



ORDINANCE O-05-2025

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 28.10+/- ACRES OF LAND GENERALLY LOCATED TO THE SOUTHEAST OF AND ADJACENT TO STATE ROUTE 161/BEECH ROAD INTERCHANGE, FROM OFFICE CAMPUS DISTRICT (OCD) TO INFILL PLANNED UNIT DEVELOPMENT (I-PUD) FOR AN AREA TO BE KNOWN AS "BEECH INTERCHANGE SOUTHEAST ZONING DISTRICT" AS REQUESTED BY MBJ HOLDINGS LLC, C/O AARON UNDERHILL

WHEREAS, council of the City of New Albany has determined that it is necessary to rezone certain property located 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 MBJ Holdings LLC, c/o Aaron Underhill, Esq., the planning commission has reviewed the proposed ordinance amendment and recommended its approval unanimously.

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

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

- A. A 28.10+/- acre site within Licking County, generally located to the southeast of and adjacent to State Route 161/Beech Road interchange, from its current zoning of Office Campus District (OCD) to Infill Planned Unit Development (I-PUD).
- B. The zoning district's limitation text and boundary map are hereby attached and marked Exhibit A.

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

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

CERTIFIED AS ADOPTED this 18 day of Feb, 2025.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	01/23/2025
Introduced:	02/04/2025
Revised:	
Adopted:	02/18/2025
Effective:	03/20/2025

BEECH INTERCHANGE SOUTHEAST ZONING DISTRICT

INFILL PLANNED UNIT DEVELOPMENT (I-PUD) TEXT

DECEMBER 20, 2024

I. INTRODUCTION: The Beech Interchange Southeast Zoning District (hereinafter, the “Zoning District”) includes real property located to the southeast of the State Route 161/Beech Road interchange. It encompasses 28.10+/- acres which, prior to the approval of this text, is zoned in the L-OCD, Limited Office Campus District under the City’s Codified Ordinances. The City’s Strategic Plan recommends retail uses for the property within this proposed Zoning District and recommends employment uses for properties adjacent to it to the east. These recommendations reflect the unique location of the property in an area where a variety of non-residential use types are appropriate. The purpose of this rezoning is to create a new I-PUD, Infill Planned Unit Development (I-PUD) District that is flexible to facilitate both the development of service, retail, restaurant, and related uses throughout the Zoning District and opportunities for employment-generating uses to be developed within roughly the eastern two-thirds of the site.

This zoning text is modeled after two others which previously were approved by the City. Retail-type uses and development standards are carried over from the Beech Interchange Southwest District, which was approved in 2023 and is located to the west of this Zoning District across Beech Road. In addition, use rights, development standards, and the review processes set forth herein are similar to the Mink Interchange Zoning District, which was approved in 2016 for property located to the northwest of the interchange of Mink Street and State Route 161. That district allows for the same hybrid of uses as this proposal and has resulted in the construction of a sizable light manufacturing facility. It is expected that existing and ongoing development in the vicinity of that district will yield new retail-type development within the remaining undeveloped portions of the Mink Interchange District in the not-too-distant future. This Zoning District may achieve a similar result while also leaving open the possibility that it will be developed with retail-type uses in its entirety.

II. SUBAREAS: The Zoning District is comprised of two subareas. Subarea A includes 7.13+/- acres in the western portion of the site bounded by Beech Road on the west, Worthington Road on the south, State Route 161 on the north, and the western edge of an electric transmission line easement on the east. Subarea B consists of 20.97+/- acres found to the east of and adjacent to Subarea A, between State Route 161 and Lucille Lynd Road.

III. DEVELOPMENT STANDARDS: Unless otherwise specified in this text, the development standards of Part Eleven of the Codified Ordinances of the City of New Albany shall apply to this Zoning District. 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.

