real estate brokerage office where the sale of properties not owned or previously owned wholly or in part by the applicant occurs.

(2) The Planning Commission shall also consider and may set conditions on the following as part of its decision to allow a residential model home:

A. Hours of operation.

- B. Number and types of employees; and maximum number of employees to be on the site at any one time.
- C. Provisions for parking for employees and customers.
- D. Size, lighting, content and location of signage (no internally lighted signage shall be permitted).
- E. Landscaping and screening.

(3) The use of temporary sales offices (i.e., manufactured homes, mobile homes or trailers) on the site of a newly constructed subdivision shall be discouraged.

In addition to the above-listed criteria for model homes, permission to occupy a temporary sales office for the purpose of home and lot sales within a newly constructed subdivision shall be granted only if the following conditions are met:

- A. Such facility is located on a main arterial roadway or highway.
- B. Such facility is substantially screened by the use of landscaping and/or mounding.
- C. Such facility shall not create a nuisance to surrounding properties.
- D. Such other conditions as the Planning Commission deems appropriate.
- E. Sales offices in trailers or mobile homes are permitted for a duration of 12 months. Users of such facilities may apply to the Planning Commission for an extension of an additional 12 months. (Ord. 34-95. Passed 9-19-95.)

#### **1131.05 DEVELOPMENT STANDARDS.**

(a) Lot Area. The minimum lot size shall be as required by the Franklin County Health Department, but in no case shall be less than 40,000 square feet exclusive of rights-of-way or easements.

(b) Minimum Lot Width. For each principal use, there shall be lot width of not less than 150 feet with frontage on a publicly dedicated, improved street or highway. Minimum lot width on curved street shall be 100 feet.

(c) Minimum Front Yard Depth. Fifty (50) feet.

(d) Minimum Side Yard Width. Twenty (20) feet.

- (e) Minimum Sum of Side Yard Widths. Forty (40) feet.
- (f) Minimum Rear Yard Depth. Fifty (50) feet.
- (g) Maximum Building Height. Forty-five (45) feet.

**1131.06 LOT AND AREA REGULATIONS – ALL NON-RESIDENTIAL USES.**

The area or parcel of land for non-residential uses shall not be less than that required to provide a site adequate for the principal and accessory buildings, off-street parking and other accessory buildings, off-street parking and other accessory uses, set backs, yards and open spaces to accommodate the facility and maintain the character of the neighborhood.

**CHAPTER 1133  
R-2, R-3 and R-4 Single-Family Residential Districts**

**1133.01 PURPOSE.**

The districts are established to accommodate a variety of single-family residential housing environments, at densities consistent with that which exist in the respective area. The objective is to discourage large concentrations of intensive development in specific areas where such intensity would be inconsistent with the existing character of the area.

**1133.02 PERMITTED USES.**

- (a) Single ~~One~~-family detached dwellings.
- (b) Publicly-owned parks, playgrounds and open space. (Ord. 34-95. Passed 9-19-95.)
- (c) Religious Exercise Facilities and related uses.

**1133.03 ACCESSORY USES.**

Any use or structure specified as an accessory use in the R-1 District.

**1133.04 CONDITIONAL USES.**

- (a) Golf courses and/or country clubs, provided a development plan showing location of all facilities is submitted and approved by the Planning Commission.
- (b) Privately-owned parks and recreation areas.
- ~~(c) Churches and other places of religious assembly for worship provided that it occupies a lot of not less than five acres.~~
- (dc) Public schools offering general educational courses and having no rooms regularly used for housing or sleeping of students, providing they occupy an amount of acreage that meets or exceeds state standards.
- (ed) Residential model homes and temporary lot sales offices. These are newly-constructed homes or temporary structures placed in a newly-constructed subdivision and used by a homebuilder or developer to display home styles and lot availability in a subdivision to promote the sale of new housing units. The model home or sales office may be staffed and furnished.

(1) When making its decision to approve, disapprove or approve with conditions an application for a residential model home, the Planning Commission shall consider that the model home:

A. Is appropriately located within the community and sited so that it is easily accessible without creating a nuisance or hazard to nearby properties.

B. Is integrated into the residential character of the neighborhood with external lighting in conformity with customary residential lighting.

C. Is approved with a limited duration which shall be determined by the Planning Commission after consultation with the applicant. Extensions of time may be granted by the Planning Commission, but decisions must be based on the same criteria as outlined in this section.

D. Is identified by no more than one sign which shall be in compliance with regulations governing signage.

E. Shall not be used as a general real estate brokerage office where the sale of properties not owned or previously owned wholly or in part by the applicant occurs.

(2) The Planning Commission shall also consider and may set conditions on the following as part of its decision to allow a residential model home:

A. Hours of operation.

B. Number and types of employees; and maximum number of employees to be on the site at any one time.

C. Provisions for parking for employees and customers.

D. Size, lighting, content and location of signage (no internally lighted signage shall be permitted).

E. Landscaping and screening.

(3) The use of temporary sales offices (i.e., manufactured homes, mobile homes or trailers) on the site of a newly constructed subdivision shall be discouraged.

In addition to the above-listed criteria for model homes, permission to occupy a temporary sales office for the purpose of home and lot sales within a newly constructed subdivision shall be granted only if the following conditions are met:

A. Such facility is located on a main arterial roadway or highway.

B. Such facility is substantially screened by the use of landscaping and/or mounding.

C. Such facility shall not create a nuisance to surrounding properties.

D. Such other conditions as the Planning Commission deems appropriate.

E. Sales offices in trailers or mobile homes are permitted for a duration of 12 months. Users of such facilities may apply to the Planning Commission for an extension of an additional 12 months.

(Ord. 34-95. Passed 9-19-95.)

**1133.05 DEVELOPMENT STANDARDS.**

The standards for the arrangement and development of land and buildings in the R-2, R-3 and R-4 Districts shall be according to the following schedule:

District	Min. Lot Size (sq. ft.)	Min. Lot Width (ft.)	Min. Lot Width on Curving Street(ft.)	Min. Front Yard (ft.)	Min. Side Yard (ft.)	Min. Rear Yard Depth(ft.)	Max. Building Height (ft.)	Max. % of Lot Coverage
R-2	20,000	100	60	30	10	30	45	25
R-3	15,000	90	50	30	10	30	45	30
R-4	10,400	80	45	30	10	30	45	30

**Note:** All lots shall have frontage on a publicly dedicated and improved street or highway. Lot width shall be measured at the point of intersection of the lot with said street or highway.

**1133.06 LOT AND AREA REGULATIONS – ALL NON-RESIDENTIAL USES.**

The area or parcel of land for non-residential uses shall not be less than that required to provide a site adequate for the principal and accessory buildings, off-street parking and other accessory buildings, off-street parking and other accessory uses, set backs, yards and open spaces to accommodate the facility and maintain the character of the neighborhood.



**CHAPTER 1135**  
**R-5 Historic Village Single-Family Residential District**

**1135.01 PURPOSE.**

This district is established to provide for single-family residential housing sites within the older portions of the Municipality at densities consistent with existing development on platted lots, thereby increasing the diversity of housing choice and encouraging the revitalization of existing areas, while maintaining adequate standards.

**1135.02 PERMITTED USES.**

- (a) Two-family dwelling units.
- (b) Publicly-owned parks, playgrounds and open space. (Ord. 34-95. Passed 9-19-95.)
- (c) Religious Exercise Facilities and related uses.

**1135.03 ACCESSORY USES.**

Any use or structure specified as an accessory use in the R-1 District.

**1135.04 CONDITIONAL USES.**

- (a) Single-family dwelling units, provided these dwellings meet the standards of the R-4 District.
- (b) Home occupations, as regulated in Section 1165.08.
- (c) Privately-owned parks and recreation areas.
- ~~(d) Churches and other places of religious assembly for worship provided that it occupies a lot of not less than five acres.~~
- (ed) Public schools offering general educational courses and having no rooms regularly used for housing or sleeping of students, providing they occupy an amount of acreage that meets or exceeds state standards.
- (fe) Residential model homes and temporary lot sales offices. These are newly-constructed homes or temporary structures placed in a newly-constructed subdivision and used by a homebuilder or developer to display home styles and lot availability in a subdivision to promote the sale of new housing units. The model home or sales office may be staffed and furnished.

(1) When making its decision to approve, disapprove or approve with conditions an application for a residential model home, the Planning Commission shall consider that the model home:

A. Is appropriately located within the community and sited so that it is easily accessible without creating a nuisance or hazard to nearby properties.

B. Is integrated into the residential character of the neighborhood with external lighting in conformity with customary residential lighting.

C. Is approved with a limited duration which shall be determined by the Planning Commission after consultation with the applicant. Extensions of time may be granted by the Planning Commission, but decisions must be based on the same criteria as outlined in this section.

D. Is identified by no more than one sign which shall be in compliance with regulations governing signage.

E. Shall not be used as a general real estate brokerage office where the sale of properties not owned or previously owned wholly or in part by the applicant occurs.

