



ORDINANCE O-46-2025

AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 101.1+/- ACRES FROM PLAIN TOWNSHIP, FRANKLIN COUNTY TO THE CITY OF NEW ALBANY

WHEREAS, pursuant to the petition filed by Aaron L. Underhill, Esq., agent for petitioner, with the Franklin County Development and Planning Department, on September 11, 2025; and

WHEREAS, the foregoing Resolution #0733-25 of the Franklin County Commissioners granting the petition was delivered to the City of New Albany on October 7, 2025 and more than sixty (60) days have lapsed since the Resolution of the Board of County Commissioners was transmitted to the City of New Albany; and

WHEREAS, pursuant to New Albany Codified Ordinance 1125.05, all newly annexed areas shall immediately be zoned into the Agricultural District and shall be subject to the regulations and restrictions pertaining thereto; and

WHEREAS, pursuant to New Albany Codified Ordinance 1125.06, all future qualifying annexed properties shall be added to the applicable New Community Authority as described therein and are subject to a special property assessment in compliance therewith; and

WHEREAS, the New Albany City Council has determined that annexation of the real estate is in the best interests of the residents of the City of New Albany.

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

Section 1. The application of property owners set forth in Franklin County requesting the annexation of 101.1+/- acres, which is contiguous to the City of New Albany, is hereby accepted, and the corporate boundaries of New Albany shall be extended to include the territory, more particularly described in Exhibit A, attached hereto and incorporated herein as if fully written.

Section 2. An accurate map of the territory attached as Exhibit B, the petition for its annexation, other related documents, and a certified transcript of the proceedings of the Franklin County Board of Commissioners regarding the annexation proceedings have been on file with the Clerk of Council of the City of New Albany for sixty (60) days prior to being presented to this Council as required by law, and are hereby accepted.

Section 3. Council of the City of New Albany hereby accepts the annexation of a 101.1+/- acre tract, situated in Plain Township, Franklin County, Ohio, the same being land of the owners set forth above, for annexation to the City of New Albany.

Section 4. The qualifying annexed property shall be added to the New Albany East Community Authority, which is the existing applicable New Community Authority for the property.

Section 5. The clerk is herewith directed to deliver certified copies of this ordinance and other proceedings relative to the annexation to the County Auditor, County Recorder, and the Secretary of State.

Section 6. It is hereby found and determined that all formal actions of council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 7. Pursuant to Article VI, Section 6.07(B) of the charter of the City of New Albany, this ordinance shall be in effect on and after the earliest period allowed by law.

CERTIFIED AS ADOPTED this _____ day of _____, 2025.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 12/02/2025

Introduced: 12/16/2025

Revised:

Adopted:

Effective:

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

I certify that copies of Ordinance **O-46-2025** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on _____, 2025.

Jennifer Mason, Clerk of Council

Date

RECEIVED

MAY 30 2025

Exhibit A - O-46-2025

FRANKLIN COUNTY ENGINEER
ADAM W. FOWLER, P.E., P.S.

**PROPOSED ANNEXATION OF
101.1± ACRES**

ANNEXATION
PLAT & DESCRIPTION
ACCEPTABLE
ADAM W. FOWLER, P.E., P.S.
FRANKLIN COUNTY ENGINEER

BY: FDA/GMA DATE: 5-30-25

FROM: PLAIN TOWNSHIP

TO: CITY OF NEW ALBANY

Situated in the State of Ohio, County of Franklin, Township of Plain, lying in Section 1, Township 2, Range 16, being all of that 94.634 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202211170158119 (Franklin County) and those 2.338 and 2.725 acre tracts conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202211170158118 (Franklin County), all of that 1.500 acre tract conveyed to Liu Yun by deed of record in Instrument Number 199808250216073 (Franklin County), and all of that 5.010 acre tract conveyed to Jeffrey A. Cotrill and Kelly K. Cotrill by deed of record in Instrument Number 200312050387666 (Franklin County), (all references are to the records of the Recorder's Office, Franklin and Licking Counties, Ohio, as noted) being more particularly described as follows:

Beginning, for reference, at FCGS 1571 found at the easterly common corner of said Section 1 and Section 10, Township 2, Range 16, in the westerly line of Lot 37, Quarter Township 2, Township 2, Range 15, United States Military District, being on the line common to Franklin County and Licking County, the line common to Plain Township and City of New Albany, being in the easterly line of that 57.87 acre tract conveyed to Olde Albany Limited Liability Company by deed of record in Instrument Number 200209130228211 (Franklin County), the westerly line of 197.341 acre tract conveyed to Microsoft Corporation by deed of record in Instrument Number 202403120004091 (Licking County) and that existing City of New Albany corporation line as established by Ordinance Number O-15-2023, of record in Instrument Number 202304200006825 (Licking County);

Thence North 03° 06' 55" East, with said County line, said existing City of New Albany corporation line (O-15-2023) and that existing City of New Albany corporation line established by Ordinance Number O-28-2022, of record in 202211160027367 (Licking County), the line common to Plain Township and City of New Albany, the easterly line of said Section 1, said 57.87 acre tract and that 30.15 acre tract conveyed to Sridhar Reddy Thumma by deeds of record in Instrument Numbers 202204130057131 and 202204130057132 (Franklin County), the westerly line of said Lot 37 and Lot 38, Quarter Township 2, said 197.341 acre tract and that 201.001 acre tract conveyed to Amazon Data Services, Inc. by deed of record in Instrument Number 202301170000954 (Licking County), a distance of 1150.59 feet to a point at the common corner of said 94.634 acre and 30.15 acre tracts, being the TRUE POINT OF BEGINNING;

Thence North 86° 18' 53" West, with the line common to said 94.634 acre and 30.15 acre tracts, a distance of 1314.46 feet to a point at the northeast corner of that 11.632 acre tract conveyed to Daniel S. Wilson by deed of record in Instrument Number 200912180183050 (Franklin County);

Thence North 86° 51' 53" West, with the line common to said 94.634 acre and 11.632 acre tracts, a distance of 605.80 feet to a 3/4 inch iron pipe found at the northeasterly corner of that 5.100 acre tract conveyed to TCC Properties by deed of record in Instrument Number 201003110029046 (Franklin County);

Thence North 85° 15' 23" West, with the southerly line of said 94.634 acre tract, the northerly line of said 5.100 acre tract and that 1.5 acre tract conveyed to E. M. Management Services Inc. by deed of record in Instrument Number 202310170108705 (Franklin County), a distance of 799.50 feet to a point in the centerline of right-of-way of Johnstown Road (I.C.H. No. 23; Columbus-Millersburg Road)(U.S. 62)(Variable Width);

Thence North 03° 25' 06" East, with said centerline of right-of-way, the westerly line of said 94.634 acre tract, a distance of 126.54 feet to a point of curvature in the centerline of construction of said Johnstown Road;

Thence with said centerline of construction, the westerly line of said 94.634 acre and 2.725 acre tracts, with the arc of a curve to the right, having a central angle of 39° 33' 00", a radius of 383.06 feet, an arc length of 264.42 feet, a chord bearing of North 23° 11' 36" East and chord distance of 259.20 feet to a point of tangency;