A. Permitted Uses: Permitted uses in this Zoning District are as follows:

1. Subarea A and Subarea B: Within each of Subarea A and Subarea B, those uses set forth in the Codified Ordinances of the City of New Albany, C-3, Highway Business District, Section 1149.02. In addition, gasoline and diesel fueling stations with or without convenience stores (and other accessory uses), vehicle charging stations, and restaurants and banks with drive-throughs shall be permitted uses. The conditional uses listed in Section 1149.03 of the Codified Ordinances shall not be permitted uses or conditional uses in this Zoning District. In addition, the following uses shall be prohibited:

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

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

- a. Industrial product sales (See Section 1153.03(a)(1))
- b. Industrial service (See Section 1153.03(a)(2))
- c. Mini-warehouses (See Section 1153.03(a)(4)(c))
- d. Tool rental and household moving centers, sales of cars, motorcycles, boats and recreational vehicles, repair of TV's, appliances, precision instruments, and business machines, locksmiths, upholsters and furniture refinishing (See Section 1153.03(b)(3)).
- e. Vehicle services (See Section 1153.03(b)(4)) except as associated with "travel centers," as such term is defined in Section II.A.2.d of this text
- f. Radio/television broadcast facilities (See Section 1153.03(c)(1))
- g. Sexually-oriented businesses (See Section 1153.03(c)(3))

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

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

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

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

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

B. Vehicular Access:

1. Limitations. Vehicular access to and from this Zoning District shall be permitted only along Worthington Road. No vehicular access shall be permitted along Beech Road.

2. Access Points: Two vehicular access points shall be permitted along Worthington Road with full turn movements, provided that such access points are at least 500 feet apart. Subject to the provisions of Section B.4 below, the full turn movement access points may serve multiple parcels within the Zoning District. Other vehicular access points shall be permitted along Worthington Road, but only if they are restricted to right-in and right-out turning movements and otherwise meet City spacing and safety standards. Final locations of the proposed access points will be reviewed for approval as part of the first final development plan that is filed for this Zoning District, except that in the case of proposed development of GE, General Employment uses, such locations and specifications shall be reviewed for approval by the City Engineer.

3. Lucille Lynd Road: One full movement access point shall be permitted, but not required, on Lucille Lynd Road.

4. Internal Circulation: Internally within the Zoning District, private roadways and/or drives shall be utilized to provide vehicular circulation, with locations and specifications for the same to be reviewed and approved as part of one or more final development plans, except that in the case of proposed development of GE, General Employment uses, such locations and specifications

shall be reviewed for approval by the City Engineer. If more than one use/user or property owner is expected to be located or to own property within this Zoning District, then one or more declarations of reciprocal easements or reciprocal easement agreements shall be recorded against the real property within this Zoning District prior to the issuance of the first building permit in the Zoning District to provide for perpetual vehicular and pedestrian cross access easements, cross utility easements, and other easements which are necessary or desirable for efficient development. Maintenance of private drives and sidewalks internal to this Zoning District shall be the responsibility of the owners of property within this Zoning District. A copy of the relevant recorded instrument(s) as contemplated by this paragraph shall be submitted to the City along with the first application for a building permit in this Zoning District.

5. Traffic Analysis: In conjunction with the filing of the first final development plan for this Zoning District, or if no final development plan application is required then before filing the first application for a zoning permit in this Zoning District, a traffic study shall be filed by the applicant unless the City Engineer requires less than a full study as determined prior to the filing of the relevant application. The study or analysis which is approved along with the application shall apply to other developments within the Zoning District unless otherwise modified as part of a subsequent approved study or analysis as part of another application. A memorandum of understanding detailing the scope of all required traffic studies/analyses shall be agreed upon by the City Engineer and the applicant prior to the filing of the relevant application.

C. Pedestrian Access:

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

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

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



4. Connections: Every development as contemplated in the immediately preceding Section II.C. 3 of this text shall be required to connect into the internal pedestrian circulation system by direct connection to a leisure trail or sidewalk.

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

D. Setbacks; Lot Coverage:

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

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

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

4. Eastern Perimeter Boundary: There shall be a minimum pavement and building setback of 25 feet from the eastern perimeter boundary of this Zoning District.

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

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

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

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

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

1. GE, General Employment Uses: The following architectural standards shall apply to any building containing as its primary use any use which is permitted or conditional under Section II.B.2 of this text (i.e., GE, General Employment District uses):

a. Service and Loading Areas: Service areas and loading areas shall be screened in accordance with the Codified Ordinances unless otherwise provided in this text.

b. Building Design:

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

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

iii. The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance.