(2) The Planning Commission shall also consider and may set conditions on the following as part of its decision to allow a residential model home:

A. Hours of operation.

B. Number and types of employees; and maximum number of employees to be on the site at any one time.

C. Provisions for parking for employees and customers.

D. Size, lighting, content and location of signage (no internally lighted signage shall be permitted).

E. Landscaping and screening.

(3) The use of temporary sales offices (i.e., manufactured homes, mobile homes or trailers) on the site of a newly constructed subdivision shall be discouraged.

In addition to the above-listed criteria for model homes, permission to occupy a temporary sales office for the purpose of home and lot sales within a newly constructed subdivision shall be granted only if the following conditions are met:

- A. Such facility is located on a main arterial roadway or highway.
- B. Such facility is substantially screened by the use of landscaping and/or mounding.
- C. Such facility shall not create a nuisance to surrounding properties.
- D. Such other conditions as the Planning Commission deems appropriate.
- E. Sales offices in trailers or mobile homes are permitted for a duration of 12 months. Users of such facilities may apply to the Planning Commission for an extension of an additional 12 months. (Ord. 34-95. Passed 9-19-95.)

**1135.05 DEVELOPMENT STANDARDS.**

(a) Lot Area. For each principal use, there shall be a lot area of not less than 5,000 square feet.

(b) Minimum Lot Width. Fifty (50) feet of lot with frontage on a publicly dedicated, improved street or highway.

(c) Minimum Front Yard Depth. Twenty-five (25) feet.

(d) Minimum Side Yard Width. Five (5) feet.

(e) Minimum Rear Yard Depth. Thirty-five (35) feet.

(f) Maximum Building Height. Thirty-five (35) feet.

(g) Alleys. All new lots developed within the R-5 District shall have alleys running along the rear lines of such lots. Such alleys shall have a minimum right-of-way of twenty-five (25) feet, be improved to standards for local streets in the New Albany Subdivision Regulations, and be publicly dedicated.

**1135.06 LOT AND AREA REGULATIONS – ALL NON-RESIDENTIAL USES.**

The area or parcel of land for non-residential uses shall not be less than that required to provide a site adequate for the principal and accessory buildings, off-street parking and other accessory buildings, off-street parking and other accessory uses, set backs, yards and open spaces to accommodate the facility and maintain the character of the neighborhood.

**CHAPTER 1137**  
**R-6 Two-Family Residential District**

**1137.01 PURPOSE.**

This district is established to encourage the orderly development of two-family residential dwellings, and customary related facilities.

**1137.02 PERMITTED USES.**

- (a) Two-family dwelling units.
- (b) Publicly-owned parks, playgrounds and open space. (Ord. 34-95. Passed 9-19-95.)
- (c) Religious Exercise Facilities and related uses.

**1137.03 ACCESSORY USES.**

Any use specified as an accessory use in the R-1 District.

**1137.04 CONDITIONAL USES.**

- (a) Single-family dwelling units, provided these dwellings meet the standards of the R-4 District.
- (b) Home occupations, as regulated in Section 1165.08.
- (c) Privately-owned parks and recreation areas.
- ~~(d) Churches and other places of religious assembly for worship provided that it occupies a lot of not less than five acres.~~
- (ed) Public schools offering general educational courses and having no rooms regularly used for housing or sleeping of students, providing they occupy an amount of acreage that meets or exceeds state standards.
- (fe) Residential model homes and temporary lot sales offices. These are newly-constructed homes or temporary structures placed in a newly-constructed subdivision and used by a homebuilder or developer to display home styles and lot availability in a subdivision to promote the sale of new housing units. The model home or sales office may be staffed and furnished.

(1) When making its decision to approve, disapprove or approve with conditions an application for a residential model home, the Planning Commission shall consider that the model home:

A. Is appropriately located within the community and sited so that it is easily accessible without creating a nuisance or hazard to nearby properties.

B. Is integrated into the residential character of the neighborhood with external lighting in conformity with customary residential lighting.

C. Is approved with a limited duration which shall be determined by the Planning Commission after consultation with the applicant. Extensions of time may be granted by the Planning Commission, but decisions must be based on the same criteria as outlined in this section.

D. Is identified by no more than one sign which shall be in compliance with regulations governing signage.

E. Shall not be used as a general real estate brokerage office where the sale of properties not owned or previously owned wholly or in part by the applicant occurs.

(2) The Planning Commission shall also consider and may set conditions on the following as part of its decision to allow a residential model home:

A. Hours of operation.

B. Number and types of employees; and maximum number of employees to be on the site at any one time.

C. Provisions for parking for employees and customers.

D. Size, lighting, content and location of signage (no internally lighted signage shall be permitted).

E. Landscaping and screening.

(3) The use of temporary sales offices (i.e., manufactured homes, mobile homes or trailers) on the site of a newly constructed subdivision shall be discouraged.

In addition to the above-listed criteria for model homes, permission to occupy a temporary sales office for the purpose of home and lot sales within a newly constructed subdivision shall be granted only if the following conditions are met:

A. Such facility is located on a main arterial roadway or highway.

B. Such facility is substantially screened by the use of landscaping and/or mounding.

C. Such facility shall not create a nuisance to surrounding properties.

D. Such other conditions as the Planning Commission deems appropriate.

E. Sales offices in trailers or mobile homes are permitted for a duration of 12 months. Users of such facilities may apply to the Planning Commission for an extension of an additional 12 months. (Ord. 34-95. Passed 9-19-95.)

## **1137.05 DEVELOPMENT STANDARDS.**

(a) Minimum Lot Area.

(1) 4,000 square feet per dwelling unit for two-family dwellings. All lots within the R-6 District shall be served by public water and sewer facilities.

(2) Only one permitted or conditional use shall be allowed on a zoning lot, and lot shall be covered no more than thirty percent (30%) by the structure.

(b) Minimum Lot Width. Seventy-five (75) feet of lot width with frontage on publicly dedicated and improved street or highway.

(c) Minimum Front Yard Depth. Twenty-five (25) feet.

(d) Minimum Side Yard Width. Ten (10) feet.

(e) Minimum Rear Yard Depth. Forty (40) feet, or twenty percent (20%) of lot depth, whichever is less.

(f) Maximum Building Height. Forty-five (45) feet.

**1137.06 LOT AND AREA REGULATIONS – ALL NON-RESIDENTIAL USES.**

The area or parcel of land for non-residential uses shall not be less than that required to provide a site adequate for the principal and accessory buildings, off-street parking and other accessory buildings, off-street parking and other accessory uses, set backs, yards and open spaces to accommodate the facility and maintain the character of the neighborhood.

**CHAPTER 1139**  
**R-7 Urban Density Residential District**

**1139.01 PURPOSE.**

This district is established to accommodate multiple-family residences at overall housing densities consistent with those existing in the area. The objective is to provide for the continuance, redevelopment and/or limited expansion of multiple-family developments in areas best equipped to accommodate such higher density development.

**1139.02 PERMITTED USES.**

- (a) Multiple family structures having two or more dwellings per structure.
- (b) Publicly-owned parks, playgrounds and open space. (Ord. 34-95. Passed 9-19-95.)
- (c) Religious Exercise Facilities and related uses.

**1139.03 ACCESSORY USES.**

- (a) Uses incidental and accessory to multiple-family dwellings and for exclusive use of their residents, to include common recreational facilities, community swimming pools, and offices for the rental and management of units therein.
- (b) Temporary buildings for uses incidental to construction work, which shall be removed upon the completion or abandonment of construction work.

**1139.04 CONDITIONAL USES.**

- (a) Nursery schools and day care centers.
- (b) Privately-owned parks and recreation areas.
- ~~(c) Churches and other places of religious assembly for worship provided that it occupies a lot of not less than five acres.~~
- (dc) Public schools offering general educational courses and having no rooms regularly used for housing or sleeping of students, providing they occupy an amount of acreage that meets or exceeds state standards.
- (ed) Residential model homes and temporary lot sales offices. These are newly-constructed homes or temporary structures placed in a newly-constructed subdivision and used by a homebuilder or developer to display home styles and

lot availability in a subdivision to promote the sale of new housing units. The model home or sales office may be staffed and furnished.

(1) When making its decision to approve, disapprove or approve with conditions an application for a residential model home, the Planning Commission shall consider that the model home:

A. Is appropriately located within the community and sited so that it is easily accessible without creating a nuisance or hazard to nearby properties.

B. Is integrated into the residential character of the neighborhood with external lighting in conformity with customary residential lighting.

C. Is approved with a limited duration which shall be determined by the Planning Commission after consultation with the applicant. Extensions of time may be granted by the Planning Commission, but decisions must be based on the same criteria as outlined in this section.

D. Is identified by no more than one sign which shall be in compliance with regulations governing signage.

E. Shall not be used as a general real estate brokerage office where the sale of properties not owned or previously owned wholly or in part by the applicant occurs.

(2) The Planning Commission shall also consider and may set conditions on the following as part of its decision to allow a residential model home:

A. Hours of operation.

B. Number and types of employees; and maximum number of employees to be on the site at any one time.

C. Provisions for parking for employees and customers.

D. Size, lighting, content and location of signage (no internally lighted signage shall be permitted).

E. Landscaping and screening.

(3) The use of temporary sales offices (i.e., manufactured homes, mobile homes or trailers) on the site of a newly constructed subdivision shall be discouraged.