Thence North 42° 58' 06" East, with said centerline of right-of-way, the westerly lines of said 2.725 and 2.338 acre tracts, a distance of 224.95 feet to a point at the southwesterly corner of said 5.010 acre tract;

101.1± ACRES

- 2 -

Thence North 44° 40' 32" East, with the centerline of said Johnstown Road, the northwesterly line of said 5.010 acre, 1.500 acre, and 94.634 acre tracts, a distance of 1122.73 feet to a point;

Thence with the centerline of said Johnstown Road and the northwesterly line of said 94.634 acre tract, the following courses and distances:

North 49° 59' 06" East, a distance of 789.62 feet to a point;

North 66° 23' 06" East, a distance of 606.95 feet to a point; and

North 65° 46' 06" East, a distance of 700.70 feet to a point in the lines common to said Franklin County and Licking County, said Section 1 and Lot 39 of said Township 2, Range 15, the easterly line of said Plain Township, at the northerly common corner of said 94.634 acre and 201.001 acre tracts, and an angle point in said existing City of New Albany corporation line (O-28-2022);

Thence South 03° 06' 55" West, with said County line, the line common to said 94.634 acre and 201.001 acre tracts, said Plain Township and City of New Albany, with said existing City of New Albany corporation line (O-28-2022), the easterly line of said Section 1, the westerly line of said Lots 39 and 38, a distance of 2553.49 feet to the TRUE POINT OF BEGINNING, containing 101.1 acres, more or less.

This description is for annexation purposes only and should not be used for transfer or be interpreted as a boundary survey.

Total perimeter of annexation area is 9103.94 feet, of which 2553.49 feet is contiguous with the City of New Albany giving 28.0% perimeter contiguity.



HILK: unp
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EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King
Heather L. King
Professional Surveyor No. 8307

5/29/25
Date

PRELIMINARY APPROVAL

ADAM W. FOWLER, P.E., P.S.

fasanto

05/23/2025 11:31:09 AM

PENDING ORIGINALS

Submitted via digital format

Please return this approval, along with the original description and plat of survey, as prepared by the surveyor, signed, sealed, and dated in blue ink.



ORDINANCE O-47-2025

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 101.1+/- ACRES OF LAND GENERALLY LOCATED EAST OF JOHNSTOWN ROAD AND NORTH OF WALNUT STREET, FROM AGRICULTURAL DISTRICT (AG) TO LIMITED GENERAL EMPLOYMENT (L-GE) FOR AN AREA TO BE KNOWN AS "U.S. 62 BUSINESS ZONING DISTRICT" AS REQUESTED BY MBJ HOLDINGS LLC, C/O AARON UNDERHILL, ESQ.

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

WHEREAS, the Rocky Fork-Blacklick Accord, 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 101.1+/- acre site within Franklin County, generally located east of Johnstown Road and north of Walnut Street, from its current zoning of Agricultural (AG) to Limited General Employment (L-GE).
- B. The zoning district's limitation text and boundary map are hereby attached and marked Exhibit A.

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

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

CERTIFIED AS ADOPTED this _____ day of _____, 2026.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 12/05/2025
Introduced: 12/16/2025
Revised: 12/19/2025
Adopted:
Effective:

U.S. 62 BUSINESS ZONING DISTRICT

LIMITATION (L-GE) TEXT

December 19, 2025

The U.S. 62 Business Zoning District (hereinafter, the “Zoning District”) consists of 101.1+/- acres located to the south and east of and adjacent to U.S. Route 62 and to the west of and adjacent to the shared boundary line of Franklin County and Licking County. This rezoning serves to extend the same or similar zoning and development standards to property being annexed to the City as currently apply to much of the New Albany International Business Park.

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

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

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

1. The data center use is associated with and is operated as part of (or in support of) another permitted use or conditional use that is operating within the Zoning District and the data center use is not operated primarily to serve uses, users, or consumers that are not directly associated with such operational use(s) within the Zoning District;

2. The data center use or uses occupy no more than 20% of the total gross square footage of primary buildings located within the Zoning District; and

3. The data center use or uses shall not be issued a certificate of zoning compliance unless and until certificates of zoning compliance and

occupancy permits have been issued by the City for those portions of the primary buildings within the Zoning District from which permitted or conditional uses other than data centers are or will be operated.

III. Lot and Setback Commitments:

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

B. Setbacks:

1. U.S. Route 62: There shall be a minimum pavement and building setback of 185 feet from the centerline of the right-of-way of U.S. Route 62.

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

3. Southern Perimeter Boundary: There shall be a minimum pavement and building setback of 100 feet from the southern perimeter boundary line of this Zoning District.

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

IV. Architectural Standards:

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

B. Building Design:

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

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

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

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

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

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

7. Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, basement window enclosures, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact from off-site. Solar energy systems shall be excluded from the requirements of this section.

8. Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure. Fenestration themes that employ windows, panels and piers that are consistent with the architectural vocabulary of the building are encouraged. Accessory structures, generators, storage tanks, trash receptacles or any other similar improvement must be located behind a building façade that does not front on a public right-of-way.

C. Building Form:

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

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

D. Materials:

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

2. Prefabricated metal buildings and untreated masonry block structures are prohibited. Notwithstanding the foregoing, ancillary structures built and operated for the purpose of enclosing equipment and which are not occupied by tenants or persons on a regular basis may be constructed using pre-engineered metal.

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

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

5. Additional Standards for Uses Not Governed by DGRs: Buildings that are constructed to accommodate certain uses are not governed by the City's Design Guidelines and Requirements (DGRs). For example, buildings that are constructed for the operation of data centers, warehousing and/or distribution uses are not subject to the DGRs and can present challenges in meeting the community standard for architectural design. Such buildings are necessarily large and typically include long walls that together form a square or rectangular box. The goal for the development of buildings that are not subject to the DGRs is to balance the practical needs of these buildings with the desire to provide exterior designs that are attractive and complimentary to the architecture that will be found elsewhere in this Zoning District.

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

In conjunction with an application for a certificate of appropriateness for each building or structure in this Zoning District that is not subject to or governed by the DGRs, the applicant shall be required to submit to the City illustrations of the proposed exterior design of the building or structure for review and approval by the Design Review Committee contemplated in Section 1157.08(a)(1)(D) of the City Code. In designing such buildings, the user or applicant shall consider the following, which are intended to set a level of expectation for the quality of design:

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

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

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

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

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

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

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

A. Vehicular Access: The developer shall work with the City Manager or

their designee to determine the need for appropriate timing and phasing of street improvements to serve this Zoning District. Subject to other provisions in this text, on public rights-of-way which exist on the date of this text the number, locations, and spacing of curbcuts shall be determined and approved by the City Manager or their designee in consultation with the developer at the time that a certificate of appropriateness is issued for a project in this Zoning District.

B. Parking and Loading: Parking and loading spaces shall be provided for each use per Chapter 1167 of the Codified Ordinances of the City of New Albany.

C. Rights-of-Way: The property owner shall dedicate right-of-way for U.S. Route 62 to the appropriate governmental entity at a distance of 60 feet as measured from the existing centerline of U.S. Route 62. The property owner shall grant easements to the City which are adjacent to the aforementioned right-of-way to the extent necessary to provide for the installation and maintenance of streetscape improvements, public utility lines, and leisure paths.