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

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

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

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

viii. Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure. Fenestration themes that employ windows, panels and piers that are consistent with the architectural vocabulary of the building are encouraged.

c. Building Form:

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

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

d. Materials:

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

ii. Prefabricated metal buildings and untreated masonry block structures are prohibited.

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

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

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

f. Additional Standards for Uses Not Governed by DGRs: Buildings that are constructed to accommodate certain uses are not governed by the City's Design Guidelines and Requirements (DGRs). For example, buildings that are constructed for the operation of warehousing and/or distribution uses are not subject to the DGRs and can present challenges in meeting the community standard for architectural design.

Such buildings are necessarily large and typically include long walls that together form a square or rectangular box. The goal for the development of buildings that are not subject to the DGRs is to balance the practical needs of these buildings with the desire to provide exterior designs that are attractive and complimentary to the architecture that will be found elsewhere in this zoning district.

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

In conjunction with an application for a certificate of appropriateness for each building or structure in this subarea that is not subject to or governed by the DGRs, the applicant shall be required to submit to the City illustrations of the proposed exterior design of the building or structure for review and approval by the Design Review Committee contemplated in Section 1144.04(q) of the City Code. In designing such buildings, the user or applicant shall take into account the following, which are intended to set a level of expectation for the quality of design:

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

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

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

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

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

2. C-3, Retail-Type Uses: The following architectural standards shall apply to any building containing as its primary use any use which is permitted under Section II.B.1 of this text (i.e., C-3, Highway Business District uses):

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

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

c. Materials:

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

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

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

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

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

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

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

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

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

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

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

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

i. Complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are consistent and harmonious with the building's façade and character, but is not required to be the same material as the building's facade. Such screening shall be provided in order to screen the equipment from off-site view and sound generated by such equipment. When the requirements of this subsection cannot be met due to State Route 161 being at a higher

elevation than a building in this Zoning District, deviations with regard to the screening requirements from State Route 161 may be approved as part of a final development plan.

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

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

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

G. Buffering, Landscaping and Open Space: The following landscaping requirements shall apply to this Zoning District

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

2. SR 161 Treatment: A four-board white horse fence shall be required generally running parallel to State Route 161 along the perimeter of this Zoning District but outside of the right-of-way.

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

a. Fence: A four-board white horse fence shall be required along the street frontages. The final location will be determined as part of a final development plan application or zoning permit application, as applicable.

b. Setback Landscaping: A landscaped area shall be required behind the fence and within the required pavement setbacks. This buffer shall consist of deciduous shade trees planted at a rate equal to six (6) trees or more for every 100 lineal feet of street frontage. Such trees may be equally spaced or randomly grouped and shall be of species which are

native to Central Ohio. No single species shall be used for more than one-third of the trees required by this paragraph. Minimum sizes for trees required to be planted pursuant to this paragraph shall be two (2) or three (3) caliper inches, provided that no more than 50% of these trees shall be two (2) inches in caliper. The City Landscape Architect may approve deviations to the caliper requirements on a case-by-case basis.

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

4. Stormwater Basins: Wet and dry stormwater basins shall conform to the standards set forth in Section 1171.08 of the Codified Ordinances unless other design solutions are found to be appropriate. Other design solutions may be appropriate if the City Landscape Architect finds that an alternative design, shape, and appearance is appropriate in particular relationship to streetscape and other site design considerations. One or more stormwater basins may be shared to serve some or all development within this Zoning District, so as to eliminate the need for each parcel to have its own on-site basin. Where shared stormwater basins are proposed, they shall be reviewed and approved by City staff without the requirement to be reviewed as part of a final development plan. Installation of stormwater basins shall include simultaneous installation of screening, buffering, and other aesthetic enhancements near the basins.

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

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

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

7. Minimum On-Site Tree Sizes: Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for deciduous trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade. The city landscape architect may approve deviations to the caliper requirements on a case-by-case basis.

H. Lighting:

1. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.

2. All parking lot lighting shall be of the same light source type and style. Building, pedestrian, and landscape lighting may be incandescent or metal halide.