In addition to the above-listed criteria for model homes, permission to occupy a temporary sales office for the purpose of home and lot sales within a newly constructed subdivision shall be granted only if the following conditions are met:

A. Such facility is located on a main arterial roadway or highway.

B. Such facility is substantially screened by the use of landscaping and/or mounding.

C. Such facility shall not create a nuisance to surrounding properties.



D. Such other conditions as the Planning Commission deems appropriate.

E. Sales offices in trailers or mobile homes are permitted for a duration of 12 months. Users of such facilities may apply to the Planning Commission for an extension of an additional 12 months.

(Ord. 34-95. Passed 9-19-95.)

### **1139.05 DEVELOPMENT STANDARDS.**

(a) Minimum Lot Area. 4,000 square feet per dwelling unit for two-family dwellings. 3,500 square feet per dwelling unit for all other multiple-family dwellings.

(b) Minimum Lot Frontage. Eighty (80) feet of frontage on a publicly dedicated and improved street or highway.

(c) Minimum Front Yard Depth. Thirty (30) feet.

(d) Minimum Side Yard Width. Ten (10) feet.

(e) Minimum Rear Yard Depth. Forty (40) feet.

(f) Maximum Building Height. Forty-five (45) feet.

(g) Trash and Garbage Control. All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. Screening of trash and garbage areas shall meet the requirements of Chapter 1171.

(h) Landscaping. If side or rear yards are located adjacent to any district where single-family residences are a permitted use, landscaping and screening of those yards shall be required to meet the requirements of Chapter 1171.

(i) Open/Play Area. Buildings or structures shall not occupy more than 60 percent (60%) of the total lot. For each five (5) units or portion thereof, there shall be provided an open space or play area of not less than 1,000 square feet in size. The design and configuration of such open area shall be approved by the Planning Commission. Such open area shall be maintained by the owner of the multiple-family complex.

### **1139.06 LOT AND AREA REGULATIONS – ALL NON-RESIDENTIAL USES.**

The area or parcel of land for non-residential uses shall not be less than that required to provide a site adequate for the principal and accessory buildings, off-street parking and other accessory buildings, off-street parking and other

accessory uses, set backs, yards and open spaces to accommodate the facility and maintain the character of the neighborhood.

**CHAPTER 1141  
OR Office-Residential District****1141.01 PURPOSE.**

The OR District is to be used in residential areas along major thoroughfares that are subject to development pressure for commercial use. The intent of the district is to provide for low-intensity small administrative and professional office use in a regulated environment that will retain the area's residential character.

**1141.02 PERMITTED USES.**

- (a) Any use or structure specified as permitted in the R-1 District.
- (b) Two-family dwellings.
- (c) Home occupations, as regulated in Section 1165.08.

**1141.03 ACCESSORY USES.**

- (a) Private detached garages or carports; storage sheds and buildings.
- (b) Temporary buildings for uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
- (c) Dishes and other devices for reception of television signals provided such device is for the sole use by the occupants of the principal use of the property and such device is not located in a front or side yard.

**1141.04 CONDITIONAL USES.**

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

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

(b) Offices for professional services, such as physicians, dentists, lawyers, architects, engineers and similar professions, but not including veterinarians.

**1141.05 SPECIAL CONDITIONS FOR CONDITIONAL USES.**

- (a) Hours. Permitted uses shall be conducted principally in daylight hours.
- (b) Nuisance. Permitted uses shall not create a nuisance from noise, smoke or odor.
- (c) Appearance. Structures shall maintain a residential appearance and be compatible with surrounding residences, in size and scale.
- (d) Lighting. Lighting shall be limited to those types customarily found in residential neighborhoods. Any lights shall be arranged so as to not shine on adjacent properties.
- (e) Signage. Exterior signage shall be limited to a single nameplate not more than two (2) square feet in size. No signs shall be internally illuminated.
- (f) Storage. Storage of materials and equipment shall be within an enclosed building.
- (g) Parking. Sufficient off-street parking shall be provided as specified in Chapter 1167. All parking shall be located in the rear yard.

**1141.06 DEVELOPMENT STANDARDS.**

Minimum lot area, minimum lot width, minimum front yard depth, minimum side yard width, minimum sum of side yard widths, minimum rear yard depth, and maximum building height for all permitted and conditional uses shall be as required for the R-5 District.

**1141.07 ADDITIONAL INFORMATION REQUIRED FOR ZONING AMENDMENT.**

Due to special conditions inherent to this district, additional information may be required of an applicant seeking a rezoning of property to the OR Zoning District. Such information shall be specified by the Planning Commission and may include site layout, dimensions of driveways and entrances, vehicular circulation patterns, location of off-street parking spaces, and landscaping.

**1141.08 LOT AND AREA REGULATIONS – ALL NON-RESIDENTIAL USES.**

The area or parcel of land for non-residential uses shall not be less than that required to provide a site adequate for the principal and accessory buildings, off-street parking and other accessory buildings, off-street parking and other accessory uses, set backs, yards and open spaces to accommodate the facility and maintain the character of the neighborhood.

**CHAPTER 1143  
O Office District**

**1143.01 PURPOSE.**

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

**1143.02 PERMITTED USES.**

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

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

(b) Professional offices engaged in providing services to the general public consisting of:

- (1) Medical and medical-related activities, but not including veterinary offices or animal hospitals.
- (2) Other health or allied medical facilities.
- (3) Professional, legal, engineering and architectural services, not including the outside storage of equipment.
- (4) Accounting, auditing and other bookkeeping services.

(c) Organizations and associations organized on a profit or non-profit basis for promotion of membership interests, including:

- (1) Business associations.
- (2) Professional membership organizations.

(3) Civic, social and fraternal organizations.

(4) Charitable organizations.

(d) Religious Exercise Facilities and related uses

**1143.03 CONDITIONAL USES.**

(a) Limited personal services, generally involving the care of the person and/or personal effects, consisting of:

(1) Commercial photography.

(2) Barber and beauty shops, having not more than two (2) chairs or work stations.

(3) Funeral homes, mortuaries and related facilities.

(b) Veterinary offices and animal hospitals, not including facilities for outside boarding or exercising of animals.

(c) Nursery schools and/or day care facilities.

**1143.04 DEVELOPMENT STANDARDS.**

(a) Minimum Lot Area. No minimum lot area is required; however, the lot size shall be adequate to provide for parking and yard requirements.

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

(c) Minimum Front Yard Depth. Twenty-five (25) feet.

(d) Minimum Side Yard Width. Fifteen (15) feet to any structure; however, if the yard is located adjacent to any district where residences are a permitted use, the minimum side yard width shall be fifteen (15) feet to any paved area, and twenty-five (25) feet to any structure.

(e) Minimum Rear Yard Depth. Twenty (20) feet to any structure; however, if the yard is located adjacent to any district where residences are a permitted use, the minimum rear yard depth shall be twenty (20) feet to any paved area, and forty-five (45) feet to any structure.

(f) Maximum Building Height. Forty-five (45) feet.

(g) Parking and Loading. Parking and loading requirements shall be as specified in Chapter 1165. In addition, parking spaces shall be designated to

allow a minimum of five (5) feet between any structure and any parked vehicle.  
(Ord. 20-90. Passed 6-19-90.)

(h) Landscaping. The landscape of parking and service areas shall be required to meet the requirements of Chapter 1171. If side or rear yards are located adjacent to any district where residences are a permitted use, landscaping and screening shall be required in those yards to meet the requirements of Chapter 1171. (Ord. 72-92. Passed 12-15-92.)

(i) Trash and Garbage Control. All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. Screening of trash and garbage areas shall meet the requirements of Chapter 1171.

**CHAPTER 1144  
OCD Office Campus District**

**1144.01 PURPOSE.**

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

(Ord. 82-96. Passed 1-21-97.)

**1144.02 PERMITTED USES.**

(a) Administrative business and professional offices as specified in C.O. Sections 1143.02(a), (b), and (c).

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

(c) Uses located in building where the primary use in the building is permitted in Divisions (a) or (b) shall include the following, when such use is clearly incidental to and located within the same building as the primary permitted use:

- (1) Drug Store.
- (2) Deli/Restaurant/Food Service.
- (3) Office Supply and Service.
- (4) Travel Agent.
- (5) Personal Services such as Barber/Beauty Salons, Dry Cleaning Pickup Station, ATM, and Health Offices.
- (6) Newsstand.
- (7) Health & Fitness Center.
- (8) Training Facility.
- (9) Storage Facilities.
- (10) Day Care Facility.
- (11) Other similar uses in accordance with C.O. Section 1127.02(e) of the Planning and Zoning Code.

(Ord. 82-96. Passed 1-21-97.)

(d) Religious Exercise Facilities and related uses



**1144.03 CONDITIONAL USES.**

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

- (a) Drive-thru facilities to be developed in association with a permitted use.
- (b) Research facility for research, analysis, and development, which can be characterized as clean, non-hazardous and light use, and activities incidental or necessary to the conduct of such research, analysis, and development.
- (c) Miscellaneous accessory uses when the primary use of the building is permitted in C.O. Section 1144.02(a) or (b), such as show room, distribution, repair shop, light assembly and similar ancillary uses.
- (d) Hotel/Motel including conference and banquet facilities.  
(Ord. 82-96. Passed 1-21-97.)