D. Private Roads: Any creation of private roads is subject to staff approval.

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

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

B. Landscaping Required Adjacent to Residential Uses: For those perimeter boundaries which abut properties containing existing residential uses or, as determined at the time that an application is filed for a building permit ("Building Permit") in this Zoning District, has a zoning classification which permits the development and operation of residential uses thereon that are not owned by the developer (any real property meeting either of the foregoing criteria to be referred to herein as "Residential Property"), a minimum six (6) foot high mound shall be installed along the property line and shall include a landscape buffer on the mound which shall consist of a mixture of deciduous trees, evergreens and bushes to provide an opacity of 75% on the date that is 5 years after planting to a total height of 10 feet above ground level.. Where existing trees are present, these requirements may be waived in order to preserve the trees. The requirements of this paragraph shall not apply in locations where any utility easement that exists prior to the date of this text prohibits the installation of mounding and/or landscaping within it.

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

D. Stormwater Management: Wet and dry stormwater basins shall conform to the standards set forth in Section 1171.08 of the Codified Ordinances of the City of New Albany.

E. Perimeter Landscaping: In addition to street trees a tree row shall be established within the building and pavement setback along U.S. Route 62 frontage and shall contain eight (8) trees for every one hundred (100) feet of street frontage. Trees may be grouped or regularly spaced. Street trees shall be located within the right-of-way. Minimum street tree size at installation shall be three (3) caliper inches. This requirement may be waived in areas where existing vegetation occurs or in areas subject to overhead electric transmission lines, subject to approval of the City Landscape Architect.

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

G. Pedestrian Circulation: An 8-foot-wide asphalt leisure path shall be installed along the U.S. Route 62 frontage of the site.

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

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

VII. Lighting:

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

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

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

D. Landscape uplighting from a concealed source shall be subject to staff approval. All uplighting fixtures must be screened by landscaping. Lighting

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

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

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

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

VIII. Signage: All signage shall conform to the standards set forth in Chapter 1169 of the Codified Ordinances of the City of New Albany.

IX. Utilities: All new utilities installed solely to serve this Zoning District shall be installed underground.

X. Noise Regulations: The Codified Ordinances currently contain provisions relating to sound which are broad, meaning that noise impacts are evaluated on a site-specific basis. Generally, the goal is to ensure that overall sound levels on a property following development will not impose material negative impacts on neighboring property owners. The City intends to begin evaluating potential updates to the Codified Ordinances to provide more objective standards for evaluating potential and existing sound impacts.

Following approval of this zoning, the applicant will work diligently with the City to identify best practices to mitigate sound impacts from new development within this Zoning District, which shall include consultation and coordination with experts to be hired by the City. Should the Codified Ordinances be updated at the time when the first building permit application is filed for development in any portion of the Zoning District, then such development shall comply with those updated standards. In the event that the Codified Ordinances have not been updated by that time, then as a condition of building permit issuance the applicant for this zoning application and the City staff shall negotiate and execute an agreement, to be signed by the City Manager and a representative of the applicant, which details sound mitigation measures and requirements to be applied to the site. Once such an agreement is signed, its contents shall constitute an addendum to the approved zoning text and the standards set forth therein shall become requirements for the Zoning District which are enforceable in the same manner as other zoning requirements. Ultimately, each new user is responsible for maintaining and mitigating noise levels in accordance with such an agreement.



ORDINANCE O-48-2025

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 1.116+/- ACRES OF LAND LOCATED AT 6600 NEW ALBANY-CONDIT ROAD FROM THE RURAL RESIDENTIAL SUB-DISTRICT OF THE URBAN CENTER CODE TO AN INFILL PLANNED UNIT DEVELOPMENT (I-PUD) FOR AN AREA TO BE KNOWN AS THE "605 NEIGHBORHOOD OFFICE DISTRICT" AS REQUESTED BY ROB RIDDLE, C/O AARON UNDERHILL, ESQ., UNDERHILL & HODGE LLC

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 Architectural Review Board, 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 Rob Riddle, c/o Aaron Underhill, Esq., Underhill & Hodge LLC, the Architectural Review Board and Planning Commission have reviewed the proposed ordinance amendment and recommended its approval at their respective hearings on October 13, 2025, and December 1, 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. A 1.116+/- acre site within Franklin County, located at 6600 New Albany-Condit Road, from its current zoning of Urban Center Code (UCC) Rural Residential to Infill Planned Unit Development (I-PUD).
- B. The zoning district 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 _____, 2026.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 12/05/2025

Introduced: 12/16/2025

Revised:

Adopted:

Effective:

**605 NEIGHBORHOOD OFFICE DISTRICT
INFILL PLANNED DEVELOPMENT (I-PUD)
DEVELOPMENT STANDARDS TEXT**

December 4, 2025

I. Summary: The property which is the subject of this text consists of 1.116+/- acres known as Franklin County Auditor parcel number 222-000640. It is located to the east of and adjacent to New Albany-Condit Road and to the south of and adjacent to State Route 161. An existing home consisting of approximately 1,516 square feet of gross floor area is located within the western portion of the site, and an accessory structure containing approximately 3,000 square feet of gross floor area is located within the eastern portion of the property. A second accessory structure is located between them and will be removed from the site following approval of this rezoning. The home is currently being leased as a residence and the accessory structure is being used for storage. An unpaved access drive and unpaved parking areas also exist on the site. This application is to facilitate updates of the home (including, without limitation, the conversion of the garage in the home) and the accessory structure in order to allow them to be used as professional office space and related uses and to provide for paving and striping of parking areas.

The property is presently zoned under the Urban Center Code's Rural Residential subdistrict. The permitted uses in that sub-district include residential located within a "large detached structure", parkland and open space, and the following non-residential uses located within a "campus" setting: convalescent/congregate care centers, general and special hospital and clinics, day care centers, government facilities, educational facilities, and religious uses. Given the property's adjacency to the State Route 161 expressway and the planned construction of a sound barrier wall within the highway's right-of-way running parallel to the property's northern boundary line, the site is not attractive for development of a new large detached home. With the relatively small amount of acreage on the property, and the property's adjacency to the highway and the sound barrier, it would not provide optimal open space nor does it lend itself to development of a "campus-like" setting.

Office uses are much more appropriate and practical along the edge of the highway. The repurposing of the home will enhance aesthetics and provide a modest economic development opportunity for the City. A preliminary development plan for the use of and updates to the subject property has been filed along with this text.

II. Development Standards - Generally: Unless otherwise specified in the submitted drawings or in this written text, the standards and requirements of the City's Urban Center Code shall apply to this zoning district. In the event of a conflict between this text or the submitted drawings and a specific provision of the provision of the Codified Ordinances, this text and/or the drawings shall govern.

III. Uses:

A. Permitted uses in this zoning district shall include the following. A single use or multiple permitted uses may be operated at any time, provided, however, that if multiple uses are permitted then they shall be related, as determined by City staff. For example, a real estate sales office and a real estate title insurance company are related uses.

1. Administrative and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers such as (but not necessarily limited to):

- a. Real estate sales and associated services.
- b. Insurance agents and brokers and associated services.
- c. Professional, legal, engineering and architectural services.
- d. Accounting, auditing and other bookkeeping services.
- e. Brokers and dealers in securities, investments and associated services, not including commercial banks and savings institutions.

