

**CITY OF DELAWARE  
CITY COUNCIL  
CITY COUNCIL CHAMBERS  
1 SOUTH SANDUSKY STREET  
7:00 P.M. REGULAR MEETING**

**AGENDA**

**6:30 P.M. EXECUTIVE SESSION:** pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, Section 121.22 (G) (2) acquisition of property for public purpose and 121.22(G) (8) consideration of confidential information related to a request for economic development assistance.

7:00 P.M. REGULAR MEETING

November 26, 2018

1. ROLL CALL
2. INVOCATION – Pastor Scott Logan, Agape International
3. PLEDGE OF ALLEGIANCE
4. APPROVAL of the Motion Summary of the Regular Meeting of Council held on November 12, 2018, as recorded and transcribed.
5. CONSENT AGENDA
  - A. Acceptance of the Motion Summary of the Board of Zoning Appeals meeting held on October 10, 2018, as recorded and transcribed.
  - B. Acceptance of the Motion Summary of the Records Commission meeting held on July 25, 2018, as recorded and transcribed.
  - C. Resolution No. 18-63, a resolution authorizing the dedication of two parking stalls at the south end of the East William Street public parking lot for use as electric vehicle charging stations.
  - D. Resolution No. 18-64, a resolution authorizing the modification of parking stalls in the North Franklin Street city parking lot to provide centralized refuse collection for nearby businesses, to bring handicap accessible parking stalls in compliance with Americans with Disability Act (ADA) requirements, and repealing Resolution No. 14-08 in its entirety.
  - E. Resolution No. 18-66, a resolution designating City Attorney Darren Shulman and Assistant City Attorney/City Prosecutor Chris Ballard as City Council Designees for required public records

training.

- F. Establish December 10, 2018 at 7:15 p.m. as a date and time for a public hearing and second reading of Ordinance No. 18-114, an ordinance amending the Schedule of Fees and Service Charges.

6. LETTERS, PETITIONS, AND PUBLIC COMMENTS

7. COMMITTEE REPORTS

8. CONSIDERATION OF LIQUOR PERMIT TRANSFER

- A. To ADT Ohio LLC at 241 South Sandusky Street, Delaware Ohio 43015 from Americas Pizza Company LLC DBA Pizza Hut 024173 at 241 South Sandusky Street, Delaware, Ohio 43015. Permit Class: D1

9. CONSIDERATION of Resolution No. 18-65, a resolution establishing guidelines for establishing New Community Authorities.

10. FOURTH READING of Ordinance No. 18-90, an ordinance finding that the creation of the Terra Alta Community Authority will be conducive to the public health, safety, convenience and welfare and is intended to result in the development of a new community; declaring that authority to be organized and a body politic and corporate; defining the boundary of that authority's new community district; providing the method of appointing members to that the Authority's Board of Trustees and fixing the surety for those trustee's bonds.

11. SECOND READING of Ordinance No. 18-105, an ordinance approving a Preliminary Subdivision Plat request for Makapa LLC., for Belle Commons for four single family lots on approximately 1.344 acres on property zoned R-3 (One-Family Residential District) and located on the north side of Belle Avenue and on the east side of Liberty Road.

12. SECOND READING of Ordinance No. 18-106, an ordinance approving a Final Subdivision Plat request by Makapa LLC., for Belle Commons for four single family lots on approximately 1.344 acres on property zoned R-3 (One-Family Residential District) and located on the north side of Belle Avenue and on the east side of Liberty Road.

13. 7:30 PUBLIC HEARING AND FIRST READING of Ordinance No. 18-109, an ordinance making appropriations for the Year 2019 and declaring an emergency.

14. CONSIDERATION of Ordinance No. 18-110, an ordinance amending the

Delaware Municipal Court and Clerk of Court Employee Benefits and Leave Policies, and declaring and emergency.

A. Municipal Court – Judge Marianne Hemmeter and Clerk of Court Cindy Dinovo

15. CONSIDERATION of Ordinance No. 18-111, an ordinance amending Ordinance No. 17-78 establishing the pay and benefits for various part-time and intermittent/seasonal employees of the City of Delaware, and declaring and emergency.
16. CONSIDERATION of Ordinance No. 18-112, an ordinance amending the Management, Professional, Technical, Confidential, and Supervisory Employees Pay Plan, and declaring and emergency.
17. CONSIDERATION of Ordinance No. 18-113, an ordinance establishing new salary rates for the Mayor and members of City Council effective January 1, 2020 and repealing Ordinance No. 13-44.
18. CONSIDERATION of Ordinance No. 18-114, an ordinance amending the Schedule of Fees and Service Charges.
19. 2019 BUDGET REVIEW AND DISCUSSION
20. FINANCE DIRECTOR'S REPORT
21. CITY MANAGER'S REPORT
22. COUNCIL COMMENTS
23. ADJOURNMENT

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BEAR GRAPHICS 800-325-8094 FORM NO. 1014B

Held November 12 20 18

**6:30 EXECUTIVE SESSION:** Mrs. Keller motioned to enter into executive session at 6:30 p.m. This motion was seconded by Mr. Rohrer and approved by a 6-0 vote. Council met in executive session pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, Section 121.22 (G) (2) acquisition of property for public purpose and 121.22(G) (8) consideration of confidential information related to a request for economic development assistance. Council conducted a discussion of those items with the following members present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Jim Browning, Fourth Ward Kyle Rohrer, At-Large George Hellinger, and Vice-Mayor Kent Shafer. Absent from the discussion was Mayor Carolyn Kay Riggle. Following the discussion at 6:50 p.m., it was moved by Mr. Jones that Council move into Open session, seconded by Mr. Browning and approved by a 6-0 vote.

The regular meeting of Council held November 12, 2018 was called to order at 7:00 p.m., in the City Council Chambers. The following members of Council were present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Jim Browning, Fourth Ward Kyle Rohrer, At-Large George Hellinger, and Vice-Mayor Kent Shafer who presided. Absent from the meeting was Mayor Carolyn Kay Riggle. The invocation was given by Pastor Beth Staten, Zion United Church of Christ, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, Blake Jordan, Public Utilities Director, Dean Stelzer, Finance Director, Bill Ferrigno, Public Works Director/City Engineer, Dave Efland, Planning and Community Development Director, John Donahue, Fire Chief, Bruce Pijanowski, Police Chief, Jackie Walker, Assistant City Manager and Tom Homan, City Manager

**Motion to Excuse:** Mrs. Keller motioned to excuse Mayor Riggle, seconded by Mr. Jones. Motion approved by a 6-0 vote.

#### **ITEM 4: APPROVAL OF MINUTES**

APPROVAL of the Motion Summary of the Regular Meeting of Council held on October 22, 2018, as recorded and transcribed.

APPROVAL of the Motion Summary of the Work Session of Council held on November 5, 2018, as recorded and transcribed.

**Motion:** Mr. Rohrer motioned to approve the Motion Summary of the regular meeting of Council held October 22, 2018, as recorded and transcribed, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**Motion:** Mr. Browning motioned to approve the Motion Summary of the Work Session meeting of Council held November 5, 2018, as recorded and transcribed, seconded by Mr. Rohrer. Motion approved by a 6-0 vote.

#### **ITEM 5: CONSENT AGENDA**

- A. Acceptance of the Motion Summary of the Planning Commission meeting held on October 17, 2018, as recorded and transcribed.
- B. Acceptance of the Motion Summary of the Civil Service Commission meeting held on October 3, 2018, as recorded and

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transcribed.

- C. Acceptance of the Motion Summary of the Shade Tree Commission meeting held on August 28, 2018, as recorded and transcribed.
- D. Acceptance of the Motion Summary of the Airport Commission meeting held on July 19, 2018, as recorded and transcribed.
- E. Resolution No. 18-60, a resolution authorizing the restriction of on street parking on Catherine Street at the new entrance to the Boardman Art Park.
- F. Resolution No. 18-61, a resolution authorizing the City Manager to sign an agreement for the Conditional Deed of Gift Ceremonial Rifles.
- G. Resolution No. 18-62, a resolution authorizing the City Manager to submit a grant application to the Federal Aviation Administration and the Ohio Department of Transportation, and to enter into required agreements for the resurfacing of T-hanger pavement.
- H. Establish November 26, 2018 at 7:30 p.m. as a date and time for a public hearing and first reading for Ordinance No. 18-109, an ordinance making appropriations for the Year 2019 and declaring an emergency.
- I. Establish December 10, 2018 at 7:30 p.m. as a date and time for a public hearing and second reading for Ordinance No. 18-109, an ordinance making appropriations for the Year 2019 and declaring an emergency.

**Motion:** Mr. Browning motioned to approve the Consent Agenda, seconded by Mr. Rohrer. Motion approved by a 6-0 vote.

**ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS**

**ITEM 7: PRESENTATION**

- A. Proclamation for Small Business Saturday presented to Holly Quaine, President of Delaware Area Chamber of Commerce and Susie Bibler, Executive Director of Main Street Delaware

**ITEM 8: COMMITTEE REPORT**

**ITEM 9: ORDINANCE NO. 18-89** [Fourth Reading]

AN ORDINANCE AMENDING SECTION 917.14 OF THE SANITARY SEWER REGULATIONS OF THE STREETS, UTILITIES, AND PUBLIC SERVICES CODE TO ADD A FIFTY PERCENT (50%) SURCHARGE FOR NON-CITY CUSTOMERS.

The Clerk read the ordinance for the fourth time.

**Motion:** Mrs. Keller motioned to adopt Ordinance No. 18-89, seconded by Mr. Browning. Motion approved by a 6-0 vote.

**ITEM 10: ORDINANCE NO. 18-90** [Third Reading]

AN ORDINANCE FINDING THAT THE CREATION OF THE TERRA ALTA COMMUNITY AUTHORITY WILL BE CONDUCIVE TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE AND WELFARE AND IS INTENDED TO RESULT IN THE DEVELOPMENT OF A NEW COMMUNITY; DECLARING THAT AUTHORITY TO BE ORGANIZED AND A BODY POLITIC AND CORPORATE; DEFINING THE BOUNDARY OF THAT AUTHORITY'S NEW COMMUNITY DISTRICT; PROVIDING THE METHOD OF APPOINTING MEMBERS TO THAT THE AUTHORITY'S BOARD OF

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TRUSTEES AND FIXING THE SURETY FOR THOSE TRUSTEE'S BONDS.

The Clerk read the ordinance for the third time.

PUBLIC COMMENT:

David Fisher  
Kephart & Fisher  
207 North 4<sup>th</sup> Street  
Columbus, Ohio

Mr. Hellinger requested that before proceeding with a vote that the framework is established for private NCA's.

**ITEM 11: ORDINANCE NO. 18-91** [Public Hearing and Second Reading]

AN ORDINANCE FOR SIMON KENTON COUNCIL BOY SCOUTS OF AMERICA FOR APPROVAL OF A REZONING AMENDMENT FOR CAMP LAZARUS FROM A-1 (AGRICULTURAL DISTRICT) TO A-1 PMU (AGRICULTURAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) ENCOMPASSING APPROXIMATELY 231 ACRES AND LOCATED AT 4422 COLUMBUS PIKE.

The Clerk read the ordinance for the second time.

APPLICANT:

Michael R. Shade  
P.O. Box 438  
Delaware, Ohio

Jeffrey Moe  
Boy Scouts of America/Simon Kenton Council, CEO  
807 Kinnear Road  
Columbus, Ohio

There was no public participation.

**Motion:** Mr. Jones motioned to suspend the rules for Ordinance No. 18-91, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**Motion:** Mr. Jones motioned to adopt Ordinance No. 18-91, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**ITEM 12: ORDINANCE NO. 18-92** [Public Hearing and Second Reading]

AN ORDINANCE FOR SIMON KENTON COUNCIL BOY SCOUTS OF AMERICA FOR APPROVAL OF A CONDITIONAL USE PERMIT FOR CAMP LAZARUS TO ALLOW THE PLACEMENT OF A PMU (PLANNED MIXED USE OVERLAY DISTRICT) TO BE ESTABLISHED AT 4422 COLUMBUS PIKE ON APPROXIMATELY 231 ACRES.

The Clerk read the ordinance for the second time.

APPLICANT:

Michael R. Shade  
P.O. Box 438  
Delaware, Ohio

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Jeffrey Moe  
Boy Scouts of America/Simon Kenton Council, CEO  
807 Kinnear Road  
Columbus, Ohio

There was no public participation.

**Motion:** Mr. Jones motioned to suspend the rules for Ordinance No. 18-92, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**Motion:** Mr. Jones motioned to adopt Ordinance No. 18-92, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**ITEM 13: ORDINANCE NO. 18-93** [Second Reading]  
AN ORDINANCE FOR SIMON KENTON COUNCIL BOY SCOUTS OF AMERICA FOR APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR CAMP LAZARUS ENCOMPASSING APPROXIMATELY 231 ACRES ZONED A-1 PMU AND LOCATED AT 4422 COLUMBUS PIKE.

The Clerk read the ordinance for the second time.

**Motion:** Mr. Jones motioned to suspend the rules for Ordinance No. 18-93, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**Motion:** Mr. Jones motioned to adopt Ordinance No. 18-93, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**ITEM 14: ORDINANCE NO. 18-94** [Public Hearing and Second Reading]  
AN ORDINANCE APPROVING A DEVELOPMENT TEXT AMENDMENT TO ORDINANCE NO. 08-113 FOR STAVROFF LAND DEVELOPMENT FOR BELMONT PLACE (SUB-AREA A) FOR 102 SINGLE FAMILY LOTS AND 5 COMMERCIAL OUT LOTS LOCATED NORTH OF PEACHBLOW ROAD AND EAST OF GLENN PARKWAY ON APPROXIMATELY 49.6 ACRES ZONED C-3, R-6, AND A-1 PMU (COMMUNITY BUSINESS DISTRICT, MULTI-FAMILY RESIDENTIAL DISTRICT AND AGRICULTURAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT).

The Clerk read the ordinance for the second time.

**APPLICANT:**  
Kevin McCauley  
6689 Dublin Center Drive  
Dublin Ohio

Brad Holland  
EMHT  
5500 New Albany Road  
Columbus, Ohio

There was no public participation.

**Motion:** Mrs. Keller motioned to suspend the rules for Ordinance No. 18-94, seconded by Mr. Browning. Motion approved by a 6-0 vote.

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**Motion:** Mrs. Keller motioned to adopt Ordinance No. 18-94, seconded by Mr. Browning. Motion approved by a 6-0 vote.

**ITEM 15: ORDINANCE NO. 18-95** [Second Reading]  
AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR STAVROFF LAND DEVELOPMENT FOR BELMONT PLACE (SUB-AREA A) FOR 102 SINGLE FAMILY LOTS AND 5 COMMERCIAL OUT LOTS LOCATED NORTH OF PEACHBLOW ROAD AND EAST OF GLENN PARKWAY ON APPROXIMATELY 49.6 ACRES ZONED C-3, R-6 AND A-1 PMU (COMMUNITY BUSINESS DISTRICT, MULTI-FAMILY RESIDENTIAL DISTRICT AND AGRICULTURAL DISTRICT WITH A PLANNED MIXED USED OVERLAY DISTRICT).

The Clerk read the ordinance for the second time.

**Motion:** Mrs. Keller motioned to suspend the rules for Ordinance No. 18-95, seconded by Mr. Browning. Motion approved by a 6-0 vote.

**Motion:** Mrs. Keller motioned to adopt Ordinance No. 18-95, seconded by Mr. Browning. Motion approved by a 6-0 vote.

**ITEM 16: ORDINANCE NO. 18-96** [Second Reading]  
AN ORDINANCE APPROVING A PRELIMINARY SUBDIVISION PLAT FOR STAVROFF LAND DEVELOPMENT FOR BELMONT PLACE (SUB-AREA A) FOR 102 SINGLE FAMILY LOTS AND 5 COMMERCIAL OUT LOTS LOCATED NORTH OF PEACHBLOW ROAD AND EAST OF GLENN PARKWAY ON APPROXIMATELY 49.6 ACRES ZONED C-3, R-6, AND A-1 PMU (COMMUNITY BUSINESS DISTRICT, MULTI-FAMILY RESIDENTIAL DISTRICT AND AGRICULTURAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT).

The Clerk read the ordinance for the second time.

**Motion:** Mrs. Keller motioned to suspend the rules for Ordinance No. 18-96, seconded by Mr. Browning. Motion approved by a 6-0 vote.

**Motion:** Mrs. Keller motioned to adopt Ordinance No. 18-96, seconded by Mr. Browning. Motion approved by a 6-0 vote.

**ITEM 17: ORDINANCE NO. 18-97** [Second Reading]  
AN ORDINANCE FOR TIM COLATRUGLIO APPROVING A FINAL DEVELOPMENT PLAN FOR RIVER STREET BUSINESS PARK ENCOMPASSING APPROXIMATELY 2.94 ACRES (13 PROPERTIES) LOCATED AT 45 RIVER STREET AND ZONED B-3 AND R-4 PMU (COMMUNITY BUSINESS DISTRICT AND MEDIUM DENSITY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT).

The Clerk read the ordinance for the second time.

**APPLICANT:**  
Tim Colatruglio  
3630 Curve Road  
Delaware, Ohio

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**Motion:** Mr. Jones motioned to suspend the rules for Ordinance No. 18-97, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

**Motion:** Mr. Jones motioned to adopt Ordinance No. 18-97, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

**ITEM 18: ORDINANCE NO. 18-98** [Public Hearing and Second Reading]

AN ORDINANCE FOR TIM COLATRUGLIO APPROVING AN ALLEY VACATION FOR RIVER STREET BUSINESS PARK ENCOMPASSING APPROXIMATELY 2.94 ACRES (13 PROPERTIES) LOCATED AT 45 RIVER STREET AND ZONED B-3 AND R-4 PMU (COMMUNITY BUSINESS DISTRICT AND MEDIUM DENSITY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT).

The Clerk read the ordinance for the second time.

APPLICANT:  
Tim Colatruglio  
3630 Curve Road  
Delaware, Ohio

There was no public participation.

**Motion:** Mr. Jones motioned to suspend the rules for Ordinance No. 18-98, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

**Motion:** Mr. Jones motioned to adopt Ordinance No. 18-98, seconded by Mr. Hellinger. Motion approved by a 6-0 vote.

**ITEM 19: ORDINANCE NO. 18-99** [Public Hearing and Second Reading]

AN ORDINANCE FOR MANOS PROPERTIES FOR APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING THE WESLEYAN INN AT 235 WEST WILLIAM STREET ON APPROXIMATELY 0.72 ACRES ZONED PO/I (PLANNED OFFICE/INSTITUTIONAL).

The Clerk read the ordinance for the second time.

APPLICANT:  
Jim Manos  
5973 Macewan Court  
Dublin, Ohio

Jeffrey Brown  
Smith and Hale LLC  
37 West Broad Street, Suite 460  
Columbus, Ohio

Mr. Brown provided to Council a copy of the appraisal for 235 West William Street.

PUBLIC PARTICIPATION:  
Chip Thompson  
42 Yorkshire Road  
Delaware, Ohio

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Mr. Thompson provided support to the applicant and his character.

David DiStefano  
261 Lea Street  
Columbus, Ohio

Mr. DiStefano voiced support of the applicant and his past business experiences with him.

Roger Koch  
125 North Liberty Street  
Delaware, Ohio

Mr. Koch discussed the high cost to renovate the historic home for a private residence and that the proposed development will allow for the house to be preserved. He voiced his support for the project.

**Motion:** Mr. Jones motioned to suspend the rules for Ordinance No. 18-99, seconded by Mr. Browning. Motion approved by a 6-0 vote.

**Motion:** Mr. Jones motioned to adopt Ordinance No. 18-99, seconded by Mr. Browning. Motion approved by a 6-0 vote.

**ITEM 20: ORDINANCE NO. 18-100** [Second Reading]  
AN ORDINANCE FOR MANOS PROPERTIES FOR APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR THE WESLEYAN INN AT 235 WEST WILLIAM STREET ON APPROXIMATELY 0.72 ACRES ZONED PO/I (PLANNED OFFICE/INSTITUTIONAL).

The Clerk read the ordinance for the second time.

**Motion:** Mr. Jones motioned to suspend the rules for Ordinance No. 18-100, seconded by Mr. Browning. Motion approved by a 6-0 vote.

**Motion:** Mr. Jones motioned to adopt Ordinance No. 18-100, seconded by Mr. Browning. Motion approved by a 6-0 vote.

**ITEM 21: ORDINANCE NO. 18-102** [Second Reading]  
AN ORDINANCE SUPPLEMENTING THE 2018 APPROPRIATIONS ORDINANCE TO REALLOCATE APPROPRIATIONS FROM WITHIN THE FINANCE DEPARTMENT BUDGET, AND DECLARING AND EMERGENCY.

The Clerk read the ordinance for the second time.

**Motion:** Mr. Hellinger motioned to suspend the rules for Ordinance No. 18-102, seconded by Mr. Browning. Motion approved by a 6-0 vote.

**Motion:** Mr. Hellinger motioned to enact the emergency clause for Ordinance No. 18-102, seconded by Mr. Browning. Motion approved by a 6-0 vote.

**Motion:** Mr. Hellinger motioned to adopt Ordinance No. 18-102, seconded by Mr. Browning. Motion approved by a 6-0 vote.

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**ITEM 22: ORDINANCE NO. 18-104** [First Reading]

AN ORDINANCE SUPPLEMENTING THE 2018 APPROPRIATIONS ORDINANCE TO REALLOCATE APPROPRIATIONS FROM WITHIN THE FINANCE DEPARTMENT BUDGET, AND DECLARING AND EMERGENCY.

The Clerk read the ordinance for the first time.

**Motion:** Mr. Jones motioned to suspend the rules for Ordinance No. 18-104, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**Motion:** Mr. Jones motioned to enact the emergency clause for Ordinance No. 18-104, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**Motion:** Mr. Jones motioned to adopt Ordinance No. 18-104, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**ITEM 23: ORDINANCE NO. 18-105** [First Reading]

AN ORDINANCE APPROVING A PRELIMINARY SUBDIVISION PLAT REQUEST FOR MAKAPA LLC., FOR BELLE COMMONS FOR FOUR SINGLE FAMILY LOTS ON APPROXIMATELY 1.344 ACRES ON PROPERTY ZONED R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) AND LOCATED ON THE NORTH SIDE OF BELLE AVENUE AND ON THE EAST SIDE OF LIBERTY ROAD.

The Clerk read the ordinance for the first time. Council to take Ordinance No. 18-105 to a second reading to allow for the applicant to be present at the meeting.

**ITEM 24: ORDINANCE NO. 18-106** [First Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY MAKAPA LLC., FOR BELLE COMMONS FOR FOUR SINGLE FAMILY LOTS ON APPROXIMATELY 1.344 ACRES ON PROPERTY ZONED R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) AND LOCATED ON THE NORTH SIDE OF BELLE AVENUE AND ON THE EAST SIDE OF LIBERTY ROAD.

The Clerk read the ordinance for the first time. Council to take Ordinance No. 18-105 to a second reading to allow for the applicant to be present at the meeting.

**ITEM 25: ORDINANCE NO. 18-107** [First Reading]

AN ORDINANCE FOR DEL-MOR DWELLING CORPORATION FOR APPROVAL OF A FINAL DEVELOPMENT PLAN FOR AN ACTIVELY OWNED AND MANAGED 40 DWELLING UNIT LOW AND MODERATE INCOME AFFORDABLE HOUSING DEVELOPMENT AT 250 CURTIS STREET ON THE NORTH SIDE OF FIRESTONE DRIVE ON APPROXIMATELY 3.64 ACRES ON PROPERTY ZONED PO/I PMU (PLANNED OFFICE/INSTITUTIONAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT).

The Clerk read the ordinance for the first time.

**APPLICANT:**

Jim Wilson  
30 North Franklin Street

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Delaware, Ohio

There was no public participation.

**Motion:** Mr. Jones motioned to suspend the rules for Ordinance No. 18-107, seconded by Mr. Browning. Motion approved by a 6-0 vote.

**Motion:** Mr. Jones motioned to adopt Ordinance No. 18-107, seconded by Mr. Browning. Motion approved by a 6-0 vote.

**ITEM 26: ORDINANCE NO. 18-108** [First Reading]  
AN ORDINANCE FOR REALCO ENTERPRISES LLC., APPROVING A FINAL DEVELOPMENT PLAN FOR RAISING CANE'S ENCOMPASSING APPROXIMATELY 1.485 ACRES AT 720 SUNBURY ROAD (US 36/37) ON PROPERTY ZONE B-3 PMU (COMMUNITY BUSINESS DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT).

The Clerk read the ordinance for the first time.

APPLICANT:  
Drew Gatliff  
1062 Rich Street  
Columbus, Ohio

**Motion:** Mr. Jones motioned to suspend the rules for Ordinance No. 18-108, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**Motion:** Mr. Jones motioned to adopt Ordinance No. 18-108, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

**ITEM 27: CITY MANAGER'S REPORT**  
Mr. Homan informed Council that the budget for 2019 is due on Thursday, November 15, 2018.

**ITEM 28: COUNCIL COMMENTS**  
Vice-Mayor Shafer discussed the success of the recently held parade to honor Veteran's Day.

**ITEM 29: ADJOURNMENT**

**Motion:** Mr. Jones motioned to adjourn the meeting. The meeting adjourned at 8:32 p.m.

\_\_\_\_\_  
Mayor Carolyn Kay Riggle

\_\_\_\_\_  
Elaine McCloskey, Council Clerk

**BOARD OF ZONING APPEALS  
MOTION SUMMARY  
October 10, 2018**

ITEM 1. Roll Call

Chairman Dick called the meeting to order at 7:00 p.m.

Members Present: Beth Fisher, Adam Vaughn, Todd Daughenbauh, Robert Whitmore, Councilman George Hellinger, Vice-Chairman Paul Junk, and Chairman Matt Dick.

Staff Present: Lance Schultz, Zoning Administrator, Jordan Selmek, Zoning Officer

ITEM 2. Approval of the Motion Summary of the Board of Zoning Appeals meeting held on June 13, 2018, as recorded and transcribed.

**Motion:** Vice-Chairman Junk moved to approve the Motion Summary for the Board of Zoning Appeals held on June 13, 2018 meeting, seconded by Mr. Vaughn. Motion approved by a 6-0-1 vote. (Hellinger).

ITEM 3. REGULAR BUSINESS

A. 2018-2381: A request by Heather Stake for approval of a Conditional Use Permit for a Major Home Occupation at 344 Rockmill St. on approximately 0.17 acre and zoned R-3 (One-Family Residential District).

PUBLIC COMMENTS:

Heather Stake  
344 Rockmill St.  
Delaware, OH 43015

Jason Stake  
344 Rockmill St.  
Delaware, OH 43015

Mr. Schultz provided a staff report that included the property location and plan. Mr. Schultz reviewed the staff recommendations and discussed that staff received an email from the neighbor directly to the right of the subject house concerned about an ADA ramp that may be required. Staff evaluated 25 criteria and applicants have met vast majority of criteria warranting recommendation for approval.

**Motion:** Vice-Chairman Junk moved to approve 2018-2381, finding beyond a reasonable doubt that the decision factor necessary for approval of a variance

according to chapter 1128 of the Planning and Zoning Commission are met, with the staff conditions as noted. Seconded by Mr. Whitmore. Motion approved by a 7-0 vote. Conditions are as follows:

1. No on-site signage or advertising for the hair salon shall be permitted.
2. There shall be no additional exterior lighting for the hair salon in excess of the building code and ADA requirements.
3. The subject home occupation shall be limited to a hair salon only - no other home occupation use shall be permitted.
4. The number of hair salon customers shall not exceed 8 per day.
5. The proposed sidewalk on the east side of the house to the side entrance door shall achieve compliance with ADA standards per the Chief Building Official.
6. Any portion of the proposed sidewalk and/or porch stoop that is located within the 10 foot wide utility easement for a water line along the eastern property line (5 feet on each side of the property line) shall require approval from both the engineering and utility department.
7. The homeowner's association (if any) shall approve the home occupation request.
8. If an ADA ramp is needed, administrative approval by staff shall be granted when the subject property owner and the owner to the east (340 Rockmill Street) agree on ramp design aesthetics or the ramp design aesthetics would need to be approved by the BZA a public hearing.

ITEM 4. BOARD MEMBER COMMENTS AND DISCUSSION

ITEM 5. NEXT REGULAR MEETING: November 14, 2018.

ITEM 6. ADJOURNMENT

**Motion:** Mr. Daughenbaugh moved to adjourn the Board of Zoning Appeals meeting, seconded by Mr. Vaughn. Motion was approved by a 7-0 vote. The Board of Zoning Appeals meeting adjourned at 7:22 p.m.

  
\_\_\_\_\_  
Matt Dick, Chairman

  
\_\_\_\_\_  
Elaine McCloskey, Clerk

**RECORDS COMMISSION  
MOTION SUMMARY  
July 25, 2018**

ITEM 1. Roll Call

Chairman Homan called the meeting to order at 4:00 p.m.

Members Present: Michele Kohler, Dean Stelzer, Finance Director, Darren Shulman, City Attorney, and Tom Homan, City Manager

ITEM 2. Approval of the Motion Summary for the meeting held December 13, 2017, as recorded and transcribed.

**Motion:** Mr. Shulman moved to approve the Motion Summary from December 13, 2017, seconded by Mr. Stelzer. Motion approved by a 4-0 vote.

ITEM 3. Review of Two Proposed Changes to the Current Schedules of Retention and Disposition for Police Department

Mr. Shulman discussed the active retention schedule for the Police Department and that the two proposed changes did not have a schedule. The first proposed change deals with inmate admission and description is when the individual is placed in the City jail. He recommends a year record retention schedule. The seconded proposed change deals with fire arm disposal record with a three year record retention schedule.

**Motion:** Ms. Kohler motioned to approve the two new schedules to the retention schedule as presented, seconded by Mr. Shulman. Motion approved by a 4-0 vote.

ITEM 4. Discussion of Applicable Retention Period for Purchase Request Forms

Mr. Shulman discussed the request by the Police Department to create the form. Mr. Shulman requested to see if this form would fit in the general schedule. Mr. Stelzer discussed that it is an internal document that is encouraged to be used by the Finance Department and gives the Chief of Police the ability to allow his personnel to make request to purchase items. He stated it would be for items under \$250. He recommended that the retention period only as long as administratively useful. Mr. Shulman will prepare the schedule and present at the next meeting for review.

ITEM 5. Discussion of Cemetery Record Retention Schedule

Mr. Stelzer discussed that the City took over the cemetery in 2011 and that most records remained at that time. He discussed that there is not a specific schedule for cemetery records. He discussed the process for cemetery records retention, and the need to submit to the Ohio Historical Society and send a form for disposal. A discussion was held on creating a strategy to keep track of records and the retention schedule, as well as, the software that is available. Mr. Shulman discussed that records should be kept as permanent if there is not a designated retention schedule until one is established.

ITEM 6. Member Comments

ITEM 7. Next Meeting Date: To Be Established

Chairman Homan discussed having a meeting in early November of 2018.

ITEM 8. Adjournment

**Motion:** Chairman Homan moved to adjourn the Records Commission meeting. The Records Commission meeting adjourned at 4:29 p.m.



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Chairman



---

Elaine McCloskey, Clerk



## FACT SHEET

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AGENDA ITEM NO: CONSENT ITEM C

DATE: 11/26/2018

ORDINANCE NO:

RESOLUTION NO: 18-63

READING: FIRST

PUBLIC HEARING: NO

---

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: William L. Ferrigno, P.E., Director of Public Works

---

**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

A RESOLUTION AUTHORIZING THE DEDICATION OF TWO PARKING STALLS AT THE SOUTH END OF THE EAST WILLIAM STREET PUBLIC PARKING LOT FOR USE AS ELECTRIC VEHICLE CHARGING STATIONS.

**BACKGROUND:**

City staff has been working for several months with representatives of national distributor (ChargePoint) to understand the installation, operation and costs associated with the provision of electric vehicle charging stations. Several potential locations were discussed to pilot EV Charging stations and the East William Street public parking lot was selected due to the close proximity of an adequate power source necessary to supply the EV stations. The existing spaces are currently metered and would require conversion to EV Charging station metering. The EV stations are programmable through web-based apps and are capable of establishing fees to cover both the cost of electricity and use of the parking stall. The charging station locations will be identified on an on line app to potential users. Real time status of a user's vehicle charge and costs are also shown on the web based app. Though the two spaces proposed to receive EV charging stations will remain publically accessible, only electric vehicles will be permitted to park in them.

**REASON WHY LEGISLATION IS NEEDED:**

Changes to use of public parking spaces are journalized through legislative action.

**COMMITTEE RECOMMENDATION:**

Parking & Safety Committee recommended approval of the proposed changes.

**FISCAL IMPACT(S):**

Advancement of the project is dependent of receiving AEP grant funding to cover the cost of purchase, installation and maintenance agreement associated with the EV charging stations.

**POLICY CHANGES:**

None

**PRESENTER(S):**

William L. Ferrigno, P.E., Director of Public Works

**RECOMMENDATION:**

Approval

**ATTACHMENT(S)**

Parking exhibit





William Street

## E William EV Parking



Delaware County Auditor  
George Kaltsa

Information contained within this map may be used to generally locate, identify and inventory land parcels within Delaware County. Delaware County cannot warrant or guarantee the information contained herein, including, but not limited to its accuracy or completeness. The map parcel lines shown are approximate and this information cannot be constructed or used as a "legal description" of a parcel. Flood Plain information is obtained from FEMA and is administered by the Delaware County Building Department (740-833-2201). Please report any errors or omissions to the Delaware County Auditor's office at [delcogs@co.delaware.oh.us](mailto:delcogs@co.delaware.oh.us).

Prepared by: Delaware County Auditor's GIS Office  
Printed on 12/14/2015





## FACT SHEET

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AGENDA ITEM NO: CONSENT ITEM D      DATE: 11/26/2018  
ORDINANCE NO:                                      RESOLUTION NO: 18-64  
READING: FIRST                                      PUBLIC HEARING: NO

---

TO:                      Mayor and Members of City Council  
FROM:                  R. Thomas Homan, City Manager  
VIA:                      William L. Ferrigno, P.E., Public Works Director/City Engineer

---

**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

A RESOLUTION AUTHORIZING THE MODIFICATION OF PARKING STALLS IN THE NORTH FRANKLIN STREET CITY PARKING LOT TO PROVIDE CENTRALIZED REFUSE COLLECTION FOR NEARBY BUSINESSES, TO BRING HANDICAP ACCESSIBLE PARKING STALLS INTO COMPLIANCE WITH AMERICANS WITH DISABILITY ACT (ADA) REQUIREMENTS, AND REPEALING RESOLUTION NO. 14-08 IN ITS ENTIRETY.

**BACKGROUND:**

The Franklin Street Parking Lot is a public parking lot located east of Franklin Street between West William Street and West Winter Street. There is a need to provide additional refuse dumpsters and to reconfigure existing refuse dumpsters to provide for centralized refuse collection for nearby businesses. This will require modifications to be made to the layout of parking stalls, including handicap accessible stalls. Additionally, existing handicap accessible stalls need to be made compliant with the Americans with Disabilities Act (ADA) requirements. The parking lot modifications will involve changes to striping and signage in accordance with Exhibit A “Proposed 2018 Parking Lot Modifications” dated 9/12/2018.

Placement of the dumpster pod will require four parking stalls be removed in the center section. Striping changes on the north side of the lot will add two additional spaces to the parking lot. The net reduction in parking spaces for the centralized dumpster pod is two parking spaces. An additional change at

the south end of the lot was identified as necessary to bring the handicap parking into ADA conformance for van accessibility. This will require conversion of an existing parking stall to a no parking area marked with chicane striping to allow handicapped individuals access to their vehicle.

**REASON WHY LEGISLATION IS NEEDED:**

The reconfiguration and removal of regulatory signage requires City Council authorization for permanent enforcement.

**COMMITTEE RECOMMENDATION:**

Parking & Safety Committee recommended approval of the proposed changes.

**FISCAL IMPACT(S):**

The cost of materials to install the signage and striping is estimated at \$300.00 to come out of the Public Works Traffic Division annual operating budget.

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

William L. Ferrigno, P.E., Public Works Director/City Engineer

**RECOMMENDATION:**

Approval

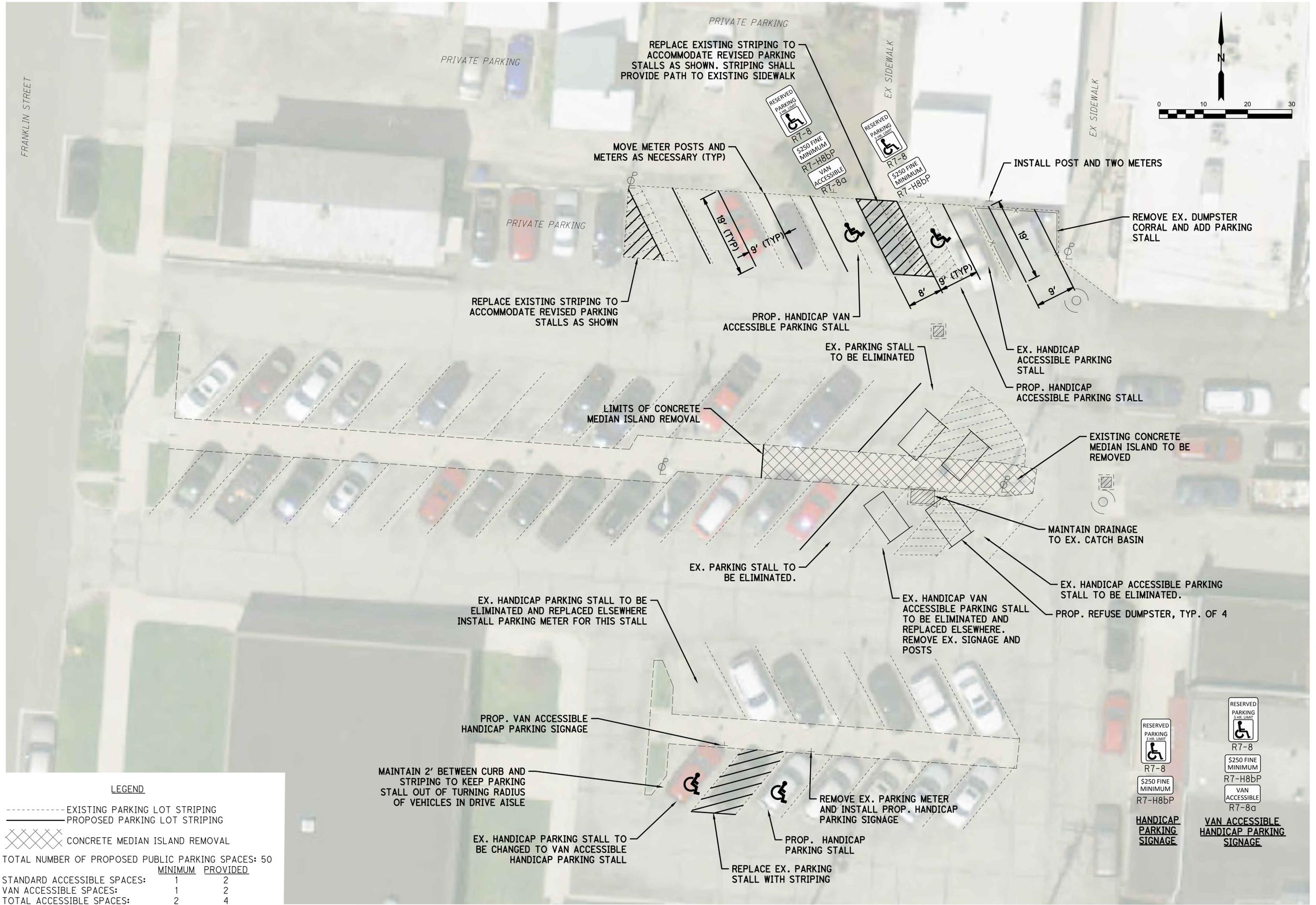
**ATTACHMENT(S)**

Exhibit 'A' Proposed 2018 Parking Lot Modifications drawing  
Resolution No. 14-08





S:\PUBLIC\GIS\PW DEPARTMENT\TRAFFIC MAINTENANCE\STRIPING\FRANKLIN ST. PARKING LOT\2018 PARKING LOT MODIFICATIONS\2018 PARKING LOT MODIFICATIONS.DWG - 9/14/2018 8:31:54 AM



**LEGEND**

----- EXISTING PARKING LOT STRIPING  
 - - - - - PROPOSED PARKING LOT STRIPING

XXXXX CONCRETE MEDIAN ISLAND REMOVAL

TOTAL NUMBER OF PROPOSED PUBLIC PARKING SPACES: 50

	MINIMUM	PROVIDED
STANDARD ACCESSIBLE SPACES:	1	2
VAN ACCESSIBLE SPACES:	1	2
TOTAL ACCESSIBLE SPACES:	2	4

REVISIONS	DESCRIPTION	DATE	NO.

**CITY OF DELAWARE  
 FRANKLIN STREET PARKING LOT**

**EXHIBIT A  
 PROPOSED 2018  
 PARKING LOT MODIFICATIONS**



DATE ISSUED:  
 9/12/2018

SHEET  
 1 OF 1

RESOLUTION NO. 14-08

A RESOLUTION AUTHORIZING THE CONVERSION OF THE HANDICAPPED STALL LOCATED IN THE NORTHERN MOST LINE OF PARKING STALLS IN THE NORTH FRANKLIN STREET CITY PARKING LOT TO A VAN ACCESSIBLE HANDICAPPED STALL AND REPEALING RESOLUTION NO. 11-27 IN ITS ENTIRETY.

WHEREAS, the conversion of the existing handicapped stall located in the northern most line of parking stalls in the North Franklin Street City Parking Lot to a van accessible handicapped stall by replacing the 30 minute parking stall adjacent to the handicapped stall with an access aisle was requested by a business owner.

WHEREAS, the current number of existing van accessible handicapped parking stalls in this parking lot adhere to the guidelines for the number of total parking stalls contained within the lot.

WHEREAS, the Parking and Safety Committee has endorsed this conversion by a 3-0 vote at the February 17, 2014 meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL FOR THE CITY OF DELAWARE, STATE OF OHIO:

SECTION 1. That Resolution No. 11-27 is hereby repealed in its entirety.

SECTION 2. That the handicapped stall in the northern most line of parking stalls in the North Franklin Street City Parking Lot be converted to a van accessible handicapped stall by replacing the 30 minute parking stall adjacent to the handicapped stall with an access aisle.

SECTION 3. That this resolution shall take effect and be in force immediately after its passage.

PASSED: February 24, 2014

YEAS 6 NAYS 0  
ABSTAIN 0

ATTEST: Elaine McLesley  
CITY CLERK

Carlynn Kay Rogsh  
MAYOR



## FACT SHEET

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AGENDA ITEM NO: CONSENT ITEM E      DATE: 11/26/2018  
ORDINANCE NO:                                      RESOLUTION NO: 18-66  
READING: FIRST                                      PUBLIC HEARING: NO

---

TO:                      Mayor and Members of City Council  
FROM:                 R. Thomas Homan, City Manager  
VIA:

---

**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

A RESOLUTION DESIGNATING CITY ATTORNEY DARREN SHULMAN AND ASSISTANT CITY ATTORNEY/CITY PROSECUTOR CHRIS BALLARD AS CITY COUNCIL DESIGNEES FOR REQUIRED PUBLIC RECORDS TRAINING.