**1144.04 DEVELOPMENT STANDARDS**

- (a) Minimum Lot Area. No minimum lot areas required, however, the lot size shall be adequate to provide for on-site parking/loading and yard requirements.
- (b) Minimum Lot Width. No minimum lot width is required, however, all lots shall abut a publicly dedicated and improved street or highway, and shall have adequate width to provide for yard space requirements pursuant to this section.
- (c) Minimum Front Yard Depth. Fifty-five (55) feet except fences, gate houses, entry features and ancillary structures shall be allowed in the front yard setback when approved by the Development Standards Review Committee.
- (d) Minimum Side Yard Width. Fifteen (15) feet to any paved area and thirty (30) feet to any structure.
- (e) Minimum Rear Yard Depth. Twenty (20) feet to any paved area and forty (40) feet to any structure.
- (f) Lot Coverage. The total lot coverage, which includes all areas of parking and building coverage, shall not exceed 80% of the total lot area.
- (g) Maximum Building Height. Sixty-five (65) feet, except an increased height may be approved by the Planning Commission upon a showing that the height of the building is harmonious and in accordance with the general objectives, or with any specific objectives or purpose, of the Zoning Ordinance.

(h) **Parking and Loading.**

(1) Except as otherwise provided herein, parking and loading requirements shall be as specified in Chapter 1167. Parking spaces shall be designated to allow a minimum of five (5) feet between any structure and any parked vehicle. Seventy-five to ninety (75-90) degree angle parking shall have a minimum width (measured in feet parallel to the aisle) of nine (9) feet and a minimum length of eighteen (18) feet with a twenty-four (24) foot wide maneuvering aisle. One (1) loading space shall be provided per dock space.

(2) Where appropriate, adequate provisions shall be made for the use of public transportation by employees and visitors.

(3) All entry drives shall be coordinated with improvements in road rights-of-way and with landscaping within the site.

(i) **Service Areas and Dumpsters.** All service areas including loading docks, exterior storage of materials, supplies, equipment or products and trash containers shall be screened from all public roads and/or adjacent properties at ground level with walls or landscaping. Any walls shall be of the same materials used on the building walls and shall be complemented with landscaping.

(j) **Signage.** Signage standards shall comply with those delineated in Chapter 1169. However, the sign area for a wall or free standing sign may be one (1) square foot of sign (as measured in C.O. Section 1169.06) per 1,000 square feet of usable floor space but shall not exceed a maximum sign area of 120 square feet per side. A building less than 32,000 square feet usable floor space may have a sign of 32 square feet per side. Signs shall be located so that no part of the sign shall protrude beyond the wall on which it is located. The use of neon roof mounted and internally illuminated signs is prohibited.

(k) **Satellite Signal Receiving Antennas.** Roof mounted dish antennas shall be permitted as an accessory use to permitted uses in this District, and upon application for installation of a satellite signal receiving antenna, it shall be reviewed for safety, compatibility with surrounding development, and for other design measures that screen or otherwise make the dish antenna appear less obtrusive. Otherwise, the standards set forth in Chapter 1177 shall apply to the placement of satellite signal receiving antennas.

(1) **Utilities.** All utility lines including water supply, sanitary sewer service, electricity, telephone and gas, and their connections or feeder lines shall be placed underground. Meters, transformers, etc. may be placed above ground, but must be clustered and screened from view. To the extent possible utility line placement shall be sensitive to existing vegetation.

buildings (or buildings that appear as such), prefabricated metal or untreated masonry block buildings are not permitted.

(2) Signage with relationship to the building and building facade.

(p) Landscaping. Landscaping shall follow the guidelines herein established except that incidental modifications may be approved by the Development Standards Review Committee. The developer may deviate from the landscape guidelines if an alternate landscape plan is approved by the Planning Commission.

(1) Areas not developed may remain in their natural state or may be used for agriculture purposes, otherwise all undeveloped areas shall be maintained at a maximum of 18 inch field height and provide an appearance of rural character.

(2) Pond(s) which are located within the setback areas shall be designed and landscaped to be rural in character.

(3) Side lot landscaping shall be planted with a mixture of deciduous shade trees and evergreen trees and shrubs. Five trees shall be planted per 100 L.F. of side lot and one deciduous shrub per tree. All side lot areas not landscaped shall have grass (seed or sod).

(4) Interior landscaping within parking areas shall be a minimum of 5% of the total area of the parking lot pavement. The landscaped areas shall be arranged in such a manner so as to visually break up large expanses of pavement and provide landscaped walking paths between parking lots and the main buildings.

(5) Shrubbery should be Native Deciduous Shrubs and shall be a minimum size of 30" height at installation.

(6) The minimum tree size at installation shall be as follows:

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

(7) No existing trees within the undeveloped areas shall be removed or destroyed unless they are shown to be diseased, interfere with utilities, or are part of a development plan.

(8) Street areas shall be landscaped and maintained in accordance with C.O. Section 1171.04.

(9) Where a required side yard abuts any district where a residence is a permitted use landscaping in accordance with C.O. Section 1171.05 shall be provided.

(q) Development Standards Review Committee. The Development Standards Review Committee shall, prior to the issuance of any permits, approve all plans and elevations necessary to demonstrate compliance to the development standards established for the Office Campus District. Within 35 days of submission of plans the Committee shall issue a statement of compliance or non-compliance with the development standards established for this District. The Committee shall be comprised of the following persons or their designee:

Administrator  
Municipal Planner  
Chief Building Official  
Municipal Engineer

**CHAPTER 1145  
C-1 Neighborhood Business District**

**1145.01 PURPOSE.**

The purpose of the Neighborhood Business District is to provide for the orderly development of neighborhood shopping facilities serving the regular day-to-day convenience shopping and personal service needs of nearby residents. In that, commercial establishments within the C-1 District will be more closely associated with the residential land uses at the neighborhood level, more restrictive requirements related to size and scale, open space, and landscaping are necessitated than in other commercial districts.

**1145.02 PERMITTED USES.**

(a) Administrative, business and professional offices as specified in Section 1143.02(a) and (b).

(b) Retail stores primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of those goods; provided all storage and display of merchandise shall be within the principal structure, including:

(1) Food and food products, consisting of: grocery stores, meat and fish markets, fruit stores and vegetable markets, and specialty stores such as bakery, candy or confectionery.

(2) Proprietary drug and hardware stores.

(3) Similar retail stores, consisting of: florists, gift, antique or second-hand stores, books and newspapers, sporting goods, jewelry, optical goods, and other retail stores which conform to the purpose and intent of the Neighborhood Business District and subject to the requirements of Section 1127.01(e).

Retail stores will not be permitted to sell items pandering obscenity, as defined in Title 29, ORC, to adults/juveniles.

(c) Personal services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible personal consumption, including:

(1) Restaurants, but not including restaurants with drive-through facilities.

(2) Banks, savings and loans, and credit agencies, but not including establishments with drive-through facilities.

(3) Barber and beauty shops, having no more than three work stations.

(4) Funeral services.

- (5) Human medical clinics.
  - (6) Radio, television or small appliance repair.
  - (7) Commercial photography.
  - (8) On-premises duplication and reproduction services.
- (d) Nursery schools and day care facilities.
- (e) Religious Exercise Facilities and related uses

**1145.03 CONDITIONAL USES.**

- (a) Veterinary offices, not including outside boarding of animals.
- (b) Multiple-family residences, subject to the development standards of the R-7 District.

**1145.04 DEVELOPMENT STANDARDS.**

- (a) Lot Area. No minimum lot area is required; however, lot area shall be adequate to provide the required parking and yard areas.
- (b) Lot Width. No minimum lot width is required; however all lots shall abut an improved public street designated on the New Albany Thoroughfare Plan as having not less than collector status. All lots shall have adequate width to provide for required parking and yard area.
- (c) Front Yard Setback. The minimum front yard setback shall be the average of the existing adjacent commercial structures on the same side of the street and facing thereon within the same block. Where there are not adjacent commercial structures, the front yard setback shall not be less than thirty (30) feet measured from the street right-of-way.
- (d) Side Yards. For new principal structures, including service and loading areas, the required side yard shall be not less than one-fourth (1/4) the sum of the height and depth of the building but in no case shall be less than fifteen (15) feet.
- (e) Rear Yards. For new principal structures, the required rear yard shall be not less than one-fourth (1/4) the sum of the height and depth of the building, but in no case shall be less than twenty (20) feet.
- (f) Additional Yard and Pedestrian Areas. Where new development in the C-1 District is located adjacent to a district where residences are a permitted use, the Planning Commission may require that at least five percent (5%) of the lot area, exclusive of parking areas and public rights-of-way, shall be devoted to landscaped yards or pedestrian space.

(g) **Maximum Building Size.** Individual uses within C-1 District shall have usable floor area of not more than 4,000 square feet. Individual buildings containing multiple uses within the C-1 District shall have a usable floor area of not more than 25,000 square feet.