2. Organizations and associations organized on a profit or non-profit basis for promotion of membership interests, including:

- a. Business associations.
- b. Professional membership organizations.
- c. Civic, social and fraternal organizations.
- d. Charitable organizations.

3. Storage within the existing accessory building on the property, limited to materials and equipment associated with another permitted use in this zoning district.

IV. Lot and Setback Commitments:

A. Minimum Parcel Size and Frontage: A lot or parcel within this zoning district shall be the exact size of the existing lot and shall have the exact amount of frontage on a public street as the existing frontage.

B. New Albany-Condit Road: There shall be a minimum pavement and building setback from the right-of-way of New Albany-Condit Road that is equal to the closest portion of the existing home from the right-of-way.

C. State Route 161: There shall be a minimum pavement and building setback of 5 feet from the right-of-way of State Route 161.

D. Other Perimeter Boundaries: There shall be a minimum pavement setback of 15 feet and a minimum building setback of 50 feet from the eastern (rear) boundary line of the zoning district. There shall be a minimum pavement and building setback of 5 feet from the southern (side) boundary line of the zoning district, except that pavement for the driveway may encroach into the southern boundary line setback up to 2.5 feet.

E. Lot Coverage: There shall be a maximum lot coverage of 80%.

V. Access, Loading, Parking and Other Traffic Commitments

A. Parking and Loading: A maximum of 20 vehicular parking spaces shall be provided. In addition, box trucks may park in the northeastern corner of the property in the area generally shown on the preliminary development plan. All parking spaces shall be located to the rear of a line running along the rear of the existing home structure and extending north and south to the side perimeter boundary lines of the zoning district. The parking area shall extend no farther east than a line running along the rear of the existing accessory structure and extending north and south to the side perimeter boundary lines of the zoning district. One loading space shall be provided along the northern portion of the existing accessory building that is to remain.

B. Vehicular Access: Vehicular access to the zoning district shall be provided from one full movement access point on New Albany-Condit Road in its existing location. The final development plan shall include details to further delineate the route to access the driveway from the driveway on the parcel to the south of and adjacent to this zoning district for review and approval by the Planning Commission.

C. Pedestrian Access: An existing pedestrian path exists along a portion of this zoning district which is located to the north of the existing vehicular access point. The extension of this path southward is inhibited by existing grade. The City has identified this section of State Route 605 as an important pedestrian and vehicular connection that establishes a gateway into the Village Center. Due to the existing right-of-way and topographical constraints along this roadway, the City is in the process of starting a roadway and connectivity plan that will guide future roadway and pedestrian improvements along State Route 605. Once this roadway and connectivity plan is complete, the property owner shall pay a fee in lieu of the construction of an extension of the path at such time as the City Manager or their designee deems it to be appropriate. The fee in lieu amount shall be approved by City Council.

D. Rights-of-Way: No additional right-of-way shall be required to be dedicated along New Albany-Condit Road or State Route 161.

E. Loading and Service Areas: Loading and service areas shall be fully screened from off-site view of property adjacent to the zoning district to the south and east by the use of buildings, walls, fences, and/or landscaping.

VI. Architectural Standards:

A. Application of Urban Center Code: The remodeling and updates of existing buildings that are to remain on the property shall be completed generally in accordance with the images and drawings which accompany the preliminary development plan application, and more specifically in accordance with the images, drawings, and specifications in an approved final development plan.

B. Height: Maximum building height (as measured per the Codified Ordinances) shall not exceed 35 feet. Existing buildings are permitted to be one story in height.

C. Pavement: Driveways and parking areas shall be asphalt, brick, stone, or simulated stone.

D. Materials: Building façade materials shall be wood, brick, or Hardie board.

E. Windows: The existing buildings may retain their existing windows and shutters.

VII. Buffering, Landscaping, and Screening Commitments

A. Street Trees: Deciduous street trees shall be planted within the right-of-way along New Albany-Condit Road. Trees shall be spaced at an average distance of 30 feet on center. Street trees shall not obstruct site distance or signage, subject to staff approval. As an alternative to installing the street trees, the developer may pay the City a fee in lieu that is equal to the amount of trees required to be planted. This fee in lieu shall be approved by City staff.

B. New Fencing: A new fence shall be installed along the southern boundary line of the property. The fence shall be 6 feet in height and shall have a design and specifications as approved in a final development plan application. Where installed, the fence shall provide complete opacity between this zoning district and the adjacent property to the south.

C. Screening of Parking: Any surface parking areas shall be screened from the right-of-way or from adjacent property with a minimum of a 3.5-foot-tall continuous planting hedge, fence, or wall or any combination of the foregoing. Height shall be measured from the adjacent parking area. No such screening shall be required where existing trees instead provide adequate screening.

D. Minimum Tree Sizes.

<u>Tree</u>	<u>Perimeter Minimum Tree Size</u>	<u>Parking Lot Minimum Tree Size</u>
Ornamental Tree	2" Caliper	2" Caliper
Deciduous Shade Trees	2 ½" Caliper	2 ½" Caliper
Evergreen Trees	6' – 8' tall	4' tall

E. Interior Landscaping. Parking lot landscaping shall be provided as generally illustrated in the preliminary development plan and as more particularly set forth in an approved final development plan.

F. Mechanical Equipment: Any external mechanical equipment shall be screened at ground level from all adjacent public streets and from properties which are outside of but adjacent to this zoning district with materials that are similar to or the same as used on the majority of the relevant building or with fencing and/or landscaping. Complete screening of all roof-mounted equipment from perimeter property boundary lines and adjacent properties 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. Roof-mounted solar equipment is exempt from this screening requirement.

G. Service Areas and Dumpsters: All service areas (including, without limitation, loading docks) and dumpsters shall be fully screened from all public roads and from adjacent properties located outside of this zoning district at ground level with walls, fencing, or landscaping. Existing trees may be used to provide this screening where appropriate. Walls shall be of the same materials used on the building walls and shall be complemented with landscaping. Exterior storage of materials, supplies, equipment, or products is prohibited.

VIII. Lighting:

A. Street Lighting: No new street lighting shall be required along the perimeter rights-of-way adjacent to this zoning district.

B. Parking Lots and Driveways: Lighting shall be provided along the perimeters of the parking lot and the vehicular drive in accordance with specifications provided in a final development plan. Such lighting shall not exceed three (3) feet in height and shall have fixtures that are black or New Albany green. Lighting within these areas shall be provided in a manner that eliminates off-site light spillage.

C. Ground-Mounted Lighting: Landscape uplighting shall not be permitted. Any ground lighting that is permitted shall be shielded and landscaped.

D. Prohibited Lighting: No permanent colored lights or neon lights shall be used on the exterior of any building.

E. Consistent Appearance: Exterior lighting fixtures shall be similar in appearance on each structure. Uplighting of buildings is prohibited.