**BACKGROUND:**

Pursuant to Ohio Revised Code Section 149.43(E)(1), elected officials or their designees must attend three hours of public records training approved by the attorney general. This resolution would designate City Attorney Darren Shulman and Assistant City Attorney/City Prosecutor Chris Ballard as the designees.

**REASON WHY LEGISLATION IS NEEDED:**

The resolution will provide documentation to help show how the city met its training requirement.

**COMMITTEE RECOMMENDATION:**

**FISCAL IMPACT(S):**

N/A

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

Darren Shulman, City Attorney

**RECOMMENDATION:**

Approval

**ATTACHMENT(S)**

N/A

RESOLUTION NO. 18-66

A RESOLUTION DESIGNATING CITY ATTORNEY DARREN SHULMAN AND ASSISTANT CITY ATTORNEY/CITY PROSECUTOR CHRIS BALLARD AS CITY COUNCIL DESIGNEES FOR REQUIRED PUBLIC RECORDS TRAINING.

WHEREAS, Ohio Revised Code Section 149.43(E)(1) requires elected officials or their designees to attend three hours of public records training approved by the attorney general; and

WHEREAS, the City Attorney coordinates public records requests, drafts records retentions schedules, and provides guidance on public records questions; and

WHEREAS, the City Attorney has provided public records training to City Council in the past; and

WHEREAS, City Attorney Darren Shulman and Assistant City Attorney/City Prosecutor Chris Ballard attended Certified Public Records Training sponsored by the Delaware County Prosecutor’s Office on November 16, 2018, and

WHEREAS, City Attorney Shulman and Mr. Ballard will share the knowledge they gained at this training with the rest of City Council at a future training session.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DELAWARE, OHIO THAT:

SECTION 1. City Attorney Darren Shulman and Assistant City Attorney/City Prosecutor Chris Ballard are named as City Council’s designees for the purpose of attending the 3 hour public records training required by Ohio Revised Code Section 149.43(E)(1).

SECTION 2. That this resolution shall be in force and effect immediately upon its passage.

PASSED: \_\_\_\_\_, 2018

YEAS\_\_\_ NAYS\_\_\_  
ABSTAIN \_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

NOTICE TO LEGISLATIVE  
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

00034340035		TRFO	ADT OHIO LLC	
PERMIT NUMBER		TYPE	241 S SANDUSKY	
02	01	2018	DELAWARE OHIO 43015	
ISSUE DATE				
11	01	2018		
FILING DATE				
D1				
PERMIT CLASSES				
21	022	B	F21304	
TAX DISTRICT		RECEIPT NO.		

RECEIVED

NOV 05 2018

FROM 11/05/2018

01724930040			AMERICAS PIZZA COMPANY LLC	
PERMIT NUMBER		TYPE	DBA PIZZA HUT 024173	
02	01	2018	241 S SANDUSKY	
ISSUE DATE				
11	01	2018	DELAWARE OHIO 43015	
FILING DATE				
D1				
PERMIT CLASSES				
21	022			
TAX DISTRICT		RECEIPT NO.		



MAILED 11/05/2018

RESPONSES MUST BE POSTMARKED NO LATER THAN. 12/06/2018

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

**B TRFO 0003434-0035**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD  IN OUR COUNTY SEAT.  IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)-  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF DELAWARE CITY COUNCIL  
1 SOUTH SANDUSKY ST  
DELAWARE OHIO 43015

Commerce Division of Liquor Control : Web Database Search

**OWNERSHIP DISCLOSURE INFORMATION**

This online service will allow you to obtain ownership disclosure information for issued and pending retail liquor permit entities within the State of Ohio.

**Searching Instructions**

Enter the known information and click the "Search" button. For best results, search only ONE criteria at a time. If you try to put too much information and it does not match exactly, the search will return a message "No records to display".

The information is sorted based on the Permit Number in ascending order.

To do another search, click the "Reset" button.

## SEARCH CRITERIA

Permit Number

0003434

Permit Name / DBA

Member / Officer Name

[Search](#)[Reset](#)[Main Menu](#)

Member/Officer Name	Shares/Interest	Office Held
<b>Permit Number:</b> 00034340005; <b>Name:</b> ADT OHIO LLC; <b>DBA:</b> ; <b>Address:</b> 4300 MACSWAY AVE COLUMBUS 43227		
ADAM H DIAMOND		PRESIDENT
DAVID A TETENS		PRESIDENT
ADT PIZZA LLC	5% MEMBER	
<b>Permit Number:</b> 00034340010; <b>Name:</b> ADT OHIO LLC; <b>DBA:</b> ; <b>Address:</b> 1397 W LANE AVE UPPER ARLINGTON 43221		
ADAM H DIAMOND		CEO
DAVID A TETENS		PRESIDENT
ADT PIZZA LLC	5% MEMBER	
<b>Permit Number:</b> 00034340015; <b>Name:</b> ADT OHIO LLC; <b>DBA:</b> ; <b>Address:</b> 2536 COLUMBUS ST GROVE CITY 43123		
ADAM H DIAMOND		CEO
DAVID A TETENS		PRESIDENT
ADT PIZZA LLC	5% MEMBER	

1	2	Page size: 15	18 items in 2 pages
Member/Officer Name	Shares/Interest	Office Held	
<b>Permit Number:</b> 00034340020; <b>Name:</b> ADT OHIO LLC; <b>DBA:</b> ; <b>Address:</b> 3643 S HIGH ST COLUMBUS 43207			
ADAM H DIAMOND		CEO	
DAVID A TETENS		PRESIDENT	
ADT PIZZA LLC	5% MEMBER		
<b>Permit Number:</b> 00034340025; <b>Name:</b> ADT OHIO LLC; <b>DBA:</b> ; <b>Address:</b> 163 N BRIDGE ST CHILLICOTHE 45601			
ADAM DIAMOND		CEO	
DAVID A TETENS		PRESIDENT	
ADT PIZZA LLC	5% MEMBER		
1	2	Page size: 15	18 items in 2 pages

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- [Ohio Department of Commerce](#)

[Commerce Home](#) | [Press Room](#) | [CPI Policy](#) | [Privacy Statement](#) | [Public Records Request Policy](#) | [Disclaimer](#) | [Employment](#) | [Contacts](#)

AKS



### Delaware Police Department Liquor Permit Report

DPD Report Number: L-18-06		Investigating Officer: DET Daniel Madden #56	
Applicant (Primary Shareholder): David Tetens		Company Name: ADT Ohio LLC DBA: Pizza Hut	
Common Name: Pizza Hut		Address 241 South Sandusky St Delaware OH 43015	
Applicant Phone Number: 917-853-1685		Applicant E-Mail Address: davidtetens100@gmail.com	
<input type="checkbox"/> Existing Business <input type="checkbox"/> New Business (Supplement Attached)	Type of Business Pizza Restaurant	Notification Type: TRFO	Date of Report 11/15/2018

#### Permit Type

- C1/C2X Beer only in original sealed container for carry out only.  C2 Wine and mixed beverages in sealed containers for carry out.  
 D1/D2X Beer only for on premises consumption or in sealed containers for carry out.  D2 Wine and mixed beverages for on premises consumption or in sealed containers for carryout.  D4 Beer and any intoxicating liquor to members only, for on premises consumption only until 1:00am.  
 D5 Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am.  Other D6

#### Location Information

Churches, Libraries and or schools within 500 feet <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	School, church or library objection <input type="checkbox"/> Yes (Supplement Attached) <input checked="" type="checkbox"/> No Note: Objections are only permitted for new permits.
Police Calls for Service in past 12 months: None	Number of Police Reports in past 12 months: None
Calls for Service <i>excluding calls not related to the business</i> in past 12 months: None	Location is excessive drain on Police Resources: <input type="checkbox"/> Yes (Supplement Attached) <input checked="" type="checkbox"/> No
Nuisance Abatement Pending <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Accessible by Law Enforcement <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Site compliance checked by Dept. of Commerce <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Private Club (Restricted Access Door) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

#### Applicant Information

Records Checked <input type="checkbox"/> Ohio Law Enforcement Gateway <input checked="" type="checkbox"/> Delaware Police Department Database	Record located for Liquor Law Violation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicant has an active warrant <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Criminal History Checked by Dept. of Commerce <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Local Record on file <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Contact made with Applicant <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Problem History with DPD <input type="checkbox"/> Yes (Supplement Attached) <input checked="" type="checkbox"/> No	

#### Determination on Objection

The Delaware Police Department does not find a legislative basis for requesting a hearing to object to the issuance of a liquor permit for this business.

The Delaware Police Department recommends requesting a hearing into the issuance of a liquor permit for this business, due to one or more of the following criteria for objection as set forth by the Ohio Revised Code.

- Site does not conform to local building, safety and health codes (excluding zoning).
- Law enforcement or state agents do not have ready access to the premises where alcoholic beverages are being served.
- Physical location causes a public nuisance.
- Site has been officially classified as a nuisance according to State Law.
- Conviction of a crime by the applicant that relates to operating a liquor establishment.
- Past improper operation of a location with a liquor permit.
- Misrepresentation of material fact on the application.
- Addiction of the applicant to alcohol or narcotics.
- Formal objection by specific types of other locations to which the site is in certain proximity.
- Conviction of the applicant of food stamp or WIC fraud.

(Supplement Attached)



# Delaware Police Department Liquor Permit Report

## Supplement

**Supplement Type**

- New Business Description
- Police Department Objection
- Community Objection
- Other :

On 11/15/2018, I spoke with David Tetens pertaining to this permit transfer. In doing so, I learned that David and his business partner (Adam Diamond) have recently purchased 125 Pizza Hut locations throughout the states of Ohio, Texas, North/South Carolina and Louisiana. David told me that he will be overseeing the day to day operations of the business and that Adam is over the financial aspect of the business. David relayed that he and Adam both worked for Starwood Hotels for the past 10 plus years, until they were bought out by Marriott. Given David's experience in the Food and Beverage Industry and Adam's experience on the financial side of the business, they decided to partner up and go into business for themselves.

In speaking with David concerning any potential criminal history or liquor permit violations, he told me that he does not have either in his history. David did tell me that New York has tendency to write violations for technical issues on a regular basis, but none of the violations in his previous dealings were for underage sales or other criminal acts. I have reached out to both New York and New Jersey Liquor Control Agencies in order to fact check that and will file a follow up if any materializes out of those inquiries.

David told me that they do not have any major plans concerning the business (outside of updating the location) at this point. David told me that both he and Adam are in this venture for the long haul with hopes of passing on the business to their children.

Based on all of the above, I do not see any reason why the City of Delaware should object to this permit. \*\*56\*\*

Det. JMM #56  
Investigating Officer Signature

11/16/2018  
Date

D.A. Smith #16  
Supervisor Signature

11/16/18  
Date



## FACT SHEET

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AGENDA ITEM NO: 9

DATE: 11/26/2018

ORDINANCE NO:

RESOLUTION NO: 18-65

READING: FIRST

PUBLIC HEARING: NO

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TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA:

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

A RESOLUTION ESTABLISHING GUIDELINES FOR ESTABLISHING NEW COMMUNITY AUTHORITIES.

**BACKGROUND:**

While the city has two new community authorities (NCA) used to fund public infrastructure, it does not have an NCA led by a developer. The City has now received a request to create a developer led NCA to reimburse them for costs associated with the Terra Alta project. As a result, the following guidelines were requested to provide clarity to guide future proposals.

**REASON WHY LEGISLATION IS NEEDED:**

Adopting the guidelines as a resolution will enable any potential requesters to easily view them to assist in crafting an NCA request.

**COMMITTEE RECOMMENDATION:**

**FISCAL IMPACT(S):**

The guidelines themselves have no fiscal impact. Approving the NCA itself could have an impact on the city.

**POLICY CHANGES:**

This would be the first set of guidelines established to aid in deciding when the city will accept an NCA request.

**PRESENTER(S):**

Darren Shulman, City Attorney

**RECOMMENDATION:**

**ATTACHMENT(S)**

RESOLUTION NO. 18-65

A RESOLUTION ESTABLISHING GUIDELINES FOR  
ESTABLISHING NEW COMMUNITY AUTHORITIES.

WHEREAS, a New Community Authority (NCA) is a development tool in which a charge is placed on property and used to pay for development expenses; and

WHEREAS, this charge appears on residents' property tax bill which can impact residents' view of their city tax burden and lead to calls to the city asking about the charge; and

WHEREAS, the City of Delaware currently has two city initiated New Community Authorities to pay for infrastructure installed by the City; and

WHEREAS, the City has been approached by a private developer interested in establishing a developer driven NCA; and

WHEREAS, City Council desires to establish approval criteria for future NCAs to provide advance notice to developers who may be interested in requesting the City establish one.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DELAWARE, OHIO THAT:

SECTION 1. City Council will apply the following guidelines in evaluating requests to establish a New Community Authority:

1. NCA can be used to reimburse the city for infrastructure put in that benefits the development
2. NCA will not be approved to reimburse for building cost of items already built/installed
3. NCA will not be approved to reimburse for the cost of items typically required to be paid by developer, including but not limited to on-site local roads and utility lines.
4. The City will consider approving NCAs to cover amenities and infrastructure which have demonstrable utility above and beyond that which is required for the development as determined by the City Engineer. Amenities and infrastructure must have a recognizable direct value to the residents living in the authority or major pieces of public infrastructure that have utility for more than just the development as determined by the City Engineer (such as Glenn Parkway) .





## FACT SHEET

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AGENDA ITEMS NO: 10

DATE: 11/26/2018

ORDINANCE NO: 18-90

RESOLUTION NO:

READING: FOURTH

PUBLIC HEARING: YES

**(Public Hearing held pursuant to Ordinance 18-77 on October 8, 2018 at 7:30 p.m.)**

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TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Darren Shulman, City Attorney

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE FINDING THAT THE CREATION OF THE TERRA ALTA COMMUNITY AUTHORITY WILL BE CONDUCIVE TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE AND WELFARE AND IS INTENDED TO RESULT IN THE DEVELOPMENT OF A NEW COMMUNITY; DECLARING THAT AUTHORITY TO BE ORGANIZED AND A BODY POLITIC AND CORPORATE; DEFINING THE BOUNDARY OF THAT AUTHORITY'S NEW COMMUNITY DISTRICT; PROVIDING THE METHOD OF APPOINTING MEMBERS TO THAT THE AUTHORITY'S BOARD OF TRUSTEES AND FIXING THE SURETY FOR THOSE TRUSTEES' BONDS.

**BACKGROUND:**

**UPDATE 11/8/2018:**

Staff has completed its analysis of the developer's NCA request and makes the following recommendation. Should Council be inclined to approve an NCA for this project, staff recommends the amount be set at 4 mills, with .5 mills being directed to the City to fund access to the river. This would leave 3.5 mills, which according to materials provided by the developer, would provide between \$3 and \$3.5 million in capital financing to help fund an agreed upon list of improvements. By way of comparison, the current petition requests 7.5 mills, and the developer has since proposed 5.5 mills based on feedback provided by staff and Council.

Staff would also recommend including language in the petition indicating the charge would be substantially reduced (absent action by the homeowners) once that list of improvements has been paid for.

**UPDATE: 10/18/2018**

Unfortunately, as of this writing staff has not had a chance to meet with the applicant to discuss changes to the petition. At this point, should council wish to proceed with the developer's recent request to establish the NCA at the revised amount of 5.5 mills, the petition would need to be amended to reflect this. In addition, language will need to be included regarding the length of the term and appointment to the authority as provided in Section 7.

**10/08/2018:**

A New Community Authority (NCA) is a charge put on residents' property tax bill to help pay for infrastructure in the authority area. The charge is usually used as a tool to facilitate future development.

The City has two existing NCAs, which were created to help finance infrastructure put in by the City after the formation of the NCA. When the infrastructure is paid off, the charges will be removed from the taxes in the existing NCAs.

The City has experienced some issues with residents in the current NCAs. For example, the charge is often a source of confusion for residents who do not understand what the charge pays for. Some residents feel the charge is too high. Because it is based on millage (property tax value), owners of new houses are often surprised by the charge even though it was disclosed, because the tax rate on the auditor's website is based on the value of the land when it was vacant. Finally, during the levy campaign, residents in the NCA indicated they felt their NCA charge should already cover roads and were therefore reluctant to approve additional taxes.

These agenda items are being placed together to track the public hearing (set by Ord. 18-77 as part of the NCA approval process) with the ordinance it is related to. It is possible this ordinance will change prior to adoption as it is being reviewed by bond counsel. If Council adopts guidelines for approving an NCA, a reference to those guidelines would also be added. Prior to adoption of the ordinance, the applicant would need to amend the petition to reflect any changes Council may require regarding the amount and length of the NCA charge.

A draft set of guidelines for future NCA charges is included in this packet for discussion purposes.

**REASON WHY LEGISLATION IS NEEDED:**

Council previously passed legislation declaring the NCA Petition was sufficient. The next step is consideration of whether to approve the NCA on policy grounds. The public hearing was set by the prior legislation and this legislation is the vehicle for Council to decide to approve or deny the request.

**COMMITTEE RECOMMENDATION:**

**FISCAL IMPACT(S):**

The petition anticipates 2250 new residents will reside in the district at full build out. The requested NCA would add a 7.5 mills charge to each parcel of property in the district. This would result in a \$.75 charge for each \$1,000 of assessed valuation, which would appear on the residents' property tax bill.

**POLICY CHANGES:**

The present request being brought forward by the developer differs from our existing NCAs in the following ways. First, it would reimburse the developer as opposed to the City. Second, the developer has indicated that it is intended to help finance amenities, but the majority of the items the developer would be reimbursed for through the charge are infrastructure items that traditionally are a developer's responsibility to install. Third, part of the charge would go towards reimbursing the developer for infrastructure that has already been built, which does not fit with the City's prior use of an NCA to finance future development. Finally, the proposed NCA has no set end date.

**PRESENTER(S):**

R. Thomas Homan

**RECOMMENDATION:**

Staff is concerned that by adding a significant cost to the property tax bill of 2250 new residents of the city, it will make it more difficult for city and school levies to pass. In addition, based on the volume of calls generated by the existing NCAs, staff anticipates additional staff time will be required to help these new residents understand the charge. Finally, staff believes approving this NCA will set a precedent for future NCA requests. To the extent these expenses are related to amenities, they could be financed by a homeowners association (HOA) charge, which would make it clear what the charge is paying for and eliminate any confusion over perceived increased taxes.

Since the filing of the petition, the developer has submitted a letter indicating they would accept a reduction to a 5.5 mill charge. Staff will present recommendations regarding the charge amount and term at the meeting. The developer would have to amend the petition to effectuate any change.

**ATTACHMENT(S)**

Email from Applicant containing 4 versions of cost analysis  
Draft NCA Guidelines

Petition

ORDINANCE NO. 18-90

AN ORDINANCE FINDING THAT THE CREATION OF THE TERRA ALTA COMMUNITY AUTHORITY WILL BE CONDUCTIVE TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE AND WELFARE AND IS INTENDED TO RESULT IN THE DEVELOPMENT OF A NEW COMMUNITY; DECLARING THAT AUTHORITY TO BE ORGANIZED AND A BODY POLITIC AND CORPORATE; DEFINING THE BOUNDARY OF THAT AUTHORITY'S NEW COMMUNITY DISTRICT; PROVIDING THE METHOD OF APPOINTING MEMBERS TO THAT THE AUTHORITY'S BOARD OF TRUSTEES AND FIXING THE SURETY FOR THOSE TRUSTEES' BONDS.

WHEREAS, pursuant to Chapter 349 of the Ohio Revised Code, Terra Alta, LLC (the "Developer") filed a petition (the "Petition") with the Council Clerk for the City of Delaware as provided in Section 349.03(A) of the Ohio Revised Code, with that Petition being for the establishment of The Terra Alta Community Authority (the "Authority") and its proposed new community district (the "District"); and

WHEREAS, this Council comprises the "organizational board of commissioners" for the proposed Authority, as that term is defined in Section 349.01(F) of the Ohio Revised Code; and

WHEREAS, by its Ordinance No. 18-77 adopted on September 10, 2018, this Council determined that the Petition complies with the requirements of Section 349.03 of the Ohio Revised Code and fixed the time and place for a public hearing on the establishment of the Authority pursuant to Section 349.03(A) of the Ohio Revised Code, and that public hearing was held by this Council on October 8, 2018, after notice of that public hearing was published as required by law; and

WHEREAS, pursuant to Section 349.04 of the Ohio Revised Code, this Council is responsible for establishing the method for selection of members of the Authority's Board of Trustees and fixing their sureties.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. This Council finds and determines that the District will be conducive to the public health, safety, convenience and welfare and is intended

to result in the development of a new community as defined in Section 349.01(A) of the Ohio Revised Code.

SECTION 2. The Petition, as revised and on file with the Council Clerk, is hereby accepted and shall be recorded, along with this Ordinance, in the journal of this Council, as the organizational board of commissioners, pursuant to Section 349.03 of the Ohio Revised Code.

SECTION 3. The Authority is hereby organized and a body politic and corporate.

SECTION 4. The corporate name of the Authority shall be “The Terra Alta Community Authority.”

SECTION 5. The District shall have the boundaries set forth in the Petition.

SECTION 6. The Board of Trustees of the Authority shall be composed of seven members. This Council shall appoint four members to the Board of Trustees (the “Citizen Members”), one of whom shall be appointed to represent local government (the “Local Government Representative”). The Developer shall appoint the remaining three members of the Board of Trustees to serve as representatives of the Developer (the “Developer Members”). Of its initial four appointments, Council shall designate two of those Citizen Members to serve initial one year terms and two of those Citizen Members to serve initial two year terms; and of its initial three appointments, the Developer shall designate two of those Developer Members to serve initial one year terms and one of those Developer Members to serve an initial two-year term. These initial appointments to the Board of Trustees of the Authority and all successor Members appointed or reappointed thereafter shall be appointed pursuant to and as provided by this Ordinance and Section 349.04 of the Ohio Revised Code. This Council shall appoint or reappoint, as appropriate, Citizen Members; and the Developer shall appoint or reappoint, as appropriate, Developer Members. Except as otherwise provided in this Section, all members of the Authority’s Board of Trustees shall be appointed to two year overlapping terms; provided that, notwithstanding any other provision of this Ordinance, the term of any Member shall not end until the due qualification for and assumption of office by a successor member duly appointed or reappointed, as applicable, all as provided herein and in Section 349.04 of the Ohio Revised Code. The oath of each member shall be filed with the Clerk of this Council. The appointments of Developer Members, including any necessary designations of terms, shall be in writing and filed with the Clerk of Council within ten (10) days after they are made. No Citizen Member shall be an employee of or have a financial interest in the Developer. Except as otherwise provided in this Section, at such time as this Council receives written notice from the Developer that the Developer no longer desires to appoint members to the Board of

Trustees, arrangements shall be made by this Council and the Board of Trustees of the Authority for all members of the Board of Trustees to be elected as provided in Section 349.04 of the Revised Code with said election being conducted in the manner provided or customary for the election of a board of directors under Chapter 5312 of the Ohio Revised Code.

SECTION 7. The following individuals are appointed by this Council to the following terms on the Board of Trustees of the Authority:

Appointee	Term Ending	Member Designation
Name: Address:		

SECTION 8. Pursuant to Section 349.04 of the Ohio Revised Code, each member of the Board of Trustees of the Authority, before entering upon their official duties, shall take and subscribe to an oath that the member will honestly and faithfully perform the duties of their office. That oath shall be filed in the office of the Clerk of Council.

SECTION 9. Pursuant to Section 349.04 of the Ohio Revised Code, there shall be posted for each member of the Board of Trustees of the Authority a bond in the amount of Ten Thousand Dollars (\$10,000) for the faithful performance of his or her duties. The bond shall be with a company authorized to conduct business within the State of Ohio as a surety and shall be deposited with and preserved by the Clerk of Council.

SECTION 10. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and any of its committees, and that all deliberations of this Council and any of its committees

that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

PASSED: \_\_\_\_\_, 2018

YEAS\_\_\_\_ NAYS\_\_\_\_  
ABSTAIN \_\_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

**From:** R Thomas Homan  
**Sent:** Friday, October 26, 2018 3:20 PM  
**To:** 'David W. Fisher' <davidfisher@kephartfisher.com>  
**Cc:** Kim Gepper <kgepper@delawareohio.net>; vromanelli@rh-homes.com; msavko@nicksavko.com; 'Jim Ohlin' <johlin@rh-homes.com>; 'Stype, Greg' <GStype@btlaw.com>; 'Michael Shade' <mrs@ss-dta.com>; Cuckler, Steven R. <scuckler@taftlaw.com>; Dean Stelzer <dstelzer@delawareohio.net>; David M. Efland <defland@delawareohio.net>; Bill Ferrigno <bferrigno@delawareohio.net>; Blake Jordan <bjordan@delawareohio.net>; Darren Shulman <DShulman@delawareohio.net>; Daniels, Gregory R. (greg.daniels@squirepb.com) <greg.daniels@squirepb.com>  
**Subject:** RE: Terra Alta NCA

Thanks, David

Unfortunately, I've not had a chance to look this over, but will do so early next week. I'll plan to call you mid-week to discuss next steps.

Tom

**From:** David W. Fisher <[davidfisher@kephartfisher.com](mailto:davidfisher@kephartfisher.com)>  
**Sent:** Wednesday, October 24, 2018 12:51 PM  
**To:** R Thomas Homan <[rthoman@delawareohio.net](mailto:rthoman@delawareohio.net)>  
**Cc:** Kim Gepper <[kgepper@delawareohio.net](mailto:kgepper@delawareohio.net)>; [vromanelli@rh-homes.com](mailto:vromanelli@rh-homes.com); [msavko@nicksavko.com](mailto:msavko@nicksavko.com); 'Jim Ohlin' <[johlin@rh-homes.com](mailto:johlin@rh-homes.com)>; 'Stype, Greg' <[GStype@btlaw.com](mailto:GStype@btlaw.com)>; 'Michael Shade' <[mrs@ss-dta.com](mailto:mrs@ss-dta.com)>; Cuckler, Steven R. <[scuckler@taftlaw.com](mailto:scuckler@taftlaw.com)>  
**Subject:** Terra Alta NCA

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Tom – Attached are four version of a Cost Analysis for Terra Alta pertaining to development costs considered for reimbursement by the Terra Alta NCA. As I am sure you can appreciate, many of these costs have changed over time due to project scope and bid market changes. To assist in your understanding:

1. Version 1 is the original list we included in our original powerpoint presentation to Council.
2. Version 2 is the list I sent you via email on September 6, 2018
3. Version 3 is a fully loaded list with all development costs incurred to date as well as those not yet incurred, all of which would be appropriate NCA reimbursables.
4. Version 4 is a list of only those development costs not yet incurred.

With this information in hand, I would like to set up a meeting with you, your staff and our team to continue our discussions in the hope that we can arrive at final resolution prior to the November 12 Council meeting where our current legislation will receive its third reading. Could we please schedule a time next week to discuss??

Regards,



**David Fisher**

**Principal**

Kephart Fisher LLC | Attorneys At Law

207 North Fourth Street | Columbus, Ohio 43215

P: 614.469.1882 | F: 614.469.1887

E: [davidfisher@kephartfisher.com](mailto:davidfisher@kephartfisher.com)

W: <http://www.kephartfisher.com>

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**TERRA ALTA/STOCKDALE NCA COST ANALYSIS  
VERSION 1**

<u>Category of Cost</u>	<u>Cost Estimate</u>	<u>When Cost Incurred</u>	<u>Notes</u>
Terra Alta Lift Station & Force Main Sewer	\$1,281,307.60	2017-18	All work completed except building to be completed in 2018 at cost of \$50,000. City to reimburse for upsizing
16" Water Line (East Side of Pollock Rd)	\$911,736.00	2018	
Stockdale Offsite Engineering and Design-Advance Civil Design	\$30,000.00	2017	
Stockdale Offsite Sanitary Sewer Line	\$400,000.00	2018	
Braumiller Rd. Roundabout Budget	\$650,000.00	2018	
Braumiller Rd. Ox-Bow Work Budget	\$90,000.00	2018	This may not be required
Fees for Saniatry Sewer Easements to Methesco	\$75,000.00	2017	Reimbursement paid to Frank Hook
Fees for Sanitary Sewer Easements to Dever	\$100,000.00	2018	
16" Waterline, Lift Station and Force Main Sewer Design – EMH & T	\$197,000.00	2017	
Inspection Fees 16" Water Main & Lift Station and Force Main Sewer	\$157,000.00	2017	
Terra Alta Phase 1 – 1025 SY / \$37	\$37,925.00	2017	City required extra widths
Terra Alta Phase 2 – 1590 SY / \$37	\$58,830.00	2018-19	City required extra widths
Terra Alta Phase 2 South – 380 SY / \$37	\$14,060.00	2018-19	City required extra widths
Stockdale Farms 40' – 1600 SY / \$37	\$59,200.00	2018	City required extra widths
Stockdale Farms 36' – 800 SY / \$37	\$29,600.00	2019-20	City required extra widths
Rogers Tract – 705 SY / \$37	\$26,085.00	2019-20	City required extra widths
Walking Trails Budget	\$350,000.00	2018-19-20	
Common Area Features		2018-19-20	
Parks (Playground Equipment)		2018-19-20	
Community Center Clubhouse & Pool in Terra Alta and Stockdale	\$1,600,000.00	See Notes	2018 Terra Alta, 2020 Stockdale
Entrance Features	\$500,000.00	See Notes	\$300,000 for Terra Alta Phase 1 2018, \$100,000 for Stockdale 2019, \$100,000 for Terra Alta Phase 2 2020
Street Trees	\$200,000	2018-19-20	
Accrued Interest			
<b>TOTAL</b>	<b>\$6,767,743.60</b>		

**TERRA ALTA/STOCKDALE NCA COST ANALYSIS**

**VERSION 2**

<u>Category of Cost</u>	<u>Cost Estimate</u>
Walking Trails	\$350,000.00
Common Area Features	\$215,000.00
Parks and Recreation Amenities	\$270,000.00
Community Pools	\$1,600,000.00
Landscaping/Engineering for community pools	\$175,000.00
Enhanced Entrance Features	\$500,000.00
Street Trees	\$200,000.00
Offsite Water Reimbursement	\$100,000.00
Stockdale Offsite sanitary with engineering	\$430,000.00
Easements	\$200,000.00
Braumiller Round-a-bout	\$650,000.00
<b>TOTAL</b>	<b>\$4,690,000.00</b>

**TERRA ALTA/STOCKDALE NCA COST ANALYSIS**

**VERSION 3**

<u>Category of Cost</u>	<u>Cost Estimate</u>
Walking Trails	\$350,000.00
Common Area Features	\$215,000.00
Parks and Recreation Amenities	\$270,000.00
Terra Alta Community Pool	\$1,500,000.00
Stockdale Community Pool	\$600,000.00
Landscaping/Engineering for community pools	\$175,000.00
Enhanced Entrance Features	\$500,000.00
Street Trees	\$200,000.00
Pollock Road 16" Water Main, Force Main & Lift Stations with Engineering	\$2,145,896.00
Forced Main inspection Fees, City Fees and PTI app	\$132,109.00
Stockdale Offsite sanitary with engineering	\$574,000.00
Easements	\$200,000.00
Braumiller Round-a-bout with Engineering	\$1,438,000.00
<b>TOTAL</b>	<b>\$8,300,005.00</b>

**TERRA ALTA/STOCKDALE NCA COST ANALYSIS**

**VERSION 4**

<u>Category of Cost</u>	<u>Cost Estimate</u>
Walking Trails	\$350,000.00
Common Area Features	\$215,000.00
Parks and Recreation Amenities	\$270,000.00
Terra Alta Community Pool	\$1,500,000.00
Stockdale Community Pool	\$600,000.00
Landscaping/Engineering for community pools	\$175,000.00
Enhanced Entrance Features	\$300,000.00
Street Trees	\$200,000.00
Stockdale Offsite sanitary with engineering	\$574,000.00
Easements	\$200,000.00
Braumiller Round-a-bout with Engineering	\$1,438,000.00
<b>TOTAL</b>	<b>\$5,822,000.00</b>

### **Draft NCA Guidelines**

- \* NCA can be used to reimburse the city for infrastructure put in that benefits the development
- \* NCA will not be approved to reimburse for building cost of items already built/installed
- \* NCA will not be approved to reimburse for the cost of items typically required to be paid by developer, including but not limited to on-site local roads and utility lines.
- \* The City will consider approving NCAs to cover amenities and infrastructure which have demonstrable utility above and beyond that which is required for the development as determined by the City Engineer. Amenities and infrastructure must have a recognizable direct value to the residents living in the authority or major pieces of public infrastructure that have utility for more than just the development as determined by the City Engineer (such as Glenn Parkway) .
- \* Length of time: City prefers NCAs with a time limit that has the effect of eliminating the additional charge or converting a home owner association charge to the same or lower total charge. The purpose is to allow an HOA to be converted to an NCA which produces tax benefits for purposes of holding land while not increasing (and hopefully decreasing) the previous HOA fee.
- \* The City may approve new community authorities containing a minimum of 200 total gross acres.
- \* The city prefers NCA millage to be 5 mills or less but which shall be under no circumstance greater than 7.5 mills.
- \* The city requires disclosure to potential renters, property owners, and other effected parties of the NCA charge. This can be recorded separately upon the property and deed or as otherwise required in the sole discretion and direction of the city.

ORDINANCE NO. 18-77

AN ORDINANCE DETERMINING THAT THE PETITION FOR THE ESTABLISHMENT OF THE TERRA ALTA COMMUNITY AUTHORITY COMPLIES AS TO FORM AND SUBSTANCE WITH THE REQUIREMENTS OF SECTION 349.03 OF THE OHIO REVISED CODE AND TO FIX A DATE AND PLACE FOR A PUBLIC HEARING ON THAT PETITION, AND DECLARING AN EMERGENCY.

WHEREAS, Pursuant to Chapter 349 of the Ohio Revised Code, TERRA ALTA, LLC (the “Developer”), has filed a petition (the “Petition”) with Clerk of Council for the City of Delaware (the “City”) as required by Chapter 349.03(A) of the Ohio Revised Code, with that Petition being for the establishment of The Terra Alta Community Authority (the “Authority”) and its proposed new community district (the “District”); and

WHEREAS, this Council comprises the “organizational board of commissioners” for the proposed Authority, as that term is defined in Section 349.01(F) of the Ohio Revised Code; and

WHEREAS, the land to be included in the District is owned by or is under the control of the Developer within the meaning of Section 349.01(E) of the Ohio Revised Code; and

WHEREAS, this Council has reviewed the Petition to determine whether it complies with the requirements of Section 349.03 of the Ohio Revised Code as to form and substance; and

WHEREAS, this Council desires to fix a time and place of a public hearing on the Petition, which public hearing will be held not less than 30 days nor more than 45 days from the date the Petition was filed with the Clerk of this Council, and desires that notice of that public hearing be given, all pursuant to Section 349.03(A) of the Ohio Revised Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. This Council hereby finds and determines that the Petition complies as to form and substance with the requirements of Section 349.03 of the Ohio Revised Code.

SECTION 2. This Council will hold a public hearing on the Petition on Monday, October 8, 2018, commencing at 7:30 p.m. in the Council Chambers at Delaware City Hall, One South Sandusky Street, Delaware, Ohio 43015.

SECTION 3. The Clerk of Council arrange for notice of that public hearing by publication once each week for three consecutive weeks in a newspaper of general circulation in Delaware County in accordance with the requirements of Section 349.03(A) of the Ohio Revised Code.

SECTION 4. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

SECTION 5. EMERGENCY CLAUSE. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health, and welfare of the City and to timely advance consideration of the Petition of the Developer to enable the City to receive the full benefit of the proposed development.

VOTE ON EMERGENCY CLAUSE:

YEAS 6 NAYS 0  
ABSTAIN 0

PASSED: September 10, 2018

YEAS 6 NAYS 0  
ABSTAIN 0

ATTEST: Elaine McCleskey  
CITY CLERK

[Signature], Kent Shafer  
MAYOR Vice-Mayor

**From:** [R Thomas Homan](#)  
**To:** [Kim Gepper](#)  
**Subject:** FW: Terra Alta NCA  
**Date:** Thursday, September 6, 2018 2:49:36 PM

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**From:** David W. Fisher <davidfisher@kephartfisher.com>  
**Sent:** Thursday, September 6, 2018 11:23 AM  
**To:** R Thomas Homan <rthoman@delawareohio.net>  
**Cc:** David M. Efland <defland@delawareohio.net>; vromanelli@rh-homes.com; 'Marty Savko' <msavko@nicksavko.com>; 'Jim Ohlin' <johlin@rh-homes.com>; 'Michael Shade' <mrs@ss-dta.com>; Cuckler, Steven R. <scuckler@taftlaw.com>; Dave Dye <ddye@omnihoa.com>  
**Subject:** Terra Alta NCA

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Tom – Thanks again for the recent meeting. In response to the matters you asked that we consider and address, I would offer the following:

1. Development Costs to be reimbursed from NCA millage – Based on our discussions, our Team took a hard look at amenities and upgrades that were project specific. Our revised list is as follows:

- \$350,000 – Walking Trails
- \$215,000 Common Area Features
- \$270,000 – Parks and Recreation Amenities
- \$1,600,000 – Community Pools
- \$175,000 – Landscaping/Engineering for community pools
- \$500,000 – Enhanced Entrance Features
- \$200,000 – Street Trees
- \$100,000 – Offsite Water Reimbursement
- \$430,000 – Stockdale offsite sanitary with engineering
- \$200,000 – Easements
- \$650,000 – Braumiller Round-a-bout

TOTAL REQUEST - \$4,690,000

2. You requested that we consider some additional millage from the NCA for payment directly to the City to provide funds to improve the open space along the river frontage adjacent to Terra Alta. We are willing to do so and would propose 0.5 mils of the NCA charge to be paid to the City for these purposes. By our calculations, at full build out, this would yield an annual payment to the City of approximately \$56,000.
3. Based on items 1 and 2 above, we would request a 5.5 mil charge, with 5 mils going to reimbursement of development costs under item 1 above and 0.5 mils going to the City under item 2 above.
4. We discussed the NCA continuing on in perpetuity for purposes of the real estate tax exemption. We would be willing to limit millage after all bonds are paid to fund items 1 and 2 above to a minor millage to cover administrative costs and propose a 1.0 mil limit. Keep in mind that after the bonds are repaid, the elected Board of the NCA will be incented to act in the interest of the property owners to keep costs and resulting NCA millage to a minimum.
5. You requested that we provide to you a summary of HOA fees being charged around Central Ohio for communities comparable to Terra Alta. Our HOA Team who manages communities all over central Ohio provided the following summary:

Here's a sampling from Delaware County only, you can see there are big differences, typically a function of how much open space. I'm not including HOA names, because I'm not sure I'm "cleared" to do so by each community to share their specifics as to dues amount...

Lot Count	2018 Dues	
29	675	
65	400	
78	300	
85	115	
92	800	

96	225	
96	298	
105	200	
123	225	
136	350	plus \$500 pool
150	900	
176	135	
195	135	
264	105	
368	80	

- At your request, we asked our NCA counsel Greg Stype to reach out to the City's bond counsel Greg Daniels to discuss all required legislation to fully adopt and implement the NCA. It is my understanding that they have exchanged voicemails but have not yet connected. Greg Stype was out for several days at the end of last week for a family funeral but assures me he will reach out again to Greg Daniels this AM. I saw an email this AM between the two that suggests these conversations are occurring.

I trust this email addresses all the items you requested. If further information or detail is required, please let me know.

It is our understanding that the public hearing on the Terra Alta NCA is scheduled for next Monday evening September 10. If there is anything further you require before then, or if there are questions with respect to the information set forth above, please do not hesitate to contact me.

Regards,



David Fisher  
Principal  
Kephart Fisher LLC | Attorneys At Law  
207 North Fourth Street | Columbus, Ohio 43215  
P: 614.469.1882 | F: 614.469.1887  
E: [davidfisher@kephartfisher.com](mailto:davidfisher@kephartfisher.com)  
W: <http://www.kephartfisher.com>

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PETITION FOR ORGANIZATION  
OF A NEW COMMUNITY AUTHORITY

TO THE CITY COUNCIL OF CITY OF DELAWARE, OHIO:

Pursuant to Chapter 349 of the Ohio Revised Code, TERRA ALTA LLC, an Ohio limited liability company (the "Developer"), hereby petitions for creation of a new community authority (the "Authority"). The Developer is the "developer" within the meaning of Section 349.01(E) of the Ohio Revised Code for the new community district described in paragraph 3 below.

The Developer further states as follows:

1. The Authority is named the "The Terra Alta New Community Authority."
2. The principal office of the Authority shall be located at 207 North Fourth Street, Columbus, Ohio 43215, or such other location as may hereafter be determined by the Board of Trustees of the Authority.
3. Attached to this Petition as Exhibit A-1 is a map of all the land comprising the new community district (the "District"). Legal descriptions of all the parcels in the District (collectively, the "Property") are attached as Exhibit A-2, including a full and accurate description of the boundaries of the District, which is located entirely within the City of Delaware (the "City"). All properties within those boundaries will be included in the District. The total acreage to be included in the District will be approximately 471.42 acres, all of which is owned or controlled (within the meaning of Section 349.01(E) of the Ohio Revised Code) by the Developer. The Property to be included in the District, taken together with the City, will be a community characterized by well-balanced and diversified land use patterns, supported by the land acquisition and land development, and the community facilities acquired, constructed, operated and maintained by, the Authority.
4. Attached to this Petition as Exhibit B is a statement setting forth the zoning regulations adopted and proposed for the area within the boundaries of the District for comprehensive development as a new community. The area within the boundaries of the District lies within the zoning jurisdiction of the City of Delaware. Certified copies of the applicable adopted zoning regulations are included as part of Exhibit B. The Terra Alta and Stockdale portions of the District are currently zoned; the Rogers portion is proposed to be zoned in a similar manner.
5. Attached to this Petition as Exhibit C is a current plan indicating the proposed new community development program (the "Program") for the District; the Land Acquisition and Land Development activities; Community Facilities and services that it is proposed the Authority will undertake under the Program; the proposed method of financing these activities and services, including a description of the bases, timing, and manner of collecting any proposed community development charges; and the projected total population of the new community.

6. Consistent with Section 349.04 of the Ohio Revised Code, the Board of Trustees governing the Authority should consist of seven members, with three of those members to be citizen members appointed by the City Council of the City (the “Council”), three members to be appointed by the Developer, and one member to be appointed by the Council to serve as a representative of local government. The Board of Trustees shall be subject to periodic re-appointment by the Developer and the Council, respectively, with those re-appointments to be made in accordance with the ordinance to be passed by the Council pursuant to Section 349.04 of the Ohio Revised Code providing the method of such re-appointment. The Developer further proposed that, at such time as all bonds or notes issued by the Authority referred to in paragraph E(vi) of Exhibit D of this Petition have been paid, arrangements shall be made for all members of the Board of Trustees to be elected in the manner provided or customary for the election of boards of directors under Chapter 5312. of the Ohio Revised Code.

