



ORDINANCE O-49-2024

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 30.04 +/- ACRES OF LAND GENERALLY LOCATED NORTH AND WEST OF LAMBTON PARK ROAD AND SOUTH OF BRANDON ROAD FOR AN AREA TO BE KNOWN AS THE "EAST NINE ZONING TEXT" FROM ITS CURRENT ZONING OF "C-PUD" COMPREHENSIVE-PLANNED UNIT DEVELOPMENT TO "I-PUD" INFILL-PLANNED UNIT DEVELOPMENT AS REQUESTED BY THE NEW ALBANY COMPANY, LLC C/O AARON L. UNDERHILL, ESQ.

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

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

WHEREAS, pursuant to the application by the New Albany Company LLC c/o Aaron Underhill, Esq., the New Albany Planning Commission reviewed the proposed zoning amendment and recommended its approval on November 18, 2024 (ZC-71-2024).

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

Section 1. Council hereby amends the zoning ordinance map of the city of New Albany to change the zoning classification of the following described site:

A. An approximately 30.04 +/- acre site within Franklin County, generally located north and west of Lambton Park Road and south of Brandon Road from its current zoning of Comprehensive Planned Unit Development (C-PUD) to Infill Planned Unit Development (I-PUD).

B. The zoning district's text and boundary map are hereby attached and marked Exhibit A.

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

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

CERTIFIED AS ADOPTED this _____ day of _____, 2024.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 11/14/2024

Introduced: 12/17/2024

Revised:

Adopted:

Effective:

PREPARED

**EAST NINE INFILL PLANNED UNIT DEVELOPMENT (I-PUD)
ZONING TEXT**

November 27, 2024

I Introduction: The East Nine I-PUD consists of 30.04+/- acres within the New Albany Country Club Communities, being surrounded by the golf course on all four sides. The site has been developed with public infrastructure, including (but not limited to) an extension of Head of Pond Road into the property from Lambton Park Road on the southwest, an extension of Baughman Grant into the property from the north, other internal streets, and utilities and stormwater management infrastructure. While infrastructure has been constructed, no homes have been built within the subdivision. The applicant desires to reconfigure parcels within the subdivision and to make some limited public infrastructure modifications and is pursuing this rezoning to accommodate these changes.

This rezoning will facilitate the creation of estate lots along with a pocket of upscale, clustered housing in the southeastern portion of the development to frame an open space that will be meticulously designed to create a notable feature for the neighborhood. In addition, a so-called “gatehouse” residence will be located near to the entrance into the neighborhood at the intersection of Head of Pond Road and Lambton Park Road in order to create a truly unique entry feature into the development. Other enhancements will be made to the vehicular entrances into the development, and modifications and upgrades are planned to an existing pedestrian overlook over a centralized pond, along with the addition of a second overlook. Most existing asphalt paths will be replaced with a brick sidewalk network internal to the site.

II. Subareas: The vast majority of the site is part of an existing platted subdivision known as The New Albany Country Club Section 30, and prior to the approval of this text is zoned as Subarea 1D of the 1998 NACO C-PUD. In addition to including all of the property within Section 30, the East Nine I-PUD will include a very limited portion of Subarea 1G of the 1998 NACO C-PUD. The East Nine I-PUD includes three subareas. Subarea 1 encompasses 26.30+/- acres covering the entire northern and central portions of the development, along with the central portions of the southernmost areas, and will contain estate lots. Subarea 2 totals , 3.40+/- acres within the southeastern portion of the development that will accommodate clustered housing. Subarea 3 includes 0.34+/- acres located near the entrance to the community at the intersection of Lambton Park Road and Head of Pond Road.

III. Development Standards: Homes 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 Title Five of Part Eleven of the Codified Ordinances of the City of New Albany shall apply to this zoning district. If there is a conflict between the development standards contained in the Codified Ordinances and this text, the standards contained in this text shall govern.

Exhibit A – O-49-2024

IV. Subarea 1: The standards and requirements in this Section IV shall apply to Subarea 1.

A. Permitted Uses: Permitted uses include single-family detached homes, related accessory uses, and publicly or privately-owned parks and open spaces.

B. Density, Lot and Setback Commitments:

1. Number of Units: There shall be a maximum of 29 units in Subarea 1.

2. Street Frontage: All lots shall have frontage on and shall have vehicular access to and from a public street.

3. Minimum Lot Width: There shall be a minimum lot width of 90 feet at the building line.

4. Minimum Lot Depth: There shall be no minimum lot depth.

5. Setbacks:

a. Front Yards: The minimum front yard setback on a lot shall be 20 feet from the edge of right-of-way.

b. Side Yards: The minimum side yard setback on a lot shall be 15 feet.

c. Rear Yards: The minimum rear yard setback on a lot shall be 25 feet.

d. Encroachments: Stoops, steps, and covered porches shall be permitted to encroach up to 5 feet into the minimum front yard setback. No encroachments into right-of-way or across a lot line shall be permitted on the lot that is identified in the immediately preceding subsection d.