F. Other Requirements: All other lighting on the site shall be in accordance with the City's Codified Ordinances.

IX. Graphics and Signage Commitment

A. Locations: A wall sign shall be permitted on the front façade of the home that is being converted to office use and shall identify the user within that structure. This sign shall comply with the requirements of the Codified Ordinances for wall signage on a structure located in the Historic Core or the Village Core of the Village Center. In addition, a single post sign shall be permitted to identify the user of the accessory building that is to remain on the site if that user is different from the user occupying the converted home. It shall comply with the requirements in the Codified Ordinances for this type of sign if it were located in the Historic Core or the Village Core of the Village Center, except that it shall have a maximum sign area of 12 square feet per side. The post sign shall be set back at least 5 feet from the right-of-way of New Albany-Condit Road and at least 5 feet from any side property line of the zoning district. For any new building, permitted sign types and specifications shall be based on the building typology that is constructed pursuant to the Urban Center Code.

B. Specifications: Permitted sizes, designs, colors, shapes, and other specifications for ground and building signs shall be in accordance with the Codified Ordinances.

C. Illumination: Internally illuminated wall-mounted and ground-mounted signage shall be prohibited.

D. Prohibited Signs: No signs shall be painted directly on the surface of the building, wall or fence. Temporary or permanent interior window advertisements are prohibited.

X. General Matters

A. Review Procedures

1. Rezoning: The rezoning procedures of Codified Ordinances Chapters 1111, 1157, and 1159 shall apply to this zoning district.

2. Final Development Plans: The initial final development plan application for this zoning district shall be reviewed by the City's Architectural Review Board (ARB) prior to being presented for review by the Planning Commission. The ARB shall provide a recommendation of approval, approval with conditions, or disapproval of a final development plan application to the Planning Commission using the same review criteria for a final development plan application as is required to be applied by the Planning Commission pursuant to relevant provisions of the Codified Ordinances. The Planning Commission shall be the decision-making body as to the approval, approval with conditions, or disapproval of each final development plan application in accordance with the requirements of the Codified Ordinances.

Redevelopment of the property in this zoning district which involves the voluntary demolition of one or both structures that are being converted to office uses and/or the construction of a new building shall not be permitted unless a further rezoning of the property occurs. Redevelopment of the property after an involuntary action (such as a

property casualty event) with buildings and structures which are similar in floor area and height to those which are to remain on the property in accordance with this text shall not require a rezoning but instead may approved as part of a final development plan to be reviewed by the ARB (which shall make a recommendation) and by the Planning Commission (which shall make a final decision on the application).

3. Other Modifications: Site modifications proposed outside of an initial final development plan application for this zoning district or which do not otherwise require review and approval of a final development plan as contemplated in the second paragraph of Section X.A.2 above shall be subject to certificate of appropriateness review under Codified Ordinances Section 1157.07.

4. Demolition: At the time of approval of the preliminary development plan, there are three existing structures on the site. A certificate of appropriateness to allow for the demolition of accessory structures may be reviewed and approved by city staff and shall not require Architectural Review Board approval. Demolition of the existing home that is being converted to office use requires a certificate of appropriateness to be issued by the Architectural Review Board who shall review the application in accordance with the standards found in Codified Ordinances Section 1157.10.

B. 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 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.

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.

C. Waivers:

1. Deviations from development standards in this text or in the Codified Ordinances, as part of a final development plan application, are subject to the waiver process as described in city code. The consideration of a waiver request shall be deemed to constitute an administrative proceeding. The Planning Commission shall be the decision-making body as to the approval, approval with conditions, or disapproval of each waiver application in accordance with the requirements of this text that are associated with

a final development plan. In considering a request for a waiver, the Planning Commission shall conduct a public meeting in conjunction with the application.

2. Deviations from development standards in this text or in the Codified Ordinances, as part of a certificate of appropriateness application, are subject to the waiver process as described in city code. The consideration of a waiver request shall be deemed to constitute an administrative proceeding, The Architectural Review Board shall be the decision-making body as to the approval, approval with conditions, or disapproval of each waiver application in accordance with the requirements of this text that are associated with a certificate of appropriateness application. In considering a request for a waiver, the Architectural Review Board shall conduct a public meeting in conjunction with the application.



ORDINANCE O-01-2026

AN ORDINANCE TO DETERMINE THE ANNUAL COMPENSATION AND BENEFITS OF THE MAYOR, COUNCIL MEMBERS, AND ADDITIONAL SALARY FOR THE MAYOR, PRESIDENT PRO TEM, OR DESIGNATED COUNCIL MEMBER PRESIDING OVER MAYOR'S COURT

WHEREAS, Section 4.04 of the New Albany Charter authorizes council, by ordinance, to annually determine its compensation and benefits; and

WHEREAS, salary amounts for the mayor, members of council, and president pro tem who presides over Mayor's Court were last set via ordinance O-02-2025; and

WHEREAS, as the city grows, so does the work for council, and a cost of living increase of 3.25% for city staff was approved as part of the 2026 budget; and

WHEREAS, Codified Ordinance 155, Section 19(a) – Insurance Benefits, states, “The City shall make available group medical, prescription drug, dental, and vision benefits to all full-time non-union employees and their dependents as well as to all currently serving, elected members of City Council and Mayor. The benefits shall be based on the benefits of the carrier or carriers.”

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

Section 1. Annual salaries shall be adjusted as set forth below.

A. SALARY OF THE MAYOR.

The annual salary of the Mayor shall be Thirty Thousand One Hundred Sixty-Four dollars and Ninety-Eight cents (\$30,164.98) paid bi-weekly.

B. SALARY FOR MEMBERS OF COUNCIL.

The annual salary of each Council Member shall be Thirteen Thousand Eight Hundred Twenty-Three dollars and Sixty-Four cents (\$13,823.64) paid bi-weekly. The annual salary of the President Pro Tem shall be the same as Council Members, unless said President Pro Tem is serving on Mayor's Court, in which case they shall receive additional salary as set forth below.

C. ADDITIONAL SALARY FOR PRESIDING OVER MAYOR'S COURT

The additional annual salary of the Mayor and/or the President Pro Tem and/or the designated Council Member who is regularly scheduled to preside in Mayor's Court, averaging two court

sessions per month, shall be Six Thousand Nine Hundred Eighteen dollars and Fifty-Eight cents (\$6,918.58) paid bi-weekly.

Section 2. The salary changes shall be effective as of January 1, 2026.

Section 3. Actively serving council members may elect to enroll in city-sponsored health insurance at the time of open enrollment or upon a qualifying life event. The available benefits and cost of insurance provided to council members shall be the same as is offered to city full-time non-bargaining employees.

Section 4. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

Section 5. Pursuant to Article VI, Section 6.07(B) of the Charter of the City of New Albany, this ordinance shall be in effect thirty (30) days after adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2026.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 12/22/2025

Introduced: 01/06/2026

Revised:

Adopted:

Effective:



ORDINANCE O-02-2026

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNER, HENDREN ONE LLC, AN OHIO LIMITED LIABILITY COMPANY OF THE PROPERTY LOCATED AT FANCHER ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE; AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Green Chapel Road Project (the "Project"), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Green Chapel Road and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibit, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-45-2024 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property from its owner, Hendren One LLC, an Ohio limited liability company for the property located at Fancher Road, for the public purpose of making, repairing, improving and constructing Green Chapel Road and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described as depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel J3-WD).