7. Attached to this Petition as Exhibit D is a preliminary economic feasibility analysis, including the area development pattern and demand, location and proposed District size, present and future socio-economic conditions, public services provision, financial plan, and a statement of the Developer’s management capability.

8. The development will comply with all applicable environmental laws and regulations.

9. For purposes of the establishment of the Authority, the City is the only “proximate city” as that term is defined in Section 349.01(M) of the Ohio Revised Code.

Attached Exhibits A-1, A-2, B, C, and D are part of this Petition.

All capitalized terms set forth and not defined herein shall have the respective meanings assigned thereto in Section 349.01 of the Ohio Revised Code, unless the context requires a different meaning.

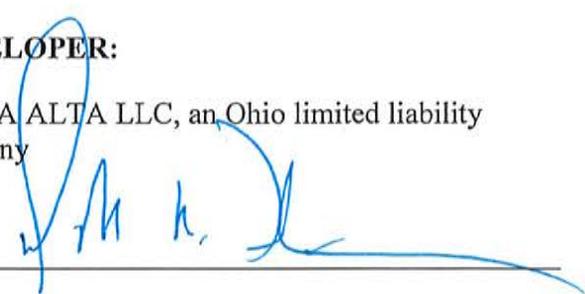
The Developer hereby requests that the Council, as the organizational board of commissioners under Section 349.03 of the Ohio Revised Code, determine that this Petition complies as to form and substance with the requirements of Section 349.03 of the Ohio Revised Code, and further requests that the Council fix the time and place of a hearing on this Petition for the establishment of the Authority. Pursuant to Section 349.03(A) of the Ohio Revised Code, pending determination by the Council that this Petition complies with Section 349.03 of the Ohio Revised Code, that hearing must be held not less than thirty nor more than forty-five days after the filing of this Petition pursuant to Section 349.03 of the Ohio Revised Code on this 7<sup>th</sup> day of August, 2018.

*[This Space Intentionally Left Blank.]*

IN WITNESS WHEREOF, the Developer has caused this Petition for Organization of a New Community Authority to be executed by its duly authorized representative as of the day and year first above written.

**DEVELOPER:**

TERRA ALTA LLC, an Ohio limited liability company

By:  \_\_\_\_\_

Name: David Fisher

Title: Member

EXHIBIT A-1

MAP OF NEW COMMUNITY DISTRICT

[See attached map]



OVERALL SITE

*Terra Alta*

ROMANELLI  
**R**<sup>2</sup>**A**  
HUGHES

EDGE  
August 7, 2018

EXHIBIT A-2

LEGAL DESCRIPTION OF  
NEW COMMUNITY DISTRICT

[See attached legal descriptions, with first two pages being combined legal description for combined Terra Alta and Rogers Parcels and last three pages being legal description for Stockdale Parcel]

**PARCEL DESCRIPTION**  
**316.181 ACRES**

Situated in the State of Ohio, County of Delaware, City of Delaware, in Farm Lots 10, C, D and P, Section 1, Township 4, Range 19, United States Military Lands, being comprised of all of those tracts of land conveyed to TERRA ALTA LLC by deeds of record in Official Record 1507, Page 228 and Official Record 1518, Page 1449, (all references are to the records of the Recorder's Office, Delaware County, Ohio) and being more particularly described as follows:

BEGINNING at the southwesterly corner of that tract conveyed to David M. Grayum, Bernadette Lawless, and Steven A. Lawless by deed of record in Official Record 1540, Page 556, the northwesterly corner of that tract conveyed to Constance D. Shicks by deed of record in Official Record 27, Page 544, the northeasterly corner of that tract conveyed to Beverly Hagaman by deeds of record in Deed Book 209, Page 487 and in Official Record 1313, Page 750, being in the centerline of Berlin Station Road;

Thence with the boundary of said TERRA ALTA LLC tracts, the following courses and distances:

South 82° 21' 44" West, a distance of 930.11 feet to a point;  
North 86° 30' 49" West, a distance of 538.52 feet to a point;  
South 03° 29' 44" West, a distance of 608.96 feet to a point;  
South 03° 29' 44" West, a distance of 811.83 feet to a point;  
North 86° 59' 36" West, a distance of 1504.43 feet to a point;  
North 02° 59' 02" East, a distance of 811.23 feet to a point;  
North 86° 57' 34" West, a distance of 1616.13 feet to a point;  
North 03° 35' 07" West, a distance of 2.29 feet to a point;  
North 04° 09' 50" West, a distance of 11.98 feet to a point;  
North 05° 33' 09" West, a distance of 22.01 feet to a point;  
North 06° 27' 38" West, a distance of 20.00 feet to a point;  
North 07° 10' 06" West, a distance of 18.03 feet to a point;  
North 10° 31' 58" West, a distance of 2.02 feet to a point;  
North 07° 29' 20" West, a distance of 24.01 feet to a point;  
North 08° 12' 52" West, a distance of 48.08 feet to a point;  
North 07° 10' 42" West, a distance of 8.00 feet to a point;  
North 09° 14' 02" West, a distance of 14.02 feet to a point;  
North 10° 48' 24" West, a distance of 6.03 feet to a point;  
North 05° 28' 17" West, a distance of 2.62 feet to a point;  
North 04° 07' 03" West, a distance of 102.64 feet to a point;  
North 03° 34' 24" West, a distance of 12.03 feet to a point;  
North 05° 43' 05" West, a distance of 30.11 feet to a point;  
North 04° 09' 10" West, a distance of 12.15 feet to a point;  
North 05° 03' 07" West, a distance of 14.20 feet to a point;  
North 07° 09' 48" West, a distance of 12.99 feet to a point;

**PARCEL DESCRIPTION  
316.181 ACRES**

-2-

North 10° 24' 24" West, a distance of 11.07 feet to a point;  
North 14° 02' 10" West, a distance of 2.60 feet to a point;  
North 13° 37' 03" West, a distance of 5.31 feet to a point;  
North 16° 30' 16" West, a distance of 0.21 feet to a point;  
South 85° 32' 12" East, a distance of 600.80 feet to a point;  
North 15° 07' 45" West, a distance of 283.17 feet to a point;  
North 86° 30' 49" West, a distance of 360.02 feet to a point;  
North 82° 30' 10" West, a distance of 362.55 feet to a point;  
North 35° 30' 00" West, a distance of 56.87 feet to a point;  
North 48° 00' 32" West, a distance of 193.02 feet to a point;  
North 55° 23' 22" West, a distance of 196.23 feet to a point;  
North 50° 43' 36" West, a distance of 464.44 feet to a point;  
North 62° 55' 36" West, a distance of 144.47 feet to a point;  
North 45° 55' 36" West, a distance of 97.98 feet to a point;  
North 34° 22' 11" West, a distance of 204.75 feet to a point;  
North 25° 14' 27" West, a distance of 142.52 feet to a point;  
North 28° 37' 34" West, a distance of 216.82 feet to a point;  
North 24° 15' 58" West, a distance of 163.13 feet to a point;  
North 35° 48' 32" East, a distance of 394.10 feet to a point;  
North 26° 50' 25" East, a distance of 280.06 feet to a point;  
North 21° 25' 50" East, a distance of 164.19 feet to a point;  
South 86° 56' 55" East, a distance of 4823.83 feet to a point;  
South 03° 12' 53" West, a distance of 957.06 feet to a point;  
South 86° 25' 55" East, a distance of 509.64 feet to a point;  
South 03° 28' 08" West, a distance of 150.43 feet to a point;  
South 86° 25' 53" East, a distance of 305.91 feet to a point; and  
South 08° 04' 29" East, a distance of 810.28 feet to the POINT OF BEGINNING, containing  
316.181 acres, more or less.

NOTE: This description is not to be used for transfer purposes.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

**LEGAL DESCRIPTION**  
**158.263 Acres**

Situate in the State of Ohio, County of Delaware, Delaware Township, being in Farm Lots Q, S and T, Section 1, Township 4, Range 19 in the United States Military Lands, and also being a 61.983 acre tract, a 91.272 acre tract and a 5.000 acre tract as all are conveyed to Terra ALTA LLC in Official Record 1518, Page 1449 as further described as follows;

Beginning at a 1" pipe at the northeast corner of Farm Lot T, the southeast corner of Farm Lot S, the southwest corner of Farm Lot R, the northwest corner of Farm Lot U, and being in the east line of said 91.272 acre tract and the west line of a 1.477 acre tract as conveyed to James E. Featherstone and Patricia M. Featherstone in Official Record 218, Page 1061 and being the **TRUE POINT OF BEGINNING** for the land herein described as follows;

Thence with the east line of Farm Lot T, the west line of Farm Lot U, the east line of said 91.272 acre tract and the west line of said 1.477 acre tract, **S 02° 41' 46" W, 182.75 feet** to the southeast corner of said 91.272 acre tract, the southwest corner of said 1.477 acre tract and being in the centerline of Braumiller Road (60' right of way) as created in Volume 1, Page 324;

Thence the following three (3) courses with the south line of said 91.272 acre tract and the centerline of Braumiller Road:

1. **S 76° 53' 31" W, 929.44 feet;**
2. **S 68° 19' 41" W, 130.87 feet;**
3. **S 78° 07' 37" W, 489.59 feet** to a 5/8" rebar;

Thence with the south line of said 91.272 acre tract, the south line of said 5.000 acre tract, and the centerline of Braumiller Road, **N 86° 48' 32" W, 1908.68 feet** to a railroad spike found at an angle point in the south line of said 5.000 acre tract, an angle point in the centerline of Braumiller Road and being the southeast corner of a 1.403 acre tract as conveyed to James A. France and Kristine France in Official Record 215, Page 1695;

Thence with the south line of said 5.000 acre tract and the east line of said 1.403 acre tract, **N 03° 21' 16" E, 238.11 feet** to an angle point in the south line of said 5.000 acre tract and the northeast corner of said 1.403 acre tract;

Thence with the south line of said 5.000 acre tract and the north line of said 1.403 acre tract, **N 85° 43' 47" W, 254.40 feet** to an angle point in the south line of said 5.000 acre tract and the northwest corner of said 1.403 acre tract;

Thence with the south line of said 5.000 acre tract and the west line of said 1.403 acre tract, **S 06° 55' 56" W, 96.65 feet** to an angle point in the south line of said 5.000 acre tract and the northeast corner of a 1.1 acre tract as conveyed to Cynthia S. Bartlett, aka Cynthia A. Bartlett and Rebecca H. Hanson In Official Record 700, Page 2066 and Official Record 752, Page 2570;

Thence with the south line of said 5.000 acre tract and the north line of said 1.1 acre tract, **N 87° 01' 33" W, 309.87 feet** to the southwest corner of said 5.000 acre tract, the northwest corner of said 1.1 acre tract and being in the west line of Farm Lot T and the east line of Farm Lot 14;

Thence with the west line of said 5.000 acre tract, the west line of Farm Lot T and the east line of Farm Lot 14, **N 06° 16' 06" E, 400.39 feet** to the northwest corner of said 5.000 acre tract and the southwest corner of said 91.272 acre tract;

Thence with the west line of said 91.272 acre tract, the west line of Farm Lot S, the west line of Farm Lot T and the east line of Farm Lot 14, **N 09° 16' 26" E, 630.57 feet** to the northwest corner of said 91.272 acre tract and the southwest corner of said 61.983 acre tract;

Thence with the west line of said 61.983, the west line of Farm Lot S and the east line of Farm Lot 14, **N 16° 49' 53" E, 611.69 feet** to northwest corner of said 61.983 acre tract, the southwest corner of a 5.936 acre tract as conveyed to Randall L. and Camille Orr in Deed Book 568, Page 8 and being the northwest corner of Farm Lot S and the southwest corner of Farm Lot Q;

Thence with the north line of said 61.983 acre tract, the south line of said 5.936 acre tract, the south line of a 17.542 acre tract as conveyed to Steven J. Jefferis and Catherine R. Jefferis Co-Trusts in Official Record 482, Page 2352, the south line of a 69.685 acre tract as conveyed to Terra ALTA LLC in Official Record 1507, Page 228 and the north line of Farm Lot S and the south line of Farm Lot Q, **S 86° 59' 24" E, 3191.68 feet** to the southeast corner of said 69.685 acre tract and being an angle point in the north line of said 61.983 acre tract;

Thence with the north line of said 61.983 acre tract and the east line of said 69.685 acre tract, **N 03° 29' 56" E, 811.83 feet** to a 5/8" rebar found at an angle point in the north line of said 61.983 acre tract and the southwest corner of a 4.126 acre tract as conveyed to Bruce E. and Aldona M. Babbitt in Official Record 558, Page 309;

Thence with the north line of said 61.983 acre tract and the south line of said 4.126 acre tract, **S 86° 51' 30" E, 542.50 feet** to a 3/4" pipe found at the northeast corner of said 61.983 acre tract, the southeast corner of said 4.126 acre tract, the southwest corner of a 6.194 acre tract as conveyed to Bruce E. Aldona and Aldona M. Babbitt in Official Record 486, Page 513, and the northwest corner of a 9.99 acre tract as conveyed to Richard A. Ray and Monika Ray Trust in Official Record 1398, Page 921;

Thence with the east line of said 61.983 acre tract, the east line of said 91.272 acre tract, the west line of said 9.99 acre tract, the west line of a 1.838 acre tract as conveyed to Richard A. Ray and Monika A. Ray in Official Record 1059, Page 2677, the west line of Lot 962 in the Jasa Subdivision as recorded in Plat Cabinet 2, Slide 672, the west line of Lots 1023 and 1022 of the Shiraz Subdivision as recorded in Plat Cabinet 2, Slide 671, the west line of said 1.477 acre tract, **S 03° 29' 56" W, 1963.09 feet** to the **TRUE POINT OF BEGINNING**, containing **158.263 acres**, more or less.

The above description was prepared by Advanced Civil Design Inc. and based on existing Delaware County records, along with actual field survey work. A drawing of the above description is attached hereto and made a part thereof.

Bearings are based on the Ohio State Plane Coordinate System NAD83, CORS96.

All references used in this description can be found at the Recorder's Office Delaware County, Ohio.

**ADVANCED CIVIL DESIGN INC.**

Z:\16-0022-149\SURVEY\158.263acre legal.docx

EXHIBIT B

ZONING REGULATIONS APPLICABLE TO  
NEW COMMUNITY DISTRICT

[See attached zoning regulations applicable to property in the New Community District]



**ORDINANCE CERTIFICATION**

I, Kimberly A., Gepper, being the duly appointed Acting Clerk of City Council of Delaware, Ohio, do hereby swear and attest that the attached document is a true and correct copy of Ordinance No. 08-78 passed on November 10, 2008 by the Delaware City Council.

  
\_\_\_\_\_  
Kimberly A. Gepper  
Acting Clerk of City Council

SEAL

This Ordinance Certification dated this 9<sup>th</sup> day of August in the year 2018.

ORDINANCE NO. 08-78

AN ORDINANCE APPROVING A REZONING TO ADD A PLANNED MIXED USE (PMU) OVERLAY DISTRICT TO PROPERTIES LOCATED ON THE EAST SIDE OF POLLOCK ROAD NORTH OF BRAUMILLER ROAD INCLUDING THE DEVELOPMENT TEXT AND PRELIMINARY DEVELOPMENT PLAN CONSISTING OF 245.9± ACRES AND ZONED A-1 (AGRICULTURAL DISTRICT) (TERRA ALTA).

WHEREAS, the Planning Commission at its meeting of October 1, 2008 recommended approval of a Rezoning to add a Planned Mixed Use (PMU) Overlay District to properties located on the east side of Pollock Road north of Braumiller Road (PIN 41913001001000, 41913001002000, 41913001003000, 41913001004000, and 41914002006000) including the Development Text and Preliminary Development Plan consisting of 245.9± acres and zoned A-1 (Agricultural District), (PC 08-050), and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the Rezoning to add a Planned Mixed Use (PMU) Overlay District to properties located on the east side of Pollock Road north of Braumiller Road (PIN 41913001001000, 41913001002000, 41913001003000, 41913001004000, and 41914002006000) including the Development Text and Preliminary Development Plan consisting of 245.9± acres and zoned A-1 (Agricultural District), be the same and is hereby confirmed, approved, and accepted with the following conditions that:

1. The Development Text, as currently proposed, is generally acceptable and that the Applicant continues to work with Staff to finalize said Text prior to the placement of this application on the City Council agenda. Any items that cannot be satisfactorily resolved shall be returned to the Planning Commission for review and approval with the Final Development Plan submittal.
2. The Applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. It is especially important that the applicant work with the Engineering Department to resolve any issues related to the Traffic Impact Study (TIS) and proposed roadway network. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on a

technical review by the Engineering Department once a complete plan set is submitted for review. All comments of the Preliminary Technical Review must be satisfactorily addressed.

3. As agreed to by the Applicant, the Applicant shall participate in a New Community Authority that has been contemplated to pay for the construction of primarily off-site common infrastructure needs that are above and beyond the fair share requirements of the Applicant. In the absence of a fully executed New Community Authority or other financing agreement, the Applicant shall be fully responsible for all off-site common infrastructure improvements necessitated by this development.
4. The oversizing of utilities and future extensions shall be completed to the satisfaction of the Utility Director.
5. Staff is generally supportive of the preliminary utility layout as proposed but reserves the right to review such infrastructure in detail as preliminary and final plans and plats are submitted. Staff is particularly concerned about with several utilities being proposed with the tree preservation easements, which may be able to be located outside of such easements once additional detail is provided.
6. Generally, Staff is supportive of the lot layout as proposed but reserves the right to review lots in detail as preliminary and final plats are submitted. As each Final Development Plan and subdivision plat is submitted with specific grading and engineering information, it may be necessary to make changes to a given lot width or configuration.
7. Separate Final Development Plans shall be submitted as each condominium sub-area is developed.
8. The 16± acres along the Olentangy River shall be dedicated to the City with Phase 1. The 2± acre pocket park and a 4.42± acre neighborhood park will be improved by the developer and maintained by the homeowners association with the respective phases in which they are located.
9. The development is 2.17± acres short of meeting the 10% parkland dedication requirement. This difference shall be made up in either fees paid to the City (approximately \$65,100) or improvements made to the parklands, with the latter being the preference.

10. The multi-use path shown along the north-south stream corridor shall be improved by the developer prior to starting phase 2 and shall be maintained by the homeowners association until such time that the path connects to and is extended north or south of this site after which the City will take over ownership and maintenance.
  
11. Sidewalks will be provided on both sides of all public streets and as shown on the development plan for each condominium area. Sidewalks are not required to be extended along Pollock Road due to topographic and area considerations that make a pedestrian connection along Pollock infeasible. However, it may be determined that at least one sidewalk shall be extended to Pollock Road to provide a connection to the river parkland.
  
12. Prior to submitting the Preliminary Development Plan for signature, the Applicant shall make the necessary changes to the plan notes so that such notes are accurate and consistent with the Development Text and all approval conditions as determined by City Staff.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

PASSED: NOV 10, 2008

YEAS 5 NAYS 1  
 ABSTAIN 0

ATTEST: Christine Shaw  
 CITY CLERK

Windell Wheeler  
 MAYOR



### ORDINANCE CERTIFICATION

I, Kimberly A., Gepper, being the duly appointed Acting Clerk of City Council of Delaware, Ohio, do hereby swear and attest that the attached document is a true and correct copy of Ordinance No. 14-24 passed on April 28, 2014 by the Delaware City Council.

  
\_\_\_\_\_  
Kimberly A. Gepper  
Acting Clerk of City Council

SEAL

This Ordinance Certification dated this 9<sup>th</sup> day of August in the year 2018.

ORDINANCE NO. 14-24

AN ORDINANCE APPROVING A REZONING AMENDMENT FOR LYH, LLC FOR STOCKDALE FARMS TO R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) FROM R-2 PRD (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED RESIDENTIAL DISTRICT) CONSISTING OF 323 SINGLE FAMILY UNITS ON 158.2± ACRES LOCATED AT THE NORTHEAST CORNER OF BRAUMILLER AND POLLOCK ROADS.

WHEREAS, the Planning Commission at its meeting of April 2, 2014 recommended approval of a Rezoning Amendment for LYH, LLC for Stockdale Farms to R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) from R-2 PRD (One Family Residential District with a Planned Residential District) consisting of 323 single family units on 158.2± acres located at the northeast corner of Braumiller and Pollock Roads (2014-0183), and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the Rezoning Amendment for LYH, LLC for Stockdale Farms to R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) from R-2 PRD (One Family Residential District with a Planned Residential District) consisting of 323 single family units on 158.2± acres located at the northeast corner of Braumiller and Pollock Roads, be the same and is hereby confirmed, approved, and accepted with the following condition:

1. The Development Text, as currently proposed, is generally acceptable and any revisions shall require conformance to all provisions of the Development Text and the subsequent approved development plans and plats.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS 7 NAYS 0  
ABSTAIN 0

PASSED: April 28, 2014

YEAS 7 NAYS 0  
ABSTAIN 0

ATTEST: Glenn McCaskey  
CITY CLERK

Carolyn Kay Rigg  
MAYOR

TERRA ALTA  
PLANNED MIXED USE DEVELOPMENT TEXT  
DELAWARE, OHIO

1. DESCRIPTION OF DEVELOPMENT & RELATIONSHIP TO THE CITY OF DELAWARE COMPREHENSIVE PLAN

The Applicant is proposing a mixed residential development, known as Terra Alta, consisting of detached single-family homes and attached/detached single-family condominiums. As such, the Applicant is seeking an amendment to the City of Delaware Zoning Code to permit the Property to be zoned and developed as a Planned Mixed Use (PMU) Overlay District within the existing A-1 zoning district. The Applicant believes that such amendment will provide for the highest and best use of the Property, thereby permitting quality housing stock to be constructed within the City of Delaware. Additionally, as further discussed below, the Applicant believes that such amendment is in accordance with the City of Delaware Comprehensive Plan.

The purpose of this Development Text is to set forth all supplemental information required by the Zoning Code and set forth in textual form certain development standards that will apply to the Property. Accompanying this Development Text is a Preliminary Development Plan for the Property consisting of 8 sheets (the "Preliminary Development Plan"). All terms and conditions of the Preliminary Development Plan are incorporated in this Development Text by this reference.

The Property consists of approximately 245.9 acres located between Pollock Road and Berlin Station Road, being located in the Highlands Subarea of the City's Land Use Element incorporated in the Comprehensive Plan. The Property has been designated for development as residential housing in the City's Future Land Use Map and has been earmarked as one of the City's Priority Growth Areas (PGAs) for development over the next five years. The PGAs establish the City's geographic preference for development and drive the City's infrastructure investment program. See, GM19 and GM19.3 of the Growth Management Element of the City's Comprehensive Plan. The proposed amendment is in keeping with the goals and policies established by the Comprehensive Plan for the following reasons:

- a. The Property will be developed as residential housing as contemplated by the Land Use Element incorporated in the Comprehensive Plan.
- b. The use of the Planned Mixed Use (PMU) Overlay District is consistent with the City's Objectives and Strategies in maintaining a reasonable land use balance to reflect the vision of the Comprehensive Plan. As stated in LU6.7 of the Land Use Element, planned district zoning "should be used as a flexible tool to meet the City's gross density requirements while providing a creative development plan with a mix of units, densities, and housing values within individual developments."
- c. The Comprehensive Plan anticipates supporting residential development in the Highlands Subarea and encourages mixing densities and unit types, as well as small open spaces to

create interest and a sense of place within neighborhoods. See, LU22.2 of the Land Use Element.

- d. Being designated as a PGA, development of the Property is consistent with the City's Capital Improvement Plan as required by the Comprehensive Plan's Growth Management Element at GM20 and as the City has already made a huge investment in the Southeast Highlands trunk sewer that would serve this property.
- e. Residential development in the Highlands Subarea will be served by the Southeast Highlands Sanitary Trunk. See, LU22.1 of the Land Use Element.
- f. The policies set forth in the Comprehensive Plan concerning expansion to the City's waste water treatment system and storm water management system will be implemented in connection with development of the Property.
- g. The policies set forth in the Comprehensive Plan concerning parks and recreational facilities for Delaware residents will be implemented with development of the Property.
- h. The residential development and parkland dedication consisting of approximately 16 acres abutting the Olentangy River is consistent with the Rivers & Streams section of the Environmental Resources Element of the Comprehensive Plan at ER9.

In summary, by the amendment to the Zoning Ordinance in connection with the development of the Property as a Planned Mixed Use (PMU) development, the goals and objectives of the Comprehensive Plan will be met. This development will provide the City of Delaware an opportunity to obtain quality housing stock in one of the City's Priority Growth Areas and will preserve in a park like setting approximately 16 acres abutting the Olentangy River.

## 2. GENERAL DEVELOPMENT STANDARDS

- a. **Purpose and Intent.** It is the intent of this development to provide a mixed residential use development with compatible and common architectural design, streetscape, signage, lighting, and pedestrian amenities throughout the entire development. Architectural and site design that is not consistent with this purpose and intent will not be accepted. This Development Text represents the zoning requirements for this area unless otherwise noted.
- b. **Conformance with Codified Ordinances and City Policy.** Unless noted otherwise within this Development Text or the Preliminary Development Plan, all development will be constructed and provided in conformance with the then current Codified Ordinances and City Policy in effect at the time of application.
- c. **Limitations.** Nothing in this Development Text shall prohibit additional restrictions or requirements from being placed on the approval of any Final Development Plan consistent with this Development Text or the Preliminary Development Plan.

- d. **Major Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent major modification to that plan shall only be permitted by resubmission and approval of a revised Final Development Plan through the procedures set forth in the Zoning Code. Major modification for the purposes of this Development Text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:
- (1) Any major increase in the number of or change in the type and/or mix of dwelling units or any major increase in the non-residential building area.
  - (2) Major change in the approved location of land uses or land use sub-areas.
  - (3) Substantial alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved public and private street pattern, access points, parking facilities, service access, trash storage facilities, and system of pedestrian paths that results in a change in operating characteristics or character.
- e. **Minor Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent minor modification to that plan shall only be permitted by resubmission and approval by the Director of Planning and Community Development of a revised Final Development Plan. Minor modification for the purposes of this Development Text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:
- (1) Any modification that is not considered a major modification by this Zoning Text or by determination of the Director of Planning & Community Development.
  - (2) Any minor increase in the number of or change in the type and/or mix of dwelling units less than 5% in the total number of dwelling units.
  - (3) Minor change in the approved location of land uses or land use sub-areas.
  - (4) Minor alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved public and private street pattern, access points, parking facilities, service access, trash storage facilities, and system of pedestrian paths that results in a change in operating characteristics or character.
  - (5) Minor structural alterations that do not alter the overall design intent of the building.
- f. **Tree Removal and Replacement.** The Terra Alta Subdivision site is a unique development opportunity for the City of Delaware and the Developer. While the site is heavily treed in certain areas, the Developer working in concert with the City desires to create a high quality subdivision taking advantage of the topography of the site while saving as many trees as possible. At the preliminary development plan stage, for planning purposes only, the Developer for purposes of tree removal has assumed clear cutting of the condominium parcels. However, every effort will be made to save as many trees as possible on the condominium parcels, especially on the perimeter of the condominium parcels. It is assumed that at the time of development, certain tree parcels, reserves and preservation easements will be created. It should also be noted that in connection with single family lot development, every effort has been extended to create tree buffers along boundaries and in backyards. Consequently, the Developer

respectfully requests that the City adopt the following Tree Replacement Plan which shall be specific to the Terra Alta development only and is reflective of the diverse and unique site elements which are present at this particular site. Thus, the Tree Replacement Plan enumerated herein creates an innovative and unique approach to the issue of saving trees on this particular site. Instead of focusing on the economics and environmental issues of trees lost to development, this Tree Replacement Plan focuses on efforts to save trees (particularly large, mature trees), providing an incentive to save large, mature trees, compensating for trees lost, and, ultimately, creating a higher quality development for the City of Delaware than would be expected under a standard subdivision.

The following Tree Replacement Plan shall be the controlling regulation for the Terra Alta development:

- (1) *Tree Survey.* An estimate of the total number, type, size, and health of trees to be preserved and replaced has been provided according to a set of representative tree survey sites as determined and verified by the City of Delaware and as authorized by the current Zoning Code. Attached hereto as Exhibit 1 is an estimate of overall tree impact based on the Tree Replacement Plan.
- (2) *Calculation of Replacement Trees.* Only trees six (6) caliper inches and greater that are removed in the development of the Subdivision and construction of housing units shall be replaced according to the following schedule:
  - A. Trees considered in good health as determined by a Certified Arborist and verified by the City of Delaware shall be replaced on a 100% replacement schedule meaning every good tree removed shall be replaced with tree(s) that have a total caliper equal to or greater than the total caliper of the tree removed.
  - B. Trees considered in fair health as determined by a Certified Arborist and verified by the City of Delaware shall be replaced on a 50% replacement schedule meaning every fair tree removed shall be replaced with tree(s) that have a total caliper equal to or greater than 50% of the total caliper of the tree removed.
  - C. Trees considered in poor health or ash trees as determined by a Certified Arborist and verified by the City of Delaware shall be exempt from replacement. However, to the maximum extent allowed by local, state, and federal regulations, poor trees and ash trees located in areas that are not required for development shall be left undisturbed on-site provided such trees are not considered hazardous to life or property as determined by the City of Delaware.
- (3) *Tree Preservation.* The Developer will include a significant amount of tree preservation areas, distributed throughout the Subdivision, which shall be recorded on each individual final subdivision plat as applicable and will be permanently recorded with such. The Preliminary Development Plan notes the tree preservation areas preliminarily contemplated, but which could change with the detailed investigation that occurs with final submission. The City will consider reasonable proposed changes at the time of final submission.
- (4) *Tree Replacement Fee.*

- A. Single-Family Unit. A \$500 per single-family detached dwelling unit tree replacement fee shall be charged on each single-family detached dwelling unit at the time of building permit application. This fee is to be paid per the usual and customary procedures of the City, which currently requires payment of all required building and zoning permit fees prior to issuance of the permit but not at the time of application. Assuming approval of 316 such housing units x \$500 = \$158,000 paid to the City specifically for its Tree Fund.
  - B. Condominium Unit. A \$200 per condominium dwelling unit tree replacement fee shall be charged on each condominium dwelling unit at the time of building permit application. This fee is to be paid per the usual and customary procedures of the City, which currently requires payment of all required building and zoning permit fees prior to issuance of the permit but not at the time of application. Assuming approval of 167 such condominium units x \$200 = \$33,400 paid to the City specifically for its Tree Fund.
- (5) *Required Trees Not Considered Replacement Trees.* Trees that are required by the current Zoning Code, such as but not limited to street trees and front yard trees, shall not be considered Replacement Trees.
- (6) *Replacement Tree Criteria.* To receive credit as a Replacement Tree, a tree shall be required to have a minimum caliper of two (2) inches. Evergreen (pine for example) trees shall be calculated as two (2) feet in height equals one (1) inch in caliper with a minimum required height of six (6) feet. For example, a pine tree six (6) feet in height would net three (3) caliper inches of replacement tree credit. Trees meeting this criterion are referred to herein as "Replacement Trees."
- (7) *Single Family Home Tree Replacement Requirement.* At the time of construction of each single family home, the builder shall be required to plant and install two (2) Replacement Trees on each such lot. Assuming 316 single family home lots with two (2) Replacement Trees results in a credit of 1,264 caliper inches.
- (8) *Condominium Tree Replacement Requirement.* At the time of construction of each building housing condominium units, the builder shall be required to plant and install two (2) Replacement Trees for each condominium unit in each building. Assuming 167 condominium units with two (2) Replacement Trees results in a credit of 668 caliper inches.
- (9) *Credit for Tree Preservation.* In recognition of the Developer's efforts to save trees in the design, layout and development of the subdivision through the provisions of this Tree Replacement Plan, the Developer shall receive credit against the replacement required by Section 2 of this Tree Replacement Plan for all single family home tree replacement pursuant to Section 7, all condominium tree replacement pursuant to Section 8, and in accordance with the following schedule for permanently preserved trees:

A. Good Tree Credit Schedule

- (1) Trees six (6) caliper inches but less than twelve (12) caliper inches saved shall receive one (1) caliper inch credit for each caliper inch saved.
- (2) Trees twelve (12) caliper inches but less than eighteen (18) caliper inches saved shall receive two (2) caliper inches credit for each caliper inch saved.
- (3) Trees eighteen (18) caliper inches but less than twenty-four (24) caliper inches saved shall receive three (3) caliper inches credit for each caliper inch saved.
- (4) Trees greater than (24) caliper inches saved shall receive four (4) caliper inches for each caliper inch saved.

**B. Fair Tree Credit Schedule**

- (1) Trees six (6) caliper inches but less than twelve (12) caliper inches saved shall receive one-half (1/2) caliper inch credit for each caliper inch saved.
- (2) Trees twelve (12) caliper inches but less than eighteen (18) caliper inches saved shall receive one (1) caliper inch credit for each caliper inch saved.
- (3) Trees eighteen (18) caliper inches but less than twenty-four (24) caliper inches saved shall receive one and one-half (1-1/2) caliper inches credit for each caliper inch saved.
- (4) Trees greater than (24) caliper inches saved shall receive two (2) caliper inches for each caliper inch saved.

- (10) *Credit for Removal of Ash Trees.* The removal of ash trees from the site that would not otherwise be removed as a result of development (i.e., ash trees removed from reserves and preservation easements) shall be given a credit of one (1) caliper inch for every \$100 cost of ash tree removal as submitted by the developer and as certified by the City.
  - (11) *Replacement Completion.* Fulfillment of this Tree Replacement Plan as written and in total shall result in no additional fees-in-lieu-of or other replacement being required.
  - (12) *Expiration.* These tree replacement requirements shall expire upon the completion of the Terra Alta Subdivision development. The completion of development shall be considered the acceptance of final public improvements and expiration of any required maintenance period for Terra Alta as it relates to the tree replacement aspects of this Tree Replacement Plan, however, the provisions of Sections 4, 5, 6, 7 and 8 shall continue in full force and effect with respect to each dwelling unit until such time as each dwelling unit in the Terra Alta Subdivision receives a Final Certificate of Occupancy. After the completion of development or receipt of a Final Certificate of Occupancy, as applicable, the tree preservation and replacement requirements of the then current Zoning Code shall apply.
- g. Master Association.** A master homeowners association will be created for the entire development. The master homeowners association shall be responsible for maintenance and upkeep of all Reserves, entrance features and common open space located on the Property. All Condominiums will be subject to a Declaration of Condominium. Any declaration shall be reviewed and approved by the City prior to the recording of the declaration. By majority vote of the property owners, the association shall be transferred

to the homeowners when 75% of the units have received a certificate of occupancy, unless the Developer establishes to the satisfaction of the City Director of Planning and Community Development that less than 75% of the units have been sold to third party buyers, in which event such transfer shall be deferred at the election of the Developer until such time as 75% of the units have been sold to third party buyers.

- h. **Common Open Space.** The common open space for the development of the Property shall consist of Reserves A through M containing approximately 46.04 acres. All open space will be owned and maintained by the Homeowners Association for the Development subject to all necessary easements and agreements in connection with the overall development of the Property. Reserves A through M shall satisfy all common open space requirements. All common open space shall be improved, if improvements are necessary or required, concurrent with the public improvements with the respective phase in which the improvement is located.
- i. **Parkland.** The Parkland grant required by the Zoning Code shall be satisfied in part by the dedication of approximately 16.0 acres of land abutting the Olentangy River at the western edge of the Property, which the City may, at its discretion decide to improve or permanently preserve through covenants and restrictions. The City may subsequently grant any covenants, easements, or restrictions to a third party for the purposes of holding the same. Additionally the Parkland grant will be satisfied in part by the dedication of approximately 4.42 acres of land located along the eastern side of the creek traversing the Property through its center, south of Terra Alta Drive, and approximately 2.0 acres located along the western side of the creek traversing the Property through its center, north of Terra Alta Drive, all as depicted on the Preliminary Development Plan. As presently depicted, this results in a deficiency of 2.17 acres of required Parkland grant. Applicant will make a payment to the City in the amount of \$30,000 per acre in lieu for this deficiency or construct improvements on the parkland equivalent to the same total dollar amount. Applicant shall grant to the City an easement for a bikepath along the eastern side of the creek traversing the Property through its center, as depicted on the Preliminary Development Plan and as designed and constructed by the Applicant. Prior to or concurrent with the submittal of the Preliminary Subdivision Plat, the Applicant shall submit for review and approval a Parkland and Open Space Improvement Plan. All public parkland shall be improved, if improvements are necessary or required, concurrent with the public improvements with the respective phase in which the improvement is located.
- j. **Utilities to be Located Underground.** All new utilities serving the Property shall be located underground. Additionally, and if determined to be economically feasible, any existing utilities that will serve the Property that are located above ground, including those along either side of Pollock Road or the west side of Berlin Station Road adjacent to the site, shall be relocated underground. The Applicant and the City shall work together to ensure that any technical and financial information provided by the respective utility company is fair and reasonable.
- k. **Composite Utility Plan Required.** Prior to the installation of any non-City owned utility, a composite utility plan shall be submitted for review and approval by the City.

Such plan shall depict the location and type of all non-City owned utilities including the location and type of any above ground pedestal, transformer, meter, cabinet, and other such above ground structures that support the respective utility. Any above ground structure shall be inconspicuously located, dark green in color, and if located in any front yard shall be screened with landscaping as approved by the City.

- l. **Removal of Existing Farm Fencing.** Unless demonstrated to the City that such fencing is not in the ownership of the Applicant, all existing farm fencing and barbed wire fencing shall be removed from the site at minimum on a lot by lot basis.
- m. **Construction Trailers.** Construction trailers shall meet all requirements of the current Zoning Code and shall be removed once construction activity has moved to another phase of the development. For example, once the public improvements have been accepted in phase 2 any construction trailer located in phase 1 shall be relocated to phase 2 provided the respective builder is or will be constructing lots in the subsequent phase.
- n. **Sidewalks and Multi-Use Paths.** Multi-use paths will be constructed and accepted concurrently with the public improvements in which the multi-use path is located. Sidewalks will be constructed concurrently with the construction of each lot. However, once ninety (90) percent of the lots in a respective phase have obtained a certificate of occupancy, any sidewalk not yet installed in the respective phase shall be installed within six (6) months from the date of issuance of the certificate of occupancy establishing the ninety (90) percent lot completion. Sidewalks along Terra Alta Drive and part of a condominium development shall be installed prior to the issuance of the first certificate of occupancy for the condominium development. Sidewalks and multi-use paths located within a condominium development shall be installed with each respective phase of the condominium development as shown on the approved Final Development Plan.

### 3. SUB-AREAS

The Development is separated into three main sub-areas to represent the distinct areas of development. Sub-Area A is to be developed generally with detached single-family dwellings on subdivided lots. Sub-Area B and Sub-Area C are to be developed generally with a mix of single-family attached and/or detached dwelling units in a condominium regime.

### 4. SUB-AREA A – SUBDIVIDED SINGLE-FAMILY STANDARDS

- a. **Uses.** The following uses shall be considered permitted or conditionally permitted in Sub-Area A as represented in the chart below by P or C, respectively, and as defined by attached Chapter 1121 of the Zoning Code. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.

- (1) **Permitted Uses.** Permitted uses are permitted by-right and shall meet all development standards specified within this Development Text and the Zoning Code, as applicable.

(2) **Conditionally Permitted Uses.** In addition to all standards specified within this Development Text, uses listed as conditionally permitted uses shall meet all the then current Zoning Code standards for approval of a Conditional Use Permit current at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.

(3) **Accessory Uses and Structures.** Although not specified in the chart below, accessory uses, which are considered allowed uses, include those items that are customarily incidental and secondary to the principal use of the land. Such items include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas.

Land Use Category	Terra Alta Uses
<b>(a) Residential</b>	
(1) Detached single-family dwelling	P
(2) Minor home occupation	P
<b>(b) Recreational/Open Space</b>	
(1) Park, playground	P
(2) Non-commercial recreation facility (including homeowner association controlled facilities)	P

- b. **Density & Mix of Dwelling Unit Type.** The overall Sub-Area A density and mix of dwelling unit types shall not exceed that approved on the Preliminary Development Plan.
- c. **Lot Standards.** The minimum lot sizes and frontages shall be that depicted on the Preliminary Subdivision Plat.
- d. **Building Setback Standards.** The following standards shall apply for minimum principal building setbacks (including accessory structures attached to the principal structure) based on the type of dwelling unit.

Minimum Building Setbacks*	Terra Alta
(a) Setback from Pollock Road and Berlin Station Road, including non-reserve lots backing to lots fronting Berlin Station Road	35 ft.
(b) Setback from all other public rights-of-way	30 ft.
(c) Side setback for lots having a front lot dimension at the building line of 80 feet or more	10 ft.
(d) Side setback for lots having a front lot dimension at the building line of less than 80 feet	20% of the front lot dimension at the building line shall be the total side yard setback on both sides, with a

	minimum setback of 6 feet
(e) Rear setback	30 ft.

\*Side and rear yard setbacks shall not apply to minor architectural projections such as eaves, chimneys and bay windows.

- e. **Floor Area Requirements.** Each dwelling unit shall provide for the following minimum floor area, exclusive of basements (unless walk-out units), unfinished attic spaces, garages, and any attached or detached accessory buildings.
- 1) Front lot dimension at building line of less than 80 feet
    - A. One store ranch – 1,600 sq. ft.
    - B. Two story – 1,800 sq. ft.
  - 2) Front lot dimension at building line of 80 feet or more
    - A. One story ranch – 1,800 sq. ft.
    - B. Two story – 2,000 sq. ft.
- f. **Maximum Building Height.** The maximum height of any principal building or structure shall be 35 feet as measured from the average elevation of the finished grade at the front of the building to the highest point of the roof.
- g. **Building Design.** Unless otherwise modified within this Development Text, all dwellings shall meet the building design requirements of Chapter 1171, R-2 District standards for detached single-family dwellings.
- (1) To create a cohesive and unified design throughout the entire development yet provide a diversity of housing types each building shall be consistent in overall design, color, material, and architectural pattern and include a similar and/or repeating pattern of design elements such as architectural styles, roof and building massing, window proportion, or other elements as determined through the Final Development Plan review process.
  - (2) Representative home elevations (all sides) shall be reviewed and approved by the Planning Commission as part of the Final Development Plan. Minor variations thereafter shall be potentially administratively approvable as written in this Development Text.
  - (3) Exterior Material and Trim Standards.
    - A. At least 50% of the front elevation of all homes constructed on the Property will consist of brick, stone, cultured stone, wood siding, SmartSide, fibrous cement

- siding, or other approved material, excluding foundations, garage doors, entry doors, roofs, gutters, downspouts and windows.
- B. All vinyl siding products used on homes constructed on the Property shall be architectural grade, Vinyl Siding – Higher End, as defined in Chapter 1171.08 (c) (19) on all elevations.
  - C. Trim board around all corners, windows, and doors shall be a minimum of 4 inches all around.
  - D. Standing seam metal roofs are encouraged on select architectural elements of front elevations, such as porches or front entrance features.
  - E. EIFS or similar products are prohibited as an exterior material.
  - F. All exposed foundation walls shall be faced with brick, stone or stucco.
  - G. Frieze trim a minimum of 4 inches wide is required under all overhangs and gables.
  - H. All home elevations shall be reviewed and approved by the Director of Planning & Community Development to establish compliance with the Building Design requirements of this Development Text.
  - I. All homes will have, at a minimum, dimensional shingles.