C. Perimeter Landscaping: Along each perimeter boundary of Subarea 1 which is shared with property that is located outside of this zoning district, enhanced landscaping shall be provided in order to delineate this subdivision from the golf course. Such landscaping shall be provided within a 20-foot wide landscaping easement measured from each such perimeter boundary line. With the landscaping plan that is filed as part of a final development plan, the applicant shall provide the details for this landscaping.

V. Subarea 2: The standards and requirements in this Section V shall apply to Subarea 2.

A. Permitted Uses: Permitted uses include single-family detached and/or attached homes, related accessory uses, and publicly or privately-owned parks and open spaces.

Exhibit A – O-49-2024

B. Density, Lot and Setback Commitments:

1. Number of Units: There shall be a maximum of 10 units in Subarea 2.
2. Street Frontage: All lots shall have frontage on and shall have vehicular access to and from a public street.
3. Minimum Lot Depth: There shall be no minimum lot depth.
4. Setbacks: There shall be no minimum setbacks from any lot lines for parcels within this subarea for primary or accessory structures (detached or attached).

VI. Subarea 3: The standards and requirements in this Section VI shall apply to Subarea 3.

A. Permitted Uses: Permitted uses include single-family detached and/or attached homes, related accessory uses, and publicly or privately-owned parks and open spaces.

B. Density, Lot and Setback Commitments:

1. Number of Units: There shall be a maximum of 1 unit in Subarea 3.
2. Street Frontage: All lots shall have frontage on and shall have vehicular access to and from a public street.
3. Minimum Lot Depth: There shall be no minimum lot depth.
4. Setbacks: Setbacks from lot lines within this subarea shall be specified in a final development plan for review and approval.

VII. Standards Applicable to Both Subareas: The standards and requirements in this Section VII. shall be applicable to all subareas:

A. Architectural Standards: All homes shall be designed in accordance with the City's Design Guidelines and Requirements (DGRs). Maximum building heights shall be 35 feet.

B. Access Points: The vehicular access points to and from the zoning district exist and are both from the intersection of Lambton Park Road and Head of Pond Road and from Baughman Grant.

C. Rights-of-Way, Streets: Rights-of-way within this zoning district were previously dedicated to the City of New Albany as provided in that certain plat for The New Albany Country Club Section 30, which is of record with the Office of the Recorder of Franklin County,

Exhibit A – O-49-2024

Ohio in Plat Book 132, Pages 86-89. The subdivision will be re-platted following this rezoning and approval of final development plans in order to reflect the approved standards and requirements of this application. Right-of-way and existing pavement widths shall remain as they exist within this I-PUD as provided in the existing plat and shall be reflected in the re-plat, except that the location of a limited portion of Head of Pond Road shall be modified along the eastern portion of Subarea 2 that has frontage on that street. The modified location of this portion of the street is illustrated in an accompanying exhibit but shall have a final location and specifications as approved in a final re-plat. The re-plat for this subdivision shall provide for a dedication of right-of-way to the City as necessary to accommodate the modified right-of-way location, as well as a dedication of any necessary associated easements. The City shall vacate any right-of-way and easements which are no longer needed to accommodate the street, utilities, or other public improvements once the re-plat is recorded, either as part of that re-plat or by other appropriate City action.

Within Subarea 2, a new public street will be provided in a “loop” configuration. The minimum right-of-way for this street shall be determined as part of the review and approval of a final development plan based on the final design of improvements within this subarea. Pavement for this street shall be a minimum of 20 feet in width unless otherwise approved as part of a final development plan. This street may be platted as part of the initial re-platting of the subdivision or may be platted as part of a further subsequent re-plat for Subarea 2. Green space within the public street loop shall be permitted to have hardscape and decorative vertical improvements, which may extend into the right-of-way if approved as part of a final development plan.

D. Lot Coverage. There shall be no maximum lot coverage ratio in this zoning district.

E. Parking:

1. Off-Street Parking: All homes shall be required to have a minimum of 2 off-street parking spaces on their driveways in addition to a minimum of 2 parking spaces within a garage.