(h) **Lighting.** Lighting fixtures within the C-1 District shall be so arranged, shielded and directed so as to not shine directly on any adjacent residential property.

(i) **Parking and Loading.** Parking and loading requirements shall be as specified in Chapter 1167. In addition, parking spaces shall be designed to allow a minimum of five (5) feet between any structure and any parked vehicle. (Ord. 20-90. Passed 6-19-90.)

(j) **Landscaping.** The landscaping of all parking and service areas shall meet the requirements of Chapter 1171. If side or rear yards are located adjacent to any areas where single-family or two-family residence are permitted uses, landscaping and screening shall also be required in those yards to meet the requirements of Chapter 1171. (Ord. 72-92. Passed 12-15-92.)

(k) **Trash and Garbage Control.** All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. (Ord. 20-90. Passed 6-19-90.)

**CHAPTER 1147**  
**C-2 General Business (Commercial) District**

**1147.01 PURPOSE.**

The purpose of the General Business District is to provide for the orderly development of a wide range of commercial and retail activity. The General Business District is intended to provide for a more intense type of commercial activity than in the C-1 District and should generally not be located adjacent to a single-family residential district.

(Ord. 37-2004. Passed 8-17-04.)

**1147.02 PERMITTED USES.**

(a) Administrative, business and professional offices as permitted in Section 1143.02(a) and (b).

(b) Retail stores primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of these goods:

(1) Food and food products, consisting of: grocery, meat, fish, fruit or vegetable markets or combinations thereof, dairy or bakery products, specialty food stores such as candy or confectionery, and miscellaneous food stores which conform to the purpose of the General Business District.

(2) General merchandise, consisting of: department stores, and limited price variety stores.

(3) Home furnishings, consisting of: furniture and equipment sales, radio, television, and music stores.

(4) Building material retail stores, not having outside storage of material, consisting of: plumbing and electrical supplies, paint, wall paper, upholstery, and interior decorating stores, and hardware stores.

(5) Apparel, consisting of: clothing, furnishings, and accessory items for men, women and children, custom tailor shops and combined apparel sales and personal service operations, and miscellaneous apparel and accessory stores.

(6) Similar retail stores, including: drug stores, florists, gift and novelty stores, books and newspapers, camera, photographic and optical goods, jewelry, and other retail stores which conform to the purpose and intent of the General Business District.



(c) Personal services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible property or the provision of tangible services for personal consumption including:

- (1) Restaurants, but not including restaurants with drive-through facilities.
- (2) Banks, savings and loans, and credit agencies, but not including establishments with drive-through facilities.
- (3) Barber and beauty shops.
- (4) Self-service laundries.
- (5) Dry-cleaning establishments.
- (6) Funeral services.
- (7) Human medical and dental clinics.
- (8) Radio, television, or small appliance repair.
- (9) Public and private parking areas.
- (10) On-premises duplication and reproduction facilities.
- (11) Equipment rental or leasing, not including outdoor storage of material.

(d) Business services engaged in the providing of services to business establishments on a fee or contract basis, consulting services, protective services, office equipment rental, lease or purchase, commercial research and development.

(e) Off-premises signs, subject to the regulations of Section 1169.08(e).

(f) Religious Exercise Facilities and related uses

(fg) Similar uses, as determined by the Planning Commission, in accordance with the provisions of Section 1127.01(e). (Ord. 37-2004. Passed 8-17-04.)

### **1147.03 CONDITIONAL USES.**

(a) Drive-through facilities to be developed in association with a permitted use.

(b) New and used car sales and service, provided all operations except for display and sales are located completely within an enclosed building.

(c) Gasoline service stations, or retail convenience stores selling gasoline as an ancillary activity.

(d) Veterinary offices and animal hospitals.

~~(e) Churches and other places of religious assembly for worship.~~  
(Ord. 37-2004. Passed 8-17-04.)

**1147.04 DEVELOPMENT STANDARDS.**

- (a) Lot Area. No minimum lot area is required; however, lot area shall be adequate to provide the required parking and yard areas.
- (b) Lot Width. No minimum lot width is required; however, all lots shall abut an improved public street designated on the New Albany Thoroughfare Plan as having not less than minor arterial status.
- (c) Front Yard Setback. The minimum front yard setback shall be the average of existing commercial structures on the same side of the street and facing thereon within the same block. Where there are not adjacent commercial structures, the front yard setback shall be not less than fifty (50) feet measured from the street right-of-way.
- (d) Side Yards. Fifteen (15) feet to any structure.
- (e) Rear Yards. Twenty (20) feet to any structure.
- (f) Parking and Loading. Parking and loading requirements shall be as specified in Chapter 1167. In addition, parking spaces shall be designed to allow a minimum of five (5) feet between any structure and any parked vehicle.
- (g) Landscaping. The landscaping of all parking and service areas shall meet the requirements of Chapter 1171. If side or rear yards are adjacent to any district where single-family or two-family residences are a permitted use, landscaping and screening shall also be required in those yards to meet the requirements of Chapter 1171.
- (h) Trash and Garbage Control. All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

**CHAPTER 1149  
C-3 Highway Business District****1149.01 PURPOSE.**

The Highway Business District is established to provide areas for the growth of business uses that generate a high degree of activity dependent on high traffic volumes. These uses, by their nature, increase traffic congestion on abutting public roadways and cause specific impacts on adjacent uses. The intent of the C-3 District is to encourage the most compatible relationship between permitted uses and overall traffic movement within the Village, while minimizing negative impacts on adjacent land uses.

**1149.02 PERMITTED USES.**

- (a) Any use or structure specified as a permitted or conditional use in the C-2 District.
- (b) Commercial recreational facilities such as community and public swimming pools, skating rinks, bowling alleys, physical fitness centers.
- (c) Lumber and home improvement sales.
- (d) Motor vehicle sales and service establishments.
- (e) Hotels and motels.
- (f) Garden centers.
- (g) Carry out food and beverage establishments with drive-through facilities.
- (h) Religious Exercise Facilities and related uses
- (hi) Similar uses, as determined by the Planning Commission, in accordance with the provision by Section 1127.02.

**1149.03 CONDITIONAL USES.**

- (a) Self-service car washes.
- (b) Temporary or seasonal outdoor sales lots having a maximum operating duration of four (4) months, provided all other permits are obtained.

**1149.04 DEVELOPMENT STANDARDS.**

- (a) Minimum Lot Area. No minimum lot area is required; however, lot area shall be adequate to provide for the required parking and yard areas.
- (b) Minimum Lot Width. 100 feet of frontage on a publicly dedicated and improved street or highway which is designated as not less than arterial status on the New Albany Thoroughfare Plan.
- (c) Minimum Front Yard Depth. Forty (40) feet.

(d) Minimum Side Yard.

(1) When abutting a non-residential zoning district: twenty (20) feet for structures, ten (10) feet for paved areas.

(2) When abutting a residential zoning district: fifty (50) feet for structures, thirty-five (35) feet for paved areas.

(e) Minimum Rear Yard.

(1) When abutting a non-residential zoning district: thirty (30) feet for structures, ten (10) feet for paved areas.

(2) When abutting a residential zoning district: fifty (50) feet for structures, thirty-five (35) feet for paved areas.

(f) Building Height. Thirty-five (35) feet.

(g) Parking and Loading. Parking and loading requirements shall be specified in Chapter 1167. In addition, parking spaces shall be designed to allow a minimum of five (5) feet between any structure and any parked vehicle. (Ord. 20-90. Passed 6-19-90.)

(h) Landscaping. The landscaping of all parking and service areas shall meet the requirements of Chapter 1171. If side or rear yards are located adjacent to any district where single-family or two-family residences are a permitted use, landscaping and screening shall also be required in those yards to meet the requirements of Chapter 1171. (Ord. 72-92. Passed 12-15-92.)

(i) Trash and Garbage Control. All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

**CHAPTER 1151  
CF Community Facilities District**

**1151.01 PURPOSE.**

"Community facilities" as used throughout this Ordinance, means facilities classified as ~~main~~ principal and accessory uses listed in Section 1151.02. The Community Facilities District and regulations are established in order to achieve the following purposes:

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

(a) To provide a proper zoning classification for governmental, civic, welfare and recreational facilities in proper locations and extent so as to promote the general public safety, convenience, comfort and welfare; (Ord. 72-92. Passed 12-15-92.)

(b) To protect community facilities and institutions from the encroachment of certain other uses and to make such uses compatible with adjoining residential uses; and

(c) To regulate the location of such facilities so as to ensure their proper functioning in consideration of traffic, access, and general compatibility.

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

**1151.02 PERMITTED USES.**

Buildings and land within the CF District shall be utilized only for the uses set forth in the following schedule:

**Main Principal Buildings and Uses**

Governmental: Municipal, County, State and Federal buildings for administrative functions and use by the general public.

Civic: Art galleries, libraries, museums, places for public assembly, memorials, monuments, fraternal organizations and private clubs.

Educational: Primary and secondary public, private or parochial schools, nursery schools.