Section 2. That Council hereby fixes the value of all the interests appropriated at Forty Thousand One Hundred Twenty-Seven Dollars (\$40,127.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owner of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owner of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owner to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this legislation were adopted in an open meeting of the Council, and that all deliberations of the Council and/or any of its committees that resulted in such formal action

were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2026.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 12/18/2025

Introduced: 01/06/2026

Revised:

Adopted:

Effective:

Exhibit A - O-02-2025

EXHIBIT A

PARCEL J3-WD
0.815 ACRE

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in the Southeast Quarter of Section 25, Township 3, Range 15, United States Military District, being part of that 28.534 acre tract conveyed as "Tract Four" to Hendren One LLC by deed of record in Instrument Number 201304180009917 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set at the centerline intersection of Johnstown-Utica Road NW (U.S. Route 62) (width varies) and Green Chapel Road NW (Township Road 63), the westerly corner of the remainder of that 12.281 acre tract conveyed to C. Edward Venard by deed of record in Official Record 320, Page 709, in the line common to said Township 3 and Township 2 of said Range 15;

Thence North 59° 41' 16" East, with the centerline of said Johnstown-Utica Road (U.S. Route 62), a distance of 210.62 feet to a magnetic nail set at the southwesterly corner of said 28.534 acre tract, the northwesterly corner of that 2.921 acre tract conveyed to City of New Albany, Ohio by deed of record in Instrument Number 202407180012160, the northeasterly corner of the remainder of that 12.281 acre tract conveyed to C. Edward Venard by deed of record in Official Record 320, Page 709, the southeasterly corner of that 3.241 acre tract conveyed to Blanca O. Rooney and Paul J. Rooney by deed of record in Instrument Number 201609260020826, the TRUE POINT OF BEGINNING;

Thence North 02° 29' 24" East, across said Johnstown-Utica Road (U.S. Route 62) and with the line common to said 28.534 and 3.241 acre tracts, a distance of 59.23 feet to an iron pin set;

Thence North 60° 04' 31" East, across said 28.534 acre tract, a distance of 694.35 feet to an iron pin set in the easterly line of said 28.534 acre tract, the westerly line of that 1.000 acre tract conveyed to Bryan J. Zink and Tracey L. Zink by deed of record in Instrument Number 201306110014947;

Thence South 29° 55' 14" East, with the line common to said 28.534 and 1.000 acre tracts (passing a 3/4 inch capped iron pipe found at a distance of 19.54 feet), a total distance of 50.00 feet to a magnetic nail set at the southerly common corner thereof, in the centerline of said Johnstown-Utica Road (U.S. Route 62), in the northwesterly line of that 1.641 acre tract conveyed to Michael E. Dingess by deed of record in Instrument Number 2011080900014686

Thence South 60° 04' 31" West, with said centerline, the southeasterly line of said 28.534 acre tract, the northwesterly line of said 1.641 acre tract, the northwesterly line of that 1.443 acre tract conveyed as "Parcel One" to Ula M. Strelecky by deeds of record in Instrument Numbers 200907070015034 and 202210180025131 and the northwesterly line of said 2.921 acre tract, a distance of 726.09 feet to the TRUE POINT OF BEGINNING, containing 0.815 acre, more or less, all of which is within Auditor's Parcel Number 052-172500-00.000 and 0.494 acre of which is within the present roadway occupied.

EXHIBIT A

PARCEL J3-WD

0.815 ACRE

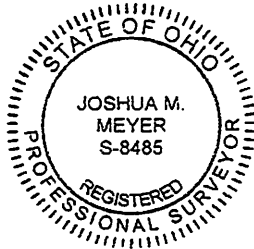
-2-

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Johnstown-Utica Road (U.S. Route 62), having a bearing of North 60°04'31" East, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, April, 2022, and March, 2024.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

A handwritten signature of Joshua M. Meyer in black ink.

Joshua M. Meyer
Professional Surveyor No. 8485

August 7, 2024

Date

JMM.djf
I03-WD_0_815 ac 20220307-VS-BNDY.docx

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="checked" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	
DATE: 8-8-24	



Evans, Mechwart, Hambleton & Tilton, Inc.
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SURVEY OF ACREAGE PARCEL

SOUTHEAST QUARTER, SECTION 25, TOWNSHIP 3, RANGE 15

UNITED STATES MILITARY DISTRICT

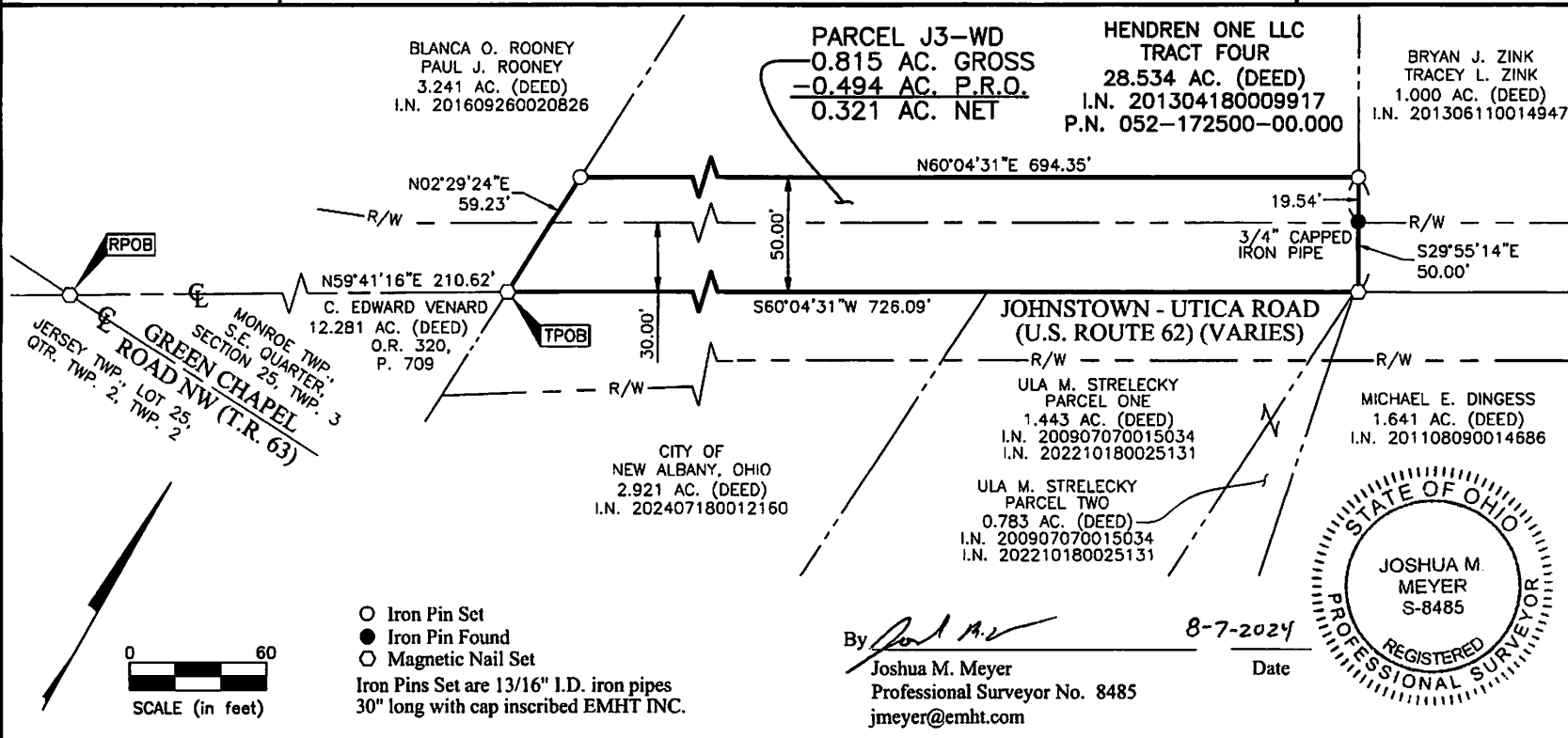
TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date: August 7, 2024

