



## ORDINANCE O-31-2025

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 1.08 +/- 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 DISTRICT" FROM ITS CURRENT ZONING OF "C-PUD" COMPREHENSIVE-PLANNED UNIT DEVELOPMENT AND "I-PUD" INFILL-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 June 16, 2025 (ZC-48-2025).

**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 1.08 +/- 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) and Infill Planned Unit Development (I-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 \_\_\_\_\_, 2025.

**Attest:**

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

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

**Approved as to form:**

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

**Legislation dates:**

Prepared: 06/26/2025

Introduced: 07/15/2025

Revised:

Adopted:

Effective:

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

**June 5, 2025**

**I      Introduction:** The East Nine I-PUD consists of 30.1+/- 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.

This rezoning will continue to facilitate 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, this rezoning will allow for the construction of occupiable dwelling unit spaces over public streets in up to three locations to create unique architectural features that will set this community apart from others. 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 have been or 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 already zoned as the East Nine I-PUD. The East Nine I-PUD as revised herein will continue to include three subareas. Subarea 1 encompasses 25.87+/- 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 3.44+/- acres within the southeastern portion of the development that will accommodate clustered housing. Subarea 3 includes 0.79+/- acres located near the north and south entrances to the community at the intersection of Lambton Park Road and Head of Pond Road and the first residential lot at the Baughman Grant entrance.

**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.

**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 28 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.

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. Details for this landscaping are illustrated in the exhibits being provided with the preliminary development plan application which are labeled as "Perimeter Landscape 1 and 2".

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 including (but not limited to) accessory dwelling units (ADUs) as described in subsection V(C) of this zoning text, 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 9 primary single family home 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). Structures above ground shall be permitted to encroach into the right-of-way and across the lot lines for Lots 108 and 116 (as identified in accompanying preliminary and/or final development plan).

C. Accessory Structures: In this subarea, in addition to other permitted uses for accessory structures as permitted by the Codified Ordinances, accessory structures shall be permitted to be used as accessory dwelling units (ADUs), which are defined as “independent residential dwelling units located on the same lot as a primary single-family home for lots 108 and 116. Accessory structures, on any lot within this subarea, may be located anywhere on a lot, including (without limitation) in the front yard.” An example of an accessory structure which is located in a front yard is illustrated in the exhibit accompanying the preliminary development plan application which is labeled “Close House Exhibits 1-3”. Accessory structures shall be exempt from the requirements of Codified Ordinances Section 1165.04.

**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 3 units 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: There shall be no minimum setbacks from any lot lines for parcels within this subarea for primary or accessory structures (detached or attached). Structures above ground shall be permitted to encroach into the right-of-way and extend across the lot lines, for lots 135, 139, and 140.

(C) Accessory Structures: In this subarea, in addition to other permitted uses for accessory structures as permitted by the Codified Ordinances, accessory structures shall be permitted to be used as accessory dwelling units (ADUs), which are defined as “independent residential dwelling units located on the same lot as a primary single-family home. Accessory structures, on any lot within this subarea, may be located anywhere on a lot, including (without limitation) in the front yard.” An example of an accessory structure which is located in a front yard is illustrated in the exhibit accompanying the preliminary development plan application which is labeled “North Entry House Exhibits 1 and 2”. Accessory structures shall be exempt from the requirements of Codified Ordinances Section 1165.04.

**VII. Standards Applicable to All 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) unless otherwise specified herein. Maximum building heights shall be 35 feet. Homes located on lots 102, 103, 139, and 140 shall not be required to have front doors that face the public road.

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, 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. This Reserve shall remain in the ownership of the Homeowners Association. Maintenance will also be the responsibility of the Homeowners Association.

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, except that Lot 140 located near the intersection of Lambton Park Road and Head of Pond Road may have a one-car garage with one parking space on the driveway. Parking areas and garage sites shall be exempt from the requirement in the City's Design Guidelines and Requirements pertaining to Residential Outside of the Village Center, Section I.A.2.

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 through the golf course to the public park at the intersection of Lambton Park and Brandon Roads. Through the zoning district existing public leisure paths shall be removed to accommodate the brick sidewalks, which shall be a minimum of 4 feet in width.

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: 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. Gas Lights: Gas lights shall be permitted throughout the zoning district.

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

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 subject to staff review and approval.

### **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.

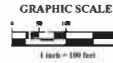
#### **B. Variances and Appeals:**

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 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.

C. Combined Approvals: Given the nature of the proposed development and the level of detail being provided as part of the preliminary development plan, the preliminary development

plan that has been submitted for this I-PUD also serves as the final development plan for the project.



### SITE STATISTICS:

TOTAL ACRES:	130.1 ACRES
RIGHT-OF-WAY:	28.1 ACRES
NET RESIDENTIAL ACRES:	236.0 ACRES
NUMBER OF LOTS:	40
GROSS DENSITY:	21.33 DU/AC
NET DENSITY:	21.34 DU/AC
PAVING AND CEMENTATION REQUIRED:	122.2 ACRES
SUBDIVISION OPEN SPACE REQUIRED:	14.6 ACRES
(20% OF GROSS SITE AREA + 30.1 ACRES)	
TOTAL OPEN SPACE REQUIRED:	88.2 ACRES
OPEN SPACE:	
RESERVE A:	10.05 ACRES
RESERVE B:	24.8 ACRES
RESERVE C:	10.07 ACRES
RESERVE D:	10.09 ACRES
RESERVE E:	10.24 ACRES
RESERVE F:	10.33 ACRES
RESERVE G:	10.25 ACRES
RESERVE H:	10.43 ACRES
RESERVE I:	10.93 ACRES
RESERVE J:	17.2 ACRES
RESERVE K:	17.2 ACRES
TOTAL OPEN SPACE PROVIDED:	17.2 ACRES
ZONING:	IPUD

### DEVELOPMENT STANDARDS:

SUBAREA 1: SIDEWALKS	
FRONT YARD / BUILDING LINE:	20 FEET
SIDE YARD:	15 FEET (TOTAL OF 30 FEET)
REAR YARD:	25 FEET
SUBAREA 2: SIDEWALKS	
FRONT YARD / BUILDING LINE:	0 FEET
SIDE YARD:	0 FEET
REAR YARD:	0 FEET
SUBAREA 3: SIDEWALKS	
FRONT YARD / BUILDING LINE:	0 FEET
SIDE YARD:	0 FEET
REAR YARD:	0 FEET

### NOTE:

NOTE: A. ON-STREET PARKING IS PROHIBITED FOR ALL STREETS THAT ARE 72 FEET WIDE FACE TO FACE OR LESS.

RESERVES A THROUGH K ARE OWNED AND MAINTAINED BY THE NEW ALBANY COUNTRY CLUB SECTION 30 HOMEOWNERS ASSOCIATION. ALL OTHER RESERVES TO BE OWNED BY THE CITY OF NEW ALBANY AND MAINTAINED BY THE NEW ALBANY COUNTRY CLUB SECTION 30 HOMEOWNERS ASSOCIATION.

PARK TO BE DEDED TO THE CITY OF NEW ALBANY WITH A LOT SPLIT AND MAINTAINED BY THE NEW ALBANY COUNTRY CLUB SECTION 30 HOMEOWNERS ASSOCIATION.

### HATCH LEGEND:



Exhibit A - O-31-2025