Health Care: General and special hospital and clinics, convalescent centers, institutions for care of children or senior citizens.

Senior Citizen Housing: Retirement centers, congregate care facilities.

**Accessory Buildings and Uses**

Public parking areas, maintenance facilities, signs, residence for custodians or guards.

Maintenance facilities. Bulletin boards and signs as hereinafter regulated.

Parking areas, playgrounds, signs.

Parking areas, signs.

Parking areas, signs.

Religious Exercise Facilities and related uses. <del>Churches and places of worship.</del>	<del>Maintenance facilities, and parking areas, signs,</del> Religious Exercise related facilities.
Radio and television antennas and antenna towers, including offices and broadcast studios.	Parking areas, structure directly related to operation of facility, signs.
Infrastructure and Public Service: Buildings housing equipment and offices related to the provision of essential services, but not including actual lines and smaller structures such as pump stations.	Parking areas, signs.
Recreational: Public and private parks, recreational fields and playgrounds, lakes, cemeteries, golf courses, nature preserves, and similar open space facilities, not including such facilities developed for private use by occupants or a resident of the premises.	Parking areas, clubhouses, administrative and maintenance structures, mausoleums, signs.

**1151.03 LOT AND AREA REGULATIONS.**

The area or parcel of land for a permitted public facility shall not be less than that required to provide a site adequate for the main principal and accessory buildings, off-street parking and other accessory buildings, off-street parking and other accessory uses, set backs, yards and open spaces to accommodate the facility and maintain the character of the neighborhood. The area or parcel of land for a permitted community facility shall be approved by the Planning Commission, pursuant to Section 1151.05.

**1151.04 YARD REGULATIONS.**

- (a) Front Yards. The front yard setback shall not be less than the largest required front yard setback for any adjacent zoning district.
- (b) Side and Rear Yards. The yards for each public facility building shall be not less than the criteria set forth in the following schedule when adjacent to any district where residences are a permitted use.

If the proposed community facility is located adjacent to a non-residential zoning district, then the side and rear yards shall be not less than the largest yard required in that district.

<b>Main Principal Buildings and Uses</b>	<b>Minimum Side - Yard and Rear (ft.)</b>
Governmental: Administrative buildings	50

Civic: Nonassembly buildings	50
Assembly buildings	75
Educational: Public, private and parochial schools	75
Health care: Buildings	50
Senior citizen housing	50
Religious: Religious Exercise Facility	75
<del>Churches and planned public worship</del>	

(c) Driveways, Parking Areas, Play Areas. Driveways and parking areas serving the public facility may be located within the side or rear yard set forth in the above schedule but driveways shall be located not less than ten feet and parking areas less than twenty feet from adjacent lot line, and play areas shall not be located less than fifty feet from any adjacent district where residences are a permitted use.

#### **1151.05 APPROVAL BY PLANNING COMMISSION.**

In addition to the material required for the application for a zoning amendment, as specified in Section 1111.03, a development plan shall be submitted for land proposed to be zoned into the CF District. Such development plan shall include a site plan for the proposed public facility, as well as any other information deemed necessary to determine compliance with this Ordinance.

The development plan shall be reviewed by the Planning ~~and~~ Commission and considered in making its recommendation to Council. The Planning Commission shall display the development plan at any public hearing held pursuant to Section 1111.05. Criteria for reviewing a development plan for a community facility are as follows:

(a) The proposed building or use shall be located properly in accordance with this chapter.

(b) The proposed public facility shall be located on a major arterial or collector street as shown on the Thoroughfare Plan, so as to generate a minimum of traffic on local streets. Elementary schools, playgrounds or parks intended for neighborhood use may, however, be located on local streets.

(c) The location, design and operation of the community facility shall not impose undue adverse impacts on surrounding residential neighborhoods.

#### **1151.06 ACTION BY COUNCIL.**

In approving the redistricting of land into the CF District, Council may specify appropriate conditions and safeguards applying to the specific proposed facility.

**1151.07 COMPLIANCE WITH DEVELOPMENT PLAN.**

The construction of all buildings and the development of the site with the CF District shall be in conformity and compliance with the approved development plan.



**CHAPTER 1153  
LI Limited Industrial and GE General Employment Districts**

**1153.01 PURPOSE.**

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

(a) LI - Limited Industrial District. This district provides areas where most industrial and industrial related activities may locate. Retail activities are limited and residential uses are prohibited. The district is intended for areas which are primarily undeveloped, having larger lots and irregular block patterns.

(b) GE - General Employment District. This district provides areas for a wider range of employment opportunities. The district allows for a more restricted range of industrial activities, but a wider range of office, business and retail uses. As with the LI District, this district is intended for areas which are primarily undeveloped.

**1153.02 PERMITTED AND CONDITIONAL ACTIVITIES.**

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

Activity	District	
	LI	GE
<b>Industrial Categories</b>		
Industrial Product Sales	P	C
Industrial Service	P	C
Manufacturing and Production	P	C
Warehouse and Distribution	P	P

Activity	District	
	LI	GE
<b>Sales and Service Categories</b>		
General Office Activities	C	P
Personal Service	C	P
Retail Product Sales and Service	C	P
Vehicle Service	P	P
<b>Other Activities</b>		
Radio/Television Broadcast Facility	P	C
Off-Premises Signs	P	P
Sexually Oriented Businesses	N	P
Religious Exercise Facilities and related uses	P	P

P = Permitted Activity

C = Conditional Activity

N = Not Permitted or Conditional

(Ord. 36-2003. Passed 1-13-04.)

### 1153.03 ACTIVITY CATEGORIES FOR INDUSTRIAL DISTRICTS.

(a) Industrial Categories.

(1) Industrial product sales.

A. Characteristics. Firms are involved in the sale, rent or lease of products generally intended for industrial or commercial users. Sales may be wholesale or retail. Emphasis is on on-site sales or order taking and may include display areas. Products may be delivered to the customer.

B. Accessory activities. Accessory activities may include administrative offices, product repair, and warehouses.

C. Examples. Industrial product sales activities may include: sale of machinery, and equipment, special trade tools, electrical supplies, janitorial supplies, restaurant equipment, office furniture, and store fixtures. Industrial product sales also include industrial equipment and vehicle rentals.

D. Exceptions. Firms that primarily engage in retail sales to the general public are classified as retail product, sales and service.

(2) Industrial service.

A. Characteristics. Firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment or products. Few customers especially the general public, come to the site.

B. Accessory activities. Accessory activities may include administrative offices.

C. Examples. Industrial service activities may include welding shops; machine shops; tool and appliance repair; electric motor repair, truck and large equipment repair, storage and salvage; headquarters for building, heating, plumbing, or electrical contractors; printing, publishing and blueprinting; janitorial and building maintenance services; medical, research and testing laboratories; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.

(3) Manufacturing and production.

A. Characteristics. Firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on-site. Relatively few customers come to the manufacturing site.

B. Accessory activities. Accessory activities may include administrative offices, cafeterias, employee recreational facilities, warehouse, storage yards, outlets, and caretaker's quarters. Retail outlet as an accessory to manufacturing plants shall be treated as retail product sales and service.

C. Exceptions. Manufacturing of goods to be sold primarily on-site and to the general public are classified in the retail product sales and service category.

(4) Warehouse and distribution.

A. Characteristics. Firms are involved in the movement, storage and/or sales of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer. The category includes wholesale sales which are not open to the general public and where on-site sales are low.

B. Accessory activities. Accessory activities may include administrative offices, truck fleet parking and maintenance areas, repackaging of goods, and showrooms or display areas, but generally not for direct sale.

C. Examples. Warehouse and distribution firms may include warehouse used by retail stores such as furniture and appliance stores; food and hardware distributors; household moving and general freight storage; distribution of industrial items; building materials, plumbing and electrical distributors; truck terminals; parcel services; major post offices; mail order houses; and public mini-warehouses.

(b) Sales and Service Categories.

(1) General office activities.

A. **Characteristics.** Firms where activities are conducted in an office setting and generally focus on business or personal services. If the office activity is part of a larger firm, it does not need to be on the same site as the primary activity. Most people coming to the site are employees.

B. **Accessory activities.** Accessory uses may include: cafeterias, health facilities, or other amenities primarily for the use of employees in the firm or building.

C. **Examples.** Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as brokerage houses, lenders, or realtors; data-processing; sales offices; industrial or commercial company headquarters when not adjacent with other portions of the firm; and government offices.

(2) **Personal service.**

A. **Characteristics.** These establishments provide on-site personal services or entertainment to the general public or business person.

B. **Accessory activities.** Accessory uses may include administrative offices, product sales and laboratories.

C. **Examples.** Examples include barbers, hair salons and personal care services; banks, savings and loans, and credit unions; continuous entertainment activities such as arcades, bowling alleys, ice rinks libraries, and museums; cafes, restaurants, bars, and taverns, day care facilities; laundromats; business and trade schools; dance and martial arts schools; health clubs, gyms, racquet centers, membership clubs, and lodges; medical related offices such as doctors, dentists, optometrist and veterinarians; public service agencies such as employment offices, social service agencies, and permit issuing offices.

