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TO: Kimberly Padgett  
FROM: Community Development Department  
DATE: August 12, 2022  
RE: New Albany Rezoning Process

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This memo outlines the current zoning classification and rezoning application process applicable to the property located at 10550 Johnstown Road (Parcel ID: 222-000400).

The property is zoned R-1 (Residential Estate District). The permitted and conditional uses as well as the development standards for this zoning district can be found in city code section C.O. 1131 and are attached to this memo as Exhibit A.

If a property owner wishes to rezone their property to allow different uses to be developed other than what is currently permitted, a rezoning application may be submitted to the city. A rezoning application for this site must be heard by the Rocky Fork-Blacklick Accord, Planning Commission and City Council. Rezoning applications are approved by City Council via ordinance only which requires two readings. If the rezoning application is adopted by City Council, there is a 30-day referendum period directly following the second reading after which the rezoning becomes legally effective. The rezoning process timeframe is generally 3 to 5 months in length.

There may be additional board and commission review and approval needed after rezoning dependent upon the zoning classification, whether or not a condition use is needed or variances are requested.

Please note, the information provided above may not be all inclusive. Additional information may be required by staff upon complete review of any application submitted to the city.

## ***CHAPTER 1131 R-1 RESIDENTIAL ESTATE DISTRICT<sup>1</sup>***

### **1131.01 PURPOSE.**

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

(Ord. 08-2006. Passed 9-5-06.)

### **1131.02 PERMITTED USES.**

- (a) Single-family detached dwellings.
- (b) Publicly-owned parks, playgrounds and open space.
- (c) Religious exercise facilities and related uses.

(Ord. 34-95. Passed 9-19-95; Ord. 08-2006. Passed 9-5-06.)

### **1131.03 ACCESSORY USES.**

- (a) Private detached garages or carports.
- (b) Tool and/or garden sheds.
- (c) Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of the construction work.
- (d) Private swimming pools and tennis courts, for primary use by occupants of the principal use of the property. Private swimming pools shall be subject to the regulations of Chapter 1173.
- (e) Dishes or other devices for the reception of television signals, provided such device is for sole use by occupants of the principal use of the property on which the device is located, such device is not located in any front or side yard, and is located not less than forty (40) feet from any adjoining property lines and complies with the provisions of Chapter 1177.
- (f) Home occupations, subject to the regulations of Section 1165.09.

(Ord. 08-2006. Passed 9-5-06.)

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<sup>1</sup>Cross reference(s)—District established - see P. & Z. Ch. 1125;  
Lots and yards - see P. & Z. 1165.01 et seq.;  
Accessory uses - see P. & Z. 1165.06;  
Home occupations - see P. & Z. 1165.09

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## 1131.04 CONDITIONAL USES.

- (a) Golf courses and/or country clubs, provided a development plan showing location of all facilities is submitted and approved by the Planning Commission.
- (b) Privately-owned parks and recreation areas.
- (c) Public schools offering general educational courses and having no rooms regularly used for housing or sleeping of students, providing they occupy an amount of acreage that meets or exceeds state standards.
- (d) Residential model homes and temporary lot sales offices. These are newly-constructed homes or temporary structures placed in a newly-constructed subdivision and used by a homebuilder or developer to display home styles and lot availability in a subdivision to promote the sale of new housing units. The model home or sales office may be staffed and furnished.
  - (1) When making its decision to approve, disapprove or approve with conditions an application for a residential model home, the Planning Commission shall consider that the model home:
    - A. Is appropriately located within the community and sited so that it is easily accessible without creating a nuisance or hazard to nearby properties.
    - B. Is integrated into the residential character of the neighborhood with external lighting in conformity with customary residential lighting.
    - C. Is approved with a limited duration which shall be determined by the Planning Commission after consultation with the applicant. Extensions of time may be granted by the Planning Commission, but decisions must be based on the same criteria as outlined in this section.
    - D. Is identified by no more than one sign which shall be in compliance with regulations governing signage.
    - E. Shall not be used as a general real estate brokerage office where the sale of properties not owned or previously owned wholly or in part by the applicant occurs.
  - (2) The Planning Commission shall also consider and may set conditions on the following as part of its decision to allow a residential model home:
    - A. Hours of operation.
    - B. Number and types of employees; and maximum number of employees to be on the site at any one time.
    - C. Provisions for parking for employees and customers.
    - D. Size, lighting, content and location of signage (no internally lighted signage shall be permitted).
    - E. Landscaping and screening.
  - (3) The use of temporary sales offices (i.e., manufactured homes, mobile homes or trailers) on the site of a newly constructed subdivision shall be discouraged. In addition to the above-listed criteria for model homes, permission to occupy a temporary sales office for the purpose of home and lot sales within a newly constructed subdivision shall be granted only if the following conditions are met:
    - A. Such facility is located on a main arterial roadway or highway.
    - B. Such facility is substantially screened by the use of landscaping and/or mounding.
    - C. Such facility shall not create a nuisance to surrounding properties.
    - D. Such other conditions as the Planning Commission deems appropriate.

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- E. Sales offices in trailers or mobile homes are permitted for a duration of twelve (12) months. Users of such facilities may apply to the Planning Commission for an extension of an additional twelve (12) months.
- (e) Feeding, grazing or sheltering of poultry, in pens or confined areas. "Poultry" shall mean domestic fowl, such as chickens, turkeys, ducks, geese, and similar animals.
- (1) The Planning Commission shall consider and may set conditions on the following as part of its decision to allow the feeding, grazing or sheltering of poultry: type of poultry, location/distance from property lines, limiting the number of animals, enclosures/structure requirements, fence requirements, noise conditions, sanitary standards, prohibition of specific animals such as rooster(s), sale of animal products and the killing/slaughter animals on site.
- (Ord. 34-95. Passed 9-19-95; Ord. 08-2006. Passed 9-5-06; Ord. O-24-2021 . Passed 6-6-21.)

### **1131.05 DEVELOPMENT STANDARDS.**

- (a) Lot Area. The minimum lot size shall be as required by the Franklin County Health Department, but in no case shall be less than forty thousand (40,000) square feet exclusive of rights-of-way or easements.
- (b) Minimum Lot Width. For each principal use, there shall be lot width of not less than one hundred fifty (150) feet with frontage on a publicly dedicated, improved street or highway. Minimum lot width on curved street shall be one hundred (100) feet.
- (c) Minimum Front Yard Depth. Fifty (50) feet.
- (d) Minimum Side Yard Width. Twenty (20) feet.
- (e) Minimum Sum of Side Yard Widths. Forty (40) feet.
- (f) Minimum Rear Yard Depth. Fifty (50) feet.
- (g) Maximum Building Height. Forty-five (45) feet.
- (g) Maximum Building Height. Forty-five (45) feet.
- (Ord. 08-2006. Passed 9-5-06.)

### **1131.06 LOT AND AREA REGULATIONS; ALL NONRESIDENTIAL USES.**

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

(Ord. 08-2006. Passed 9-5-06.)