#### (4) Design Standards

- A. Materials on each home shall be varied to provide variety throughout the community.
- B. All front elevations shall include a variety of styles, colors, and/or materials types of materials including as an example, but not limited to, vinyl shake siding.
- C. All homes will have not less than a 2 car attached garage.
- D. The principal roof structure on all homes will have a roof pitch of not less than 6/12.
- E. The principal roof structure on all homes will have an overhang of not less than 12 inches and an end rake of not less than 12 inches.
- F. Lintels and sills in masonry walls shall be brick soldier course, limestone, or sandstone, along with other manufactured stone products.
- G. Although porch railing and column details are encouraged to vary from home to home, porch columns shall have a minimum 6 x 6 inch cross section or diameter.
- H. Treated lumber shall be painted or stained, except when used on outdoor decks.
- I. Where wood burning fireplaces are utilized the exposed chimney shall be faced with brick or stone at a minimum. All direct vent fireplaces shall be located in a side or rear yard and screened from view when visible from a public street.
- J. All homes shall provide an identifiable entry with entry coverings and stoops being a minimum of 3 feet deep or the minimum necessary for building code regulations, which ever is greater. Any porch shall be a minimum depth of 6 feet.
- K. Front elevations shall be designed to de-emphasize the visual impact of the garage. All garage doors facing a public street shall be architecturally upgraded to include design elements consistent with the design of the home and development including matching the door color to the predominant color of the main structure, incorporate a glass course, add trim packages to give the appearance of stable doors, man doors, hinged swing doors, and other similar architectural elements. In the event garage doors facing a public street are not

architecturally upgraded as provided in the preceding sentence, detached single-family garages facing a public street shall be setback a minimum of 2 feet from the primary wall of the home facing the public street and garages of front loaded attached single-family dwelling units shall not extend closer to the street than the primary wall facing the street.

L. Side elevations shall include multiple windows and design elements that provide visual interest as well as allow light into the unit.

M. Rear elevations facing a public right-of-way shall have a minimum of two windows.

h. **Accessory Structures.** Fences (other than decorative fencing along front entrance paths and front porches) are prohibited in any front yard and must meet the standard fence specifications attached to this Development Text as Exhibit 2. Privacy fences are prohibited. Attached decks may extend up to five (5) feet into a required rear setback provided the encroachment does not adversely impact any easement. All other accessory structures shall meet the requirements of the current Zoning Code.

i. **Landscaping and Screening.** All landscaping shall meet the requirements of the then current Zoning Code and the Gateways & Corridors Plan unless modified herein.

(1) All street tree plantings shall meet the requirements and approval process of the Zoning Code unless modified in this Development Text.

(2) Street trees shall be a minimum of 1.75 caliper inches as measured at breast height at the time of installation.

(3) Along the Berlin Station Road, an earth mound, no less than 4 feet in height as measured from the proposed finish grade elevations of the adjacent dwelling with a mix of deciduous and coniferous plantings providing, at the time of installation, a minimum 60% year round opacity at a combined mound and landscaping height of no less than 10 feet at planting shall be provided. Such mounding shall not interfere with any required sight distance.

(4) A typical landscaping plan for each unit type shall be submitted and approved with the Final Development Plan. This typical landscaping shall set forth the minimum amount of required landscaping for each unit type at the time of building of each structure prior to the issuance of a Certificate of Occupancy. Landscaping species may be varied on a permit by permit basis.

(5) Ground mounted equipment shall be screened from view using plant materials providing 100% year round opacity. Air conditioning units shall be located in manner that minimizes the view from the public right-of-way.

(6) For the purposes of aesthetics and aquatic health, all ponds shall have a fountain.

j. **Pedestrian Connectivity.** Pedestrian connectivity shall be provided throughout the Sub-Area with stub connections to other sub-areas and future development. Concrete sidewalks, 4 feet in width, shall be provided on both sides of all public streets and multi-use paths of appropriate width and material shall be provided as shown on the approved Final Development Plan.

- k. **Open Spaces.** Open spaces shall be landscaped and designed in a manner consistent with the overall development. Landscaping and design plans for all open spaces shall be submitted and approved with the Final Development Plan and include, at a minimum, the following:
- (1) Sidewalks or multi-use paths shall be provided throughout the open space to link the amenities of the open space to the adjacent public sidewalk or pathway network and provide active recreation throughout.
  - (2) Crosswalks leading to open spaces and public parkland shall be defined with special paving or alternative pavement coloring acceptable to the City Engineer.
  - (3) Amenities such as benches, gazebos, or other such features are encouraged in the open spaces.
  - (4) All open spaces shall be constructed with the public infrastructure with the respective phase in which the open space is located. Landscaping shall be installed at the first time of year in which it is appropriate to install such plant material provided the acceptance of public improvements occurs during an inappropriate time for planting and the incomplete landscaping is bonded with the City.
- l. **Entry Features and Signs.** With the Final Development Plan, a comprehensive entry feature and signage plan shall be submitted. All signs shall be designed and located in a manner that is appropriate and consistent with the overall design of the Sub-Area. Internally illuminated signs are prohibited.

#### 5. SUB-AREA B & SUB-AREA C – SINGLE-FAMILY CONDOMINIUM STANDARDS

- a. **Uses.** The following uses shall be considered permitted or conditionally permitted in Sub-Areas B & C as represented in the chart below by P or C, respectively, and as defined by Chapter 1121 of the Zoning attached hereto as Exhibit 3. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.
- (1) **Permitted Uses.** Permitted uses are permitted by-right and shall meet all development standards specified within this Development Text and the Zoning Code, as applicable.
  - (2) **Conditionally Permitted Uses.** In addition to all standards specified within this Development Text, uses listed as conditionally permitted uses shall meet all the then current Zoning Code standards for approval of a Conditional Use Permit current at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.
  - (3) **Accessory Uses and Structures.** Although not specified in the chart below, accessory uses, which are considered allowed uses, include those items that are customarily incidental and secondary to the principal use of the land. Such items include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas.

Land Use Category	Terra Alta Uses
<b>(c) Residential</b>	
(1) Detached single-family dwelling in a condominium setting	P
(2) Attached single-family dwelling in a condominium setting	P
(3) Minor home occupation	P
<b>(d) Recreational/Open Space</b>	
(1) Park, playground	P
(2) Non-commercial recreation facility (including homeowner association controlled facilities)	P

- b. **Density & Mix of Dwelling Unit Type.** The overall Sub-Area B and Sub-Area C densities and mixes of dwelling unit types shall not exceed that approved on the Preliminary Development Plan.
- c. **Building Setback Standards.** The following standards shall apply for minimum principal building setbacks (including accessory structures attached to the principal structure) based on the type of dwelling unit.

Minimum Building Setbacks*	Terra Alta
(a) Setback from public rights-of-way (excluding interior streets)	30 ft.
(b) Setback from interior streets and private streets edge of pavement or back of curb (whichever is greater)	20 ft.
(c) Setback from parkland and reserves	10 ft.
(d) Building separation end wall to end wall (side of building to side of building)	10 ft.
(e) Building separation from any main wall (front or rear of building)	20 ft.
(f) Perimeter site setback	30 ft.

\*Side and rear yard setbacks shall not apply to minor architectural projections such as eaves, chimneys and bay windows.

- d. **Floor Area Requirements.** Each dwelling unit shall provide for the following minimum floor area, exclusive of basements unless (walk-out units), unfinished attic spaces, garages, and any attached or detached accessory buildings.

(1) Front lot dimension at building line of less than 80 feet

- A. One bedroom – 1,200 sq. ft.
- B. Two or more bedroom unit – 1,400 sq. ft. plus an additional 200 sq. ft. for each bedroom in excess of two.

f. **Maximum Building Height.** The maximum height of any principal building or structure shall be 35 feet as measured from the average elevation of the finished grade at the front of the building to the highest point of the roof.

g. **Building Design.** Unless otherwise modified within this Development Text, all dwellings shall meet the building design requirements of Chapter 1171, R-5 and R-6 District standards for detached single-family dwellings and R-5 and R-6 District multi-family standards for attached single-family dwellings.

(1) To create a cohesive and unified design throughout the entire development yet provide a diversity of housing types each building shall be consistent in overall design, color, material, and architectural pattern and include a similar and/or repeating pattern of design elements such as architectural styles, roof and building massing, window proportion, or other elements as determined through the Final Development Plan review process.

(2) All home elevations (all sides) shall be reviewed and approved by the Planning Commission as part of the Final Development Plan. Minor variations thereafter shall be potentially administratively approvable as written in this Development Text.

(3) Exterior Material and Trim Standards.

- A. At least 50% of the front elevation of all homes constructed on the Property will consist of brick, stone, cultured stone, wood siding, SmartSide, fibrous cement siding, or other approved material excluding foundations, garage doors, entry doors, roofs, gutters, downspouts and windows.
- B. All vinyl siding products used on homes constructed on the Property shall be architectural grade, Vinyl Siding – Higher End, as defined in Chapter 1171.08 (c) (19) on all elevations.
- C. Trim board around all corners, windows, and doors shall be a minimum of 4 inches all around.
- D. Standing seam metal roofs are encouraged on select architectural elements of front elevations, such as porches or front entrance features.
- E. EIFS or similar products are prohibited as an exterior material.
- F. All exposed foundation walls shall be faced with brick, stone or stucco.
- G. Frieze trim a minimum of 4 inches wide is required under all overhangs and gables.
- H. All home elevations shall be reviewed and approved by the Director of Planning & Community Development to establish compliance with the Building Design requirements of this Development Text.
- I. All homes will have, at a minimum, dimensional shingles.

(5) Design Standards

- A. Exterior Materials on each building shall be varied to provide variety throughout the community.
  - B. All homes will have not less than a 1 car attached garage.
  - C. The principal roof structure on all homes will have a roof pitch of not less than 6/12.
  - D. The principal roof structure on all homes will have an overhang of not less than 12 inches and an end rake of not less than 12 inches.
  - E. Lintels and sills in masonry walls shall be brick soldier course, limestone, or sandstone, along with other manufactured stone products.
  - F. Although porch railing and column details are encouraged to vary from home to home, porch columns shall have a minimum 6 x 6 inch cross section or diameter.
  - G. Treated lumber shall be painted or stained, except when used on exterior decks.
  - H. Where wood burning fireplaces are utilized the exposed chimney shall be faced with brick or stone at a minimum. All direct vent fireplaces shall be located in a side or rear yard and screened from view when visible from a public street.
  - I. All homes shall provide an identifiable entry with entry coverings and stoops being a minimum of 3 feet deep or the minimum necessary for building code regulations, which ever is greater. Any porch shall be a minimum depth of 4 feet.
  - J. Front elevations shall be designed to de-emphasize the visual impact of the garage. All garage doors facing a public street shall be architecturally upgraded to include design elements consistent with the design of the home and development including matching the door color to the predominant color of the main structure, incorporate a glass course, add trim packages to give the appearance of stable doors, man doors, hinged swing doors, and other similar architectural elements. In the event garage doors facing a public street are not architecturally upgraded as provided in the preceding sentence, detached single-family garages facing a public street shall be setback a minimum of 2 feet from the primary wall of the home facing the public street and garages of front loaded attached single-family dwelling units shall not extend closer to the street than the primary wall facing the street.
  - K. Side elevations shall include multiple windows and design elements that provide visual interest as well as allow light into the unit.
  - L. Rear elevations facing a public right-of-way shall have a minimum of two windows.
- h. **Accessory Structures.** Fences (other than decorative fencing along front entrance paths and front porches) are prohibited in any front yard. Privacy fences, except those immediately adjacent to a deck or patio and shown on an approved Final Development Plan, are prohibited. Attached decks may extend up to five (5) feet into a required rear setback provided that encroachment does not adversely impact any easement. All other accessory structures shall meet the requirements of the current Zoning Code.
- i. **Landscaping and Screening.** All landscaping shall meet the requirements of the then current Zoning Code and the Gateways & Corridors Plan unless modified herein.

- (1) All street tree plantings shall meet the requirements and approval process of the Zoning Code unless modified in this Development Text.
  - (2) Street trees shall be a minimum of 1.75 caliper inches as measured at breast height at the time of installation.
  - (3) A typical landscaping plan for each condominium regime shall be submitted and approved with the Final Development Plan. This typical landscaping shall set forth the minimum amount of required landscaping for each unit at the time of building of each structure prior to the issuance of a Certificate of Occupancy. Landscaping species may be varied on a permit by permit basis.
  - (4) Ground mounted equipment shall be screened from view using plant materials providing 100% year round opacity. Air conditioning units shall be located in manner that minimizes the view from the public right-of-way.
  - (5) For the purposes of aesthetics and aquatic health, all ponds shall have a fountain.
- j. **Pedestrian Connectivity.** Pedestrian connectivity shall be provided throughout the Sub-Area with stub connections to other sub-areas and future development. Concrete sidewalks, 4 feet in width, shall be provided on both sides of all public streets and as appropriate and necessary on private streets and multi-use paths of appropriate width and material shall be provided as shown on approved Final Development Plan.
- k. **Open Spaces.** Open spaces shall be landscaped and designed in a manner consistent with the overall development. Landscaping and design plans for all open spaces shall be submitted and approved with the Final Development Plan and include, at a minimum, the following:
- (1) Sidewalks or multi-use paths shall be provided throughout the open space to link the amenities of the open space to the adjacent public sidewalk and provide active recreation throughout.
  - (2) Crosswalks leading to open spaces and public parkland shall be defined with special paving or alternative pavement coloring acceptable to the City Engineer.
  - (3) Amenities such as benches, gazebos, or other such features are encouraged in the open spaces.
  - (4) All open spaces shall be constructed with the public infrastructure with the respective phase in which the open space is located. Landscaping shall be installed at the first time of year in which it is appropriate to install such plant material provided the acceptance of public improvements occurs during an inappropriate time for planting and the incomplete landscaping is bonded with the City.
  - (5) For the purposes of aesthetics and aquatic health, all ponds shall have a fountain.
- l. **Entry Features and Signs.** With the Final Development Plan, a comprehensive entry feature and signage plan shall be submitted. All signs shall be designed and located in a manner that is appropriate and consistent with the overall design of the sub-area. Internally illuminated signs are prohibited.
- m. **Condominium Association.** Sub-Area B and Sub-Area C and all units and property developed within each shall be governed by a condominium declaration and bylaws as reviewed and approved by the City. By majority vote of the property owners, the

association shall be transferred to the homeowners when 75% of the units have received a certificate of occupancy, unless the Developer establishes to the satisfaction of the Director of Planning and Community Development that less than 75% of the units have been sold to third party buyers, in which event such transfer shall be deferred at the election of the Developer until such time as 75% of the units have been sold to third party buyers.

- n. **Private Street Width.** All private streets shall have a width (including gutters) of 28' unless parking is restricted to one side of street, in which event, such width is reduced to 24'.

## TERRA ALTA

### Tree Replacement Requirements:

Total Number of Trees/Acre 1422 caliper inches

"Good Health" Trees/Acre = 612 caliper inches (Total replacement/inch)

"Fair Health" Trees/Acre = 119 caliper inches (Fifty Percent replacement/inch)

"Poor Health" or Ash Trees/Acre = 691 caliper inches (No replacement)

Total number of caliper inches to be replaced/acre = 672

#### Phase One

Single Family

(7.6 acres removed x 672 caliper inches) = 5,107 caliper inches removed

#### Phase Two

Single Family

(14.4 acres removed x 672 caliper inches) = 9,677 caliper inches removed

Condominiums

(6.8 acres removed x 672 caliper inches) = 4,570 caliper inches removed

Sub Total = 14,247 caliper inches removed

#### Phase Three

Single Family

(11.6 acres removed x 672 caliper inches) = 7,795 caliper inches removed

Condominiums

(9.9 acres removed x 672 caliper inches) = 6,653 caliper inches removed

Sub Total = 14,448 caliper inches removed

#### Phase Four

Single Family

(2.2 acres removed x 672 caliper inches) = 1,478 caliper inches removed

#### Phase Five

Single Family

(16.6 acres removed x 672 caliper inches) = 11,155 caliper inches removed

#### Phase Six

Single Family

(3.9 acres removed x 672 caliper inches) = 2,621 caliper inches removed

Total = 49,056 caliper inches removed

**Saved Tree Credits:**

The spread sheet as shown on the development plan represents eight random samplings for the tree survey. These calculations have categorized these samplings by size of tree and have been divided by eight to get the number of caliper inches of credit per acre.

**"Good Health"**

- 6-11 Inch trees = one caliper inch of credit for one caliper inch saved  
2,373 inches/ eight x one credit = 296.6 caliper inches/acre
  - 12-17 Inch trees = two caliper inches of credit for one caliper inch saved  
896 inches/eight x two credits = 224 caliper inches/acre
  - 18-23 Inch trees = three caliper inches of credit for one caliper inch saved  
322 inches/eight x three credits = 120.7 caliper inches/acre
  - 24+ Inch trees = four caliper inches of credit for one caliper inch saved  
123 inches/eight x four credits = 61.5 caliper inches/acre
- Sub Total = 702.8 caliper inches/acre

**"Fair Health"**

- 6-11 Inch trees = one half caliper inch of credit for one caliper inch saved  
1132 inches/ eight x one half credit = 70.7 caliper inches/acre
  - 12-17 Inch trees = one caliper inch of credit for one caliper inch saved  
520 inches/eight x one credit = 65 caliper inches/acre
  - 18-23 Inch trees = one and half caliper inches of credit for one caliper inch saved  
171 inches/eight x one and half credits = 32 caliper inches/acre
  - 24+ Inch trees = two caliper inches of credit for one caliper inch saved  
270 inches/eight x two credits = 67.5 caliper inches/acre
- Sub Total = 235.2 caliper inches/acre

Total number of caliper inches of tree credit per acre = 938

**Phase One**

- Single Family  
(6.7 acres saved x 938 caliper inches/acre) = 6,284 caliper inches saved

**Phase Two**

- Single Family  
(12.8 acres saved x 938 caliper inches) = 12,006 caliper inches saved
  - Condominiums  
(4.8 acres saved x 938 caliper inches) = 4,502 caliper inches saved
- Sub Total = 16,508 caliper inches saved

Exhibit 1

**Phase Three**

Single Family

(12.1 acres saved x 938 caliper inches) = 11,349 caliper inches saved

Condominiums

(2.2 acres saved x 938 caliper inches) = 2,063 caliper inches saved

Sub Total = 13,412 caliper inches saved

**Phase Four**

Single Family

(8.8 acres saved x 938 caliper inches) = 8,254 caliper inches saved

**Phase Five**

Single Family

(5.9 acres saved x 938 caliper inches) = 5,534 caliper inches saved

**Phase Six**

Single Family

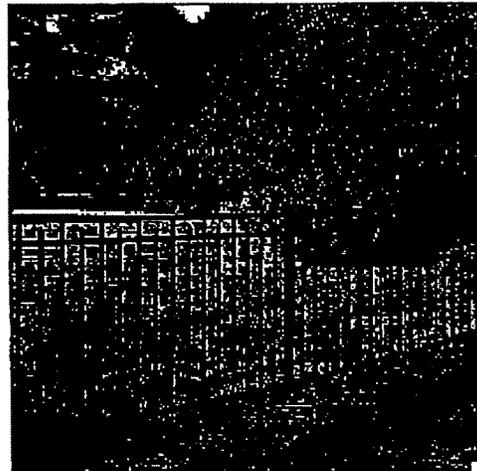
(21.8 acres saved x 938 caliper inches) = 20,448 caliper inches saved

Total = 70,440 caliper inches saved

The developer has also agreed to install two trees per single family home, 316 homes, with a minimum two inch caliper for a total of 1,264 caliper inches and two trees per condominium unit, 167 units, with a minimum of two inch caliper for a total of 668 caliper inches.

The total number of inches saved and installed per the Terra Alta Tree Replacement Policy is 72,372 caliper inches with 49,056 caliper inches removed for a net gain of 23,316 caliper inches.

## SELECTING A FENCE STYLE



BLACK ARTS GUARDIAN DORIA-



BLACK RESIDENTIAL INNSBRUCK-

Chapter 1121 - Definitions

1121.01 Interpretation of terms and words. 1121.02 Definitions.

SECTION 1121.01 INTERPRETATION.

For the purpose of this Zoning Ordinance, terms or words used herein shall be interpreted according to this Section. In the case of a discrepancy in meaning or implication between the text of this Ordinance and any illustration or caption, the text shall control.

1. The word "shall" signifies a mandatory requirement, one that is not discretionary; the word "may" signifies a permissive or discretionary requirement; and the word "should" is a preferred requirement.
2. The word "building" includes the word "structure." The word "structure" includes the word "building".
3. The word "person" includes a firm, association, organization, partnership, trust, company, corporation, or similar entity, as well as an individual.
4. The words "used" and "occupied" include the words "arranged, designed, constructed, altered, or intended to be used."
5. The word "lot" includes the words "plot" and "parcel."
6. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
7. Whenever a number of days are specified, days shall mean calendar days, unless specifically noted otherwise.

SECTION 1121.02 DEFINITIONS.

A. Words used in this Ordinance are used in their ordinary English usage.

B. For the purpose of this Zoning Ordinance, the following terms shall have the meaning herein indicated:

1. **ACCESSORY USE OR STRUCTURE.** "Accessory use" (or "structure") means a use, object or structure constructed or installed on the same lot as, and of a nature subordinate and customarily incidental to the principal (primary) use, object or structure of a lot.
2. **ADDITION.** "Addition" means a section added to a structure either through construction, thereby forming one architectural whole, or by joining, as by a passage, so that each section is a necessary adjunct or appurtenance of the other and thus constitutes the same structure.
3. **ADULT ENTERTAINMENT BUSINESS.** "Adult entertainment business" means one or more of the following business.
  - a) **ADULT BOOK/VIDEO STORE.** An establishment that utilizes five percent (5%) or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display or viewing, for any compensation, of books, magazines, other printed material, films, tapes and video cassettes, or any other visual representation, which are distinguished by their emphasis on adult materials as defined in this chapter.
  - b) **ADULT MOTION PICTURE THEATER.** An enclosed motion picture theater that regularly uses or utilizes 5 percent (5%) or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this chapter.
  - c) **ADULT MOTION PICTURE DRIVE-IN THEATER.** An open air drive-in theater which regularly uses or utilizes 5 percent (5%) or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this chapter.
  - d) **ADULT ONLY LIVE ENTERTAINMENT BUSINESS.** An establishment where the patron directly or indirectly is charged a fee, and where the establishment features:
    - 1) Entertainment or services which constitute adult material or

- 2) Exhibitions, dance routines, or gyrational choreography or persons totally nude, topless, or bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material.
4. **ADULT MATERIAL.** Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, video cassette, motion picture film, record, tape or, any other tangible thing, or any service, capable of creating sexual interest through sight, sound or touch, and:
- a) Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
  - b) Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions or elimination.
5. **AGRICULTURE.** "Agriculture" means the production, keeping or maintenance, for sale, lease or personal use, of plants and /or animals useful to humans, including but not limited to: forages and crops; dairy, poultry and livestock including products breeding and grazing thereof; trees and forest products; or lands devoted to a soil conservation of forestry management program.
6. **ALTERATION.** "Alteration" means any change, rearrangement or modification in the construction or in the exit facilities of a structure, and/or the moving of partitions from one location to another within a structure.
7. **ALTERATION, STRUCTURAL.** "Structural alteration" means any change in the supporting members of a structure such as a bearing wall, column, lintel or beam or girder; or a change in the floor construction.
8. **ACCESSORY RETAIL/SERVICE** means a retail or service facility that is clearly incidental and subordinate to the primary use of a structure.
9. **APPLICANT.** "Applicant" means a person, corporation or other legal entity submitting an application to the City for legislative or administrative approval including, but not limited to, zoning amendments, subdivision or lot splits, conditional uses, development plan approval, variances or appeals. The applicant shall be the owner of the property for which action is being sought or be its representative who shall have express written authority to act on behalf of the owner.
10. **ASSOCIATION.** "Association" means a legal entity operating under recorded land agreements or contracts through which each unit owner in a development is a member and each unit is subject to charges for a proportionate share of the expenses of the organization's activities such as maintaining common open space and other common areas and providing services needed for the development. An association can take the form of a homeowners' association, a community association, a condominium association, or similar entity.
11. **AUTOMOTIVE REPAIR GARAGE.** "Automotive repair garage" means the repair or restoring of motor vehicles, including the repair, reconditioning or rebuilding of engines and/or transmissions; collision service (such as body, frame or fender straightening or repair); and the overall painting, undercoating or steam cleaning of vehicles. All activities must be conducted within a completely enclosed building. Persons working on vehicles owned by themselves or family are not included.
12. **AUTOMOTIVE SERVICE STATION.** "Automotive service station" means a building or part of a building, structure or space where the retail sale of lubricants and motor vehicle accessories, the routine maintenance and service of vehicles and/or the making of repairs to motor vehicles are conducted. Repairs described as major repairs in "automotive repair garage" shall not be permitted. Persons working on vehicles owned by themselves or family are not included.

13. **AUTOMOTIVE SALES AND RENTAL.** "Automotive sales and rental" means the use of any building, land area or other premise for the display and sale, lease or rental of new or use motor vehicles, and which may include the display and sale, lease or rental of new or use motorcycles, light trucks and vans, trailers or recreation vehicles that are used primarily for personal needs. Vehicles for sale by owner are not included, if less than 3 vehicles are for sale at any one time.
14. **BASEMENT OR CELLAR.** "Basement" or "cellar" means the portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story for the purpose of Height Regulations use OBBC 502.1
15. **BED-AND-BREAKFAST.** "Bed-and-breakfast" means a residential building, other than a hotel, motel or boarding house, where overnight lodging, together with breakfast, is offered for hire.
16. **BERM.** "Berm" means an earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise. (ORD 04-92 Passed 6-14-04)
17. **BOTTOMLESS.** Less than full opaque covering of male or female genitals, pubic area or buttocks.
18. **BUFFER OR BUFFER YARD.** "Buffer" or "buffer yard" means a unit of land, together with a specified type and amount of planting thereon and any required structures, that is intended to eliminate or minimize conflicts between land uses.
19. **BUILDING.** "Building" means any structure having a roof support by or suspended from columns or walls designed or intended for the support, enclosure, shelter or protection of persons, animals or property. The term "building" does not include any vehicle, trailer (with or without wheels), or any removable device, such as furniture, machinery, or equipment.
  - a) **ACCESSORY BUILDING.** "Accessory building" means a subordinate building detached from, but located on the same lot as, the principal building, the use of which is incidental and accessory to that of the principal building.
  - b) **PRINCIPAL BUILDING.** "Principal building" means a building in which is conducted the main or principal use of the lot on which said building is situated.
20. **BUILDING COVERAGE.** "Building coverage" means the total area of a site covered by principal and accessory buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.
21. **BUILDING HEIGHT.** "Building height" means the vertical distance, measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs; to the deck lines of mansard roofs; and to the peak of the roof for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.
22. **BUILDING LINE.** "Building line" means an imaginary linear extension of the building wall parallel to the street right-of-way line defining the limits of the front yard, or in the case of a corner lot, the corner side yard abutting the street.
23. **CAR WASH.** "Car wash" means a building or area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices and/or which may employ hand labor for the washing and/or waxing of automobiles.
24. **CALIPER.** "Caliper" means the American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six (6) inches above the ground up to and including four-inch caliper size, and twelve (12) inches above the ground for a caliper size greater than four (4) inches. (ORD 04-92 Passed 6-14-04)

25. **CELLAR OR BASEMENT.** "Basement" or "cellar" means the portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story for the purpose of height regulations.
26. **CEMETERY.** "Cemetery" means land used or intended to be used for the burial of the human or animal dead, and which is dedicated for cemetery purposes. Cemetery purposes include crematories, mausoleums and mortuaries if operated in connection with, and within the boundaries of, a cemetery. The burial of cremains is not a cemetery.
27. **CERTIFICATE OF OCCUPANCY.** "Certificate of occupancy" means a certificate issued by the Director of Planning and Community Development that declares that a building, structure or zoning lot may lawfully be employed for specific uses. Such structure(s) and use(s) shall conform fully to the provisions of this Ordinance.
28. **CERTIFICATE OF ZONING COMPLIANCE.** "Certificate of zoning compliance" means a certificate issued by the Director of Planning and Community Development, which declares that plans for a proposed structure, building, use, or zoning lot conform to the provisions of this Ordinance.
29. **CODE.** "Code" means codified ordinances and all regulations of the city of Delaware, Ohio. (ORD 04-92 Passed 6-14-04)
30. **COMMON AREA.** "Common area" means any land area, and associated facilities, within a planned residential multiple-family, commercial or industrial development that is held in common ownership by the residents of the development through a Homeowners' Association, Community Association or other legal entity.
31. **COMMON WALL STRUCTURE.** "Common Wall Structure" means a single-family structure that adjoins another single-family structure at any point. (ORD 02-107 Passed August 26, 2002)
32. **CONDITIONAL USE PERMIT.** "Conditional use permit" means the permit indicating approval by the Planning Commission for a specific conditional use.
33. **CONFINED FEEDING OPERATIONS.** "Confined feeding operations" means the confinement of animals in a specific location or area for the purposes of feeding and growth prior to slaughter, where food is supplied to the animals by means other than grazing.
34. **CONGREGATE CARE FACILITY.** "Congregate care facility" means a residential facility to provide for the needs of individuals who are elderly or handicapped. The facility shall consist of residential dwelling units or rooms designed specifically for the elderly or handicapped, and shall have common social, recreational, dining and/or food preparation facilities. The facility may be for independent living and/or may provide the residents with a range of personal and medical assistance including nursing care. This includes assisted living.
35. **DAY CARE CENTER, CHILD OR ADULT.** "Day care center" means any building in which day care is provided for five (5) or more infants, preschool children, or school-age children outside of school hours, or five (5) or more adults; with or without compensation. An adult day care center shall not include a convalescent home, hospital or any other full-time care facility. Centers shall meet all applicable state laws governing such centers as administered by the Ohio Department of Human Services.
36. **DENSITY.** The number of dwelling units per acre of land. More specifically:
  - a) **GROSS DENSITY** "Gross density" means the number of dwelling units permitted per acre of total land area.
  - b) **NET DENSITY** "Net density" means the number of dwelling units permitted per acre of land when the acreage involved includes only the land devoted to residential uses and excluding land dedicated to public thoroughfares or other unbuildable land areas.
37. **DEVELOPMENT.** "Development" means the construction of a new principal structure on a lot; the expansion or relocation of an existing principal structure on a lot; the use of open land

for construction of a principal structure; the use of open land for any non-agricultural use that does not involve the construction of a principal structure, including (but not limited to) paving, mining, drilling (but not including soil testing or the first water well on a parcel), and dredging; plus the preparation of land for a use, including (but not limited to) demolition, grading, excavating, or filling of land, as well as the removal of more than 10 trees of greater than 6-inch caliper at 24 inches above ground level; but does not include a homeowner's lot with an existing home. (ORD 03-76 Passed September 22, 2003)

Development also includes the construction, expansion, or relocation of an accessory structure that is larger or taller than the principal structure; involves lights, noise, or odors that can be detected more than 100 feet distant from the lot lines; or involves inflammable or explosive materials; but does not include a homeowner's lot with an existing home. (ORD 03-76 Passed September 22, 2003)

38. **DEVELOPMENT PLAN.** "Development plan" is a plan prepared to scale, showing accurately and with complete dimensioning the boundaries of the site, the location of buildings, landscaping, parking areas, access drives, signs, outdoor storage areas and any other features that comprise a proposed development.
- a) **PRELIMINARY DEVELOPMENT PLAN.** "Preliminary development plan" is a plan indicating the overall concept of development for an entire site and including the elements required in Section 1129.04.
  - b) **FINAL DEVELOPMENT PLAN.** "Final development plan" is a plan indicating the exact data of the various features proposed for development and including the elements required in Section 1129.05.
39. **DIAMETER AT BREAST HEIGHT (DBH).** "Diameter at breast height" means the diameter of a tree trunk measured in inches at a height 4.5 feet above ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point below the split. (ORD 04-92 Passed 6-14-04)
40. **DISTRIBUTION FACILITY/TRUCK TERMINAL.** "Distribution facility" or "truck terminal" means a facility where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.
41. **DISTRICT.** "District" means a portion of the municipality within which specific regulations and requirements, or various combinations thereof, shall apply under the provisions of this Ordinance.
42. **DORMITORY.** "Dormitory" means a building arranged, intended or designed to be occupied by unrelated persons, either as individuals or groups of individuals, who occupy common sleeping rooms and share related facilities such as bathrooms. A use of this type differs from an apartment house, in that separate cooking facilities are not available for each individual or group, but common eating facilities and kitchens may be provided in these buildings.
43. **DRIVE-THRU FACILITY.** "Drive-thru facility" means any portion of a building or structure from which a business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-thru" shall also include "drive-up" and "drive-in" but shall not include "car wash", "gasoline station" or "automotive service station".
44. **DWELLING.** "Dwelling" means any building or portion thereof intended or designed to be used for sleeping, living, cooking and dining purposes, having its own permanently installed cooking and sanitary facilities; and which shall consist of one or more dwelling units.
45. **DWELLING, ATTACHED SINGLE-FAMILY.** "Attached single-family dwelling" means dwelling units in side-by-side groupings, which are physically attached to one another by common or adjoining vertical walls without openings which extend from the basement floor

- to the roofline. Each dwelling unit in the grouping has individual heating and plumbing systems and separate ground floor entrances.
46. **DWELLING, CLUSTER SINGLE-FAMILY.** "Cluster single-family dwelling" means a dwelling unit designed and used exclusively by one family and separated from all other dwelling units by open space from ground to sky, which is grouped with other dwelling units in an arrangement on a site. The dwelling does not need to be located on its own subdivided lot and is not required to have a front, side and/or rear yard that complies with the standard zoning district regulations. Property ownership outside the building envelopes is commonly held by all single-family cluster dwellings in the cluster development.
  47. **DWELLING, DETACHED SINGLE-FAMILY.** A dwelling unit designed and used for one family situated on a parcel having front, side, and rear yards as required by this Ordinance and separated from all other dwelling units by open space from ground to sky.
  48. **DWELLING, EFFICIENCY.** "Efficiency dwelling" means a dwelling unit consisting of not more than one habitable living/sleeping room together with kitchen and sanitary facilities, which may be located in separate rooms.
  49. **DWELLING, MULTIPLE-FAMILY.** "Multiple-family dwelling" means a dwelling consisting of three (3) or more dwelling units for occupancy by three (3) or more families living independently of each other with varying arrangements of entrances and party walls.
  50. **DWELLING, SINGLE-FAMILY.** "Single family dwelling" means a dwelling consisting of a single dwelling unit used for residential purposes by one family.
  51. **DWELLING, TWO-FAMILY.** "Two-family dwelling" means a dwelling consisting of two (2) dwelling units, which may be either attached side by side, or one above the other, with each dwelling unit having a separate entrance, and each occupied by one family.
  52. **DWELLING UNIT.** "Dwelling unit" means a building or portion thereof providing complete housekeeping facilities including kitchen and toilet facilities for only one (1) family. A garage shall not be included as part of the dwelling unit.
  53. **EASEMENT.** "Easement" means authorization by a property owner for the use, for a specified purpose, of a designated area of his property by another.
  54. **ESSENTIAL SERVICES.** "Essential services" means the underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.
  55. **FAMILY.** "Family" means a person living alone, any number of individuals related by blood, adoption, foster or marriage plus no more than two persons related by blood, marriage or adoption, or not more than five (5) unrelated persons living together occupying a dwelling unit but not including groups occupying motel or hotel, dormitory or fraternity and sorority.
  56. **FENCE.** "Fence" means any structure composed of wood, steel or other material, including plant material, erected in such a manner and positioned to enclose or partially enclose any premises or part of any premises. Structures, which have solely an ornamental purpose and which do not serve the purpose of enclosing or partially enclosing premises or of separating premises from adjoining premises, shall not be included within the definition of the word "fence".
    - a) **FENCE, BARBED WIRE.** "Barbed wire fence" means a fence made with metal wire having sharp points or barbs along its length.
    - b) **FENCE, CHAIN LINK.** "Chain link fence" means a fence made of metal loops interconnected in a series of joined links.

- c) **FENCE, ELECTRIFIED.** "Electrified fence" means all fences or structures, included or attached to any device or object which emits or produces an electrical charge, impulse or shock when the same comes into contact with any other object, person or animal or which causes or may cause burns to any person or animal.
  - d) **FENCE, ORNAMENTAL.** "Ornamental fence" means a fence usually made of wood constructed for its beauty or decorative effect and when viewed at a right angle, has at least fifty percent (50%) of the area of its vertical plane, the area within a rectangular outline enclosing all parts of the fence in its plane, open to light and air.
  - e) **FENCE, PRIVACY.** "Privacy fence" means a fence made to inhibit public view and provide seclusion and when viewed at right angles, has less than fifty percent (50%) of the area of its vertical plane open to light and air.
57. **FLEET VEHICLE.** "Fleet vehicle" means a truck, van, or other vehicle used as part of the operation of a principal use, but does not include privately owned customer or employee vehicles or farm equipment.
58. **FLOOD PLAIN.** "Flood plain" means a watercourse and its adjacent area subject to inundation by the base flood. The flood plain is composed of the floodway and the floodway fringe, and is the total area subject to Flood Plain Development Regulations pursuant to Chapter 1150.
59. **FLOOR AREA, GROSS.** "Gross floor area" means the total number of square feet of all floor space within the outside surface of the exterior faces of the exterior walls or from the centerline of common walls separating two (2) buildings. The floor area measurement is exclusive of the areas of, unfinished attics without flooring, attached garages, terraces, open porches or uncovered steps. Cellar or basement shall be counted as floor area in computing off-street parking regulations.
60. **FLOOR AREA, RESIDENTIAL.** "Residential floor area" means the sum of the horizontal areas (in square feet) of each story of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The residential floor area measurement is exclusive of the area of basements, unfinished attics, attached garages, breezeways and enclosed or unenclosed porches.
61. **FOOTCANDLE.** "Footcandle" means a unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle. Footcandles will be measured with the meter pointed perpendicular to the property line or grade plane. (ORD 04-92 Passed 6-14-04)
- a. **FRATERNITY.** "Fraternity" means a building, associated with an institution of higher learning, containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for fraternity members and their guests or visitors.
63. **FULL-SHIELDED OR FULL CUT-OFF TYPE FIXTURE.** "Full-shielded or Full Cut-off Type Fixture" means an outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture. (ORD 04-92 Passed 6-14-04)

*Full cut-off lighting*



University of Texas, Austin

- Full cut-off lighting directs light down and to the sides as needed and provides more control of light.
- Reduces glare and provides more even illumination.
- Reduces light trespass onto neighboring properties.
- Helps preserve the dark night sky.

64. **FUNERAL HOME.** "Funeral home" means a building or part thereof used for human funeral services. Such building may contain space and facilities for: (a) embalming and the performance of other services used in preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; and (d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.
65. **GARAGE, PRIVATE.** "Private garage" means an accessory building or portion of a principal building designed or used solely for the storage of motor vehicles, boats or similar vehicles owned and used by the occupants of the building to which it is accessory.
66. **GARAGE, PUBLIC.** "Public garage" means a principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no other service shall be provided for remuneration.
67. **GASOLINE STATION.** "Gasoline station" means an establishment where motor fuels are stored and dispersed into the fuel tanks of motor vehicles and may include facilities for the sale of other retail products. See "Automotive Service Station", which is different.
68. **GLARE.** "Glare" means the direct light that causes annoyance, discomfort, or loss in visual performance and visibility. (ORD 04-92 Passed 6-14-04)
69. **GO-PED.** "Go-ped" means a motorized scooter, including the Segway™. (ORD 04-92 Passed 6-14-04)
70. **GRADE, FINISHED.** "Finished grade" means the average level of the finished surface of ground adjacent to the exterior walls of the building after final grading and normal settlement.
71. **GRADE, NATURAL.** "Natural grade" means the elevation of the undisturbed natural surface of the ground prior to any recent excavation or fill.
72. **HANDICAPPED.** "Handicapped" means a physical or mental impairment, as defined in 42 U.S.C. 3602 (h), which substantially limits one or more of such person's major life activities so that such person is incapable of living independently. However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in a home would constitute a direct threat to the health and safety of other individuals.
73. **HISTORIC DISTRICT.** "Historic district" means a designated district within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, including materials, proportion, form and architectural detail, or because of their being a part

of or related to a square, park or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

74. **HOME OCCUPATION.** "Home occupation" means a secondary use of a dwelling unit or accessory building of said dwelling, carried on by one or more persons, one of who is a resident of the household. The use is conducted entirely within the dwelling unit or the accessory building. The home occupation is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof or adversely affect the uses permitted in the zoning district of which it is a part. Two levels of home occupation exist under this Code:
- a) **HOME OCCUPATION, MINOR.** "Minor home occupation" means home occupations that have little or no impact on the surrounding residential area, and therefore are a permitted use in residential areas as specified in the Zoning Ordinance.
  - b) **HOME OCCUPATION, MAJOR.** "Major home occupation" means home occupations that have or might have a noticeable impact on the surrounding residential area, and therefore are specifically approved by the Board of Zoning Appeals as specified in this Zoning Ordinance.
75. **HOSPITAL.** "Hospital" means an establishment which provides accommodations and medical or surgical facilities and services for the observation, diagnosis and care of two (2) or more individuals, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient or training facilities.
76. **HOTEL OR MOTEL.** "Hotel" or "motel" means any building, or part of a building, other than a bed-and-breakfast, which provides transient lodging accommodations to the general public in exchange for a fee.
77. **ILLUMINANCE.** "Illuminance" means the quantity of light arriving at a surface divided by the area of that surface, measured in footcandles. (ORD 04-92 Passed 6-14-04)
78. **JUNK.** "Junk" means any personal property which is bought, bartered, acquired, possessed, collected, accumulated, dismantled, sorted or stored; metal for reuse or resale such as: salvage metal, metal alloys, metal compounds and combinations; used or salvaged fibers, bags, paper, rags, glass or any latex or plastic product; used or salvaged motor vehicles which are primarily used for parts or scrap metal and similar or related articles or property.
79. **JUNK OR WRECKING YARD.** "Junk or wrecking yard" means the use of any land, property, building, structure or combination thereof, to store, dump, sell, exchange, disassemble, or otherwise handle partly dismantled, obsolete, or wrecked vehicles or their parts, second hand building materials, waste, debris, or other salvaged material which, unaltered or unchanged and without further reconditioning, cannot be used for its original purpose as readily as when new. It does not include salvaged materials incidental to manufacturing operations.
80. **KENNEL.** "Kennel" means any lot or premises on which four or more dogs more than four months old are housed, groomed, bred, boarded, trained or sold.
81. **LIGHT POLLUTION.** "Light Pollution" means any measurable exterior artificial illumination that strays beyond a property line both horizontally at grade and vertically to the structure height. (ORD 04-92 Passed 6-14-04)
82. **LIGHT TRESPASS.** "Light Trespass" means light in sufficient quantity that crosses over property boundaries, impacts surfaces, and produces a negative response in persons owning or using the violated space. (ORD 04-92 Passed 6-14-04)
83. **LIGHT UNIFORMITY RATIOS.** The light uniformity ratio is expressed as either the maximum or average illuminance divided by the minimum illuminance. (ORD 04-92 Passed 6-14-04)

84. **LOADING SPACE.** "Loading space" means space logically and conveniently located for bulk pickups and deliveries, which is scaled to delivery vehicles, and accessible to such vehicles when required off-street parking spaces are filled.
85. **LOT.** "Lot" means a parcel of land that is a lot of record in the Delaware County Recorder's office. Specific lot types include the following (see illustration, also):
- a) **LOT, CORNER.** "Corner lot" means a lot located at the intersection of two (2) streets on which the interior angle of two adjacent sides of the two streets is less than 135 degrees. A lot abutting on a curved street or streets shall be considered a corner lot if the arc is of less radius than 150 feet and the tangents to the curve, at the two points meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.
  - b) **LOT, FLAG.** "Flag lot" means a lot utilizing a strip of land to provide access to or legal frontage on a public street, but where the majority of the area of the lot is situated immediately behind one or more lots relative to the street right-of-way to which such lot has access. Such lots are also commonly referred to as "panhandle lots".
  - c) **LOT, INTERIOR.** "Interior lot" means a lot with only one frontage on a street.
  - d) **LOT, THROUGH.** "Through lot" means a lot that has either opposite ends, or opposite sides, each having frontage on a public street.