(3) **Retail product sales and service.**

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

B. **Accessory activities.** Accessory uses may include: offices, storage and display of goods.

C. **Examples.** Examples include stores selling apparel, housewares, furniture, hardware, auto parts, flowers, personal care items, sporting goods, office products and machines, and computers; food, produce or meat markets; delicatessens and caterers; tool rental and household moving centers; sales of cars, motorcycles, boats, and recreational vehicles; repair of TVs, appliances, shoes, precision instruments, and business machines; laundry or dry cleaning

drop-off; on-site launderer; photo drop-off; quick printing or reproducing; tailors; locksmiths; upholsterers; and furniture refinishing.

D. Exceptions.

1. Lumber yards and similar building material sales which sell primarily to contractors and do not have a retail orientation are classified in the industrial product sales category.

2. Repair and service of consumer vehicles is classified in the vehicle service category. Repair of motor vehicles in conjunction with vehicle sale is classified in the vehicle service category.

3. Repair and service of industrial vehicles and equipment is classified in the industrial service category.

(4) Vehicle services.

A. Characteristics. Firms servicing automobiles, light trucks and other consumer vehicles such as motorcycles, boats and recreational vehicles.

B. Accessory activities. Accessory uses may include offices and sales of parts.

C. Examples. Examples may include gas stations, vehicle repair, auto body shop, alignment shop, auto upholstery shop, tire sales and mounting, towing and vehicle storage; and surface or garage fee parking.

(c) Other Activity Categories.

(1) Radio or television broadcast facility. Characteristics. Any and all devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing, electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message.

(2) Off-premises signs. Subject to regulations of Section 1169.08.

(3) Sexually oriented businesses as defined, regulated and licensed by Chapter 743 entitled "Sexually Oriented Business Establishments" provided the proposed location of such use is more than 750 feet (as measured from property line to property line) from all of the following uses:

- A. Any other place licensed to operate a sexually oriented business.
- B. Any elementary school, middle school or high school.
- C. Any child day-care center or nursery school.
- D. Any park, playground, playfield or community center publicly owned or operated.
- E. Any residential use or residential zoning district.

F. Any place licensed for the sale of beer or intoxicating liquor for consumption on the premises.

G. Any place of worship.

H. Any public library.

(Ord. 36-2003. Passed 1-13-04.)

(4) Religious Exercise Facilities and related uses.

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

(a) Minimum Lot Area. No minimum lot area is required in the LI or GE Districts; however, lot area shall be sufficient to provide for all yards and distances as required by this Ordinance.

(b) Lot Width. All lots shall abut a public or private street and have adequate lot width to provide for yards and distances as required by this Ordinance.

(c) Side Yards. For any structure or service area within the LI or GE Districts, the required side yard shall be not less than twenty-five (25) feet from any interior lot line.

(d) Rear Yards. For any structure or service area within the LI or GE Districts, the required rear yard shall not be less than twenty-five (25) feet from any interior lot line.

(e) Maximum Lot Coverage. For structures and paved areas within the LI or GE Districts the maximum lot coverage shall be 75%. The remainder of the site shall be landscaped in natural vegetation.

(f) Distance From Residential Districts. In no case shall any structure, service area, or parking area in any LI District be located less than 50 feet from any district where residences are a permitted use. In no case shall any structure, service area or parking area in any GE District be located less than 50 feet from any district where residences are a permitted use.

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

(a) Exterior Operations. Exterior operations include: outdoor processing, assembly or fabrication of goods; movement of bulk goods not in containers or pipelines; maintenance, repair and salvage of equipment. Exterior operations shall not be permitted in the GE District.

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

(c) Exterior Display. Exterior display includes the display of products, vehicles, equipment and machinery for sale or lease. Display items are intended

to be viewed by customers and are not just being stored or parked. Exterior display does not include damaged vehicles, vehicles or equipment being serviced, bulk goods and materials, or other such products. Exterior display shall not be permitted in the LI District but shall be permitted in the GE District.

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

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

(a) Noise. The sound pressure level of any operation on a lot within the LI or GE Districts shall not exceed the average intensity of street traffic noise in the nearest residential districts, and no sound shall be objectionable due to intermittence, best frequency or shrillness.

(b) Vibration. No vibrations which are perceptible without the aid of instruments shall be permitted, as measured on the lot within the non-industrial district.

(c) Odor. No emission of odorous matter in any quantities so as to produce a public nuisance shall be permitted, as measured on the lot within the non-industrial district.

(d) Dust and Smoke. The emission of smoke, soot, fly ash, fumes, dust or other types of pollutants borne by the wind shall be controlled so that the rate of emission and quantity deposited do not create a public nuisance, as measured on the lot within the non-industrial district.

(e) Glare. Exterior lighting shall be used in a manner that produces no glare on public highways or non-industrial zoned land.

**CHAPTER 1105**  
**Definitions**

**1105.01 INTERPRETATION.**

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

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

**1105.02 DEFINITIONS.**

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

(a) "Accessory use" means a use subordinate, secondary, incidental to, and customary in connection with the principal building or use and located on the same lot as the principal building or use.

(b) "Accessory building" or "accessory structure" means a building or structure occupied by an accessory use.

(c) "Administrative and business offices" means offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.

(d) "Agriculture" means the use of land for growing crops in the open, dairying, pasturage, horticulture, floriculture and necessary accessory uses, as further defined and specified in Section 1129.02.

(e) "Alley" means a public right-of-way ten (10) to twenty (20) feet wide which provides only secondary means of access to abutting property.

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

(f) "Appurtenance" means something that belongs to or goes with another thing.

(Ord. 72-92. Passed 12-15-92.)



(g) "Basement" means a story whose floor level two (2) feet or more below grade level, but having less than half its clear height above grade level.

(h) "Building" means a structure permanently affixed to the land with one (1) or more floors and a roof supported by columns or walls, used or intended to be used for shelter or enclosure of persons, animals and/or property.

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

(1) "Height of building" means:

A. The vertical distance from the average existing grade level around the foundation of the new work to the highest point of the coping of a flat roof or mansard roof or to the top of the highest ridge line of gable, hip or gambrel roofs on the new work. The average existing grade level is determined by measuring at four (4) specific points around the foundation, as follows: two (2) front corners and two (2) rear corners.

B. For new work not requiring a grading plan and spot elevations, building height shall be determined by measuring from the average existing contact ground level for each building elevation to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the top of the highest ridge line for gable, hip or gambrel roofs on that building elevation. The highest as measured for each building elevation shall then be combined and divided by the number of measurements taken to determine the height of the building in relation to this subsection.

(Ord. 30-2001. Passed 8-21-01.)

(2) "Building line" means the front yard setback line established by this Zoning Ordinance generally parallel with and measured perpendicularly from the front lot line, defining the limits of a front yard in which no building or structure may be located as provided by this Zoning Ordinance.

(i) "Principal building" means a building in which is conducted the main or principal use of the property on which such building is located.

(j) "Business services" means any profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

(k) "Cemetery" means land used or intended to be used for the burial of human dead.

(l) "Certificate of occupancy" means a certificate issued by the Zoning Inspector, pursuant to Section 1109.09, confirming that the requirements of this Ordinance have been met, and the building can be occupied.

(m) "Clinic, human" means an establishment where patients who are not lodged overnight are admitted for examination and/or treatment by a physician or group of physicians.

(n) "Conditional use" means an uncommon or infrequent use which may be permitted in specific zoning districts subject to compliance with certain standards, explicit conditions, and the granting of a conditional use permit as specified in Chapter 1115.

(o) "Drive through facilities" mean a designated place, in conjunction with a retail or service establishment, from which persons can conduct the major portion of their business without leaving their motor vehicle.

(p) "Dwelling" or "residence" means any building or portion thereof which is designed or used for residential purposes, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.

(1) "Multiple-family dwelling" or "multiple-family residence" means a building designed or used as a residence for three or more families living independently and doing their own cooking therein.

(2) "Single family dwelling" or "single family residence" means a building designed for or occupied exclusively by one family.

(3) "Two-family dwelling" or "two-family residence" means a building designed for or occupied exclusively by two families living independently.

(q) "Essential services" means the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare, but not including buildings.

(r) "Failure of delivery" means that a particular notice was not received, due to circumstances beyond the control of the Village, and does not include the lack of mailing of the subject notices in the matter specified in the Ordinance.

(s) "Floor area" of a building means the sum of the gross horizontal areas of the building floors, measured from the exterior faces of exterior walls. Floor area shall not include basements, elevator and stair bulkheads, unfinished attic spaces, terraces, breezeways, open porches, uncovered steps, or garages.

(t) "Frontage" or "lot frontage" means that portion of the lot that directly abuts the street, and has direct access thereto. Lot frontage shall be measured along the minimum building setback line for the district within which such lot is located.

(u) "Garage, private" means a building, or portion of building, designed or used for the storage of motor-driven vehicles owned and/or used by the occupants of the principal use of the property.

(v) "Gasoline service station" means any building or land used for the sale, offering for sale, and/or dispensing of any vehicular fuels, oils or accessories, including the lubrication of automobiles or motor vehicles and replacement or installation of minor parts and accessories, but not including major repair work, such as motor replacement, body and fender repair, or painting and finishing.