Scale: 1" = 60'

Job No: 2022-0307

Sheet No: 1 of 2



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UNITED STATES MILITARY DISTRICT

TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date:	August 7, 2024
Scale:	N/A
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Sheet No:	2 of 2

REFERENCE:

- Roadway plan titled "Sec. P Columbus-Millersburg Road", I.C.H. No. 23, dated 1919, on file with the Ohio Department of Transportation, District 5.

- Right of Way plan titled "LIC-62-0.49" PID 109329, dated 2020, on file with the Ohio Department of Transportation, District 5.

BASIS OF BEARINGS:

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Johnstown-Utica Road (U.S. Route 62), having a bearing of North 60°04'31" East, is designated the "basis of bearings" for this survey.

SURVEY NOTE:

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey performed in November and December, 2021, April, 2022, and March, 2024.



RESOLUTION R-01-2026

A RESOLUTION OF THE CITY OF NEW ALBANY, OHIO SUPPORTING THE OHIO COMMISSION FOR THE UNITED STATES SEMIQUINCENTENNIAL ALSO KNOWN AS AMERICA250-OH

WHEREAS, the Ohio legislature and the Governor DeWine created AMERICA250-OH in 2021 to plan, encourage, develop and coordinate the commemoration of the 250th anniversary of the United States and Ohio's integral role in that event and the role of its people on the nation's past, present, and future; and

WHEREAS, AMERICA250-OH hopes to engage all Ohioans and all 88 counties through their many signature and officially recognized programs, projects, and events over the next several years by inspiring future leaders and celebrating all Ohioans contributions to the nation over the last 250 years; and

WHEREAS, by adoption of this AMERICA250-OH resolution New Albany City Council hopes to educate, preserve, innovate, and celebrate.

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 endorses the City of New Albany's participation in AMERICA250-OH and their mission to educate, preserve, innovate, and celebrate every Ohioan in every county; and

Section 2. A copy of this resolution shall be sent to the municipal legislative delegation and AMERICA250-OH Commission.

Section 3. 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 and that all deliberations of this council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2026.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 12/16/2025

Introduced: 01/06/2026

Revised:

Adopted:

Effective:



RESOLUTION R-02-2026

A RESOLUTION TO CLARIFY CERTAIN SECTIONS OF THE CITY OF NEW ALBANY'S PERSONNEL POLICIES TO DEFINE EARNABLE AND NON-EARNABLE SALARY AS REQUESTED BY THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM

WHEREAS, the Ohio Public Employees Retirement System (OPERS) has requested annual clarification of the city's Codified Ordinance Sections 155.08, 155.09, 155.10, and 155.11 to determine pensionable earnable salary eligibility; and

WHEREAS, the Ohio Public Employees Retirement System (OPERS) has also requested that the city confirm its definition of salary, which is not pensionable.

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

Section 1. Pursuant to ORC Section 145.01 and the OAC 145.1-26, the City of New Albany has executed a plan for the conversions of sick and vacation leave to cash for leave that is accrued, but not used, during the calendar year, defined as January 1 to December 31, as part of an annual conversion plan. These earnings are earnable salary on which employee and employer contributions shall be remitted to OPERS.

Section 2. Sick and vacation leaves shall be converted on a last in, first out (LIFO) basis. The leave to be considered earnable salary is the leave accrued to date in the current calendar year, less any leave used to date in the same calendar year.

Section 3. Retiring employees' sick and vacation leave conversion payments must occur according to the plan and either prior to or during the month of their termination date for this earnable salary to be included in the calculation of Final Average Salary.

Section 4. The following payments made to employees shall not have retirement contributions withheld as the payments do not meet the definition of earnable salary for OPERS purposes.

- Leave in excess of the annual amount of leave accrued from January 1 to December 31 less leave used January 1 to time of payment
- Leave earned in previous calendar years (other than payments made in January for leave accrued but not used during the previous calendar year)
- Conversion of leave to employees separating employment

- Conversion of leave to retiring employees outside the regular payment schedule

Section 5. The city's accrual policy for Sick, Vacation, and Personal Leave is summarized in the attached Exhibit A.

Section 6. It is hereby found and determined that all formal actions of 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 7. Pursuant to the Article VI of the charter of the City of New Albany, this resolution shall take effect upon passage and shall be retroactive to January 1, 2026.

CERTIFIED AS ADOPTED this _____ day of _____, 2026.

Attest:

Sloan T. Spalding,
Mayor

Jennifer H. Mason,
Clerk of Council

Approved as to form:

Benjamin S. Albrecht,
Law Director

Legislation dates:

Prepared: 12/26/2025

Introduced: 01/06/2025

Revised:

Adopted:

Effective:

155.08 PERSONAL LEAVE.

(a) In addition to the observed holidays set forth in C.O. 155.07(a), all full-time employees shall be authorized to observe sixteen (16) hours designated as "personal leave". Such time shall be scheduled as far in advance as possible and approved by the supervisor, except that no reasonable request shall be denied. Wages shall be computed on the basis of the employee's existing rate of compensation at the time the leave is taken. Any unused personal leave remaining after the last pay period of the year shall be paid out on the first full payroll period of January of the following year. Unused hours when an employee terminates his/her employment shall be forfeited. Employees who are rehired after retirement from the City shall not be eligible for any personal leave payout.

(b) New employees hired before June 30 will be authorized to observe sixteen (16) hours of personal leave. New employees hired between July 1 and November 30 will be authorized to observe eight (8) hours of personal leave. New employees hired December 1 or after will not be eligible for any personal leave that year.

155.09 VACATION.

(a) Full-time, classified employees shall accrue vacation on the following schedule:

- (1) At employment up to the completion of the 1st year of employment - 3.077 hours per pay period
- (2) Upon completion of the first year of employment up to the completion of the 4th year of employment – 4.615 hours per pay period.
- (3) Upon completion of the 4th year of employment up to the completion of the 9th year of employment - 6.154 hours per pay period
- (4) Upon completion of the 9th year of employment up to the completion of the 18th year of employment - 7.70 hours per pay period
- (5) Upon completion of the 18th year of employment and beyond - 8.615 hours per pay period

(b) The annual vacation schedule for full-time, unclassified employees shall be as follows:

- (1) At appointment - three weeks. Employees appointed to an unclassified position upon hire, or, who move from a classified position to an unclassified position, will be provided three weeks upon appointment to the unclassified position. Newly hired unclassified employees shall accrue 3.077 hours of vacation leave per pay period after six months of employment until the end of their first year of employment. Thereafter, accrual will be provided at the rate otherwise qualified for. Employees appointed to an unclassified position from a classified position will accrue at the rate otherwise qualified for after 6 months of employment in the unclassified position.
- (2) Upon completion of the 1st year of employment up to the completion of the 4th year of employment – 4.615 hours per pay period
- (3) Upon completion of the 4th year of employment up to the completion of the 7th year of employment – 6.154 hours per pay period
- (4) Upon completion of the 7th year of employment and up to the completion of the 14th year of employment - 7.70 hours per pay period.