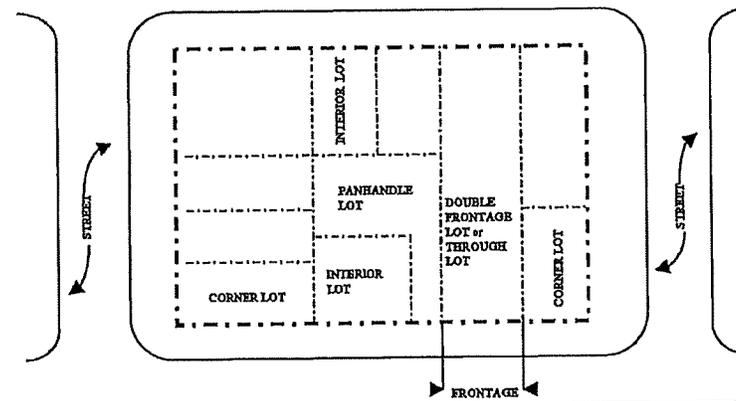


Figure 2 - Lot Types

86. **LOT AREA.** "Lot area" means the area of a lot computed exclusive of any portion of the right of way of any public or private street.
87. **LOT DEPTH.** "Lot depth" means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
88. **LOT FRONTAGE.** "Lot frontage" means the width of the lot, as measured at the right-of-way line or where no public street exists, along a public way.
89. **LOT LINE.** "Lot line" means the line of demarcation between properties. Lot line is synonymous with "property line". More specifically:
- a) **LOT LINE, FRONT.** "Front lot line" means any lot line separating a public street from a parcel.
  - b) **LOT LINE, REAR.** "Rear lot line" means the lot line opposite and most distant from the front lot line.

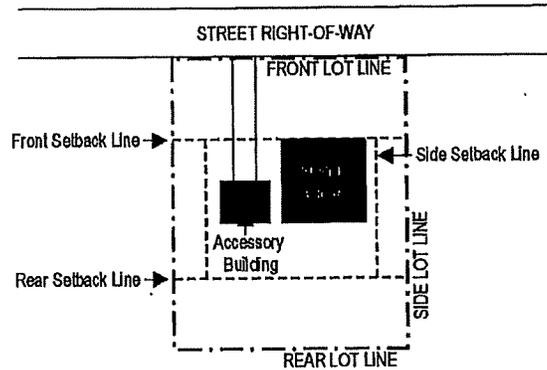


Figure 3 – Lot Terms

- c). **LOT LINE, SIDE.** "Side lot line" means any lot line, other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot is called an interior side lot line.
- 90. **LOT OF RECORD.** "Lot of record" means any lot, which, individually or as part of a subdivision, has been recorded in the office of the Recorder.
- 91. **LOT OF RECORD, NONCONFORMING.** "Lot of record" means any lot, which, individually or as part of a subdivision, has been recorded in the office of the recorder.
- 92. **LOT WIDTH.** "Lot width" means the distance between the side lot lines, as measured at the building setback line.
- 93. **LUMINAIRE.** "Luminaire" means a complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts. (ORD 04-92 Passed 6-14-04)
- 94. **MAJOR TREE.** "Major Tree" means a living tree with a diameter at breast height measurement of six (6) inches or more. (ORD 04-92 Passed 6-14-04)
- 95. **MANUFACTURED HOME.** "Manufactured home" means a dwelling unit fabricated at an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et. seq.) and meeting all applicable regulations of the City of Delaware.
- 96. **MEDICAL CENTER OR CLINIC.** "Medical center" or "clinic" means an establishment where human patients are examined and treated by a group of dentists, physicians or similar professionals. Clinics provide outpatient service only.
- 97. **MINING AND MIXING OF STONE SAND AND GRAVEL.** "Mining and mixing of stone sand and gravel" means any mining, quarrying or processing of limestone, sand and gravel, or other mineral resources but not including oil or gas.
- 98. **MOBILE HOME" OR "MOBILE UNIT.** A "mobile home" or "mobile unit" means a factory-constructed, transportable structure designed as a permanent residential unit when placed upon a foundation and connected to utilities.
- 99. **MOBILE HOME PARK.** "Mobile home park" means any tract of land upon which at least one mobile home is used for habitation are parked, either free of charge or for revenue purposes, and including any roadway, building, structure, vehicle or enclosure used or intended for use as part of the facilities of such a park. "Mobile home park" does not include a tract of land used solely for the storage or display for sale of mobile homes.
- 100. **MODEL DWELLING UNIT.** "Model dwelling unit" means a dwelling unit used as a sales or lease office by a builder/developer and which is built with the purpose of displaying the

craftsmanship of that builder/developer. The unit may initially serve as a marketing tool to sell future, similar units in the building or on other lots but eventually is occupied as a residential dwelling unit.

101. **NONCONFORMING LOT.** "Nonconforming lot" means a lot lawfully existing on the effective date of this Zoning Ordinance or any amendment thereto, which, on such effective date, does not conform to the regulations of the district in which it is located.
102. **NONCONFORMING STRUCTURE.** "Nonconforming structure" means a structure lawfully existing on the effective date of this Zoning Ordinance or any amendment thereto, which, on such effective date, does not conform to the regulations of the district in which it is located.
103. **NONCONFORMING USE.** "Nonconforming use" means a use of land or a building or portion thereof, lawfully existing on the effective date of this Zoning Ordinance or any amendment thereto, which, on such effective date, does not conform to the regulations of the district in which it is located.
104. **NON-RESIDENTIAL ZONING DISTRICTS.** "Non-Residential Zoning Districts" means those Districts classified in the Codified Ordinances of the City of Delaware, Part Eleven of the Planning and Zoning Code, as O, PO/I, B-1, B-2, B-3, B-4, B-5, B-6, PBO, M-1, and M-2. (ORD 04-92 Passed 6-14-04)
105. **NUDE OR NUDITY.** The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
106. **NURSING HOME.** "Nursing home" means an establishment providing full-time nursing and medical care to three (3) or more people, not related by blood or marriage, who are unable to care for themselves. Hospitals are not included in this definition.
107. **OPEN SPACE.** "Open space" means an area open to the sky that may be on the same lot with a building and may include, along with environmental features, recreation facilities such as pools, tennis courts and similar outdoor activities.
108. **OPEN SPACE.** "Open Space" means land devoted to conservation or recreational purposes and/or land designated by the city to remain undeveloped (may be specified on a zoning map). (ORD 04-92 Passed 6-14-04)
109. **OPEN SPACE, REQUIRED.** "Required open space" means the portion of the open space that is of sufficient size and shape to meet the minimum zoning requirements.
110. **OUTDOOR DISPLAY.** "Outdoor display" means the placing of merchandise in an outdoor area that is open to the general public when the merchandise on display is removed from its shipping packaging and is representative of merchandise that is available for purchase inside the building and/or is available for purchase by the general public directly from the display area.
111. **OUTDOOR STORAGE.** "Outdoor storage" means the keeping, in an area outside of a building, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours, except for merchandise placed in an area for outdoor display.
112. **OVERLAY DISTRICT.** "Overlay District" means a district that is added on top of another zoning district and imposes additional regulations and requirements beyond those normally required for the underlying district.
113. **PARKING SPACE, OFF-STREET.** "Off-street parking space" means a permanently surfaced rectangular area, exclusive of any driveways or circulation areas, accessible from a street or alley, designed for parking a motor vehicle.
114. **PERFORMANCE STANDARD.** "Performance standard" means a criterion established in the interest of protecting the public health, safety and welfare from nuisance factors and other objectionable or dangerous elements generated by, or inherent in, uses of land or buildings.

- 115. **PLACE OF WORSHIP.** "Place of worship" means a building, structure, or other indoor or outdoor facility used for public worship. The term "place of worship" includes the words "church", "chapel", "synagogue" and "temple" and their uses and activities that are customarily related.
- 116. **PLANNED RESIDENTIAL DEVELOPMENT.** "Planned residential development" means an area of land to be planned and developed as a single entity, in which a variety of housing units are accommodated under more flexible standards, such as lot size and setbacks, than those that would normally apply under single-family district regulations, allowing for the clustering of houses to preserve open space while maintaining the same overall density limitations of the district in which the planned residential development is located.
- 117. **PROJECT BOUNDARY.** "Project boundary" means the boundary defining the tract(s) of land that is included in a proposed development to meet the minimum required project area for a planned residential multiple-family, commercial or industrial development. The term "project boundary" shall also mean "development boundary".
- 118. **PUBLIC SAFETY FACILITY.** A "public safety facility" means a governmentally owned and operated facility established to provide police, fire, or other safety services to the surrounding area.
- 119. **PUBLIC SERVICE FACILITY.** "Public service facilities" means the buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants, and other public or essential service structures used by a utility, by a railroad or by a municipal or governmental agency, including the furnishing of electrical, gas, rail transport, communications, public water and sewerage services.
- 120. **PUBLIC USE.** "Public use" means any use of a building or land by any governmental entity for any public purpose.
- 121. **PUBLIC UTILITY.** "Public utility" means a public service or services for the generation, transmission and/or distribution of electricity, gas or steam, including water and irrigation systems and sanitary systems used for the collection and disposal of garbage, sewage and other wastes by means of destroying or processing materials.
- 122. **PUBLIC WAY.** "Public way" means a street, easement, walk, bicycle path or other way in which the general public or a public entity has a right, or which is dedicated, whether improved or not.
- 123. **RECESSED CEILING FIXTURE.** "Recessed Ceiling Fixture" means an outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling. (ORD 04-92 Passed 6-14-04)
- 124. **RECREATIONAL FACILITY, NONCOMMERCIAL.** "Noncommercial recreational facility" means a recreational facility that is privately owned and intended to serve the residents of the development, such as an apartment complex, a homeowners' association, a condominium association, an assisted living facility, and the like and may include, but is not limited to, such facilities as swimming pools, tennis courts, etc.. A non-commercial recreation facility may sell memberships or charge a fee to non-resident households, provided such households may not exceed ten per cent of the total number of households in the development.
- 125. **RECYCLING FACILITY.** "Recycling facility" is a building or area where recyclable materials are sorted and temporarily stored prior to shipment for remanufacture into new materials. This shall not include junkyards.
- 126. **RESIDENTIAL CARE FACILITY.** "Residential care facility" means a facility that provides 24-hour accommodations, supervision and personal or custodial care services, for three (3) or more unrelated individuals who are dependent on the services of others by reason of age and/or physical or mental impairment. Specific services provided by a residential care facility are limited by the Ohio Department of Health. "Residential care facility" does not

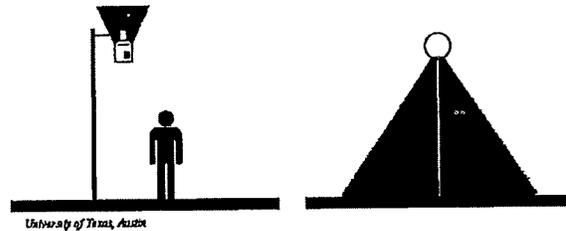
- include clinics, institutions, hospitals, convalescent or nursing homes, dormitories or similar uses.
127. **RESIDENTIAL ZONING DISTRICTS.** "Residential Zoning Districts" means those districts classified in this Code as A-1, ER-1, ER-2, R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8. (ORD 04-92 Passed 6-14-04)
  128. **RESTAURANT, COUNTER SERVICE.** "Restaurant, counter service" means a retail service establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume servings, for consumption either within the restaurant building or for carry-out, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed.
  129. **RESTAURANT, TABLE SERVICE.** "Restaurant, table service" means a retail service establishment wherein the entire business activity, or substantially all of the business activity, consists of the sale of food and service to patrons seated at tables for consumption within the building.
  130. **RESEARCH AND DEVELOPMENT FACILITY.** "Research and development facility" means a building or group of buildings used for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
  131. **RETAIL ESTABLISHMENT.** "Retail establishment" means an establishment engaged in the selling of goods or merchandise to the general public for personal or household consumption, which is open to the general public during regular business hours and which has display areas that are designed and laid out to attract the general public. In determining a use to be a retail use, the Planning Commission may consider the proportion of display area vs. storage area and the proportion of the building facade devoted to display windows.
  132. **RIGHT-OF-WAY.** "Right-of-way" means a strip of land taken or dedicated for use as a public way.
  133. **SATELLITE EARTH STATION (DISH-TYPE).** "Satellite earth station (dish-type)" means a round parabolic antenna designed to send or receive television broadcasts from communications satellites orbiting the earth.
  134. **SCHOOL, PUBLIC OR PRIVATE.** "School, public or private" means publicly or privately owned facilities providing full-time day instruction and training at the elementary, junior high and high school levels in accordance with the requirements of Chapter 3313 of the Ohio Revised Code, or facilities providing kindergarten or nursery school training and care whose annual sessions do not exceed the school sessions for full-time day schools and which are operated by a board of education or an established religious organization.
  135. **SCHOOL, TRADE, BUSINESS OR CULTURAL ARTS.** "School, trade, business or cultural arts" means facilities primarily teaching usable skills that prepare students for jobs within a specific trade or facilities providing instruction on social and religious customs and activities, performing arts and/or sports. Such facilities may include beauty schools, dance instruction centers and martial arts schools.
  136. **SELF-SERVICE STORAGE FACILITY OR MINI-WAREHOUSE.** "Self-service storage facility" means a facility consisting of a building or group of buildings, usually, in a controlled access compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customers' residential goods or wares.
  137. **SETBACK.** "Setback" means the required minimum horizontal distance between a property line or other line and a structure, parking lot, or use.
  138. **SETBACK LINE.** "Setback line" means the line established by the Zoning Ordinance, generally parallel to and measured from the lot line, defining the limits of a yard in which no

building or other structure may be located aboveground, except as may be provided in this Ordinance.

- 139. **SEXUAL ACTIVITY.** Sexual conduct or sexual contact, or both.
- 140. **SEXUAL CONTACT.** Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is female, a breast, for the purpose of sexually arousing or gratifying either person.
- 141. **SEXUAL EXCITEMENT.** The condition of the human male or female genitals when in a state of sexual stimulation or arousal.
- 142. **SHADE TREE.** "Shade Tree" means a tree with foliage that usually sheds annually and is planted primarily for its high crown of foliage or overhead canopy. (ORD 04-92 Passed 6-14-04)
- 143. **SHRUB.** "Shrub" means a woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground. (ORD 04-92 Passed 6-14-04)
- 144. **SIGN.** "Sign" means any visual communication display, object, device, graphic, structure or part, situated indoors or outdoors, or attached to, painted on or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.
- 145. **SITE DBH.** "Site DBH" means the total combined diameter at breast height of all major trees existing on a site. (ORD 04-92 Passed 6-14-04)
- 146. **SORORITY.** "Sorority" means a building, associated with an institution of higher learning, containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for sorority members and their guests or visitors.
- 147. **STORY.** "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.
- 148. **STREET, PRIVATE.** "Private street" means a local private way or driveway that provides vehicular access to more than one residential structure that is not and will not be dedicated to public use, but which is owned and maintained by an association, person, corporation or similar private entity.
- 149. **STREET, PUBLIC.** "Public street" means an avenue, highway, road, thoroughfare, boulevard, parkway or other way proposed for vehicular traffic, and any existing State, County, or City street or way shown upon a plat heretofore duly approved, filed and recorded in the office of the County Recorder that has been dedicated or deeded to the public for public use and which affords principal access to abutting property. Included is the land between the street right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulder, gutters, sidewalks, division strips or other areas within the street lines.
  - a). **ALLEY.** "Alley" means a means a minor street used primarily for vehicular service access to the back or side of properties abutting on another street. For the purposes of frontage calculation, alleys shall not be considered a public street.
  - b). **ARTERIAL.** "Arterial" means a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
  - c). **COLLECTOR.** "Collector" means a street that primarily carries traffic from local streets to other collector streets or to arterial streets.
  - d). **CUL-DE-SAC.** "Cul-de-sac" means a local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
  - e). **DEAD-END.** "Dead-end" means a street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
  - f). **FREEWAY.** "Freeway" means a divided high-volume traffic way for through traffic and for the connection of the major districts of the City and having limited access and grade-separated intersections.

- g). **INTERIOR.** "Interior Street" means a street wholly within the boundaries of a development.
- h). **LOCAL.** "Local Street" means a street that carries traffic to collector, arterial streets, or other local streets.
- i). **SERVICE, MARGINAL, OR FRONTAGE STREET.** "Service, marginal, or frontage street" means a local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets.
- 150. **STREET RIGHT-OF-WAY.** "Street right-of-way" means a strip of land taken, dedicated, or otherwise recorded as an irrevocable right-of-passage for use as a public way. In addition to the roadway, it normally incorporates the curbs, tree lawn strips, sidewalks, water lines, sewer lines, lighting, and drainage facilities.
- 151. **STRUCTURE.** "Structure" means anything constructed or erected, with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, and billboards. For the purposes of this Zoning Code, fences and architectural features are separately regulated and are not considered structures.
- 152. **SUBDIVISION.** "Subdivision" means the division of a lot, tract or parcel into two or more lots, tracts or parcels or other divisions of land.
- 153. **SUBSTANTIAL ALTERATION.** "Substantial Alteration" means an alteration or expansion of existing development is substantial when such alteration or expansion involves or exceeds twenty-five percent (25%) of the total floor area of the existing building, structure, or vehicular use area. (ORD 04-92 Passed 6-14-04)
- 154. **THOROUGHFARE.** See "street".
- 155. **TOPLESS.** The showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.
- 156. **TRAILER.** "Trailer" means a structure on wheels, towed or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods or objects, or as a temporary office.
- 157. **TREE BANK.** "Tree Bank" means a public site designated by the Director of Grounds and Facilities where a property owner or developer shall donate and plant required replacement trees when it is not feasible to plant the required trees on their project site. (ORD 02-55 PASSBD MAY 13, 2002) (ORD 04-92 Passed 6-14-04)
- 158. **TREE BANK FUND.** "Tree Bank Fund" means an account maintained by the City of Delaware that receives cash payments in lieu of planting required replacement trees. Such funds shall be used for reforestation on public property. (ORD 04-92 Passed 6-14-04)
- 159. **TRUCK TERMINAL/DISTRIBUTION FACILITY.** "Distribution facility" or "truck terminal" means a facility where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.
- 160. **UPLIGHTING.** "Uplighting" means any light source that distributes illumination above a 90-degree horizontal plane (see illustration below). (ORD 04-92 Passed 6-14-04)

*Uplighting*



- Uplighting wastes energy into the sky.
- Uplighting causes glare, light trespass, and harsh illumination.
- Uplighting is sometimes ineffective.

161. **USE, ACCESSORY.** "Accessory use" (or "structure") means a use, object or structure constructed or installed on the same lot as, and of a nature subordinate and customarily incidental to the principal (primary) use, object or structure of a lot.
162. **USE, PERMITTED, CONDITIONAL.** "Conditional use" means a use, other than a principal use permitted by right, which may be permitted within a district, if specified conditions are met as set forth in Chapter 1148 and which requires a conditional use permit.
163. **USE, PERMITTED.** "Permitted use" means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
164. **USE, PERMITTED BY RIGHT.** "Use permitted by right" means a use approved administratively when it complies with the standards and requirements set forth for the zoning district in which it is located.
165. **USE, PRINCIPAL.** "Principal use" means the use that is of primary importance or which is the predominant use on a parcel of land. **USE, PERMITTED, TEMPORARY.** "Temporary use" means a use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent structure.
166. **VARIANCE.** "Variance" means a modification of the strict terms of the relevant regulations.
167. **VETERINARY HOSPITAL.** "Veterinary hospital" means a place where animals are given medical treatment and the boarding of animals occurs only as an incidental use.
168. **WIRELESS TELECOMMUNICATION FACILITY.** "Wireless telecommunications facility" means any cables, wires, lines, wave guides, antennae, towers and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC. Such facilities are further defined in Chapter 1181.
169. **YARD.** "Yard" means an open space on the same lot with a principal use or building extending between a building or structure and the adjoining lot lines, unoccupied and unobstructed from the ground upwards, except as otherwise permitted by this Ordinance. (ORD 02-107 Passed August 26, 2002)

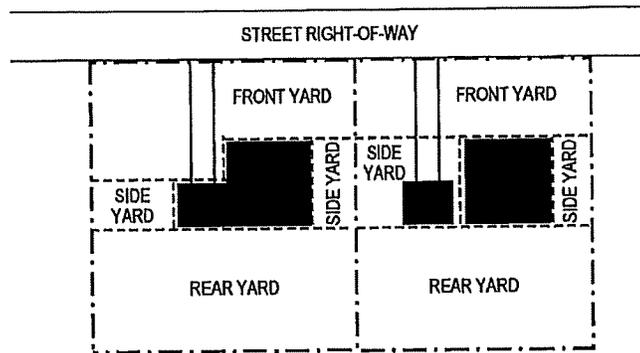


Figure 4 – Yards

Diagram of Side Yards for Corner Lots.

- a). **YARD, FRONT.** "Front Yard" means a yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
  - b). **YARD, REAR.** "Rear yard" means a yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
  - c). **YARD, SIDE.** "Side yard" means a yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear side yards.
170. **YARD, REQUIRED.** "Required yard" means the space between a lot line and a setback line for a building, parking area or use that is the minimum area required to comply with the regulations of the district in which the lot is located, and within which no structures shall be located except as expressly permitted in this Ordinance.
171. **ZONING MAP.** "Zoning map" means an accurate map depicting the City of Delaware, Ohio, and indicating the boundaries of the zoning districts established by this Ordinance.
172. **ZONING ORDINANCE.** "Zoning Ordinance" or "Ordinance" means Ordinance 01-79, passed August 13, 2001 as amended, which comprises Titles Five through Nine of this Part Eleven - Planning and Zoning Code.

# TERRA ALTA

## Tree Replacement Requirements:

Total Number of Trees/Acre 1422 caliper inches

"Good Health" Trees/Acre = 612 caliper inches (Total replacement/Inch)

"Fair Health" Trees/Acre = 119 caliper inches (Fifty Percent replacement/Inch)

"Poor Health" or Ash Trees/Acre = 691 caliper inches (No replacement)

Total number of caliper inches to be replaced/acre = 672

### Phase One

Single Family

(7.6 acres removed x 672 caliper inches) = 5,107 caliper inches removed

### Phase Two

Single Family

(14.4 acres removed x 672 caliper inches) = 9,677 caliper inches removed

Condominiums

(6.8 acres removed x 672 caliper inches) = 4,570 caliper inches removed

Sub Total = 14,247 caliper inches removed

### Phase Three

Single Family

(11.6 acres removed x 672 caliper inches) = 7,795 caliper inches removed

Condominiums

(9.9 acres removed x 672 caliper inches) = 6,653 caliper inches removed

Sub Total = 14,448 caliper inches removed

### Phase Four

Single Family

(2.2 acres removed x 672 caliper inches) = 1,478 caliper inches removed

### Phase Five

Single Family

(16.6 acres removed x 672 caliper inches) = 11,155 caliper inches removed

### Phase Six

Single Family

(3.9 acres removed x 672 caliper inches) = 2,621 caliper inches removed

**Total = 49,056 caliper inches removed**

## Saved Tree Credits:

The spread sheet as shown on the development plan represents eight random samplings for the tree survey. These calculations have categorized those samplings by size of tree and have been divided by eight to get the number of caliper inches of credit per acre.

### "Good Health"

- 6-11 inch trees = one caliper inch of credit for one caliper inch saved  
2,373 inches/ eight x one credit = 296.6 caliper inches/acre
  - 12-17 inch trees = two caliper inches of credit for one caliper inch saved  
896 inches/eight x two credits = 224 caliper inches/acre
  - 18-23 inch trees = three caliper inches of credit for one caliper inch saved  
322 inches/eight x three credits = 120.7 caliper inches/acre
  - 24+ inch trees = four caliper inches of credit for one caliper inch saved  
123 inches/eight x four credits = 61.5 caliper inches/acre
- Sub Total = 702.8 caliper inches/acre

### "Fair Health"

- 6-11 inch trees = one half caliper inch of credit for one caliper inch saved  
1132 inches/ eight x one half credit = 70.7 caliper inches/acre
  - 12-17 inch trees = one caliper inch of credit for one caliper inch saved  
520 inches/eight x one credit = 65 caliper inches/acre
  - 18-23 inch trees = one and half caliper inches of credit for one caliper inch saved  
171 inches/eight x one and half credits = 32 caliper inches/acre
  - 24+ inch trees = two caliper inches of credit for one caliper inch saved  
270 inches/eight x two credits = 67.5 caliper inches/acre
- Sub Total = 235.2 caliper inches/acre

Total number of caliper inches of tree credit per acre = 938

## Phase One

### Single Family

(6.7 acres saved x 938 caliper inches/acre) = 6,284 caliper inches saved

## Phase Two

### Single Family

(12.8 acres saved x 938 caliper inches) = 12,006 caliper inches saved

### Condominiums

(4.8 acres saved x 938 caliper inches) = 4,502 caliper inches saved

Sub Total = 16,508 caliper inches saved

### Phase Three

Single Family

(12.1 acres saved x 938 caliper inches) = 11,349 caliper inches saved

Condominiums

(2.2 acres saved x 938 caliper inches) = 2,063 caliper inches saved

Sub Total = 13,412 caliper inches saved

### Phase Four

Single Family

(8.8 acres saved x 938 caliper inches) = 8,254 caliper inches saved

### Phase Five

Single Family

(5.9 acres saved x 938 caliper inches) = 5,534 caliper inches saved

### Phase Six

Single Family

(21.8 acres saved x 938 caliper inches) = 20,448 caliper inches saved

**Total = 70,440 caliper inches saved**

The developer has also agreed to install two trees per single family home, 316 homes, with a minimum two inch caliper for a total of 1,264 caliper inches and two trees per condominium unit, 167 units, with a minimum of two inch caliper for a total of 668 caliper inches.

The total number of inches saved and installed per the Terra Alta Tree Replacement Policy is 72,372 caliper inches with 49,056 caliper inches removed for a net gain of 23,316 caliper inches.

STOCKDALE FARMS  
PLANNED MIXED USE DEVELOPMENT TEXT  
DELAWARE, OHIO

1. DESCRIPTION OF DEVELOPMENT & RELATIONSHIP TO THE CITY OF DELAWARE COMPREHENSIVE PLAN

The Applicant is proposing a mixed residential development, known as Stockdales Farm, consisting of detached single-family homes and attached/detached single-family cluster homes. As such, the Applicant is seeking an amendment to the City of Delaware Zoning Code to permit the Property to be zoned and developed as a Planned Mixed Use (PMU) Overlay District within the existing R-2 with a RRD overlay zoning district. The Applicant believes that such amendment will provide for the highest and best use of the Property, thereby permitting quality housing stock to be constructed within the City of Delaware. Additionally, as further discussed below, the Applicant believes that such amendment is in accordance with the City of Delaware Comprehensive Plan.

The purpose of this Development Text is to set forth all supplemental information required by the Zoning Code and set forth in textual form certain development standards that will apply to the Property. Accompanying this Development Text is a Preliminary Development Plan. All terms and conditions of the Preliminary Development Plan are incorporated in this Development Text by this reference.

The Property consists of approximately 158.3 acres located east of Pollock Road and north of Braumiller Road, being located in the Highlands Subarea of the City's Land Use Element incorporated in the Comprehensive Plan. The Property has been designated for development as residential housing in the City's Future Land Use Map and has been earmarked as one of the City's Priority Growth Areas (PGAs) for development over the next five years. The PGAs establish the City's geographic preference for development and drive the City's infrastructure investment program. See, GM19 and GM19.3 of the Growth Management Element of the City's Comprehensive Plan. The proposed amendment is in keeping with the goals and policies established by the Comprehensive Plan for the following reasons:

- a. The Property will be developed as residential housing as contemplated by the Land Use Element incorporated in the Comprehensive Plan.
- b. The use of the Planned Mixed Use (PMU) Overlay District is consistent with the City's Objectives and Strategies in maintaining a reasonable land use balance to reflect the vision of the Comprehensive Plan. As stated in LU6.7 of the Land Use Element, planned district zoning "should be used as a flexible tool to meet the City's gross density requirements while providing a creative development plan with a mix of units, densities, and housing values within individual developments."
- c. The Comprehensive Plan anticipates supporting residential development in the Highlands Subarea and encourages mixing densities and unit types, as well as small open spaces to

create interest and a sense of place within neighborhoods. See, LU22.2 of the Land Use Element.

- d. Being designated as a PGA, development of the Property is consistent with the City's Capital Improvement Plan as required by the Comprehensive Plan's Growth Management Element(GM 20) and is located in the South Central trunk sewer that would serve this property.
- e. Residential development in the Highlands Subarea will be served by the South Central Delaware Sanitary Trunk. See, LU22.1 of the Land Use Element.
- f. The policies set forth in the Comprehensive Plan concerning expansion to the City's waste water treatment system and storm water management system will be implemented in connection with development of the Property.
- g. The policies set forth in the Comprehensive Plan concerning parks and recreational facilities for Delaware residents will be implemented with development of the Property.

In summary, by the amendment to the Zoning Ordinance in connection with the development of the Property as a Planned Mixed Use (PMU) development, the goals and objectives of the Comprehensive Plan will be met. This development will provide the City of Delaware an opportunity to obtain quality housing stock in one of the City's Priority Growth Areas and will preserve in a park like setting approximately 30 acres within the subdivision as open space.

## 2. GENERAL DEVELOPMENT STANDARDS

- a. **Purpose and Intent.** It is the intent of this development to provide a mixed residential use development with compatible and common architectural design, streetscape, signage, lighting, and pedestrian amenities throughout the entire development. Architectural and site design that is not consistent with this purpose and intent will not be accepted. This Development Text represents the zoning requirements for this area unless otherwise noted.
- b. **Conformance with Codified Ordinances and City Policy.** Unless noted otherwise within this Development Text or the Preliminary Development Plan, all development will be constructed and provided in conformance with the then current Codified Ordinances and City Policy in effect at the time of application.
- c. **Limitations.** Nothing in this Development Text shall prohibit additional restrictions or requirements from being placed on the approval of any Final Development Plan consistent with this Development Text or the Preliminary Development Plan.
- d. **Major Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent major modification to that plan shall only be permitted by resubmission and approval of a revised Final Development Plan through the procedures set forth in the Zoning Code. Major modification for the purposes of this Development

Text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:

- (1) Any major increase in the number of or change in the type and/or mix of dwelling units or any major increase in the non-residential building area.
- (2) Major change in the approved location of land uses or land use sub-areas.
- (3) Substantial alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved public and private street pattern, access points, parking facilities, service access, trash storage facilities, and system of pedestrian paths that results in a change in operating characteristics or character.

e. **Minor Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent minor modification to that plan shall only be permitted by resubmission and approval by the Director of Planning and Community Development of a revised Final Development Plan. Minor modification for the purposes of this Development Text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:

- (1) Any modification that is not considered a major modification by this Zoning Text or by determination of the Director of Planning & Community Development.
- (2) Any minor increase in the number of or change in the type and/or mix of dwelling units less than 5% in the total number of dwelling units.
- (3) Minor change in the approved location of land uses or land use sub-areas.
- (4) Minor alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved public and private street pattern, access points, parking facilities, service access, trash storage facilities, and system of pedestrian paths that results in a change in operating characteristics or character.
- (5) Minor structural alterations that do not alter the overall design intent of the buildings.

f. **Tree Removal and Replacement.** The Stockdale Farm Subdivision site is a unique development opportunity for the City of Delaware and the Developer. While the site is heavily treed in certain areas, the Developer working in concert with the City desires to create a high quality subdivision taking advantage of the topography of the site while saving as many trees as possible. At the preliminary development plan stage, for planning purposes only, the Developer for purposes of tree removal has assumed selected cutting of the single family and cluster housing parcels. Every effort will be made to save as many trees as possible on the single family and cluster housing parcels, especially on the perimeter of the single family and cluster housing parcels. It is assumed that at the time of development, certain tree parcels, reserves and preservation easements will be created. It should also be noted that in connection with single family lot development, every effort has been extended to create tree buffers along boundaries and in backyards. Consequently, the Developer respectfully requests that the City adopt the following Tree Replacement Plan which shall be specific to the Stockdale Farms development and is reflective of the diverse and unique site elements which are present at this particular site. Thus, the Tree Replacement Plan enumerated herein creates an innovative and unique

approach to the issue of saving trees on this particular site. Instead of focusing on the economics and environmental issues of trees lost to development, this Tree Replacement Plan focuses on efforts to save trees (particularly large, mature trees), providing an incentive to save large, mature trees, compensating for trees lost, and, ultimately, creating a higher quality development for the City of Delaware than would be expected under a standard subdivision.

The following Tree Replacement Plan shall be the controlling regulation for the Terra Alta development:

- (1) *Tree Survey.* An estimate of the total number, type, size, and health of trees to be preserved and replaced has been provided according to a set of representative tree survey sites as determined and verified by the City of Delaware and as authorized by the current Zoning Code. Attached within the Preliminary Development Plan exhibits is an estimate of overall tree impact based on the Tree Replacement Plan.
- (2) *Calculation of Replacement Trees.* Only trees six (6) caliper inches and greater that are removed in the development of the Subdivision and construction of housing units shall be replaced according to the following schedule:
  - A. Trees considered in good health as determined by a Certified Arborist or Landscape architect and verified by the City of Delaware shall be replaced on a 100% replacement schedule meaning every good tree removed shall be replaced with tree(s) that have a total caliper equal to or greater than the total caliper of the tree removed.
  - B. Trees considered in fair health as determined by a Certified Arborist or Landscape architect and verified by the City of Delaware shall be replaced on a 50% replacement schedule meaning every fair tree removed shall be replaced with tree(s) that have a total caliper equal to or greater than 50% of the total caliper of the tree removed.
  - C. Trees considered in poor health or ash trees as determined by a Certified Arborist or Landscape architect and verified by the City of Delaware shall be exempt from replacement. However, to the maximum extent allowed by local, state, and federal regulations, poor trees and ash trees located in areas that are not required for development shall be left undisturbed on-site provided such trees are not considered hazardous to life or property as determined by the City of Delaware.
- (3) *Tree Preservation.* The Developer will include a significant amount of tree preservation areas, distributed throughout the Subdivision, which shall be recorded on each individual final subdivision plat as applicable and will be permanently recorded with such. The Preliminary Development Plan notes the tree preservation areas preliminarily contemplated, but which could change with the detailed investigation that occurs with final submission. The City will consider reasonable proposed changes at the time of final submission.

(4) *Tree Replacement Fee.*

- A. **Single-Family Unit.** A \$500 per single-family detached dwelling unit tree replacement fee shall be charged on each single-family detached dwelling unit at the time of building permit application. This fee is to be paid per the usual and customary procedures of the City, which currently requires payment of all required building and zoning permit fees prior to issuance of the permit but not at the time of application. Assuming approval of 245 such housing units x \$500 = \$122,500 paid to the City specifically for its Tree Fund.
- B. **Cluster Home Units.** A \$200 per cluster dwelling unit tree replacement fee shall be charged on each cluster dwelling unit at the time of building permit application. This fee is to be paid per the usual and customary procedures of the City, which currently requires payment of all required building and zoning permit fees prior to issuance of the permit but not at the time of application. Assuming approval of 78 such cluster units x \$200 = \$15,600 paid to the City specifically for its Tree Fund.

(5) *Required Trees Not Considered Replacement Trees.* Trees that are required by the current Zoning Code, such as but not limited to street trees and front yard trees, shall not be considered Replacement Trees.

(6) *Replacement Tree Criteria.* To receive credit as a Replacement Tree, a tree shall be required to have a minimum caliper of two (2) inches. Evergreen (pine for example) trees shall be calculated as two (2) feet in height equals one (1) inch in caliper with a minimum required height of six (6) feet. For example, a pine tree six (6) feet in height would net three (3) caliper inches of replacement tree credit. Trees meeting this criterion are referred to herein as "Replacement Trees."

(7) *Credit for Tree Preservation.* In recognition of the Developer's efforts to save trees in the design, layout and development of the subdivision through the provisions of this Tree Replacement Plan, the Developer shall receive credit against the replacement required by Section 2 of this Tree Replacement Plan for all single family home tree replacement pursuant to Section 7, all condominium tree replacement pursuant to Section 8, and in accordance with the following schedule for permanently preserved trees:

A. Good Tree Credit Schedule

- (1) Trees six (6) caliper inches but less than twelve (12) caliper inches saved shall receive one (1) caliper inch credit for each caliper inch saved.
- (2) Trees twelve (12) caliper inches but less than eighteen (18) caliper inches saved shall receive two (2) caliper inches credit for each caliper inch saved.
- (3) Trees eighteen (18) caliper inches but less than twenty-four (24) caliper inches saved shall receive three (3) caliper inches credit for each caliper inch saved.

- (4) Trees greater than (24) caliper inches saved shall receive four (4) caliper inches for each caliper inch saved.

B. Fair Tree Credit Schedule

- (1) Trees six (6) caliper inches but less than twelve (12) caliper inches saved shall receive one-half (1/2) caliper inch credit for each caliper inch saved.
  - (2) Trees twelve (12) caliper inches but less than eighteen (18) caliper inches saved shall receive one (1) caliper inch credit for each caliper inch saved.
  - (3) Trees eighteen (18) caliper inches but less than twenty-four (24) caliper inches saved shall receive one and one-half (1-1/2) caliper inches credit for each caliper inch saved.
  - (4) Trees greater than (24) caliper inches saved shall receive two (2) caliper inches for each caliper inch saved.
- (10) *Credit for Removal of Ash Trees.* The removal of ash trees from the site that would not otherwise be removed as a result of development (i.e., ash trees removed from reserves and preservation easements) shall be given a credit of one (1) caliper inch for every \$100 cost of ash tree removal as submitted by the developer and as certified by the City.
- (11) *Replacement Completion.* Fulfillment of this Tree Replacement Plan as written and in total shall result in no additional fees-in-lieu-of or other replacement being required.
- (12) *Expiration.* These tree replacement requirements shall expire upon the completion of the Stockdale Farms Subdivision development. The completion of development shall be considered the acceptance of final public improvements and expiration of any required maintenance period for Stockdale Farms as it relates to the tree replacement aspects of this Tree Replacement Plan, however, the provisions of Sections 4, 5, 6, 7 and 8 shall continue in full force and effect with respect to each dwelling unit until such time as each dwelling unit in the Stockdale Farms Subdivision receives a Final Certificate of Occupancy. After the completion of development or receipt of a Final Certificate of Occupancy, as applicable, the tree preservation and replacement requirements of the then current Zoning Code shall apply.

- g. **Master Association.** A master homeowners association will be created for the entire development. The master homeowners association shall be responsible for maintenance and upkeep of all Reserves, entrance features and common open space located on the Property. Any declaration shall be reviewed and approved by the City prior to the recording of the declaration. By majority vote of the property owners, the association shall be transferred to the homeowners when 75% of the units have received a certificate of occupancy, unless the Developer establishes to the satisfaction of the City Director of Planning and Community Development that less than 75% of the units have been sold to third party buyers, in which event such transfer shall be deferred at the election of the Developer until such time as 75% of the units have been sold to third party buyers.

- h. **Common Open Space.** The common open space for the development of the Property shall contain approximately 30 acres. All open space will be owned and maintained by the Homeowners Association for the Development subject to all necessary easements and agreements in connection with the overall development of the Property. The identified areas shall satisfy all common open space requirements. All common open space shall be improved, if improvements are necessary or required, concurrent with the public improvements with the respective phase in which the improvement is located.
- i. **Parkland.** The Parkland grant required by the Zoning Code shall be satisfied by the dedication of approximately 17.45 acres of land located primarily in the middle of the subdivision. The City may subsequently grant any covenants, easements, or restrictions to a third party for the purposes of holding the same. Applicant shall grant to the City an easement for a bikepath along the north side of Braumiller Road and along the existing stream bed but maintained by the Homeowners Association, as depicted on the Preliminary Development Plan and as designed and constructed by the Applicant. The parkland and bike paths shall be open to the public with signage identifying such. Prior to or concurrent with the submittal of the Preliminary Subdivision Plat, the Applicant shall submit for review and approval a Parkland and Open Space Improvement Plan. All public parkland shall be improved, if improvements are necessary or required, concurrent with the public improvements with the respective phase in which the improvement is located.
- j. **Utilities to be Located Underground.** All new utilities serving the Property shall be located underground except for the existing electric transmission line. Additionally, and if determined to be economically feasible, any existing utilities that will serve the Property that are located above ground, including those along either side of Pollock Road or the north side of Braumiller Road adjacent to the site, shall be relocated underground. The Applicant and the City shall work together to ensure that any technical and financial information provided by the respective utility company is fair and reasonable.
- k. **Composite Utility Plan Required.** Prior to the installation of any non-City owned utility, a composite utility plan shall be submitted for review and approval by the City. Such plan shall depict the location and type of all non-City owned utilities including the location and type of any above ground pedestal, transformer, meter, cabinet, and other such above ground structures that support the respective utility. Any above ground structure shall be inconspicuously located, dark green in color, and if located in any front yard shall be screened with landscaping as approved by the City.
- l. **Removal of Existing Farm Fencing.** Unless demonstrated to the City that such fencing is not in the ownership of the Applicant, all existing farm fencing and barbed wire fencing shall be removed from the site at minimum on a lot by lot basis.
- m. **Construction Trailers.** Construction trailers shall meet all requirements of the current Zoning Code and shall be removed once construction activity has moved to another phase of the development. For example, once the public improvements have been accepted in

Phase 2 any construction trailer located in Phase 1 shall be relocated to Phase 2 provided the respective builder is or will be constructing lots in the subsequent phase.