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

(w) "Gross density" means a unit of measurement of the number of dwelling units per acre of land divided by the total number of dwelling units within the particular project, development or subdivision excluding all dedicated public streets therein. (Ord. 72-92. Passed 12-15-92.)

(x) "Home occupations" means any occupation or profession conducted primarily by immediate resident family members, which is clearly incidental and secondary to the dwelling's residential use. A home occupation must meet the standards and requirements specified in Section 1165.08.

(y) "Hospital" means a building or structure containing beds for at least four (4) patients allowing for overnight or continuous care, diagnosis and treatment of human ailments.

(z) "Hotel" or "motel" means a building in which lodging is provided or offered to the public for compensation and which is open to transient guests, in contradiction to a boarding house or lodging house operated on a membership basis.

(aa) "Institution" means an organization providing social, cultural, educational, religious or health services to member agencies, organizations, and individuals, or to the general public.

(bb) "Loading space" is a space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of trucks.

(cc) "Lot" means a division of land separated from other divisions for purposes of sale, lease, or separate use, described on recorded subdivision plat, recorded map or by metes and bound, and includes the terms "plat" and "parcel."

(1) "Corner lot" means any lot at the junction of and abutting on two (2) or more intersecting streets, where the angle of intersection is not more than 135 degrees.

(2) "Lot coverage" means the ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

(3) "Rear lot line" means that lot line which is opposite and furthest removed from the front lot line. In such a lot where the side lot lines meet to the rear of the lot, or where the rear lot line is less than ten (10) feet, the minimum rear yard shall be computed from the point of intersection of the side lot lines on an imaginary line that is at equal angles from each side lot line. In the case of a corner lot, the rear lot line is opposite and furthest removed from the front lot line of least dimension.

(4) "Side lot line" means the lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.

(5) "Lot of record" means any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder, Franklin County, Ohio, as of the effective date of this Ordinance.

(6) "Minimum area of lot" means the area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.

(7) "Lot width" is the width of a lot at the building setback line measured at right angles to its depth.

(dd) "Manufacturing" means any production or industrial process, including food processing, which combines one (1) or more raw materials or components into a product or which changes the nature of the materials entering the process, and which by the nature of the materials, equipment and/or process utilized is not objectionable by reason of odor, noise, vibration, gas fumes, dust, smoke, refuse, or water-carried wastes.

(ee) "Nonconforming use" means the use of land or a building, or a portion thereof, which does not conform with the use regulations of the district in which it is situated, which use was lawful prior to the enactment of this Zoning Ordinance.

(ff) "Nonresidential use" means a premises not used primarily for human habitation.

(ffgg) "Nursery" or "day care center" means a facility which temporarily assumes responsibility for more than four (4) children other than those related to the resident of the premises. Such responsibility shall consist of administering to the needs of those children during any part of a twenty-four hour day for a period of two (2) consecutive days.

(gggh) "Nursing home" includes convalescent and extended care facilities; an establishment which specializes in providing necessary care, shelter and nursing services and services to those unable to be responsible for themselves.

(hhii) "Open space" means that part of a zoned property, including courts or yards, which is open and unobstructed from its lowest level to the sky, accessible to all tenants upon the zoning property.

(ijjj) "Off-street parking space" means any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in Chapter 1167.

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

(jjkk) "Park" is a public area of land, usually in a natural state, having facilities for rest and recreation. (Ord. 72-92. Passed 12-15-92.)

(kkll) "Parking area" or "parking lot" means any area other than street, drive, or alley used or intended to be used for the storage of motor vehicles, with or without a fee.

(llmm) "Personal services" means any enterprise, conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, retail dry cleaning, barber and beauty shops, and related activities.

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

(mmnn) "Private road" means a strip of privately owned land providing access to abutting properties. (Ord. 72-92. Passed 12-15-92.)

(nnoo) "Professional offices" means the offices which engage in the providing to the general public services of a professional nature such as legal, medical, accounting, and architectural services.

(øpp) "Recreational facilities" means public or privately- operated uses such as country clubs, golf courses, swimming pools, or other areas maintained for the purpose of providing active and passive recreation.

(qq) "Religious Exercise Facility" means any use, building or conversion of real property for the purpose of any exercise of religion, whether or not compelled by, or central to a system of religious belief and shall be considered to be religious exercise of a person or entity that uses or intends to use the property for that purpose.

(pprr) "Residence" - see "Dwelling."

(eqss) "Restaurant" means a business establishment where food and beverages are prepared and presented for human consumption on the premises.

(rftt) "Retail stores" means stores primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

(ssuu) "Right-of-way" means a strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features required by the topography or treatment such as grade separation, landscaped areas, viaducts and bridges.

(ttvv) "Similar use" means a use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the classification, according to the procedures and requirements of Section 1127.02(e).

(uuww) "Street" or "thoroughfare" means a public way for the purpose of vehicular travel, including the entire area within the right-of-way.

(vxx) "Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including, among other things, walls, buildings, and patios. "Structure" does not include fences.

(wwyy) "Structural alteration" means any change which would replace or tend to prolong the life of a supporting member of a structure, such as bearing walls, columns, beams, or girders.

(xzz) "Use" means the purpose for which a building is arranged, designed, or intended, or for which either land, lot, piece or parcel thereof or a building located thereon or may be occupied or maintained.

(yyaaa) "Variance" means a modification from the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of action by the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

(zzbbb) "Yard" means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general level of the graded lot upward.

(1) "Front yard" means that portion of a lot extending across the front of the lot between the side lot lines and being the minimum horizontal distance between the street right-of-way and the front of the building or structure.

(2) "Rear yard" means that portion of a lot extending across the rear of the lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the building or structure.

(aaacc) "Side yard" means that portion of a lot that is located between the side lot line and the nearest building or structure.

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

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

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

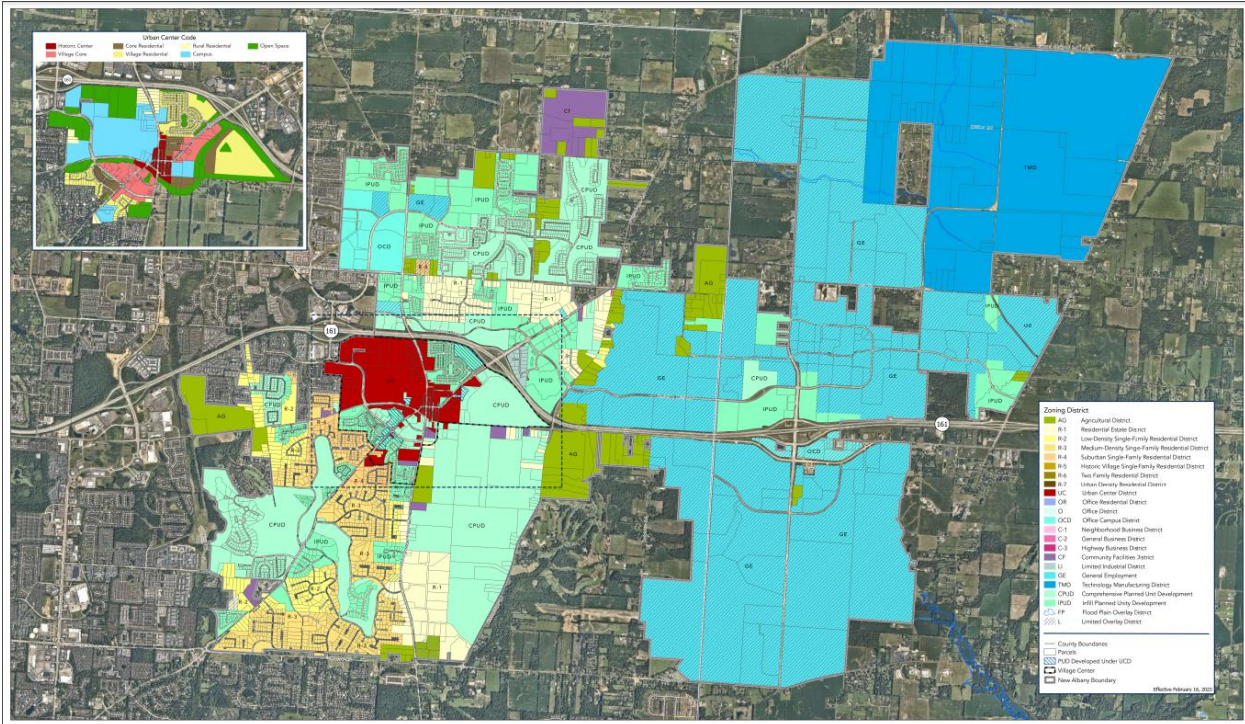
(eeeggg) "Zoning Inspector" means the zoning enforcement officer of the Village, hired by the Village Council who is charged with the duty of enforcing the provisions of the Zoning Ordinance.

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

# **Exhibit D-3**



# Zoning Map



## Official Zoning Map

Disclaimer: This map is to be used for reference purposes only and the city of New Albany, Ohio is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided. Please contact the Community Development Department for zoning verifications.