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

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

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

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

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

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

I. Signage: Signage for all uses in this Zoning District shall comply with relevant provisions of the Codified Ordinances unless a master signage plan that provides alternative standards is provided for review and approval by the Planning Commission as part of a final development plan. In the event of a conflict between an approved master sign plan and the relevant provision of the Codified Ordinances, the approved master sign plan shall govern. One wall mounted sign per tenant shall be permitted on each elevation of the building that fronts or sides on a public or private road, but parking lot drive aisles

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

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

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

IV. GENERAL MATTERS:

A. Development Review Procedure: The majority of the acreage within this subarea may be developed with uses that are permitted in the GE, General Employment District, subject to the limitations described in this zoning text. It is the intent that development proposals for the operation of these uses will be processed and reviewed by the City in the same manner as if they were not being developed within a planned zoning district. Furthermore, it is the intent that any use that is permitted under this zoning text but would not be permitted to be developed and operated in the GE, General Employment zoning classification of the City's Codified Ordinances will be subject to further review by the City's Planning Commission in accordance with relevant provisions of Chapter 1159 (Planned Unit Development) of the City's Codified Ordinances.

The following procedures shall apply to the review of development proposals within this Zoning District:

1. Development proposals for uses that are permitted pursuant to Section II.A.1 above shall be reviewed by City staff in accordance with Chapter 1157 of the City's Codified Ordinances.

2. Development proposals for uses that are permitted in Section II.A.2 shall be reviewed by the City's Planning Commission in accordance with Chapter 1159 of the City's Codified Ordinances.

B. 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 by this zoning text. Applications for conditional uses shall follow the procedure and comply with the requirements of Chapter 1115, Conditional Uses, of the Codified Ordinances of the City of New Albany.

C. Appeals and Variances:

1. Appeals:

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

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

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

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



ORDINANCE O-06-2025

AN ORDINANCE TO AMEND CHAPTER 1115.07 OF THE PLANNING AND ZONING CODE OF THE CITY OF NEW ALBANY CODIFIED ORDINANCES AS REQUESTED BY THE CITY OF NEW ALBANY

WHEREAS, it has been found that the codified ordinances of the city of New Albany, chapter 1115.07 needs to be amended to align the expiration of conditional use and final development plan approvals as well as clarify the revocation process; and

WHEREAS, the city recognizes the need to align the time frames and to provide due process for permit holders; and

WHEREAS, the Planning Commission has held a public hearing and recommended approval of the proposed amendments to the codified ordinance at its meeting on January 22, 2025.

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

Section 1: Council hereby amends portions of codified ordinance chapter 1115.07 as set forth in Exhibit A, which depicts these amendments in red font and strikethroughs.

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 18 day of FEB, 2025.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 01/24/2025

Introduced: 02/04/2025

Revised:

Adopted: 02/18/2025

Effective: 03/20/2025

Exhibit A – O-06-2025

1115.07 - EXPIRATION AND REVOCATION OF ZONING PERMIT ISSUED UNDER CONDITIONAL USE PROVISIONS.

- (a) Expiration. The Planning Commission's approval of the zoning permit conditional use issued in accordance with Section 1115.06 shall become null and void after one (1) year if an occupancy permit has not been issued or after two (2) years if renovations or construction has not begun such use is not carried out within one year after the date of approval. The Planning Commission may grant an extension of a zoning permit conditional use issued in accordance with Section 1115.06 for an additional period of six (6) months for good cause.
- (b) Revocation. In the event of a violation, the Planning Commission Municipality may revoke the approved conditional use. zoning permit The Municipality shall notify a conditional use holder with the reasons for violation of the terms and/or conditions of the approved conditional use and a statement that the conditional use holder shall have 30 days to comply with the approved conditional use. If the conditional use holder does not comply, a Planning Commission hearing shall be scheduled. The requirements for public notice and notification of parties of interest shall be as specified in Section 1115.05. The Planning Commission may either revoke, continue, or modify the approved conditional use. written evidence by any resident or official of the Municipality of violation of the Zoning Ordinance and/or written terms and conditions upon which approval was based.