Exhibit A – R-02-2026

- (5) Upon completion of the 14th year of employment and beyond - 8.615 hours per pay period
- (c) Vacations shall be at full pay at the current salary rate.
- (d) Each full-time employee and official shall be permitted an annual standard maximum carryover of three (3) times the annual vacation accrual rate. Any accrued vacation leave in excess of the maximum carryover limits standing to the credit of the employee on December 1 shall become void on December 31, unless scheduled to be paid out in January. Employees with leave in excess of 480 hours as of December 1 may have up to 80 hours paid out upon request. Such payout shall be at the employee's rate of pay as of December 31 and occur in the following January.
- (e) No advance of vacation is permitted. Only requests for vacation less than or equal to the accrued balance will be approved.
- (f) Leave is accrued on the basis of an 80 hour pay period such that any time not in a paid status, i.e. unpaid time off, during a pay period will result in a reduced, pro-rated accrual for that pay period.
- (g) In order to recruit and retain qualified persons, employees shall accrue vacation leave as provided in (a) or (b), above, except that accrual rates above the minimum may be authorized if the Department Head and the Human Resources Officer submit adequate reasons in writing and the action is approved by the City Manager. Approval will be based upon the exceptional qualification of the applicant or the inability to employ adequately qualified personnel. In awarding a higher accrual rate, consideration shall be given to the applicant's qualifications, work experience, the level of responsibility required in the position and the availability of qualified applicants or other relevant market factors. Employees granted higher accrual rates shall move to the next accrual rate upon completion of four (4) years of employment with the City.
- (h) Compensation for vacation leave in lieu of time off shall not be granted except as provided in (d), above.
- (i) Vacation leave shall be scheduled as far in advance as possible and at the discretion of the supervisor. In the event of conflicting requests, the Department Head shall resolve the conflict based on the operating needs of the department/division.
- (j) Where an employee becomes deceased while in paid status in municipal employment, any accrued vacation leave to his/her credit shall be paid in a lump sum first to the surviving spouse, then to the deceased's estate.
- (k) Upon retirement or termination, unused accrued vacation leave will be cashed out in the form of a lump sum monetary payment.
- (l) Employees who are re-hired by the City after retirement from the City shall accrue vacation leave at the rate accrued upon retirement and shall not be eligible for additional

Exhibit A – R-02-2026

accrual steps or cash payment in (d), above, or cash payment for unused vacation leave upon final separation.

155.10 SICK LEAVE.

(a) All full-time employees and officials shall be credited sick leave at the rate of 4.615 hours for each pay period. Leave is accrued on the basis of an 80 hour pay period such that any hours not in a paid status, i.e. unpaid time off, during a pay period will result in a reduced pro-rated accrual for that pay period.

(b) Sick leave may be accumulated without limit.

(c) When used, sick leave shall be deducted from the cumulative total on a quarter-hour basis.

(d) Employees may use leave for absence due to illness, pregnancy, non-work related injury, exposure of contagious disease which could be communicated to other employees, quarantine of the employee, and for illness or injury of the employee's spouse, child, mother, father, or other relative residing in the employee's household. Sick leave may also be used for medical, vision or dental related examination and care.

(e) Employees may be required to furnish proof of illness by furnishing a doctor's statement if the duration of the illness exceeds three (3) consecutive working days.

(f) Absence due to sickness in the immediate family not residing in the employee's household, and requiring the continuing presence of the employee to make arrangements for hospitalization or other care shall not exceed three consecutive workdays without approval from the Department Head.

(g) Excessive use, abuse of, or misuse of sick leave may be cause for disciplinary action or dismissal.

(h) Employees for whom a replacement must be found and who are unable to report to work for any reason listed herein must report their anticipated absence to their supervisor at least one hour prior to the start of their shift on the first day of their absence. Other employees must report their anticipated absence before the expiration of the first half-hour of the start of their shift. All employees shall report accordingly on each succeeding day of their absence unless other arrangements are authorized.

(i) Sick leave may be transferable between employees due to exigent circumstances, with the approval of the City Manager.

(j) For family medical incidents, an employee may use up to four (4) days for each discrete incident.

(k) Following the fourth (4th) occurrence of sick leave absence of one day or more in a twelve month period, the employee may be required to secure and present a certificate

Exhibit A – R-02-2026

from a doctor giving information as to the circumstances involved or nature of the illness to receive pay for each subsequent absence involving sick leave in the remainder of that twelve month period. The documentation shall be sent to the Human Resources Officer to be placed in the individual's personnel file.

(l) Sick leave accumulated during former employment with the City or with another public agency may be credited to the employee upon his/her re-employment or hire with the City provided such re-employment/employment takes place within ten (10) years of the former termination date.

a. Up to 1,920 hours of previously accumulated sick leave from another public agency may be transferred to the employee's credit at a rate of two (2) to one (1) for each hour accrued as an employee of the City of New Albany.

b. Rate of accrual shall be in conformance with C.O. 155.10(a).

(m) Upon retirement or separation in good standing, full-time employees may convert unused accrued sick leave to a lump sum monetary payment on the following conditions:

(1) For the first 120 hours (15 days) of sick leave accrued, payment shall be hour for hour. Accumulated sick leave above 120 hours shall be paid at the rate of eight (8) hours pay for every 24 hours accumulated.

(2) Payment will be at the hourly rate in effect at the time of retirement or termination.

(3) Employees terminated for cause or who fail to give two weeks' written notice of intent to terminate are not eligible for the sick leave conversion benefit.

(n) Employees who are re-hired by the City after retirement from the City shall be allowed to carry over up to 120 hours of sick leave and upon reemployment will accrue sick leave under (a), above. Upon final separation, a maximum of 120 hours will be eligible for payout at a one-to-three basis. Any leave remaining above 120 hours shall be forfeited.

155.11 SICK LEAVE RECIPROCITY

(a) During January, each permanent full-time non-union employee may receive payment in cash for a portion of unused accrued sick leave hours at the end of the preceding fiscal year, provided such employee was entitled to sick leave benefits during all of the twenty-six (26) pay periods of the previous year. Additionally, in order to participate, an employee must have at least 480 hours of sick leave after cash benefit hours are taken. Those who are eligible may cash in up to eighty (80) hours of sick leave. Eligible employees must elect, no later than September 1 of each year, to convert up to eighty (80) hours of sick leave for payment in the first full pay period in January of the next calendar year (payable at the employee's base rate of pay as of December 31 of the year of the election).

(b) The number of reciprocity hours paid each employee will be subtracted from the total accrued unused sick leave. The balance of unused sick leave will be carried forward each year as the current sick leave account.