- n. **Sidewalks and Multi-Use Paths.** Multi-use paths will be constructed and accepted concurrently with the public improvements in which the multi-use path is located. Sidewalks will be constructed concurrently with the construction of each lot. However, once ninety (90) percent of the lots in a respective phase have obtained a certificate of occupancy, any sidewalk not yet installed in the respective phase shall be installed within six (6) months from the date of issuance of the certificate of occupancy establishing the ninety (90) percent lot completion. Sidewalks within the cluster development shall be installed prior to the issuance of the first certificate of occupancy for the cluster development. Sidewalks and multi-use paths located within a cluster development shall be installed with each respective phase of the cluster development as shown on the approved Final Development Plan.

### 3. SUB-AREAS

The Development is separated into two main sub-areas to represent the distinct areas of development. Sub-Area A is to be developed with detached single-family dwellings on subdivided lots. Sub-Area B is to be developed with a mix of attached and/or detached cluster dwelling units.

### 4. SUB-AREA A – SUBDIVIDED SINGLE-FAMILY STANDARDS

- a. **Uses.** The following uses shall be considered permitted or conditionally permitted in Sub-Area A as represented in the chart below by P or C, respectively, and as defined by attached Chapter 1121 of the Zoning Code. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.
  - (1) **Permitted Uses.** Permitted uses are permitted by-right and shall meet all development standards specified within this Development Text and the Zoning Code, as applicable.
  - (2) **Conditionally Permitted Uses.** In addition to all standards specified within this Development Text, uses listed as conditionally permitted uses shall meet all the then current Zoning Code standards for approval of a Conditional Use Permit current at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.
  - (3) **Accessory Uses and Structures.** Although not specified in the chart below, accessory uses, which are considered allowed uses, include those items that are customarily incidental and secondary to the principal use of the land. Such items include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas.

Land Use Category	Stockdale Farms Uses
<b>(a) Residential</b>	
(1) Detached single-family dwelling	P
(2) Minor home occupation	P
<b>(b) Recreational/Open Space</b>	
(1) Park, playground	P
(2) Non-commercial recreation facility (including homeowner association controlled facilities)	P

- b. **Density & Mix of Dwelling Unit Type.** The overall Sub-Area A density and mix of dwelling unit types shall not exceed that approved on the Preliminary Development Plan.
- c. **Lot Standards.** The minimum lot sizes and frontages shall be that depicted on the Preliminary Subdivision Plat.
- d. **Building Setback Standards.** The following standards shall apply for minimum principal building setbacks (including accessory structures attached to the principal structure) based on the type of dwelling unit.

Minimum Building Setbacks*	Stockdale Farms
(a) Setback from Pollock Road and Braumiller Road, including non-reserve lots backing to lots fronting Braumiller Road	100 ft Pollack Road /90 ft Braumiller Road.
(b) Setback from all other public rights-of-way	30 ft.
(c) Side setback for lots having a front lot dimension at the building line of 80 feet or more	10 ft. (per side)
(d) Side setback for lots having a front lot dimension at the building line of less than 80 feet	20% of the front lot dimension at the building line shall be the total side yard setback on both sides, with a minimum setback of 7 ft. (per side)
(e) Rear setback	40 ft.

\*Side and rear yard setbacks shall not apply to minor architectural projections such as eaves, chimneys and bay windows.

- e. **Floor Area Requirements.** Each dwelling unit shall provide for the following minimum floor area, exclusive of basements (unless walk-out units), unfinished attic spaces, garages, and any attached or detached accessory buildings.

1)

- A. One story ranch – 1,800 sq. ft. – plus 200 sq per bedroom in excess of 2 bedrooms per base code.
  - B. Two story – 2,000 sq. ft. – plus 200 sq per bedroom in excess of 2 bedrooms per base code.
- f. **Maximum Building Height.** The maximum height of any principal building or structure shall be 35 feet as measured from the average elevation of the finished grade at the front of the building to the highest point of the roof.
- g. **Building Design.** Unless otherwise modified within this Development Text, all dwellings shall meet the building design requirements of Chapter 1171, R-2 District standards for detached single-family dwellings.
- (1) To create a cohesive and unified design throughout the entire development yet provide a diversity of housing types each building shall be consistent in overall design, color, material, and architectural pattern and include a similar and/or repeating pattern of design elements such as architectural styles, roof and building massing, window proportion, or other elements as determined through the Final Development Plan review process.
  - (2) Representative home elevations (all sides) shall be reviewed and approved by the Planning Commission as part of the Final Development Plan. Minor variations thereafter shall be potentially administratively approvable as written in this Development Text.
  - (3) Exterior Material and Trim Standards.
    - A. At least 50% of the front elevation of all homes constructed on the Property will consist of brick, stone, cultured stone, wood siding, SmartSide, fibrous cement siding, or other approved material, excluding foundations, garage doors, entry doors, roofs, gutters, downspouts and windows.
    - B. All vinyl siding products used on homes constructed on the Property shall be architectural grade, Vinyl Siding – Higher End, as defined in Chapter 1171.08 (c) (19) on all elevations.
    - C. Trim board around all corners, windows, and doors shall be a minimum of 4 inches all around.
    - D. Standing seam metal roofs are encouraged on select architectural elements of front elevations, such as porches or front entrance features.
    - E. EIFS or similar products are prohibited as an exterior material.
    - F. Frieze trim a minimum of 4 inches wide is required under all overhangs and gables.
    - G. All home elevations shall be reviewed and approved by the Director of Planning & Community Development to establish compliance with the Building Design requirements of this Development Text.
    - H. All homes will have, at a minimum, dimensional shingles.
  - (4) Design Standards

- A. Materials on each home shall be varied to provide variety throughout the community.
  - B. All front elevations shall include a variety of styles, colors, and/or materials types of materials including as an example, but not limited to, vinyl shake siding.
  - C. All homes will have not less than a 2 car attached garage.
  - D. The principal roof structure on all homes will have a roof pitch of not less than 6/12.
  - E. Minimum 8 inch overhangs and rakes.
  - F. Lintels and sills in masonry walls shall be brick soldier course, limestone, or sandstone, along with other manufactured stone products.
  - G. Although porch railing and column details are encouraged to vary from home to home, porch columns shall have a minimum 6 x 6 inch cross section or diameter.
  - H. Treated lumber shall be painted or stained, except when used on outdoor decks.
  - I. Where wood burning fireplaces are utilized the exposed chimney shall be faced with brick or stone at a minimum. All direct vent fireplaces shall be located in a side or rear yard and screened from view when visible from a public street.
  - J. All homes shall provide an identifiable entry with entry coverings and stoops being a minimum of 3 feet deep or the minimum necessary for building code regulations, which ever is greater. Any porch shall be a minimum depth of 6 feet.
  - K. Front elevations shall be designed to de-emphasize the visual impact of the garage. All garage doors facing a public street shall be architecturally upgraded to include design elements consistent with the design of the home and development including matching the door color to the predominant color of the main structure, incorporate a glass course, add trim packages to give the appearance of stable doors, man doors, hinged swing doors, and other similar architectural elements. .
  - L. Side elevations shall include multiple windows and design elements that provide visual interest as well as allow light into the unit.
  - M. Rear elevations facing a public right-of-way shall have a minimum of two windows.
- h. **Accessory Structures.** Fences (other than decorative fencing along front entrance paths and front porches) are prohibited in any front yard and must meet the standard fence specifications as provided with the Final Development Plan. Privacy fences are prohibited except around spas and hot tubs.. Attached decks may extend up to five (5) feet into a required rear setback provided the encroachment does not adversely impact any easement. All other accessory structures shall meet the requirements of the current Zoning Code.
- i. **Landscaping and Screening.** All landscaping shall meet the requirements of the then current Zoning Code and the Gateways & Corridors Plan unless modified herein.
- (1) All street tree plantings shall meet the requirements and approval process of the Zoning Code unless modified in this Development Text.
  - (2) Street trees shall be a minimum of 1.75 caliper inches as measured at breast height at the time of installation or per City Arborist.

- (3) Along the Braumiller Road, an earth mound, no less than 3 feet and not more than 6 feet in height as measured from the proposed finish grade elevations of the adjacent dwelling with a mix of deciduous and coniferous plantings providing, at the time of installation, a minimum 60% year round opacity at a combined mound and landscaping height of no less than 10 feet at planting shall be provided. Such mounding shall not interfere with any required sight distance.
  - (4) A typical landscaping plan for each unit type shall be submitted and approved with the Final Development Plan. This typical landscaping shall set forth the minimum amount of required landscaping for each unit type at the time of building of each structure prior to the issuance of a Certificate of Occupancy. Landscaping species may be varied on a permit by permit basis.
  - (5) Ground mounted equipment shall be screened from view using plant materials providing 100% year round opacity. Air conditioning units shall be located in manner that minimizes the view from the public right-of-way.
  - (6) For the purposes of aesthetics and aquatic health, all ponds shall have a fountain/aerator .
- j. **Pedestrian Connectivity.** Pedestrian connectivity shall be provided throughout the Sub-Area with stub connections to other sub-areas and future development. Concrete sidewalks shall be provided on both sides of all public streets and multi-use paths of appropriate width and material shall be provided as shown on the approved Final Development Plan per engineering requirements.
- k. **Open Spaces.** Open spaces shall be landscaped and designed in a manner consistent with the overall development. Landscaping and design plans for all open spaces shall be submitted and approved with the Final Development Plan and include, at a minimum, the following:
- (1) Sidewalks or multi-use paths shall be provided throughout the open space to link the amenities of the open space to the adjacent public sidewalk or pathway network and provide active recreation throughout as approved on the Preliminary Development Plan.
  - (2) Crosswalks leading to open spaces shall be provided and as acceptable by the City Engineer.
  - (3) Amenities such as benches, gazebos, or other such features are encouraged in the open spaces as depicted on the Preliminary Development Plan.
  - (4) All open spaces shall be constructed with the public infrastructure with the respective phase in which the open space is located. Landscaping shall be installed at the first time of year in which it is appropriate to install such plant material provided the acceptance of public improvements occurs during an inappropriate time for planting and the incomplete landscaping is bonded with the City.
- l. **Entry Features and Signs.** With the Final Development Plan, a comprehensive entry feature and signage plan shall be submitted. All signs shall be designed and located in a manner that is appropriate and consistent with the overall design of the Sub-Area. Internally illuminated signs are prohibited, but externally illuminated and backlighting of lettering is permitted.

5. SUB-AREA B- SINGLE-FAMILY CLUSTER HOUSING STANDARDS

- a. The maximum number of cluster homes shall be 78 units located in Phase V of the Preliminary Development Plan.
- b. **Uses.** The following uses shall be considered permitted or conditionally permitted in Sub-Areas B as represented in the chart below by P or C, respectively, and as defined by Chapter 1121 of the Zoning and per the Preliminary Development Plan. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.
  - (1) **Permitted Uses.** Permitted uses are permitted by-right and shall meet all development standards specified within this Development Text and the Zoning Code, as applicable.
  - (2) **Conditionally Permitted Uses.** In addition to all standards specified within this Development Text, uses listed as conditionally permitted uses shall meet all the then current Zoning Code standards for approval of a Conditional Use Permit current at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.
  - (3) **Accessory Uses and Structures.** Although not specified in the chart below, accessory uses, which are considered allowed uses, include those items that are customarily incidental and secondary to the principal use of the land. Such items include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas.

Land Use Category	Stockdale Farms Uses
<b>(c) Residential</b>	
(1) Detached single-family dwelling in a cluster setting	P
(2) Attached single-family dwelling in a cluster setting	P
(3) Minor home occupation	P
<b>(d) Recreational/Open Space</b>	
(1) Park, playground	P
(2) Non-commercial recreation facility (including homeowner association controlled facilities)	P

- b. **Density & Mix of Dwelling Unit Type.** The overall Sub-Area B densities and mixes of dwelling unit types shall not exceed that approved on the Preliminary Development Plan.

- c. **Lot Standards.** The minimum lot sizes and frontages shall be that depicted on the Preliminary Subdivision Plat.
- d. **Building Setback Standards.** The following standards shall apply for minimum principal building setbacks (including accessory structures attached to the principal structure) based on the type of dwelling unit.

Minimum Building Setbacks*	Stockdale Farms
(a) Setback from public rights-of-way (excluding interior streets)	30 ft.
(b) Setback from interior streets and private streets edge of pavement or back of curb (whichever is greater)	20 ft.
(c) Setback from parkland and reserves	10 ft.
(d) Building separation end wall to end wall (side of building to side of building)	10 ft.
(e) Building separation from any main wall (front or rear of building)	20 ft.
(f) Perimeter site setback	30 ft.

\*Side and rear yard setbacks shall not apply to minor architectural projections such as eaves, chimneys and bay windows.

- e. **Floor Area Requirements.** Each dwelling unit shall provide for the following minimum floor area, exclusive of basements unless (walk-out units), unfinished attic spaces, garages, and any attached or detached accessory buildings.
  - (1) Minimum floor area
    - A. One bedroom – 1,200 sq. ft.
    - B. Two or more bedroom unit – 1,400 sq. ft. plus an additional 200 sq. ft. for each bedroom in excess of two.
- f. **Maximum Building Height.** The maximum height of any principal building or structure shall be 35 feet as measured from the average elevation of the finished grade at the front of the building to the highest point of the roof.
- g. **Building Design.** Unless otherwise modified within this Development Text, all dwellings shall meet the building design requirements of Chapter 1171, R-5 and R-6 District standards for detached single-family dwellings and R-5 and R-6 District multi-family standards for attached single-family dwellings.
  - (1) To create a cohesive and unified design throughout the entire development yet provide a diversity of housing types each building shall be consistent in overall

design, color, material, and architectural pattern and include a similar and/or repeating pattern of design elements such as architectural styles, roof and building massing, window proportion, or other elements as determined through the Final Development Plan review process.

(2) All home elevations (all sides) shall be reviewed and approved by the Planning Commission as part of the Final Development Plan. Minor variations thereafter shall be potentially administratively approvable as written in this Development Text.

(3) Exterior Material and Trim Standards.

- A. At least 50% of the front elevation of all homes constructed on the Property will consist of brick, stone, cultured stone, wood siding, SmartSide, fibrous cement siding, or other approved material excluding foundations, garage doors, entry doors, roofs, gutters, downspouts and windows.
- B. All vinyl siding products used on homes constructed on the Property shall be architectural grade, Vinyl Siding – Higher End, as defined in Chapter 1171.08 (c) (19) on all elevations.
- C. Trim board around all corners, windows, and doors shall be a minimum of 4 inches all around.
- D. Minimum 8 inch overhand and rakes.
- E. Standing seam metal roofs are encouraged on select architectural elements of front elevations, such as porches or front entrance features.
- F. EIFS or similar products are prohibited as an exterior material.
- G. All exposed foundation walls shall be faced with brick, stone or stucco.
- H. Frieze trim a minimum of 4 inches wide is required under all overhangs and gables.
- I. All home elevations shall be reviewed and approved by the Director of Planning & Community Development to establish compliance with the Building Design requirements of this Development Text.
- J. All homes will have, at a minimum, dimensional shingles.

(5) Design Standards

- A. Exterior Materials on each building shall be varied to provide variety throughout the community.
- B. All homes will have not less than a 1 car attached garage.
- C. The principal roof structure on all homes will have a roof pitch of not less than 6/12.
- D. Lintels and sills in masonry walls shall be brick soldier course, limestone, or sandstone, along with other manufactured stone products.
- E. Although porch railing and column details are encouraged to vary from home to home, porch columns shall have a minimum 6 x 6 inch cross section or diameter.
- F. Treated lumber shall be painted or stained, except when used on exterior decks.
- G. Where wood burning fireplaces are utilized the exposed chimney shall be faced with brick or stone at a minimum. All direct vent fireplaces shall be located in a side or rear yard and screened from view when visible from a public street.

- H. All homes shall provide an identifiable entry with entry coverings and stoops being a minimum of 3 feet deep or the minimum necessary for building code regulations, which ever is greater. Any porch shall be a minimum depth of 4 feet.
  - I. Front elevations shall be designed to de-emphasize the visual impact of the garage. All garage doors facing a public street shall be architecturally upgraded to include design elements consistent with the design of the home and development including matching the door color to the predominant color of the main structure, incorporate a glass course, add trim packages to give the appearance of stable doors, man doors, hinged swing doors, and other similar architectural elements. In the event garage doors facing a public street are not architecturally upgraded as provided in the preceding sentence, detached single-family garages facing a public street shall be setback a minimum of 2 feet from the primary wall of the home facing the public street and garages of front loaded attached single-family dwelling units shall not extend closer to the street than the primary wall facing the street.
  - J. Side elevations shall include multiple windows and design elements that provide visual interest as well as allow light into the unit.
  - K. Rear elevations facing a public right-of-way shall have a minimum of two windows.
- h. **Accessory Structures.** Fences (other than decorative fencing along front entrance paths and front porches) are prohibited in any front yard. Privacy fences, except those immediately adjacent to a deck or patio and shown on an approved Final Development Plan, are prohibited. Attached decks may extend up to five (5) feet into a required rear setback provided that encroachment does not adversely impact any easement. All other accessory structures shall meet the requirements of the current Zoning Code.
- i. **Landscaping and Screening.** All landscaping shall meet the requirements of the then current Zoning Code and the Gateways & Corridors Plan unless modified herein.
- (1) All street tree plantings shall meet the requirements and approval process of the Zoning Code unless modified in this Development Text.
  - (2) A dense landscape buffer shall be provided along the eastern property line adjacent to the large lot single family residences and shall be submitted and approved with the Final Development Plan.
  - (3) Street trees shall be a minimum of 1.75 caliper inches as measured at breast height at the time of installation or per City Arborist.
  - (4) A typical landscaping plan for each condominium regime shall be submitted and approved with the Final Development Plan. This typical landscaping shall set forth the minimum amount of required landscaping for each unit at the time of building of each structure prior to the issuance of a Certificate of Occupancy. Landscaping species may be varied on a permit by permit basis.
  - (5) Ground mounted equipment shall be screened from view using plant materials providing 100% year round opacity. Air conditioning units shall be located in manner that minimizes the view from the public right-of-way.
  - (6) For the purposes of aesthetics and aquatic health, all ponds shall have a fountain.

- j. **Pedestrian Connectivity.** Pedestrian connectivity shall be provided throughout the Sub-Area with stub connections to other sub-areas and future development. Concrete sidewalks in width, shall be provided on both sides of all public streets and as appropriate and necessary on private streets and multi-use paths of appropriate width and material shall be provided as shown on approved Final Development Plan per engineering requirements.
- k. **Open Spaces.** Open spaces shall be landscaped and designed in a manner consistent with the overall development. Landscaping and design plans for all open spaces shall be submitted and approved with the Final Development Plan and include, at a minimum, the following:
- (1) Sidewalks or multi-use paths shall be provided throughout the open space to link the amenities of the open space to the adjacent public sidewalk and provide active recreation throughout.
  - (2) Crosswalks leading to open spaces and public parkland shall be acceptable to the City Engineer.
  - (3) Amenities such as benches, gazebos, or other such features are encouraged in the open spaces.
  - (4) All open spaces shall be constructed with the public infrastructure with the respective phase in which the open space is located. Landscaping shall be installed at the first time of year in which it is appropriate to install such plant material provided the acceptance of public improvements occurs during an inappropriate time for planting and the incomplete landscaping is bonded with the City.
  - (5) For the purposes of aesthetics and aquatic health, all ponds shall have a fountain.
- l. **Entry Features and Signs.** With the Final Development Plan, a comprehensive entry feature and signage plan shall be submitted. All signs shall be designed and located in a manner that is appropriate and consistent with the overall design of the sub-area. Internally illuminated signs are prohibited but signage with backlight lettering is permitted.
- m. **Cluster Housing Association.** Sub-Area B all units and property developed within each shall be governed by a homeowners association as reviewed and approved by the City. By majority vote of the property owners, the association shall be transferred to the homeowners when 75% of the units have received a certificate of occupancy, unless the Developer establishes to the satisfaction of the Director of Planning and Community Development that less than 75% of the units have been sold to third party buyers, in which event such transfer shall be deferred at the election of the Developer until such time as 75% of the units have been sold to third party buyers.
- n. **Private Street Width.** All private streets shall have a width (including gutters) of 28 feet unless parking is restricted to one side of street, in which event, such width is reduced to 24 feet or as approved on the final development plan per engineering requirements..

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## EXHIBIT C

### PROPOSED CURRENT DEVELOPMENT PROGRAM

#### A. Proposed New Community Development Program

##### (i) Site Description

The District is located in the City. As proposed, the District will encompass approximately 471.42 acres located in the Central Ohio metropolitan area, as depicted and more particularly described in Exhibits A-1 and A-2, respectively.

##### (ii) The New Community Development Program

The Developer's objective is to develop residential housing in the City of Delaware. The Developer's development philosophy is to produce real estate products of the high quality by devoting attention to planning, design and construction. The District will provide residents with high-quality development projects and uses and supporting amenities. In connection with the approval of this Petition, the Developer will file a Declaration of Covenants, Restrictions and Agreements for Terra Alta New Community Authority with the Delaware County Recorder's Office ("Declaration").

The current plan presents an arrangement of land uses meeting the applicable zoning regulations of the City (see Exhibit B).

#### B. Proposed Land Acquisition and Land Development Activities

The Developer owns all the approximately 471.42 acres of the land within the proposed District as described in Exhibits A-1 and A-2 to this Petition. The land assembled is completely contiguous and the developments and neighborhoods of the community will be unified by identifiable motifs, such as entry features, harmonious design guidelines, and hiking and bike trails, and amenities.

#### C. Proposed Land Development (including Community Facilities) and Services

A New Community Authority created pursuant to Chapter 349 of the Revised Code may be authorized to acquire and develop all the categories of "land development" (including the construction of "community facilities") set forth in Sections 349.01(H) and (I) of the Revised Code. The "community facilities" and "land development" that are to be financed or otherwise paid for by the Authority include but are not limited to installing or construction water distribution systems, sewers, sewage collection systems, gas and electric lines, roads streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether within or without the new community district, and the process of clearing and grading land therefore, and all real property, buildings, structures or other facilities, including related fixtures, equipment, and furnishings, to be owned, operated, financed, constructed, and maintained by the Authority in furtherance of "community activities" (as defined in Section 349.01(N)), including

community buildings, centers and plazas, telecommunications facilities, recreational facilities, natural resource facilities including parks and other open space land, lakes and streams, community streets and parking facilities, pathway and bikeway systems, pedestrian underpasses and overpasses, lighting facilities, design amenities or other community facilities, and buildings needed in connection with water supply or sewage disposal installations, or energy facilities including those for renewable or sustainable energy sources, and gas or electric lines or installation. The Authority may also provide such other land development or community facilities and services permitted under Chapter 349 of the Revised Code as are determined by the Authority.

The Authority will provide any necessary maintenance of land development or community facilities, unless and until that land development or those community facilities become the maintenance responsibility of others. Maintenance services will be provided by contracting for those services or employing staff paid by the Authority.

D. Proposed Method of Financing the Community Facilities and Services

The financing for the Land Development and Community Facilities and payment of their operation and maintenance costs is expected to be provided pursuant to the terms of agreements by and among the Developer and the Authority.

The Land Development and Community Facilities and related maintenance and services expected to be financed or paid for from a Community Development Charge based on the assessed valuation of each parcel in the maximum amount not to exceed 7.5 mills (the "Community Development Charge"), as provided for in the Declaration as the same may be amended or supplemented in accordance with its terms.

Further discussion of the financial plan for the District is included in Exhibit D to this Petition.

E. Projected Total Residential Population of the New Community

It is estimated that 2250 residents are expected to reside within the District at full build-out. The only employees expected to work within the District at full build-out are those individuals engaged in performing operation and maintenance of community facilities or residential amenities.

EXHIBIT D

PRELIMINARY ECONOMIC FEASIBILITY ANALYSIS

A. Area Development Pattern and Demand

The City of Delaware grew 13% from 2010 to 2017 to a population of 39,267. This is consistent with the growth rate in Delaware County over the last decade to an estimated population of 200,464 in 2017 according to the United States Bureau of the Census. Delaware County is the fastest growing county in Ohio, with its growth rate of 15.1% from 2010 to 2017 far outpacing the State which saw a 1% growth rate for the same period. The Delaware City School District in 2013 had a population of 36,181.

All of this growth in the City and County of Delaware is consistent with demographic patterns in the larger Columbus Metropolitan Statistical Area (the "Columbus MSA"). In contrast to stagnant or declining populations throughout much of the Northeast and Midwest regions of the United States, the Columbus Chamber of Commerce reported a 10.6% growth in population for the Columbus and central Ohio area between 2000 and 2010. Growth projections developed by the Mid-Ohio Regional Planning Commission show a continuing population increase, with an additional 600,000 residents in the region expected by the year 2050.

Development in the District will help meet the housing needs occasioned by this growth.

B. Location and Proposed New Community District Size

The Developer has assembled approximately 471.42 acres of land in the City of Delaware that will be included in the District. The location of this property is shown on the map attached to this Petition as Exhibit A-1.

C. Present and Future Socio-Economic Conditions

(i) Demographic and Economic Patterns

According to the U.S. Census, the average price for a single family residential home in the City between 2012 through 2016 was \$161,100 and the average household income during that time span was \$58,472. Approximately 94% of the City's population over the age of 25 has earned a high school degree or higher.

According to the Ohio Department of Job and Family Services, Bureau of Labor Market Information, Ohio is projected to see job growth of 5.3% between 2014 through 2024 and the Columbus MSA is projected to see job growth of 6.1% during the same time span.

(ii) Area Assets and Amenities

*Recreation.* Delaware State Park, a 1,300-acre reservoir containing dense woodlands and expansive meadows, is located approximately 6 miles north of the District and provides recreational camping, boating, and fishing opportunities. Four golf courses are also located in the City.

Also located in the County is the Columbus Zoo and Aquarium which draws visitors from around the nation, and the City of Delaware annually hosts the Little Brown Jug, one of three races in harness racing's Triple Crown which draws more than 55,000 people to the City.

*Higher Education.* The City of Delaware is home to Ohio Wesleyan University, a private four-year liberal arts institution as well as a campus of the Columbus State Community College. Also in the county there is the Delaware Campus of The Ohio State University. And within commuting distance of the City of Delaware there are several other institutions of higher education including; the main campus of The Ohio State University, Ohio Dominican College, Capital University, Denison University, Otterbein University, and Franklin University.

*Downtown Delaware.* The City of Delaware features a beautiful and historic downtown including an historic business district which features several buildings on the National Register of Historic Places. The downtown area is anchored by Ohio Wesleyan University and features a bevy of retail and commercial businesses as well as an ever growing number of restaurants, bars, and microbreweries. First floor occupancy in downtown buildings currently sits at 96%. The Ohio Wesleyan University's Shelby Stadium is a significant attraction in the downtown area and is the home of Ohio's only professional lacrosse team, the Ohio Machine, a member organization of Major League Lacrosse whose games average more than 3,000 fans in attendance per game. The downtown area is supported by Main Street Delaware which hosts events throughout the year including First Friday, The Main Street Farmers Market, Santa House, Carriage Rides, and the March for Art, among many others.

*Shopping.* Polaris Centers of Commerce, a large mixed-use development with over 5 million square feet of office and 4 million square feet of retail, is located approximately 10 miles south of the District. The Center has a two-level shopping mall, recreation and entertainment opportunities, growing restaurant and hotel businesses, and stations more than 180 companies.

The Tanger Outlets, a 350,000 square foot retail facility opened in 2017 and jointly developed by Simon Property Group and Tanger Outlets features 75 different retail stores and is within a few minutes drive of the District.

D. Public Services Provision

(i) Safety Services

(ii) Police and fire and related safety services will be provided to the District by the City of Delaware.

(iii) Transportation Access

As detailed on the map attached as Exhibit D, the assemblage begins at Pollock Road, extending east to Berlin Station Road. Currently, most traffic enters the area on U.S. Highway 23 which connects to the Interstate System at I-270 on the north side of Columbus.

The John Glenn Columbus International Airport is located to the south and within a 35-minute drive from the District and the Delaware Municipal Airport which is located within the

City of Delaware was recently upgraded to accommodate small jet aircraft through a project funded by the Federal Aviation Administration.

(iv) Zoning and Other Accommodations

The Developer has or will obtain the rezoning and other accommodations required for its planned development of the District. The zoning of the property is described in Exhibit B.

(v) Schools

The District's property lies in the Delaware City School District (approximately 244.90 acres) and the Olentangy Local School District (approximately 226.52 acres).

According to the State of Ohio Department of Education, in its Fiscal Year 2016-17 the Delaware City School District had an average daily enrollment of approximately 5,279 students and an adjusted per pupil expenditures of \$8,402.

According to the State of Ohio Department of Education, in its Fiscal Year 2016-17 the Olentangy Local School District had an average daily enrollment of approximately 19,916 students and an adjusted per pupil expenditures of \$9,062.

The Development is expected to have a positive financial impact on the Delaware City School District. The Delaware City School District annual budget for Fiscal Year 2016-17 was approximately \$57.1 million, and the Developer has projected that, at the District's current tax rates, at full build-out the portion of the Development in that District will generate approximately \$1,720,645 of property tax revenues per year for the District. The development of the District will also provide so-called "move-up housing" within the School District for families desiring to move into a new home but stay within the School District.

(vi) Utilities

*Sewer and Water.* Sewer and water services are currently expected to be provided to the District by the City of Delaware.

*Electric, Gas.* Gas will be provided to the District by Columbia Gas or Suburban Natural Gas. Electric service will be provided to the District by American Electric Power or Consolidated Electric Cooperative, Inc.

*Cable/Internet Service.* Cable and internet service will be provided by Spectrum or "WOW!".

E. Financial Plan

(i) Charge Covenant Filing

A Declaration prepared by the Developer will be filed with the Delaware County Recorder in connection with the approval of this Petition for the purpose of creating covenants running with the land to establish the obligation of current and future landowners to pay the Authority's Community Development Charge once the Authority is formed and that Charge is

implemented by the Authority's Board of Trustees. The Community Development Charge is based on the Assessed valuation of real property and the Declaration has been filed on all Property in the District.

(ii) Maximum Amount of Community Development Charge

The maximum amount of the Community Development Charge for each parcel of Property in the District established by the Declaration is 7.5 mills multiplied by the assessed valuation of the parcel (7.5 mills is 75 cents for each one thousand dollars (\$1,000) of assessed valuation). Assessed valuation is approximately 35% of the true value of the property assessed on the tax duplicate of the Delaware County Auditor, but it shall have the meaning ascribed to it in the Declaration.

The Community Development Charge can be reduced by annual action of the Board of Trustees.

(iii) Projected Community Development Charge Revenues

Revenues from the Community Development Charge have been projected by the Developer based on anticipated development plans and expected property values that are expected to be created as those plans are implemented. The estimated annual revenues from the Community Development Charge are currently projected to reach approximately \$820,000 annually at full build-out and aggregating more than \$30,000,000 by 2061.

(iv) Apportioning Community Development Charge Revenues

Community Development Charge revenues will be apportioned by the Board of Trustees of the Authority to costs of Land Development and Community Facilities including but not limited to all costs referred to in Section 133.15(B) of the Ohio Revised Code, associated operating and maintenance costs, third-party consultant fees and expenses, and legal and financial advisory fees and expenses, and costs of administering the Authority. It is contemplated that, after the payment in full of the bonds and notes referred to in (vi) below, Community Development Charge will be apportioned to operating and maintenance costs and the costs of administering the Authority.

(v) Charge Collection

Collection of the Community Development Charge will be administered under the direction of the Board of Trustees of the Authority. The Charge is payable annually or semiannually on due dates to be determined by the Authority. The Authority will have a first lien on each parcel subject to the Community Development Charge.

As permitted by Section 349.07 of the Ohio Revised Code, the Authority may certify the Community Development Charge to the Delaware County Auditor, who will enter that Charge on the tax list and duplicate of real property and certify it to the Delaware County Treasurer for collection on real property tax bills. Delinquent payments of the Community Development Charge may also be collected in the same manner provided for the collection of delinquent real property taxes.

(vi) Issuance of Community Authority Bonds and Notes.

The Authority may issue bonds or notes under Section 349.08 of the Revised Code to pay not to exceed \$7,000,000 (exclusive of any amounts for a reserve fund for or costs of issuance of those bonds or notes) of the costs of Land Acquisition, Land Development or the acquisition or construction of Community Facilities or parts thereof, with those bonds or notes payable from the Community Development Charge.

F. Developer's Management Capability

The Developer is an Ohio limited liability company formed in 2017 for the residential development of the approximately 471.42 acres included in the District that are now owned or controlled by the Developer. The Developer's current business address is 207 North Fourth Street Columbus, Ohio 43215. Members of the Developer include Vincent Romanelli, a founder and principal in central Ohio builder Romanelli and Hughes Building Company, and Martin L. Savko, Sr. and Stephen N. Savko, principals in central Ohio excavation and land development company Nickolas Savko & Sons.

Romanelli & Hughes was founded in 1970 and for nearly 50 years, the name Romanelli & Hughes has been synonymous with luxury, craftsmanship and excellence in building new custom homes in Central Ohio. Romanelli & Hughes provides development and architectural services as well as design and energy efficiency solutions to meet the specific needs of a variety of customers. With over 100 years of combined construction experience Romanelli & Hughes have built a talented team of designers, architects and energy-efficiency experts. All of this expertise under one roof gives customers both value and convenience. Romanelli & Hughes and its affiliates have been developer for many communities over its history including: Harvest Wind, Verona, Coffman Park, Cortona, Liberty Bluff, London Crossing, Marisol, Monterra, and Nelson Farms.

Nickolas Savko & Sons was founded in 1946. Today, the Savko family celebrates its third generation joining the company. It has all the resources, including the experienced manpower combined with the right machinery, to handle any size site development project. Nickolas Savko & Sons has been directly involved in homebuilding and development for more than 70 years, and has built infrastructure for an average of 2000 housing lots annually. The company has been the main contractor on more than ten (10) "Parade of Homes" developments in the past 30 years and is the development contractor for Jerome Village, The New Albany Company, and other developments in Central Ohio.

PETITIONER' S RESPONSES TO CONCERNS RAISED BY THE CITY'S  
STAFF REPORT AND CITY COUNCIL ISSUES OR CONCERNS  
RAISED AT PREVIOUS COUNCIL MEETING OR IN DIRECT  
COMMUNICATIONS WITH PETITION'S REPRESENTATIVES

## PAST SCHOOL LEVIES

### Delaware City Schools

Dates of Elections	Types of Levy	Total Votes	Votes for Levy	Votes Against Levy	% Votes for Levy	% Votes Against Levy
November 7, 2017	8.35 for 5 Years	8,816	5,404	3,412	61.3%	38.7%
March 15, 2016	8.44 Mills	11,219	7,301	3,918	65.1%	34.9%
November 4, 2014	3 Mills for 5 Years	9,490	6,107	3,383	64.4%	35.6%
November 11, 2011	835 for 5 Years	11,317	5,950	5,367	52.6%	47.4%
	<b>TOTAL AVERAGE</b>	<b>40,842</b>	<b>24,762</b>	<b>16,080</b>	<b>60.6%</b>	<b>39.4%</b>

### Olentangy Local Schools

March 15, 2016	Bond Issue	31,683	18,352	13,331	57.9%	42.1%
	Precinct 3F	463	337	126	72.8%	27.2%
	Precinct 3G	443	338	105	76.3%	23.7%
	<b>TOTAL PRECINCTS</b>	<b>906</b>	<b>675</b>	<b>231</b>	<b>74.5%</b>	<b>25.5%</b>
May 3, 2011	7.9 Mills/.5 Mills Bond	18,102	9,641	8,461	53.3%	46.7%
	Precinct 3F	258	159	99	61.6%	38.4%

VOTES PERCENT

City of Delaware - Municipal Income Tax (Increase)

Roads & Bridges - 0.15% increase to a rate of 2.0%

Vote for not more than 1

01 = For the Income Tax

02 = Against the Income Tax

6,817	39.61
10,392	60.39
17,209	100.00

7,758	45.1	(IF PRECINCTS 3F AND 4F
9,451	54.9	VOTED UNANIMOUSLY
17,209	100.0	FOR THE INCREASE)

	01	02	Total	Yes%	No%	Yes	No	Total
0028 DELAWARE CITY 1-A	255	327	582	43.81	56.19			
0029 DELAWARE CITY 1-B	383	517	900	42.56	57.44			
0030 DELAWARE CITY 1-C	280	465	745	37.58	62.42			
0031 DELAWARE CITY 1-D	220	281	501	43.91	56.09	1799	2514	4313
0032 DELAWARE CITY 1-E	141	226	367	38.42	61.58	41.71%	58.29%	100%
0033 DELAWARE CITY 1-F	254	315	569	44.64	55.36			
0034 DELAWARE CITY 1-G	266	383	649	40.99	59.01			
0035 DELAWARE CITY 2-A	396	526	922	42.95	57.05			
0036 DELAWARE CITY 2-B	401	509	910	44.07	55.93			
0037 DELAWARE CITY 2-C	197	419	616	31.98	68.02	1782	2784	4566
0038 DELAWARE CITY 2-D	164	311	475	34.53	65.47			
0039 DELAWARE CITY 2-E	83	192	275	30.18	69.82	39.03%	60.97%	100%
0040 DELAWARE CITY 2-F	260	385	645	40.31	59.69			
0041 DELAWARE CITY 2-G	281	442	723	38.87	61.13			
0042 DELAWARE CITY 3-A	236	195	431	54.76	45.24			
0043 DELAWARE CITY 3-B	188	410	598	31.44	68.56	1602	2631	4233
0044 DELAWARE CITY 3-C	140	313	453	30.91	69.09			
0045 DELAWARE CITY 3-D	336	334	670	50.15	49.85	37.85%	62.15%	100%
0046 DELAWARE CITY 3-E	289	374	663	43.59	56.41			
0047 DELAWARE CITY 3-F	199	562	761	26.15	73.85			
0048 DELAWARE CITY 3-G	214	443	657	32.57	67.43			
0049 DELAWARE CITY 4-A	394	435	829	47.53	52.47			
0050 DELAWARE CITY 4-B	342	369	711	48.10	51.90	1634	2463	4097
0051 DELAWARE CITY 4-C	257	383	640	40.16	59.84			
0052 DELAWARE CITY 4-D	93	285	378	24.60	75.40	39.88%	60.12%	100%
0053 DELAWARE CITY 4-E	382	612	994	38.43	61.57			
0054 DELAWARE CITY 4-F	166	379	545	30.46	69.54			

- GREEN PRECINCTS PASSED BY ONLY 43 VOTES
- YELLOW PRECINCTS IN COMMUNITY AUTHORITY
- RED PRECINCTS WITH HIGHEST PERCENT OF NO VOTES

**FEES AND CHARGES**

PROPERTY OWNERSHIP	TERRA ALTA	ROGERS	STOCKDALE FARM	TOTAL
AREAGE	244.90	68.27	158.25	471.42
SCHOOL DISTRICT	DCS	OLS	OLS	
NUMBER OF HOUSING DWELLING UNITS	477	73	322	872
FEE OR CHARGES				
REZONING	\$25,450	\$7,327	\$0	\$32,777
PRELIMINARY PLAN / PLAT	\$25,240	\$7,577	\$16,250	\$49,067
FINAL PLAN / PLAT	\$25,490	\$7,877	\$16,590	\$49,957
SUBTOTAL	\$76,180	\$22,781	\$32,840	\$131,801
BUILDING PERMIT / METER	\$884,600	\$146,000	\$628,400	\$1,659,000
SANITARY SEWER CAPACITY FEE	\$2,568,645	\$393,105	\$1,733,970	\$4,695,720
WATER CAPACITY FEE	\$2,695,050	\$412,450	\$1,819,300	\$4,926,800
IMPACT FEES	\$911,814	\$150,964	\$637,972	\$1,700,750
ENGINEERING FEES	\$202,725	\$31,025	\$136,850	\$370,600
SHSC / TRANSPORTATION CHARGE	\$0	\$0	\$0	\$0
<b>TOTAL FEES</b>	<b>\$7,338,814</b>	<b>\$1,156,325</b>	<b>\$5,022,652</b>	<b>\$13,617,615</b>
* AVERAGE ANNUAL UTILITY CHARGE AT BASE RATE	\$497,249.00			

**INCOME TAX**

SECTION	TYPE OF HOUSES	NUMBER OF UNITS	AVERAGE HHI	CITY TAX	TOTAL TAX
TERRA ALTA	SINGLE FAMILY	210	165,000	3052.50	\$641,025.00
	EMPTY NESTER	96	140,000	2590.00	\$248,640.00
	CONDO	136	140,000	0.00	\$0.00
ROGERS	SINGLE FAMILY	73	210,000	3885.00	\$283,605.00
STOCKDALE	SINGLE FAMILY	244	200,000	3700.00	\$902,800.00
	EMPTY NESTER	23	150,000	2775.00	\$63,825.00
<b>TOTAL</b>	<b>AVERAGE HOUSEHOLD INCOME</b>		<b>174,105</b>	<b>TOTAL ANNUAL INCOME</b>	<b>\$2,139,895.00</b>
MEDIAN HOUSEHOLD INCOME	54,367	U.S. CENSUS BUREAU			
MEDIAN HOUSEHOLD INCOME	57,000	* STATISTICAL ATLAS			
POWELL MEDIAN INCOME	147,344				
			CREDIT ON 50% OF CITY RATE		\$1,069,947.50
			DOES NOT INCLUDE INCOME TAXES RECEIVED DURING CONSTRUCTION		

**PROPERTY TAXES BREAKDOWN  
PHASES - TERRA ALTA**

	AVERAGE SALE PRICE	TOTAL SALE VALUATION	\$ DELAWARE TWP	\$ DELAWARE CORP	SCHOOLS
TERRA ALTA (DELAWARE CITY SCHOOLS)					
SINGLE FAMILY	210	\$375,000.00	\$78,750,000.00	\$115,741.43	\$78,671.25
CONDO'S	136	\$275,000.00	\$37,400,000.00		
RANCH EMPTY NESTER	131	\$350,000.00	\$45,850,000.00		
<b>TOTAL</b>	<b>477</b>	<b>\$162,000,000.00</b>	<b>\$162,000,000.00</b>		
		<b>AVERAGE</b>	<b>\$349,056.00</b>		
ROGERS (OLENTANGY)					
SINGLE FAMILY	73	\$575,000.00	\$41,975,000.00		
STOCKDALE (OLENTANGY)					
RANCH EMPTY NESTER	78	\$350,000.00	\$27,300,000.00		
SINGLE FAMILY	244	\$475,000.00	\$115,900,000.00		
<b>TOTAL</b>	<b>322</b>	<b>\$143,200,000.00</b>	<b>\$143,200,000.00</b>		
		<b>AVERAGE</b>	<b>\$501,553.00</b>		
<b>SUBTOTAL</b>	<b>(10 ACRES NOT DEVELOPED AT PRESENT TIME)</b>		<b>\$120,079.50</b>	<b>\$74,777.06</b>	<b>\$3,834,042.83</b>
			<b>\$235,820.93</b>	<b>\$153,448.31</b>	<b>\$7,328,660.05</b>
<b>TOTAL UNITS</b>	<b>872</b>	<b>TOTAL HOUSING</b>	<b>\$347,175,000.00</b>	<b>TOTAL REVENUE SCHOOLS AND GOVERNMENT</b>	<b>\$7,517,929.29</b>
		<b>AVERAGE PRICE</b>	<b>\$424,283.00</b>		

**TOTAL ESTIMATED PROJECT FEES TO BE PAID TO CITY**  
\$13,617,615.00

**TOTAL ESTIMATED ANNUAL INCOME TO BE PAID TO CITY**  
\$1,720,645.00

STAFF REPORT ISSUE 2:

**ADDITIONAL CITY STAFF TIME FOR NCA MATTERS.**

Response:

Unlike the Delaware South and North New Community Authorities created in 2007, and the City's Proximate City status in the original Berkshire Landing Community Authority created in 2013 and as expanded in 2018, the proposed Terra Alta New Community Authority is much more limited in scope. The proposed authority is limited only to community facilities within the immediate confines of the residential development and/or improvements outside of the development but immediately adjacent thereto.