2. On-Street Parking: Parking shall be permitted on both sides of the public streets within Subarea 1 and on one side of the public street in Subarea 2, except in areas where such parking will cause a traffic safety concern, as determined at the time of final development plan approval.

E. Public Sidewalks: A public brick sidewalk shall be located within the right-of-way on both sides of each of Head of Pond Road and Baughman Grant and along the western side of Head of Pond Court. An existing asphalt path shall remain along the east side of Head of Pond Court extending from its intersection with Head of Pond Road and through the zoning district. Existing public sidewalks and leisure paths shall be removed to accommodate the brick sidewalks, which shall be a minimum of 4 feet in width.

Exhibit A – O-49-2024

F. Buffering, Landscaping, Open Space and Screening Commitments:

1. **Parkland and Open Space:** Parkland shall be dedicated to the City, and privately-owned open spaces shall be provided, in locations as specifically approved as part of one or more final development plans. Ownership of and maintenance responsibilities for these areas shall be defined and approved with the final development plan. To the extent that parkland and/or open space requirements of the City's Codified Ordinances cannot be provided within this zoning district, the developer shall withdraw parkland credits from its parkland bank that was created as part of the 1998 NACO PUD. The quantity of the withdrawal shall be detailed in a final development plan application.

2. **Central Stormwater Management Basin.** The stormwater management basin that will be centrally located within the development will be located in whole or in part on privately owned lots. The basin shall be maintained by a forced and funded property owners' association and appropriate easements will be provided in a final plat or other recorded easement instrument(s) in order to memorialize the rights and obligations of the association in this regard.

3. **Street Trees:** Street trees shall be permitted but shall not be required in Subarea 2. If street trees are provided, details regarding their sizes and spacing shall be provided at the time of final development plan approval for this subarea.

4. **Exemption to Section 1187.15(c)(6):** This zoning district shall be exempt from the requirement of Section 1185.15(c)(6) that would otherwise require all residences to be located within 1,200 feet of playground equipment.

G. Lighting:

1. **Uplighting:** Uplighting of the exterior of a home shall be prohibited.

2. **Street Lights:** Street lighting shall be provided at each street intersection with the fixture, color and spacing to be approved at time of final development plan. Street light height shall not exceed 18 feet in height. Street light poles and fixtures shall be consistent in height, color, and appearance throughout Subarea 1.

3. **Entry Features:** Lighting of entry features and any additional proposed lighting shall be provided and approved at time of final development plan. Ground mounted lighting shall be shielded and landscaped.

4. **Fixtures:** Fully shielded, downcast, cut-off type lighting fixtures shall be required. Exterior lighting fixtures shall be similar in appearance throughout Subarea 1

5. **Other Requirements:** Except as otherwise expressly provided in this text, lighting shall be provided in accordance with the City's Codified Ordinances.

Exhibit A – O-49-2024

H. Storage:

1. Storage Sheds: Storage sheds and other prefabricated storage structures shall be prohibited.

2. Equipment Storage: Storage of all maintenance equipment shall be within garages or otherwise screened from off-site view. Such items should not be visible from streets, common open spaces, adjacent lots or developments.

3. Vehicle Storage: All campers, off-road vehicles (i.e. box trucks), and boats, must be parked within an enclosed garage. No undrivable vehicles or parts of vehicles may be stored outside.

I. Garbage Cans: All garbage cans and other waste containers shall be kept in garages or within approved screened areas.

J. Utilities: All new utility lines shall be placed underground.

K. Graphics and Signage Commitments: This zoning district shall utilize standard City of New Albany street regulatory signage. Entry feature signage at the public street entrances into the zoning district from Lambton Park Road and Baughman Grant shall be permitted with designs that are approved by the Planning Commission as part of a final development plan.

XIII. Miscellaneous Standards:

A. Housing Bank: The approved zoning for the property within this zoning district as it exists prior to the approval of this rezoning allows for a maximum of 88 homes to be constructed. A previously approved final development plan and the plat for this subdivision provided for 36 homes to be constructed on the property, with the balance of the 88 homes that are permitted on the site having been deposited into the so-called “housing bank” under the 1998 NACO PUD. This rezoning allows for the construction of up to 40 homes in this zoning district. The applicant shall withdraw 4 units from the housing bank to accommodate the additional homes to be developed in this zoning district as compared to the previously approved subdivision.

B. Variances and Appeals:

1. 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

Exhibit A – O-49-2024

structure permitted.

2. Variance and Appeals Process: The procedures and requirements of Chapter 1113, Appeal and Variances, of the Codified Ordinances of the City of New Albany shall be followed in cases of appeals. Requests for variances shall be heard by the Planning Commission.