Unfortunately, nothing can totally stop citizens from contacting the City for whatever reason. The HOA will be professionally managed and similarly the NCA will likely be professionally managed with a local Board of Trustees approved by the City of Delaware and the Developer.

At the time of Purchase, the real estate contract will contain disclosure of this NCA and HOA. Document regarding both will be provided to each purchaser with all contact information. See contract language attached.

**3.3 Demand for Financing Evidence:**

If Seller does not receive Buyer's written notice or documents as required in paragraphs 3.1, 3.2(a), 3.2(b)(i), or 3.2(c) (the "Financing Evidence"), the Seller may, at any time until 7 calendar days before the closing date set forth in paragraph 16.1, notify the Buyer or Buyer's Broker in writing that Seller has not received the required Financing Evidence, specifying which type of Financing Evidence is overdue (a "Demand for Financing Evidence"). If Seller receives the required Financing Evidence within 3 calendar days after delivery of Seller's Demand for Financing Evidence, the parties shall proceed with the transaction. If Seller does not receive the required Financing Evidence within 3 calendar days after delivery of the Demand for Financing Evidence, Seller may, at any time thereafter until the Financing Evidence has been received, terminate this contract by delivering written notice of termination to the Buyer or Buyer's Broker, at which time the Earnest Money Deposit shall be released to the Buyer. Seller's election to terminate pursuant to this paragraph 3.3 is Seller's sole legal remedy for Buyer's failure to deliver the Financing Evidence, acts as a bar to any additional legal or equitable claims that Seller may have against the Buyer, and constitutes Seller's consent to the release of the Earnest Money Deposit. **Failure of the Seller to timely deliver the written Demand for Financing Evidence constitutes a waiver of Seller's right to terminate pursuant to this provision.**

**4. Taxes and Assessments:**

**4.1 The real estate taxes for the premises for the current year may change as a result of the transfer of the premises, or as a result of a change in the tax rate and valuation. Buyer and Seller understand that real estate valuations may be subject to retroactive change by governmental authority.**

Seller shall pay or credit at closing:

- (a) all delinquent taxes, including penalty and interest;
- (b) all assessments which are a lien on the premises as of the date of the contract;
- (c) all agricultural use tax recoupments for years prior to the year of closing;
- (d) all other unpaid real estate taxes and community development charges imposed pursuant to Chapter 349 of the Ohio Revised Code which are a lien for years prior to closing; and
- (e) a portion of such taxes and community development charges for the year of closing shall be prorated through the date of closing based on a 365 day year. If taxes are undetermined for the year of closing, the proration shall be based on the most recent available tax rate and valuation, giving effect to applicable exemptions, recently voted millage, change in valuation, etc., whether or not certified.

These adjustments shall be final, except for the following: (none if nothing inserted)

**4.2 The community development charge, if any, applicable to the premises was created by a covenant in an instrument recorded at (insert county) \_\_\_\_\_, Vol. \_\_\_\_\_, Page number \_\_\_\_\_ or Instrument number \_\_\_\_\_. (Note: If the foregoing blanks are not filled in and a community development charge affects the premises, this contract may not be enforceable by the Seller or binding upon the Buyer pursuant to Section 349.07 of the Ohio Revised Code.)**

**4.3 Seller warrants that no improvements or services (site or area) have been installed or furnished, nor notification received from public authority or owner's association of future improvements of which any part of the costs may be assessed against the premises, except the following: (none if nothing inserted)**

STAFF REPORT ISSUE 3:

**REQUESTED NCA WILL SET PRECEDENT FOR FUTURE REQUEST.**

Response:

There is no precedent to set when we can speak to future request. Chapter 349 of the Ohio Revised Code, does not limit a developer, including the City of Delaware, from filing a petition seeking an NCA. The City has limitations in denying such a request as set forth in Council Issue 3.

The precedent has been set. The City of Delaware created the Delaware South New Community Authority (2007) (7.5 mills), the Delaware North New Community Authority was created in 2007 (7.5 mills), and has approved and become part of the Berkshire Landing Community Authority of 2015 and expanded in 2018 (9.5 mills) as the Proximate City.

In Central Ohio, five (5) commercial development NCA's have been created since 2007. Ten (10) residential development NCA's have been created since 1992, and eight (8) specific purpose NCA's have been created since 1999 for a total of twenty-three (23) NCA's in Central Ohio.

From a reading of and for purposes of this Chapter 349, the city of Delaware and/or a present developer are considered one and the same.

**STAFF REPORT ISSUE 4:**

**HOA VS. NCA CONFUSION OVER CHARGES FOR HOA AND THOSE OF NCA.**

**Response:**

There should be no confusion. HOA fees will be billed monthly or quarterly from the firm engaged by the HOA to process all HOA matters as determined by the HOA Board and/or membership.

The NCA charges are to be billed and collected as part of each residential real estate property bill.

All charges will be disclosed to all purchasers at time of closing, and the initial HOA fees will be collected at that time.

COUNCIL ISSUE 1:

**WHAT ARE ALLOWABLE NCA EXPENSES AND OR COST?**

Response:

Section 349.01 sets forth and defines and therefore limits the terms of how Chapter 349 should be interpreted and applied.

(G) "Land acquisition" means the acquisition of real property and interests in real property as part of a new community development program.

(H) "Land development" means the process of clearing and grading land, making, installing, or constructing water distribution systems, sewers, sewage collection systems, steam, gas, and electric lines, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether within or without the new community district, and the construction of community facilities.

(I) "Community facilities" means all real property, buildings, structures, or other facilities, including related fixtures, equipment, and furnishings, to be owned, operated, financed, constructed, and maintained under this chapter or in furtherance of community activities, including public, community, village, neighborhood, or town buildings, centers and plazas, auditoriums, day care centers, recreation halls, educational facilities, health care facilities including hospital facilities as defined in section [140.01](#) of the Revised Code, telecommunications facilities, including all facilities necessary to provide telecommunications service as defined in section [4927.01](#) of the Revised Code, recreational facilities, natural resource facilities, including parks and other open space land, lakes and streams, cultural facilities, community streets and off-street parking facilities, pathway and bikeway systems, pedestrian underpasses and overpasses, lighting facilities, design amenities, or other community facilities, and buildings needed in connection with water supply or sewage disposal installations, or energy facilities including those for renewable or sustainable energy sources, and steam, gas, or electric lines or installation.

(J) "Cost" as applied to a new community development program means all costs related to land acquisition and land development, the acquisition, construction, maintenance, and operation of community facilities and offices of the community authority, and of providing furnishings and equipment therefor, financing charges including interest prior to and during construction and for the duration of the new community development program, planning expenses, engineering expenses, administrative expenses including working capital, and all other expenses necessary and incident to the carrying forward of the new community development program.

COUNCIL ISSUE 2:

**WHY REQUEST FOR AN NCA IS ARISING NOW SINCE THE RESIDENTIAL PROJECT HAS COMMENCED?**

Response:

This is not a new request. Applicant and Attorney for the Applicant have been discussing the use of the NCA for at least the last 18 months with the Officials of the City of Delaware.

Applicant and Attorney for Applicant can and will testify to efforts and discussions that have taken place.

Applicant found it necessary to proceed with the construction of the development due to contract commitments while negotiating for the creation of NCA continue with the City.

COUNCIL ISSUE 3:

**POSSIBLE GUIDELINES FOR FUTURE NCA'S AND NOT TO OPEN THIS FLOODGATE.**

Response:

NCA's are organizations created by the authority of this State of Ohio by and through actions of the Ohio Legislature.

Chapter 349 of the Ohio Revised code sets forth the statutory authority to create such an organization.

I could find nothing that would limit this use of an NCA upon the filing of proper petition.

It appears that to deny a request for NCA, this approving government can only do so per a finding under Section 349.03 (A) (8), the City of Delaware has found that the establishment of said district **will not be conducive to the public health, safety, convenience or welfare.**

It is unknown if limitations can be put on the creation of NCA except as set forth in ORC Chapter 349.

I have taken the liberty of drafting some suggested limitations you might want to consider. However, such limitations at the local level may not survive judicial review of legislative intent and/or meaning of Chapter 349.

### Possible Criteria for NCA Qualifying Standards

1. The Standard must be a minimum of 450 attached or free standing housing units by one developer.
2. The standard must be a minimum of 450 attached or free standing housing units by multiple developers.
  - a. In the case of multiple developers, all land being so developed must be contiguous to each parcel of undeveloped land.
3. There must be a minimum of \$20,000,000 for any commercial development consisting of the raw land cost and capital improvements to the proposed commercial use.
4. Additionally, the residential or commercial project may be less than 450 attached or single family housing units or \$20,000,000.00 in raw land cost and capital improvements; if said project contributes meaningful funds or otherwise resulting in the construction of a completed road or infrastructure project identified in the Delaware County Master Thoroughfare plan or the City of Delaware's Capital Improvement on Road Plan Project or otherwise extends city utilities to an area presently contiguous to the City of Delaware.
5. The city may grant for the waiver of size and/or grant of funds if City Council deems the project to be of significant improvement to the overall growth of the City.

COUNCIL ISSUE 4:

**OTHER NCA ISSUE – POWERS AND AUTHORITY OF NEW COMMUNITY AUTHORITY**

Response:

Section 349.06 sets forth the Powers and Authority of the New Community Authority.

349.06 Power and authority of new community authority.

In furtherance of the purposes of this chapter, a new community authority may:

- (A) Acquire by purchase, lease, gift, or otherwise, on such terms and in such manner as it considers proper, real and personal property or any estate, interest, or right therein, within or without the new community district;
- (B) Improve, maintain, sell, lease or otherwise dispose of real and personal property and community facilities, on such terms and in such manner as it considers proper;
- (C) Landscape and otherwise aesthetically improve areas within the new community district, including but not limited to maintenance, landscaping and other community improvement services;
- (D) Provide, engage in, or otherwise sponsor recreational, educational, health, social, vocational, cultural, beautification, and amusement activities and related services primarily for residents of , visitors to, employees working within, or employers operating businesses in the district, or any combination thereof.
- (E) Fix, alter, impose, collect and receive service and user fees, rentals, and other charges to cover all costs in carrying out the new community development program;
- (F) Adopt, modify, and enforce reasonable rules and regulations governing the use of community facilities;
- (G) Employ such managers, administrative officers, agents, engineers, architects, attorneys, contractors, sub-contractors, and employees as may be appropriate in the exercise of the rights, powers and duties conferred upon it, prescribe the duties and compensation for such persons, require bonds to be given by any such persons and by officers of the authority for the faithful performance of their duties, and fix the amount and surety therefor; and pay the same;
- (H) Sue and be sued in its corporate name;
- (I) Make and enter into all contracts and agreements and execute all instruments relating to a new community development program, including contracts with the developer and other persons or entities related thereto for land acquisition and land development; acquisition, construction, and maintenance of community facilities; the provision of community services and management and coordinating services; with federal, state, interstate, regional, and local agencies and political subdivisions or combinations thereof in connection with the financing of such program, and with any municipal corporation or other public body, or combination thereof, providing for the acquisition, construction, improvement, extension, maintenance or operation of joint lands or facilities or for the provision of any services or activities relating to and in furtherance of a new community development program, including the creation of or participation in a regional transit authority created pursuant to the Revised Code;
- (J) Apply for and accept grants, loans or commitments of guarantee or insurance including any guarantees of community authority bonds and notes, from the United States, the state, or other public body or other sources, and provide any consideration which may be required in order to obtain such grants, loans or contracts of guarantee or insurance. Such loans or contracts of guarantee or insurance may be evidenced by the issuance of bonds as provided in section 349.08 of the Revised Code;

**COUNCIL ISSUE 4:**

**OTHER NCA ISSUE – POWERS AND AUTHORITY OF NEW COMMUNITY AUTHORITY --  
(Continued)**

(K) Procure insurance against loss to it by reason of damage to its properties resulting from fire, theft, accident, or other casualties, or by reason of its liability for any damages to persons or property occurring in the construction or operation of facilities or areas under its jurisdiction or the conduct of its activities;

(L) Maintain such funds or reserves as it considers necessary for the efficient performance of its duties;

(M) Enter agreements with the boards of education of any school districts in which all or part of the new community district lies, whereby the community authority may acquire property for, may construct and equip, and may sell, lease, dedicate, with or without consideration, or otherwise transfer lands, schools, classrooms, or other facilities, whether or not within the new community district, from the authority to the school district for school and related purposes;

(N) Prepare plans for acquisition and development of lands and facilities, and enter into agreements with city, county, or regional planning commissions to perform or obtain all or any part of planning services for the new community district;

(O) Engage in planning for the new community district, which may be predominantly residential and open space, and prepare or approve a development plan or plans therefor, and engage in land acquisitions and land development in accordance with such plan or plans;

(P) Issue new community authority bonds and notes and community authority refunding bonds, payable solely from the income source provided in section 349.08 of the Revised Code, unless the bonds are refunded by refunding bonds, for the purpose of paying any part of the cost as applied to the new community development program or parts thereof;

(Q) Enforce any covenants running with the land of which the new community authority is the beneficiary, including but not limited to the collection by any and all appropriate means of any community development charge deemed to be a covenant running with the land and enforceable by the new community authority pursuant to section 349.07 of the Revised Code; and to waive, reduce, or terminate any community development charge of which it is the beneficiary to the extent not needed for any of the purposes provided in section 349.07 of the Revised Code, the procedure for which shall be provided in such covenants, and if new community authority bonds have been issued pledging any such community development charge, to the extent not prohibited in the resolution authorizing the issuance of such new community authority bonds or the trust agreement or indenture of mortgage securing the bonds;

(R) Appropriate for its use, under sections 163.01 to 163.22 of the Revised Code, any land, easement, rights, rights-of-way, franchises, or other property in the new community district required by the authority for community facilities. The authority may not so appropriate any land, easement, rights, rights-of-way, franchises, or other property that is not included in the new community district.

(S) Enter into any agreements as may be necessary, appropriate, or useful to support a new community development program, including, but not limited to, cooperative agreements or other agreements with political subdivisions for services, materials, or products; for the administration, calculation, or collection of community development charges; or for sharing of revenue derived from community development charges, community facilities, or other sources. The agreements may be made with or without consideration as the parties determine.

Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.

Amended by 129th General Assembly File No. 64, HB 225, §1, eff. 3/22/2012.

Amended by 128th General Assembly File No. 31, HB 313, §1, eff. 7/7/2010.

Effective Date: 01-10-1991 .



## FACT SHEET

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AGENDA ITEM NO: 11

DATE: 11/26/2018

ORDINANCE NO: 18-105

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: NO

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TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE APPROVING A PRELIMINARY SUBDIVISION PLAT REQUEST BY MAKAPA LLC., FOR BELLE COMMONS FOR FOUR SINGLE FAMILY LOTS ON APPROXIMATELY 1.344 ACRES ON PROPERTY ZONED R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) AND LOCATED ON THE NORTH SIDE OF BELLE AVENUE AND ON THE EAST SIDE OF LIBERTY ROAD.

**BACKGROUND:**

See attached report

**REASON WHY LEGISLATION IS NEEDED:**

To achieve compliance with Chapter 1111 Subdivision Regulations of the zoning code.

**COMMITTEE RECOMMENDATION:**

Planning Commission approved this case 6-0 on November 7, 2018.

**FISCAL IMPACT(S):**

N/A

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

David Efland, Planning and Community Development Director

**RECOMMENDATION:**

Staff recommends approval as submitted with the documented conditions.

**ATTACHMENT(S)**

See attached

ORDINANCE NO. 18-105

AN ORDINANCE APPROVING A PRELIMINARY SUBDIVISION PLAT REQUEST BY MAKAPA LLC., FOR BELLE COMMONS FOR FOUR SINGLE FAMILY LOTS ON APPROXIMATELY 1.344 ACRES ON PROPERTY ZONED R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) AND LOCATED ON THE NORTH SIDE OF BELLE AVENUE AND ON THE EAST SIDE OF LIBERTY ROAD.

WHEREAS, the Planning Commission at its meeting of November 7, 2018 recommended approval of a Preliminary Subdivision Plat by Makapa LLC., for Belle Commons for four single family lots on approximately 1.344 acres on property zoned R-3 (One-Family Residential District) and located on the north side of Belle Avenue and on the east side of Liberty Road (PC Case 2018-1968).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the Preliminary Subdivision Plat by Makapa LLC., for Belle Commons for four single family lots on approximately 1.344 acres on property zoned R-3 (One-Family Residential District) and located on the north side of Belle Avenue and the east side of Liberty Road is hereby confirmed, approved, and accepted with on the following conditions that:

1. The engineering drawing shall be approved by the City Engineer prior to approval of any building permit.
2. A sidewalk shall be required for each single family lot prior to final occupancy permit of the subject single family house.
3. The single family houses shall achieve compliance with the R-3 zoning requirements in Chapter 1134 Residential District Requirements.
4. The single family houses shall achieve compliance with Chapter 1171.08 Residential Development Design Criteria and Performance Standards.
5. Street trees shall be required for each single family house per the City requirements.
6. Each house and lot shall achieve compliance with all other City development requirements.
7. Any tree 6 inches or larger removed during the construction of the house(s) shall be replaced per Chapter 1168 Tree Preservation Regulations.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS \_\_\_ NAYS \_\_\_  
ABSTAIN \_\_\_

PASSED: \_\_\_\_\_, 2018

YEAS \_\_\_ NAYS \_\_\_  
ABSTAIN \_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR



## FACT SHEET

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AGENDA ITEM NO: 12

DATE: 11/26/2018

ORDINANCE NO: 18-106

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: NO

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TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY MAKAPA LLC., FOR BELLE COMMONS FOR FOUR SINGLE FAMILY LOTS ON APPROXIMATELY 1.344 ACRES ON PROPERTY ZONED R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) AND LOCATED ON THE NORTH SIDE OF BELLE AVENUE AND ON THE EAST SIDE OF LIBERTY ROAD.

**BACKGROUND:**

See attached report

**REASON WHY LEGISLATION IS NEEDED:**

To achieve compliance with Chapter 1111 Subdivision Regulations of the zoning code.

**COMMITTEE RECOMMENDATION:**

Planning Commission approved this case 6-0 on November 7, 2018.

**FISCAL IMPACT(S):**

N/A

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

David Efland, Planning and Community Development Director

**RECOMMENDATION:**

Staff recommends approval as submitted with the documented conditions.

**ATTACHMENT(S)**

See attached

ORDINANCE NO. 18-106

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT REQUEST BY MAKAPA LLC., FOR BELLE COMMONS FOR FOUR SINGLE FAMILY LOTS ON APPROXIMATELY 1.344 ACRES ON PROPERTY ZONED R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) AND LOCATED ON THE NORTH SIDE OF BELLE AVENUE AND ON THE EAST SIDE OF LIBERTY ROAD.

WHEREAS, the Planning Commission at its meeting of November 7, 2018 recommended approval of a Final Subdivision Plat by Makapa LLC., for Belle Commons for four single family lots on approximately 1.344 acres on property zoned R-3 (One-Family Residential District) and located on the north side of Belle Avenue and on the east side of Liberty Road (PC Case 2018-1969).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the Final Subdivision Plat by Makapa LLC., for Belle Commons for four single family lots on approximately 1.344 acres on property zoned R-3 (One-Family Residential District) and located on the north side of Belle Avenue and the east side of Liberty Road, Is hereby confirmed, approved, and accepted with on the following conditions that:

1. The engineering drawing shall be approved by the City Engineer prior to approval of any building permit.
2. A sidewalk shall be required for each single family lot prior to final occupancy permit of the subject single family house.
3. The single family houses shall achieve compliance with the R-3 zoning requirements in Chapter 1134 Residential District Requirements.
4. The single family houses shall achieve compliance with Chapter 1171.08 Residential Development Design Criteria and Performance Standards.
5. Street trees shall be required for each single family house per the City requirements.
6. Each house and lot shall achieve compliance with all other City development requirements.
7. Any tree 6 inches or larger removed during the construction of the house(s) shall be replaced per Chapter 1168 Tree Preservation Regulations.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS\_\_\_NAYS\_\_\_  
ABSTAIN \_\_\_

PASSED: \_\_\_\_\_, 2018

YEAS\_\_\_NAYS\_\_\_  
ABSTAIN \_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

CASE NUMBER: 2018-1968-1969

REQUEST: Multiple Requests

PROJECT: Belle Commons

MEETING DATE: November 7, 2018

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**APPLICANT/OWNER**

Makapa LLC  
1159 Royal Palm Way  
Boca Raton, FL 33432

2018-1968: A request by Makapa LLC., for approval of a Preliminary Subdivision Plat for Belle Commons on approximately 1.344 acres on property zoned R-3 (One-Family Residential District) and located on the north side of Belle Avenue and the east side of Liberty Road.

2018-1969: A request by Makapa LLC., for approval of a Final Subdivision Plat for Belle Commons on approximately 1.344 acres on property zoned R-3 (One-Family Residential District) and located on the north side of Belle Avenue and the east side of Liberty Road.

**PROPERTY LOCATION & DESCRIPTION**

The subject four lots would encompass 1.344 acres located on the north side of Belle Avenue just east of Liberty Road. The subject parcels are zoned R-3 (One-Family Residential) as are the properties to the north, south, east, and west.

**BACKGROUND/PROPOSAL**

The applicant is proposing to subdivide a portion of the existing two lots into four lots for single family homes. The applicant would construct single family houses on the subject four lots that would have to achieve compliance with R-3 zoning requirements in Chapter 1134 Residential District Requirements and all other City development requirements. The applicant has scaled this proposal back significantly, deciding to eliminate the approximate 9.5 acres of the non-residential portion of the original proposal at this time. In fact, the lots could be created administratively by code with being creative about the layout. However, this would result in an illogical and ultimately a poor arrangement of lots. Therefore, a simple subdivision makes the most sense in this case.

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**STAFF ANALYSIS**

- **ZONING:** As previously mentioned, the zoning for the subject site is R-3 which would allow the proposed four lots to be developed per the R-3 zoning requirements. These houses would be consistent with the existing single family houses to the east and south.
- **GENERAL ENGINEERING:** The engineering requirements would be minimal because they are not extending a road or utilities but a storm water plan would be required to be approved by the Engineering Department. The subject engineering drawing(s) would need to be approved prior to any building permit being approved.
- **ROADS AND ACCESS:** Each of the four lots would have a single curb cut from Belle Avenue for access. Any improvements for each subject lot would be the responsibility of the owner per the City Engineer.
- **PEDESTRIAN CONNECTIVITY:** The adopted Bicycle and Pedestrian Master Plan 2017 does not identify a bike path along Belle Avenue but a sidewalk would need to be extended along the frontage of the subject four lots on Belle Avenue when the house is constructed.
- **SITE LAYOUT:** The applicant provided a preliminary layout to ensure any storm water issues would be addressed. A storm water easement would be located on the northern portion of the lots and just west of the western most lot (0.274 acre easement). Each lot would be 15,300 square feet (68 x 225) and would have a single curb cut driveway access to Belle Avenue. The driveway would have to be constructed of concrete, asphalt or other dustless surface as approved by the City Engineer. Each lot and house would have to achieve compliance with Chapter 1134 Residential District Requirements and Chapter 1171.08 Residential Development Design Criteria and Performance Standards.
- **LANDSCAPING & SCREENING:** Each house would require landscaping per Chapter 1171.08 Residential Development Design Criteria and Performance Standards. Also, street trees shall be required for each single family house per the zoning code.

- **TREE REMOVAL & REPLACEMENT:** There are trees scattered among the proposed four lots and if any trees 6 caliper inches or larger are removed they would need to be replaced per Chapter 1168 Tree Preservation Regulations.

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**STAFF RECOMMENDATION (2018-1968 – PRELIMINARY SUBDIVISION PLAT)**

Staff recommends approval of a request by Makapa LLC., for approval of a Preliminary Subdivision Plat for Belle Commons on approximately 1.344 acres on property zoned R-3 (One-Family Residential District) and located on the north side of Belle Avenue and the east side of Liberty Road, with the following conditions that:

1. The engineering drawing shall be approved by the City Engineer prior to approval of any building permit.
2. A sidewalk shall be required for each single family lot prior to final occupancy permit of the subject single family house.
3. The single family houses shall achieve compliance with the R-3 zoning requirements in Chapter 1134 Residential District Requirements.
4. The single family houses shall achieve compliance with Chapter 1171.08 Residential Development Design Criteria and Performance Standards.
5. Street trees shall be required for each single family house per the City requirements.
6. Each house and lot shall achieve compliance with all other City development requirements.
7. Any tree 6 inches or larger removed during the construction of the house(s) shall be replaced per Chapter 1168 Tree Preservation Regulations.

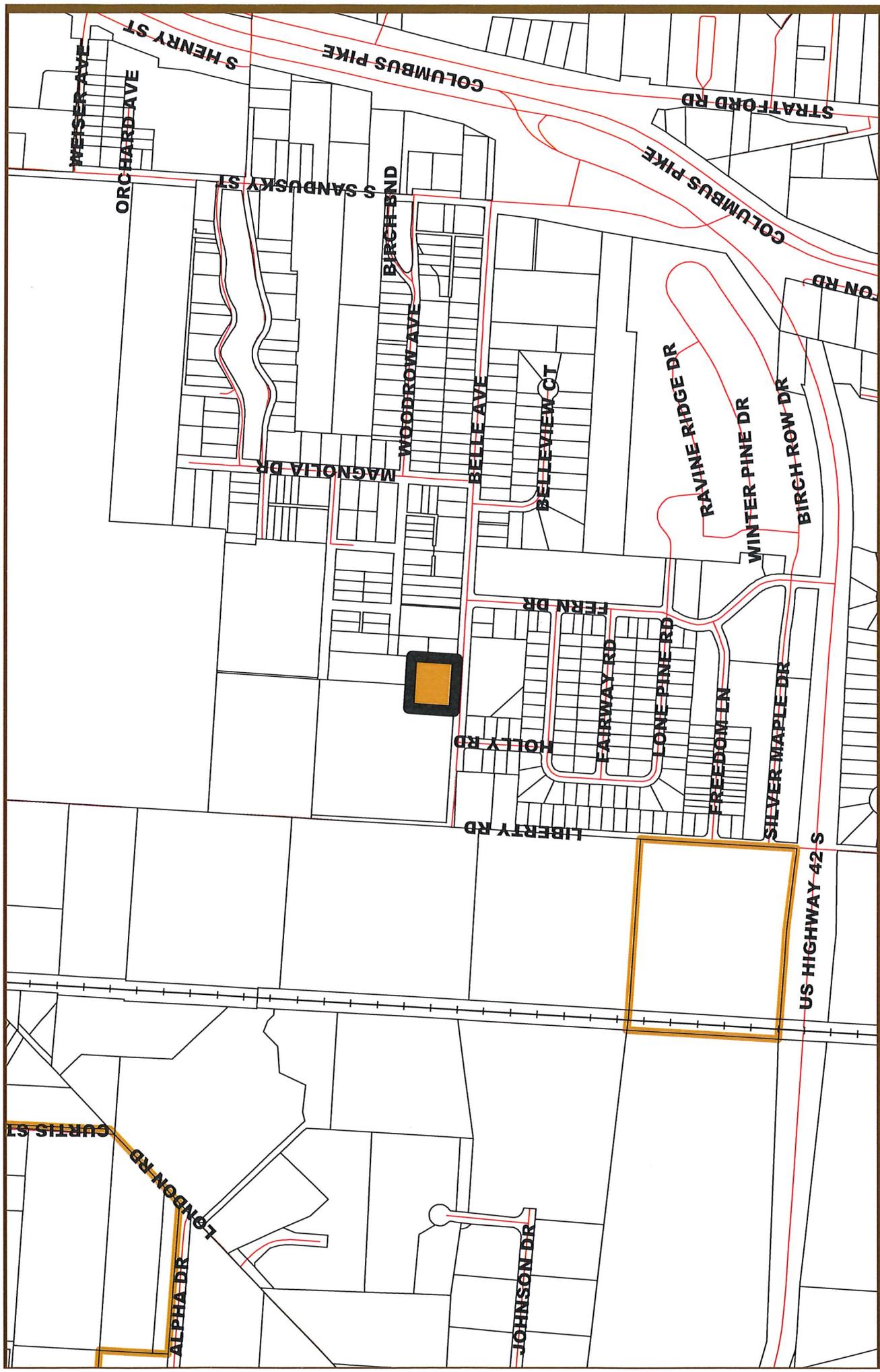
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**STAFF RECOMMENDATION (2018-1969 – FINAL SUBDIVISION PLAT)**

Staff recommends approval of a request by Makapa LLC., for approval of a Final Subdivision Plat for Belle Commons on approximately 1.344 acres on property zoned R-3 (One-Family Residential District) and located on the north side of Belle Avenue and the east side of Liberty Road, with following conditions that:

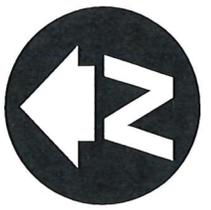
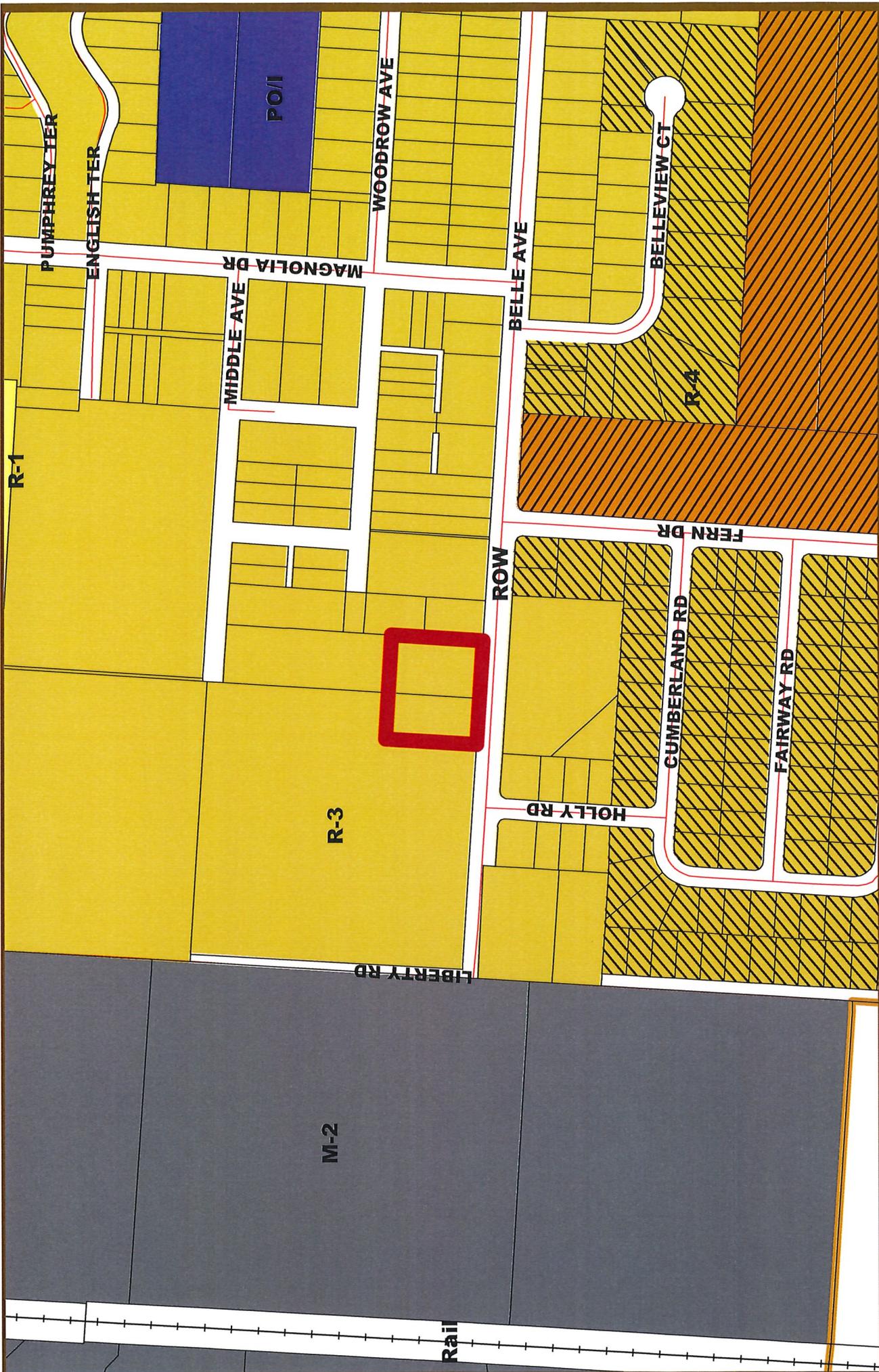
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5. Street trees shall be required for each single family house per the City requirements.
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7. Any tree 6 inches or larger removed during the construction of the house(s) shall be replaced per Chapter 1168 Tree Preservation Regulations.





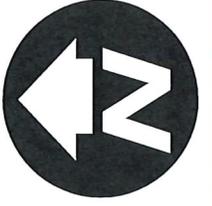
2018-1968-1969  
 Preliminary and Final Subdivision Plat  
 Belle Commons - Belle Avenue  
 Location Map





2018-1968-1969  
 Preliminary and Final Subdivision Plat  
 Belle Commons - Belle Avenue  
 Zoning Map





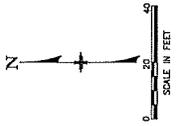
2018-1968-1969  
 Preliminary and Final Subdivision Plat  
 Belle Commons - Belle Avenue  
 Aerial (2016) Map





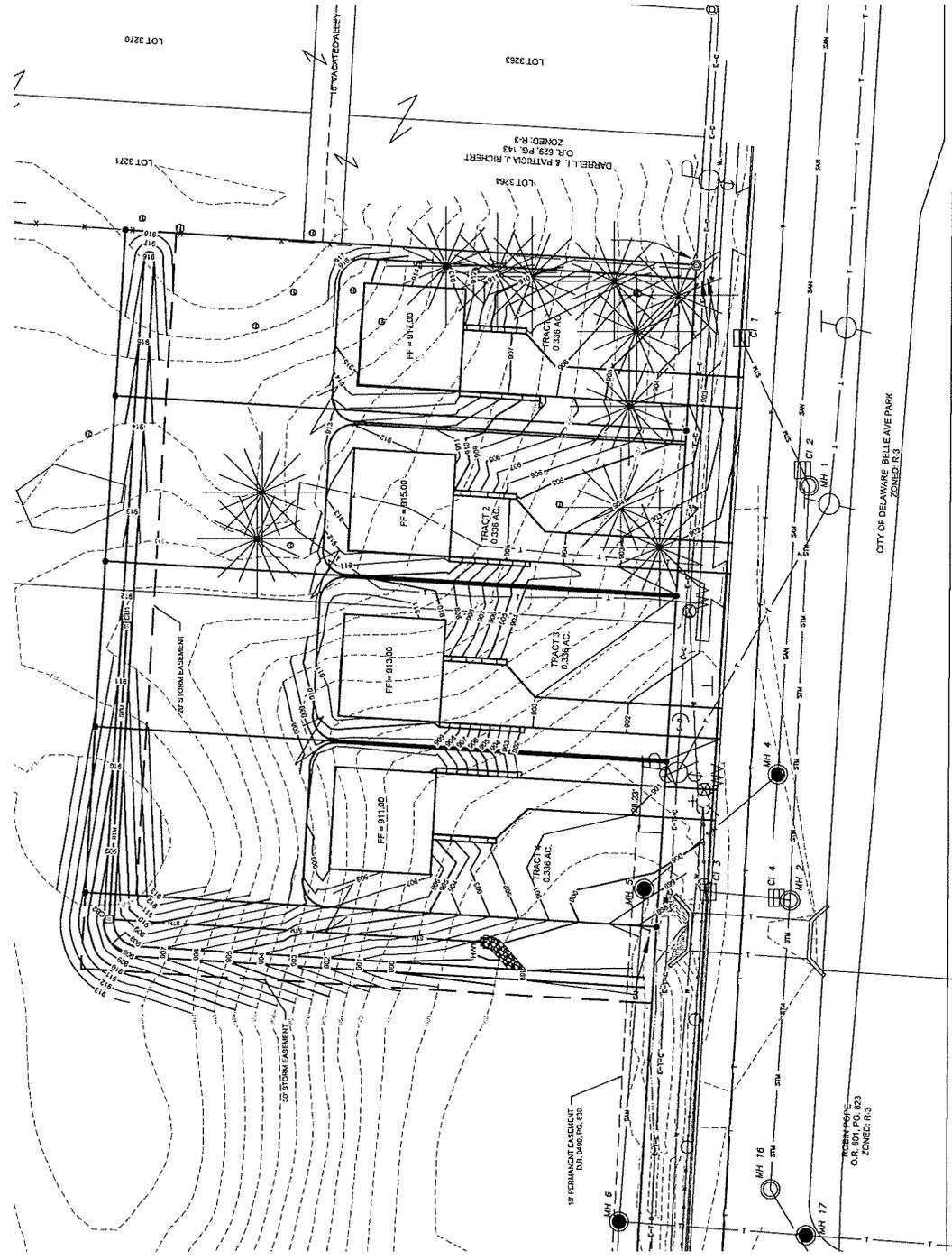






**PROPOSED STORM STRUCTURES**

C&G = 811.50  
 INV. 12' (N) = 806.50  
 C&G = 808.20  
 INLET = 808.20  
 INV. 12' (S) = 805.20  
 INV. 12' (S) = 805.10  
 HWI  
 INV. 12' (N) = 800.00



**BELLE COMMONS**  
PHASE I

Scale: 1/4" = 10' (AS NOTED)  
 Original Sheet Size = 24" x 36"  
 Date: 10/26/2018  
 Sheet No. 2 OF 5  
 15/03/18/10/202  
 Proj. No.: 2015-013-02Z.DWG

DWG. FILE NO.	
IMP. ACCT. NO.	
CONTRACT NO.	
COMPLETION DATE	
CONTRACTOR	

**GRADING PLAN**

Prepared By: **AA** Associates, Inc.  
 PROJECT: 15/03/18/10/202  
 C-40020  
 Date: 10/26/2018

City # No.	EASEMENT REFERENCE		No.	REVISIONS	
	County	Recorder		Description	Approved

City # No.	County	Recorder	Volume	Page	Owner

AS BUILT



**STORM WATER ROUTING**

OVERALL RUNOFF WILL BE COLLECTED IN CATCH BASINS AND WILL FLOW THROUGH A SERIES OF STORM WATER PIPES TO A STORM WATER DETENTION BASIN. THE DETENTION BASIN WILL BE CONSTRUCTED WITH A CONCRETE DETENTION WALL AND A CONCRETE DETENTION FLOOR. THE DETENTION BASIN WILL BE CONSTRUCTED IN ACCORDANCE WITH ODOT APPROPRIATIONS.

**WASTE MATERIALS**

ALL WASTE MATERIALS WILL BE COLLECTED AND REMOVED FROM THE SITE DAILY AND STORED IN A CORRECT PROCEDURE FOR WASTE DISPOSAL. NOTICE STATING THESE PRACTICES WILL BE POSTED IN OPERATIONS AREAS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE WASTE MATERIALS THAT ARE REMOVED FROM THE CONSTRUCTION PHASE OF THE PROJECT.

**TOXIC OR HAZARDOUS WASTE**

ALL HAZARDOUS WASTE MATERIALS WILL BE REMOVED FROM THE MANUFACTURING FACILITY OR STATE REGULATION OR BY THE MANUFACTURER. SITE PERSONNEL WILL BE INSTRUCTED ON THESE PROCEDURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE WASTE MATERIALS THAT ARE REMOVED FROM THE CONSTRUCTION PHASE OF THE PROJECT.

**SANITARY WASTE**

PORTABLE SANITARY WASTE FACILITIES WILL BE PROVIDED ON-SITE AND THE COLLECTED WASTE DISPOSED OF PROPERLY.

**WASTE DISPOSAL**

HAZARDOUS WASTE MATERIALS AVAILABLE ON-SITE FOR DISPOSAL OF DEBRIS, TRASH, HAZARDOUS OR METALLIC WASTES.

**CLEAN HARD FILL**

BRICKS, IMPURED CONCRETE, AND SOIL WASTE THAT IS CONTAMINATED SHALL NOT BE LOCATED NEAR CATCH BASINS, WATERCOURSES, DRAINAGE DITCHES, FIELD DRAINS AND OTHER STORM WATER DRAINAGE AREAS.

**CONSTRUCTION AND DEMOLITION DEBRIS**

CONSTRUCTION AND DEMOLITION DEBRIS WILL BE DEPOSITED OF IN AN ODO EPA APPROVED CATCH BASIN, AS REQUIRED BY ODO REVISED CODE (GNC) 314.

**CONSTRUCTION CHEMICAL COMPOUNDS**

WORKING FLUORIDE OR CARBORANE BURNERS, FERTILIZERS, LIME, ASPHALT, AND CONCRETE SHALL NOT BE LOCATED NEAR CATCH BASINS, WATERCOURSES, DRAINAGE DITCHES, FIELD DRAINS AND OTHER STORM WATER DRAINAGE AREAS. THIS LOCATION WILL BE DETERMINED BY THE CONTRACTOR.

**EQUIPMENT FUELING AND MAINTENANCE**

DESIGNATED AREAS FOR FUELING AND/OR PERFORMING MAINTENANCE SHALL BE IN LOCATED AWAY FROM WATERCOURSES, DRAINAGE DITCHES, FIELD DRAINS AND OTHER STORM WATER DRAINAGE AREAS. THIS LOCATION WILL BE DETERMINED BY THE CONTRACTOR.

**CONCRETE WASH WATER**

DESIGNATED AREAS FOR CONCRETE WASH WATER SHALL BE LOCATED AWAY FROM WATERCOURSES, DRAINAGE DITCHES, FIELD DRAINS AND OTHER STORM WATER DRAINAGE AREAS. THIS LOCATION WILL BE DETERMINED BY THE CONTRACTOR.

**CONTAMINATED SOILS**

ALL CONTAMINATED SOILS BY PETROLEUM OR OTHER ORGANIC SOILS MUST BE TREATED AND/OR DISPOSED IN ODO EPA APPROVED SOLID WASTE MANAGEMENT FACILITIES OR HAZARDOUS WASTE TREATMENT, STORAGE OR DISPOSAL FACILITIES.

**SPILL REPORTING REQUIREMENTS**

IN AN EVENT OF A SPILL OF OIL, FUEL, LUBRICANTS, OR OTHER LIQUIDS, THE CONTRACTOR SHALL USE PETROLEUM BASED AND CONCRETE CURING COMPOUNDS PER MANUFACTURER'S INSTRUCTIONS.

**OPEN BURNING**

OPEN BURNING IS ONLY PERMITTED IN RESTRICTED AREAS FOR BARRIERS, HEATING, AND CERTAIN OCCASIONAL PURPOSES (AS DEFINED IN ODO 314.01).

**DUST CONTROLS/SUPPRESSANTS**

CONTRACTOR SHALL KEEP DUST TO A MINIMUM BY SPRINKLING DUST SUPPRESSANT. THE DUST SUPPRESSANT SHALL BE APPLIED TO ALL PAVED AREAS, DRIVEWAYS, DRAINAGE DITCHES, FIELD DRAINS AND OTHER STORM WATER DRAINAGE AREAS.

**AIR PERMITTING REQUIREMENTS**

CONTRACTOR SHALL BE AWARE THAT AIR POLLUTION PERMITS MAY BE REQUIRED FOR ACTIVITIES SUCH AS CONCRETE CURING, CONCRETE CURERS, AND LARGE GENERATORS.

**SPILL PREVENTION CONTROL AND COUNTERMEASURES (SPCC) PLAN**

THE MATERIALS OR SUBSTANCES LISTED BELOW ARE EXPECTED TO BE PRESENT ON-SITE DURING CONSTRUCTION.

- CONCRETE
- FERTILIZERS
- PETROLEUM BASED PRODUCTS
- ASPHALT
- METAL SLODS
- WOODING SHAVINGS
- ASPHALT PRODUCTS (FLUORESCENT LAMPS)
- TANK

**SPILL PREVENTION**

THE FOLLOWING ARE THE MATERIAL, MANUFACTURING PRACTICES THAT WILL BE USED TO REDUCE THE RISK OF SPILLS OR OTHER ACCIDENTAL DISCHARGE OF MATERIALS AND SUBSTANCES TO STORM WATER RUNOFF.

THE FOLLOWING GOOD HOUSEKEEPING PRACTICES WILL BE FOLLOWED ON-SITE DURING THE CONSTRUCTION.

- AN EFFECT WILL BE MADE TO STORE ONLY ENOUGH PRODUCT REQUIRED TO DO THE JOB.
- APPROPRIATE CONTAINERS AND IF POSSIBLE, UNDER A LOCK OR AN ENCLOSURE.
- PRODUCT WILL BE KEPT IN THEIR ORIGINAL CONTAINERS WITH THE ORIGINAL LABELS.
- SUBSTANCES WILL NOT BE MIXED WITH ONE ANOTHER UNLESS RECOMMENDED BY THE MANUFACTURER.
- THE SITE SUPERINTENDENT WILL INSPECT DAILY TO ENSURE PROPER USE AND DISPOSAL OF MATERIALS.
- MATERIALS, SAFETY AND DATA SHEETS WILL BE AVAILABLE UPON REQUEST.
- THE CONTRACTOR CAN USE PROTECTED STORAGE AREAS FOR INDUSTRIAL OR COMMERCIAL PRODUCTS TO MINIMIZE EXPOSURE TO SUCH MATERIALS TO STORM WATER.
- THESE PRACTICES ARE USED TO REDUCE THE RISKS ASSOCIATED WITH HAZARDOUS MATERIALS.
- PRODUCTS WILL BE KEPT IN ORIGINAL CONTAINERS UNLESS THEY ARE NOT RESELLABLE.
- ORIGINAL LABELS AND MATERIAL SAFETY DATA SHEETS MUST BE RETAINED ON-SITE.
- RECOMMENDED METHODS FOR PROPER DISPOSAL WILL BE FOLLOWED.

**PRODUCT SPECIFIC PRACTICES**

THE FOLLOWING PRODUCT PRACTICES WILL BE FOLLOWED ON-SITE:

- PETROLEUM PRODUCTS: ALL PETROLEUM PRODUCTS WILL BE STORED IN ODO EPA APPROVED CONTAINERS TO REDUCE THE RISK OF SPILLS OR OTHER ACCIDENTAL DISCHARGE OF MATERIALS AND SUBSTANCES TO STORM WATER RUNOFF.
- FERTILIZERS: FERTILIZERS WILL BE STORED IN ODO EPA APPROVED CONTAINERS TO REDUCE THE RISK OF SPILLS OR OTHER ACCIDENTAL DISCHARGE OF MATERIALS AND SUBSTANCES TO STORM WATER RUNOFF.
- ASPHALT: ASPHALT WILL BE STORED IN ODO EPA APPROVED CONTAINERS TO REDUCE THE RISK OF SPILLS OR OTHER ACCIDENTAL DISCHARGE OF MATERIALS AND SUBSTANCES TO STORM WATER RUNOFF.
- CONCRETE: CONCRETE WILL BE STORED IN ODO EPA APPROVED CONTAINERS TO REDUCE THE RISK OF SPILLS OR OTHER ACCIDENTAL DISCHARGE OF MATERIALS AND SUBSTANCES TO STORM WATER RUNOFF.

ALL CONTAINERS WILL BE TIGHTLY SEALED AND STORED WHEN NOT REQUIRED FOR USE. EXCESS PAINT WILL NOT BE DISCHARGED TO THE STORM SEWER SYSTEM BUT WILL BE STORED IN ODO EPA APPROVED CONTAINERS TO REDUCE THE RISK OF SPILLS OR OTHER ACCIDENTAL DISCHARGE OF MATERIALS AND SUBSTANCES TO STORM WATER RUNOFF.

CONCRETE TRUCKS WILL WASH OUT OR DISCHARGE SURPLUS CONCRETE ONLY IN AREAS DESIGNATED FOR CONCRETE WASH WATER. THIS LOCATION WILL BE DETERMINED BY THE CONTRACTOR.

**SPILL CONTROL PRACTICES**

IN ADDITION TO THE GOOD HOUSEKEEPING AND MATERIAL MANAGEMENT PRACTICES DISCUSSED IN THE SPILL PREVENTION AND CLEANUP PLAN, THE FOLLOWING PRACTICES WILL BE FOLLOWED FOR SPILL PREVENTION AND CLEANUP:

- MANUFACTURER'S RECOMMENDED METHODS FOR SPILL CLEANUP WILL BE CLEARLY POSTED IN INFORMATION AND CLEANUP SUPPLIES.
- MATERIALS AND EQUIPMENT NECESSARY FOR SPILL CLEANUP WILL BE KEPT IN THE MATERIAL STORAGE AREA. THIS LOCATION WILL BE DETERMINED BY THE CONTRACTOR.
- BROOMS, DUST PANS, MOPS, RAGS, GLOVES, GOGGLES, KITTY LITTER, SAND, JAWAUST AND PLASTIC AND METAL TINS CONTAINERS SPECIFICALLY FOR THIS PURPOSE.
- ALL SPILLS WILL BE CLEANED UP IMMEDIATELY AFTER DISCOVERY.
- THE SPILL AREA WILL BE KEPT WELL VENTILATED AND PERSONNEL WILL WEAR APPROPRIATE PROTECTIVE CLOTHING TO PREVENT INJURY FROM CONTACT WITH A HAZARDOUS SUBSTANCE.
- SPILLS OF TOXIC OR HAZARDOUS MATERIALS WILL BE REPORTED TO THE APPROPRIATE STATE OR LOCAL AGENCY.
- THE SPILL INVESTIGATION SHALL BE AS ORDERED BY THE AGENCY TO REPORT ON THE TYPE OF SPILL FROM RECONSTRUCTING AND HOW TO CLEANUP THE SPILL. THERE IS ANOTHER TYPE OF SPILL FROM RECONSTRUCTING AND HOW TO CLEANUP THE SPILL. THERE IS ANOTHER TYPE OF SPILL FROM RECONSTRUCTING AND HOW TO CLEANUP THE SPILL.
- THE CONTRACTOR, RESPONSIBLE FOR DAY TO DAY SITE OPERATIONS, WILL BE IN CHARGE OF SPILL PREVENTION AND CLEANUP. HE WILL DEMONSTRATE AT LEAST TWO OTHER SITE PERSONNEL HOW TO PREVENT AND CLEANUP A SPILL. THIS LOCATION WILL BE DETERMINED BY THE CONTRACTOR.
- RESPONSIBLE SPILL PERSONNEL WILL BE POSTED IN THE MATERIAL STORAGE AREA.

**PROCESS WASTEWATER/LEACHATE MANAGEMENT**

ALL PROCESS WASTEWATER, WHICH INCLUDES EQUIPMENT WASHING, LEACHATE ASSOCIATED WITH ON-SITE WASTE DISPOSAL, AND CONCRETE WASH-WATERS) SHALL BE COLLECTED AND DISPOSED OF PROPERLY TO A PARKING GARAGE TREATMENT WORKS.

**OFF-SITE VEHICLE TRACKING**

A STABILIZED CONSTRUCTION ENTRANCE HAS BEEN PROVIDED TO HELP REDUCE VEHICLE TRACKING OF SEDIMENT. THE PAVED DRIVEWAY ADJACENT TO THE SITE ENTRANCE WILL BE MAINTAINED TO REMOVE TRACKING OF SEDIMENT FROM THE SITE. THE DRIVEWAY WILL BE COVERED WITH A TAMPALIN. THE CONSTRUCTION SITE WILL BE COVERED WITH A TAMPALIN.

**CERTIFICATION OF COMPLIANCE WITH FEDERAL, STATE, AND LOCAL REGULATIONS**

THE STORM WATER POLLUTION PREVENTION PLAN REFLECTS THE COUNTY REQUIREMENTS FOR STORM WATER POLLUTION PREVENTION. THE PLAN IS BASED ON A STORM WATER POLLUTION PREVENTION PLAN EXAMPLE PROVIDED BY THE COUNTY.

**MAINTENANCE/INSPECTION PROCEDURES**

THESE ARE THE INSPECTION AND MAINTENANCE PRACTICES THAT WILL BE USED TO MAINTAIN EROSION AND SEDIMENT CONTROLS.

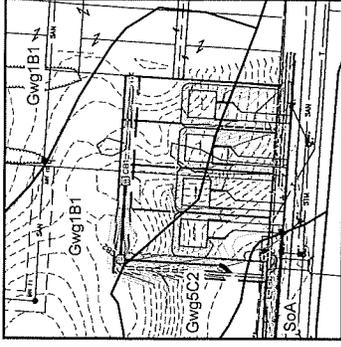
1. ALL CONTROL MEASURES WILL BE INSPECTED AT LEAST ONCE EACH WEEK AND FOLLOWED ANY STORM EVENT OF 0.5 INCHES OR GREATER.
2. INSPECTIONS WILL BE COMPLETED WITHIN 24 HOURS OF REPORT.
3. THE FENCE WILL BE REMOVED FROM SITE. FENCE HEIGHT HAS REACHED ONE-THIRD THE HEIGHT OF THE FENCE.
4. SILT FENCE WILL BE INSPECTED FOR DEPTH OF SEDIMENT AND TENS, TO SEE IF THE FABRIC IS ATTACHED TO THE FORCE POST, AND TO SEE IF THE FORCE POSTS ARE FRANK IN THE GROUND.
5. TEMPORARY AND PERMANENT SEEDING AND PLANTING WILL BE INSPECTED FOR BARE SPOTS, WORKOUTS, AND HEALTHY GROWTH.
6. THE CONTRACTOR WILL MAKE AFTER EACH INSPECTION. A COPY OF THE REPORT FORM TO BE COMPLETED BY THE INSPECTOR IS ATTACHED.
7. THE CONTRACTOR WILL MAKE AFTER EACH INSPECTION. A COPY OF THE REPORT FORM TO BE COMPLETED BY THE INSPECTOR IS ATTACHED.
8. THE CONTRACTOR WILL MAKE AFTER EACH INSPECTION. A COPY OF THE REPORT FORM TO BE COMPLETED BY THE INSPECTOR IS ATTACHED.

**NON-STORM DISCHARGES**

IT IS EXPECTED THAT THE FOLLOWING NON-STORM DISCHARGE WILL OCCUR FROM THE SITE DURING THE CONSTRUCTION PERIOD:

- WATER FROM WATER LINE EXCAVATION.
- WATER FROM WATER MAINS EXCAVATION OR SPILLS OR LEAKS OF TOXIC HAZARDOUS MATERIALS W/VE OCCURRED.
- UNCONTAMINATED GROUND WATER FROM DRAINAGE EXCAVATION.

ALL NON-STORM WATER DISCHARGES WILL BE DIRECTED TO DRAINAGE SWALES PRIOR TO DISCHARGE.



**SEQUENCE OF CONSTRUCTION SCHEDULE ACTIVITIES:**

THE ORDER OF ACTIVITIES WILL BE AS FOLLOWS:

1. CLEAR AND GRUB AREA WITHIN CONSTRUCTION LIMITS
2. INSTALL SILT FENCE, AND SEDIMENT CONTROLS WITHIN 7 DAYS OF GRUBBING ACTIVITIES
3. REMOVE TOPSOIL FROM SITE AND STOCKPILE
4. STABILIZE STOCKPILES WITHIN 7 DAYS OF LAST CONSTRUCTION ACTIVITY
5. PERFORM SITE DRAINING ACTIVITIES
6. INSTALL UNDERGROUND UTILITIES
7. INSTALL SEDIMENT AND EROSION CONTROLS AROUND ALL CATCH BASINS
8. INSTALL DRIVEWAY AND PARKING AREA
9. CONSTRUCT BUILDINGS
10. INSTALL PERMANENT SEEDING WITHIN 7 DAYS OF LAST CONSTRUCTION ACTIVITY
11. REMOVE ACCUMULATED SEDIMENT FROM SEDIMENT AND EROSION CONTROL DEVICES
12. WHEN ALL CONSTRUCTION ACTIVITY IS COMPLETED AND THE SITES IS STABILIZED, REMOVE SEDIMENT AND EROSION CONTROL, AND REVEAL ANY AREAS DISTURBED BY THIS REMOVAL
13. OWNER TO PROVIDE MAINTENANCE
14. OWNER TO PROVIDE MAINTENANCE

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FOLLOWING ACTIVITIES:

PROJECT NAME AND LOCATION:	SITE DESCRIPTION
BELLE COMMONS, PHASE I (46-16-25 N, 83-48-10 W)	
OWNER NAME AND ADDRESS: WAMAPA, LLC 1150 ROYAL PALM WAY BOCA RATON, FLORIDA 33432	
DESCRIPTION: (PURPOSE AND TYPE OF SOIL DISTURBING ACTIVITIES)	
THIS PROJECT IS FOR THE DEVELOPMENT OF FOUR RESIDENTIAL LOTS.	
SOIL DISTURBING ACTIVITIES WILL INCLUDE: SITE PREPARATION AND BUILDING CONSTRUCTION.	
SITE AREA: THE SITE AREA OF 1,000 ACRES WILL HAVE 1,000 ACRES DISTURBED BY THE ABOVE LISTED CONSTRUCTION ACTIVITIES.	
RAMPUP COEFFICIENT: PRE-CONSTRUCTION COEFFICIENT FOR THE SITES ON-77	
INTERVIOUS AREA: PRE-CONSTRUCTION COEFFICIENT FOR THE SITES WILL BE ON-16	
POST-CONSTRUCTION INTERVIOUS AREA = 0.403	
EXISTING SOIL TYPE: Gwg1B1 - GUYANWOOD SILT LOAM GRINDING WORKING, 2 TO 15 PERCENT SLOPES, ERODED (HYDROLOGICAL SOIL GROUP B)	
Gwg95C2 - GUYANWOOD SILT LOAM GRINDING WORKING, 2 TO 15 PERCENT SLOPES, ERODED (HYDROLOGICAL SOIL GROUP B)	
SAI - SLOAM SILTY CLAY LOAM, TL SUBSTRATUM (TO 2 PERCENT SLOPES, OCCASIONALLY FLOODED, (HYDROLOGICAL SOIL GROUP B))	
EXISTING LAND USE: THIS SITE WAS PREVIOUSLY AN UNDEVELOPED FIELD.	

Prepared By: **Robert M. Hester, Inc.**  
 1100 N. W. 10th Ave., Suite 1000  
 Ft. Lauderdale, FL 33304  
 Phone: (954) 587-1111  
 Fax: (954) 587-1112

Professional Seal: **ROBERT M. HESTER, INC.**  
 PROFESSIONAL ENGINEER  
 STATE OF FLORIDA  
 License No. 12483

DATE: 08/20/2018  
 DRAWN BY: R.M.H.

**BELLE COMMONS**  
 PHASE I

Scale: Horiz. = AS NOTED  
 Vertical = AS NOTED  
 Original Sheet Size = 24" x 36"  
 Date: 08/20/2018

Sheet No. 4 OF 5  
 File Path: 2018-08-20-03-CR2.DWG

DATE: FILE NO.  
 MP, ACCT. NO.  
 CONTRACT NO.  
 COMPLETION DATE  
 CONTRACTOR

**SWP3 NOTES**

City of No.	County	Recorder	EASEMENT REFERENCE		REVISIONS
			Volume	Page	
					AS BUILT



**BELLE COMMONS**

**PUBLIC  
COMMENT  
&  
LETTERS**

**Belle Commons**

**Comments Made to the Planning Commission on 11/7/18**

**Tom Wolber  
272 Hearthstone Drive  
Delaware, OH 43015**

Makapa LLC is proposing a rezoning amendment for Belle Commons on approximately 12.3 acres at the northeast corner of Liberty Road and Belle Avenue.

The proposed housing development would be adjacent to Liberty Casting, a large M-2 manufacturer with an extensive track record of unsafe working conditions and heavy air pollution. The last explosion occurred on August 21, resulting in five injuries. The Columbus Dispatch reported that Liberty Casting has been cited for numerous OSHA safety-rule violations since 2010, twenty of which were "serious." As far as air pollution is concerned, Liberty Casting is by far the worst polluter in the City of Delaware, worse than all other emitters of pollutants combined. Even though Liberty Casting has received a significant state grant to install better filters or scrubbers, also known as "fume hoods," Delaware's air quality has not improved. The naphthalene Liberty Casting emits on a daily basis has caused countless people to suffer from headaches, dizziness, nausea, vomiting, and asthma. Were these filters ever ordered, bought, shipped, installed, and activated?

Is Makapa LLC aware of the risks for future residents or is the company pretending ignorance and denying culpability? Is it aware of the fact that nondisclosure of the prevailing air-pollution problem could eventually lead to a class-action lawsuit?

Approving even the rezoning of 1.344 acres on the east side of the development, farthest away from liberty Casting, sets a precedent. If approved, phase 1 could quickly lead to the approval of the rest of the other tracts.

Liberty Casting has every right to be where it is, and Makapa LLC has every right to build a housing development adjacent to it. However, Liberty Casting also has an obligation to be a good neighbor, a responsible citizen, and to install filters that effectively capture all VOCs, other pollutants, and the malodor. And Makapa LLC has an ethical obligation to inform prospective buyers of their one-family homes of the severe health risks involved being next to what some might be a designed superfund site.

Thank you.

October 13, 2018

**Re: Brief statement regarding air quality and potential housing development near Liberty Castings**

Dear City Planners:

I have lived in the City of Delaware since the fall of 2015. I moved here from out of town and had little understanding of the city's layout when my family decided to build a house in the new Curtis Farms development. Over the past three years, I have come to love many things about Delaware. I love the sense of community here, the vibrant downtown, and the wonderful friends I have met. I have two children who happily attend Delaware City Schools, which have been wonderful.

But I regret my decision to move to my current home and am seriously considering leaving—all because of the air quality issues we experience on our side of town. The “stench” is not only a clear and obvious olfactory nuisance, but also a significant source of anxiety in relation to the positional health effects that may be associated with inhaling toxins. For my youngest son (who attends school a few blocks from home) and my spouse (who works from home), this exposure is nearly 24/7/365. While recognizing the importance of jobs and revenue provided by industry in Delaware, it is vital to recognize that thousands of people are being exposed to toxic pollutants every day—pollutants classified as VOCs (volatile organic compounds) that cause headaches, nausea, and dizziness, and that we don't know if are carcinogenic or not.

Now, as we chart a course for Delaware's future through our comprehensive planning process, we have a chance to do better. Measures that would significantly reduce citizens' expose to emissions are possible with modern technology, even if they might increase costs. But very real costs—measured in headaches, difficulty breathing, nausea, anxiety, and other still unknown health impacts—are being borne unjustly and constantly by Delaware's residents. This is not fair. It cannot continue. This is a chance for Liberty Castings—and other Delaware industries—to step up and be “good neighbors.” It is a chance to open new channels of communication, acknowledge the problem of the Delaware Stench, and do something about it.

Many people who live near Liberty Castings either have no choice (due to socioeconomic inequity), move there (like me) without realizing their mistake, or pretend the smell doesn't exist because swallowing this reality is simply too disruptive to their lives. I think of OWU sports events I've attended, when the stench flows over the field and makes me wonder what the visiting team must think. Of otherwise perfect First Fridays clouded by awful air. Is this really the image we want to project?

More importantly, it is unethical and immoral to continue exposing residents to emissions at current levels. It is even more unethical to put additional families in harm's way. This is why I feel compelled to speak out against future housing development in proximity to Liberty Castings. I sincerely hope you will listen.

Thank you for your time and consideration,

Anna Willow, 56 Lobdell Dr., Delaware, OH 43015



## FACT SHEET

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AGENDA ITEM NO: 13

DATE: 11/26/2018

ORDINANCE NO: 18-109

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES

November 26, 2018 at 7:30 p.m.

December 10, 2018 at 7:30 p.m.

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TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: --

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE MAKING APPROPRIATIONS FOR THE YEAR 2019, AND DECLARING AN EMERGENCY.

**BACKGROUND:**

This is the first reading and first public hearing of the budget. The budget is required to be adopted by Council pursuant to Section 78 of the City Charter.

The second reading and second public hearing is scheduled for December 10 and work sessions are scheduled for December 3 and tentatively December 6.

**REASON WHY LEGISLATION IS NEEDED:**

**COMMITTEE RECOMMENDATION:**

N/A

**FISCAL IMPACT(S):**

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

R. Thomas Homan, City Manager

Dean Stelzer, Finance Director

**RECOMMENDATION:**

Approval at third reading

**ATTACHMENT(S)**

ORDINANCE NO. 18-109

AN ORDINANCE MAKING APPROPRIATIONS FOR THE  
YEAR 2019 AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That from and out of the balances in the various funds of the City of Delaware, and from money anticipated to be received into said funds, there are hereby appropriated the following sums for use by the various departments of the City in performance of their functions and activities during the year ending December 31, 2019.

**GENERAL FUND**

CITY COUNCIL		
Personnel	145,812	
Other	34,500	
CITY MANAGER		
Personnel	726,421	
Other	97,290	
ADMINISTRATIVE SERVICES		
Personnel	232,744	
Other	125,948	
ECONOMIC DEVELOPMENT		
Personnel	215,906	
Other	258,231	
LEGAL AFFAIRS/PROSECUTOR		
Personnel	774,298	
Other	68,045	
FINANCE		
Personnel	1,185,250	
Other	750,433	
GENERAL ADMINISTRATION		
Other	6,090,255	
RISK MANAGEMENT		
Other	349,100	
POLICE		
Personnel	8,185,715	
Other	919,642	
PLANNING		
Personnel	1,097,492	
Other	171,020	
ENGINEERING		
Personnel	1,026,462	
Other	962,425	
MUNICIPAL BUILDINGS		
Personnel	155,997	
Other	398,961	
<b>TOTAL GENERAL FUND</b>		<b>23,971,947</b>
<b>STREET MAINTENANCE &amp; REPAIR</b>		
Administration		
Personnel	705,935	
Other	215,814	
Street Maintenance		
Personnel	699,840	
Other	919,237	
Traffic Division		
Personnel	391,690	
Other	380,819	
<b>TOTAL STREET MAINTENANCE</b>		<b>3,313,335</b>

<b>STATE HIGHWAY IMPROVEMENT</b>		<b>300,000</b>
<b>LICENSE FEE FUND</b>		<b>557,750</b>
<b>STORM SEWER FUND</b>		
Operations		
Personnel	244,471	
Other	295,993	
Projects		
Other	840,000	
<b>TOTAL STORM SEWER</b>		<b>1,380,464</b>
<b>PARKS &amp; RECREATION FUND</b>		
Park Maintenance		
Personnel	944,580	
Other	297,550	
Recreation		
Other	200,000	
Urban Forestry		
Personnel	84,080	
Other	62,550	
<b>TOTAL PARKS &amp; RECREATION</b>		<b>1,588,760</b>
<b>CEMETERY FUND</b>		
Personnel	197,501	
Other	117,612	
<b>TOTAL CEMETERY FUND</b>		<b>315,113</b>
<b>TREE FUND</b>		<b>65,000</b>
<b>AIRPORT OPERATIONS FUND</b>		
Personnel	199,847	
Other	774,379	
<b>TOTAL AIRPORT OPERATIONS FUND</b>		<b>974,226</b>
<b>AIRPORT 2000 T-HANGAR FUND</b>		<b>94,213</b>
<b>FIRE/EMS OPERATIONS FUND</b>		
Personnel	8,574,258	
Other	2,607,821	
<b>TOTAL FIRE/EMS OPERATIONS FUND</b>		<b>11,182,079</b>
<b>MUNICIPAL COURT</b>		
Judicial		
Personnel	1,423,083	
Other	71,000	
Mission Court		
Personnel	20,873	
Clerk of Courts		
Personnel	1,240,751	
Other	84,900	
<b>TOTAL MUNICIPAL COURT</b>		<b>2,840,607</b>
<b>RECREATION CENTER INCOME TAX</b>		<b>1,787,256</b>
<b>SKY CLIMBER/V&amp;P HYDRAULICS TIF FUND</b>		<b>70,000</b>
<b>MILL RUN TIF FUND</b>		<b>170,000</b>
<b>IDIAM FUND</b>		<b>60,000</b>
<b>DRUG ENFORCEMENT FUND</b>		<b>50,000</b>
<b>INDIGENT ALCOHOL TREATMENT FUND</b>		<b>100,000</b>

OMVI ENFORCEMENT & EDUCATION FUND		2,759
POLICE JUDGMENT FUND		110,000
PARKS EXACTION FEE FUND		143,000
COMPUTER LEGAL RESEARCH FUND		307,246
COURT SPECIAL PROJECTS FUND		367,618
COURT PROBATION SERVICES FUND		343,350
POLICE DISABILITY PENSION FUND		253,000
FIRE DISABILITY PENSION FUND		253,000
COMMUNITY PROMOTION FUND		114,000
COMMUNITY DEVELOPMENT BLOCK GRANT FUND		139,000
REVOLVING LOAN FUND		200,000
GENERAL BOND RETIREMENT FUND		2,034,964
PARK IMPROVEMENT BOND FUND		1,320,402
SE HIGHLAND SEWER BOND FUND		996,609
CAPITAL IMPROVEMENTS FUND		7,131,331
POINT PROJECT CAPITAL FUND		2,333,333
FAA AIRPORT AIP GRANT FUND		333,000
EQUIPMENT REPLACEMENT FUND		646,323
PARK IMPACT FEE FUND		250,000
POLICE IMPACT FEE FUND		59,565
FIRE IMPACT FEE FUND		100,000
MUNICIPAL IMPACT FEE IMPROVEMENT FUND		346,660
GLENN ROAD SOUTH CONSTRUCTION FUND		10,138,632
GLENN ROAD NORTH CONSTRUCTION FUND		134,195
GLENN ROAD TIF FUND		1,917,482
GOLF COURSE FUND		
	Personnel	68,451
	Other	114,950
<b>TOTAL GOLF COURSE FUND</b>		<b>183,401</b>
PARKING LOT FUND		55,120
WATER FUND		
	Administration	
	Personnel	266,524
	Other	2,889,559
	Treatment	
	Personnel	908,902
	Other	1,268,864
	Distribution	
	Personnel	574,314
	Other	428,050
<b>TOTAL WATER FUND</b>		<b>6,336,213</b>

<b>WATER CONSTRUCTION FUND</b>		<b>2,585,728</b>
<b>WATER CAPACITY FEE FUND</b>		<b>2,968,798</b>
<b>WATER CUSTOMER DEPOSIT FUND</b>		<b>32,000</b>
<b>SEWER FUND</b>		
Administration		
Personnel	209,721	
Other	4,123,163	
Treatment		
Personnel	908,902	
Other	1,076,600	
Maintenance		
Personnel	404,331	
Other	352,330	
<b>TOTAL SEWER FUND</b>		<b>7,075,047</b>
<b>SEWER CONSTRUCTION FUND</b>		<b>1,442,697</b>
<b>SEWER CAPACITY FEE FUND</b>		<b>4,222,381</b>
<b>SE HIGHLAND SEWER FUND</b>		<b>975,501</b>
<b>REFUSE FUND</b>		
Administration		
Other	439,900	
Refuse Collection		
Personnel	741,225	
Other	1,601,352	
Recycling Collection		
Personnel	462,539	
Other	568,200	
<b>TOTAL REFUSE FUND</b>		<b>3,813,216</b>
<b>GARAGE ROTARY FUND</b>		
Personnel	344,759	
Other	363,230	
<b>TOTAL GARAGE ROTARY FUND</b>		<b>707,989</b>
<b>INFORMATION TECHNOLOGY ROTARY FUND</b>		
Staff Support		
Personnel	508,598	
Other	32,767	
System Support		
Other	703,207	
GIS Operations		
Personnel	80,538	
Other	59,056	
<b>TOTAL IT ROTARY FUND</b>		<b>1,384,166</b>
<b>SELF INSURANCE FUND</b>		<b>6,472,000</b>
<b>WORKERS COMPENSATION RESERVE FUND</b>		<b>560,000</b>
<b>FIRE DONATION FUND</b>		<b>6,000</b>
<b>PARKS DONATION FUND</b>		<b>6,315</b>
<b>POLICE DONATION FUND</b>		<b>8,000</b>
<b>MAYOR'S DONATION FUND</b>		<b>2,800</b>
<b>PROJECT TRUST FUND</b>		<b>47,000</b>
<b>UNCLAIMED FUNDS TRUST FUND</b>		<b>8,000</b>
<b>UNCLAIMED FUNDS COURT FUND</b>		<b>2,500</b>





## FACT SHEET

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AGENDA ITEM NO: 14

DATE: 11/26/2018

ORDINANCE NO: 18-110

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

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TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Judge David Sunderman, Judge Marianne Hemmeter and Clerk  
Cindy Dinovo

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE AMENDING THE DELAWARE MUNICIPAL COURT AND CLERK OF COURT EMPLOYEE BENEFITS AND LEAVE POLICIES, AND DECLARING AN EMERGENCY.

**BACKGROUND:**

The Municipal Court and Clerk of Court's 2019 Employee Benefits and Leave Policies are attached.

**REASON WHY LEGISLATION IS NEEDED:**

**COMMITTEE RECOMMENDATION:**

N/A

**FISCAL IMPACT(S):**

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

Judge Marianne Hemmeter and Clerk Cindy Dinovo

**RECOMMENDATION:**

Approval.

**ATTACHMENT(S)**

2019 Pay Plan

ORDINANCE NO. 18-110

AN ORDINANCE AMENDING THE DELAWARE MUNICIPAL COURT AND CLERK OF COURT EMPLOYEE BENEFITS AND LEAVE POLICIES, AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the Delaware Municipal Court and Clerk of Court Employee Benefits and Leave Policies shall be amended to reflect the noted changes (attached hereto).

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

SECTION 3. EMERGENCY CLAUSE. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City. The emergency clause is required to enact the changes effective on December 26, 2018. Therefore this Ordinance shall be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION:

YEAS\_\_\_NAYS\_\_\_  
ABSTAIN \_\_\_

VOTE ON EMERGENCY CLAUSE:

YEAS\_\_\_NAYS\_\_\_  
ABSTAIN \_\_\_

PASSED: \_\_\_\_\_, 2018

YEAS\_\_\_NAYS\_\_\_  
ABSTAIN \_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

# Delaware Municipal Court and Clerk of Court

## Employee Benefits And Leave Policies

Effective December 26, 2018

Delaware Municipal Court  
and  
Clerk of Court  
70 North Union Street  
Delaware, Ohio 43015

## SECTION IV. EMPLOYEE BENEFITS AND LEAVE

### **Policy 23. Holiday Pay and Personal Leave**

**Section 1.** The following are designated as paid holidays for the Municipal Court and the Clerk of Court employees:

New Year's Day, January 1  
Martin Luther King Day, 3rd Monday in January  
Memorial Day, last Monday in May  
Independence Day, July 4th  
Labor Day, 1st Monday in September  
Little Brown Jug Day, 1/2 day - 3rd Thursday after Labor Day  
Thanksgiving Day, 4th Thursday in November  
Day after Thanksgiving  
Day before Christmas, December 24, 1/2 day  
Christmas Day, December 25  
Day before New Year's, December 31, 1/2 day

**Holidays that fall on Saturday will be observed on Friday, and holidays that fall on Sunday will be observed on the following Monday.**

**Section 2.** If one of the holidays set forth above occurs while an employee is on vacation leave, that day will not be charged against his/her vacation.

**Section 3.** Employees will be credited with 32 hours of personal leave a year. Use of personal days will be at the employee's discretion with approval of the Administrative Judge or his/her designee or the Clerk of Court or his/her designee.

**Section 4.** Employees are permitted to accumulate two years' worth of personal days.

**Section 5.** At the time of separation, an employee will be compensated for all accrued but unused personal days.

### **Policy 24. Vacation Leave**

**Section 1.** The vacation year for employees will end at the close of business on the last pay period that ends in the month of December.

**Section 2.** Each full-time employee will accrue vacation leave by pay period at the annual rate of work hours based on years of full-time total service which is established in the schedules contained in Section 3 of this article. Years of total full-time service is defined to be the total of all periods of full-time employment for the Delaware Municipal Court or Clerk of Court or as defined in Section 6. Any period of interruption of service due to resignation, layoff, disciplinary suspension, or discharge for cause, will

not be included in the computation of total service. Time not in paid status, excepting military leave, will also be excluded in computing total service. In computing years of service, the higher rate of accrual will be on the first day of the first pay period in which a year of service is completed.

If an employee of the Court or of the Clerk’s office has received or is receiving retirement benefits from any of the state retirement funds – the Ohio Public Employees Retirement System, the Police and Fire Pension Fund, the State Teachers Retirement System, the Public School Employees Retirement System, or the Highway Patrol Retirement System – the years of public service for which the employee has received or is receiving those retirement benefits will not be included in any computation of service time for vacation-leave accrual while the employee is working for the Court or for the Clerk.

Notwithstanding the above provisions, the position of Chief Bailiff may accrue vacation time based on years of service with an Ohio public agency, as defined by State law.

**Section 3.** For employees hired before December 31, 2013, vacation leave will accrue as follows:

<b>Years of Total Service</b>	<b>Vacation Hours/Year</b>	<b>Vacation Hours/Pay</b>
Start through 5 years	80.6	3.1
6 through 10 years	119.6	4.6
11 through 15 years	161.2	6.2
16 or more years	200.2	7.7

For employees hired after December 31, 2013, vacation leave will accrue as follows:

<b>Years of Total Service</b>	<b>Vacation Hours/Year</b>	<b>Vacation Hours/Pay</b>
Start through 5 years	80.6	3.1
6 through 15 years	119.6	4.6
16 or more years	161.2	6.2

**Section 4.** Any vacation balance in excess of the maximum number of work hours established in the following paragraph will become void as of the close of

business on the last day of the last pay period that ends in the month of December.

<b>Years of Total Service</b>	<b>Maximum Accrual of Vacation Hours</b>
Start through 5 years	161.2
6 through 10 years	239.2
11 through 15 years	322.4
16 or more years	400.4

The only exception to that chart will apply to any employee who – on the last day of the last pay period in December 2013 – has a vacation-leave balance of more than 500 hours. The vacation-leave-accrual cap for any such employee will be 600.6 hours, and any vacation-leave hours that such an employee has accrued but not used in excess of 600.6 hours on the last day of the last pay period of 2013 – and on that same last-pay-period day in each succeeding year – will be void.

**Section 5.**

- A.** To be eligible for bi-weekly (pay period) vacation accumulation, an employee must be in paid status for a minimum of 72 hours within that pay period; except that when an employee is required to report for work and does so report and is denied work because of circumstances beyond his/her control, absence from work for the balance of that day will not be construed as unpaid work status.
- B.** An employee in full-time status who is to be separated from the Delaware Municipal Court or Clerk of Court service through discharge, resignation, retirement or layoff, and who has unused vacation leave to his/her credit, will be paid in a lump sum for such unused vacation leave in lieu of granting a vacation leave after his/her last day of active service with the Delaware Municipal Court or Clerk of Court. That payment will be paid at the employee's hourly rate of pay at the time of separation.
- C.** When an employee dies while in paid status in the Delaware Municipal Court or Clerk of Court, any unused vacation leave to his/her credit will be paid in a lump sum to the surviving spouse, or other person the employee may have designated in writing.

**Section 6.** To be eligible to transfer years of service for determination of vacation benefits to the City of Delaware (Delaware Municipal Court or Clerk of Court) from prior employment inside the State of Ohio:

- A. Employees are eligible to transfer prior years of service completed as employees of this Court, the Clerk of this Court, or the City of Delaware.
- B. The amount of years of service that can be transferred is unlimited.
- C. Prior employment must be in full-time status.

**Section 7.** An employee may elect to convert up to two weeks of accrued and unused vacation time to cash during any calendar year. An employee must inform the Administrative Judge or the Clerk of Court prior to August 1 of the year preceding the calendar year in which the employee intends to convert the unused vacation leave to cash, and the employee must maintain at least 40 hours of accrued and unused vacation leave in the employee's account after that conversion takes place.

**Policy 25. Funeral Leave**

**Section 1.** Each regular full-time employee is entitled to funeral leave with pay as follows:

<u>Leave for Death of:</u>	<u>Days/Hours of Leave</u>
Immediate Family Member	1 - 3 days
Other Relative	4 - 8 hours

\* One work day/shift is automatic for the day of the funeral, but additional time up to the maximum will be given only with approval of the Administrative Judge or his/her designee or the Clerk of Court or his/her designee.

\*\* All leave time with approval of the Administrative Judge or his/her designee or the Clerk of Court or his/her designee.

**Section 2.** For the purposes of this section, Immediate Family Member means spouse, child, brother, sister, parents, step-child, step-brother, step-sister, step-parents, grandparents, grandchildren, sister-in-law, brother-in-law, and parents-in-law.

**Section 3.** Funeral Leave time does not include an employee's regularly scheduled day off to which the employee is already entitled.

**Policy 26. Sick Leave**

The Court and the Clerk of Court may from time to time supplement these sick leave policies with additional terms that apply to their employees only. For a full understanding of the use of sick leave, employees should consult not only this benefit manual but also the office policies promulgated by the particular officeholder – whether the Administrative Judge or the Clerk of Court – for whom the employee works.

**Section 1.** Each employee is entitled to sick leave with pay of 4.6 hours for each completed 80 hours of service.

An employee may use sick leave upon approval of the Administrative Judge or his/her designee or the Clerk of Court or his/her designee for the following reasons:

- A.** Illness or injury of the employee or his/her immediate family.
- B.** Medical, dental, or optical examinations or treatment of an employee or his/her immediate family that requires the employee's attendance.
- C.** If a member of the immediate family is afflicted with a contagious disease, or when, through exposure to a contagious disease, the presence of the employee at his/her job will jeopardize the health of others.
- D.** Pregnancy and/or childbirth and other conditions related thereto inclusive of leave for male employees for the care of the employee's wife and family during postnatal period.

For purposes of this section, the definition of immediate family is: grandparents, mother, mother-in-law, father, father-in-law, brother, sister, brother-in-law, sister-in-law, daughter-in-law, son-in-law, spouse, child, stepchild, grandchild, legal guardian, or other person who stands in the place of a parent (in loco parentis).

Employees are required to report their intent to use sick leave prior to the start of each workday, unless the employee has made other reporting arrangements with the Administrative Judge or his/her designee or the Clerk of Court or his/her designee. The employee must make this phone call unless medically detained by a physician at the time. The Administrative Judge, or his/her designee or the Clerk of Court or his/her designee, may contact the employee sometime during the day to discuss the reasons for the absence.

**Section 2.** Sick leave must be taken in half-hour increments.

**Section 3.** If an employee used zero hours of sick leave in any calendar year, that employee will be credited with an additional three vacation days the following year. If an employee uses between one and eight hours of sick leave in any one calendar year, that employee will be credited with an additional two vacation days the following year. If an employee uses between nine and 16 hours of sick leave in any one calendar year, that employee will be credited with one additional vacation day the following year. At the employee's option, any additional vacation days earned can be taken in the form of vacation leave or compensation in cash.

**Section 4.** Any employee who has accumulated at least 800 hours of sick leave credit may, during any calendar year, convert up to 80 hours of sick leave to vacation on the basis of two hours of sick leave for one hour vacation leave.

If an employee has earned sick leave in another public-sector job and then has transferred unused sick leave to the Court or Clerk of Court's office at the start of the employee's current period of employment with the Court or Clerk of Court that transferred sick leave cannot be converted to vacation leave under this section.

All sick leave accumulated by the employee during the employee's current period of employment with the Court or the Clerk of Court must be exhausted by the employee or converted to vacation leave before the employee may use any sick leave that has been added to the employee's sick-leave balance in accordance with Section 5 of this sick-leave policy.

**Section 5.** To be eligible to transfer sick leave to the City of Delaware from prior public employment in the State of Ohio:

- A.** Employees will only be eligible to transfer sick leave from a public agency as defined by the State of Ohio.
- B.** Employment with the City of Delaware must take place within 10 years of termination from their previous employer.
- C.** The maximum amount of sick leave hours that can be transferred is unlimited.

**Section 6.** Any employee who separates from the Delaware Municipal Court or Clerk of Court employment for other than just cause will be paid for all accumulated and unused sick leave on the basis of one hour of pay for every three hours of unused sick leave. Total sick leave payout cannot exceed 12 weeks' pay.

**Section 7.** An employee must complete and sign a request for leave form provided by the City to justify the use of sick leave. Payment for sick leave is subject to final approval by the Administrative Judge or his/her designee or the Clerk of Court or his/her designee. The City, Delaware Municipal Court, or Clerk of Court may require the employee to furnish a statement from a licensed medical practitioner if medical attention was sought or for any absence in excess of three consecutive days whether for the employee or his/her immediate family. Such statement must include the nature of the illness or injury, the inability to perform his/her duties, the prognosis, and the estimated date when the employee can be expected to return to work. Failure of the employee to provide such statement and request for leave form when requested may result in the denial of sick leave pay.

**Section 8.** Falsification of a request for leave form or a medical practitioner's statement may be grounds for disciplinary action. The City, Delaware Municipal Court, or Clerk of Court maintains the right to have any employee examined by a licensed medical practitioner selected and paid by the City. Alternatively, the employee required to see a physician may see a physician of his/her own choosing, but in that event will not be reimbursed for the costs incurred.

The City, Delaware Municipal Court, or Clerk of Court may deny the payment of sick leave if the investigation indicates that the absence was not within the provisions of this article. Denial of sick-leave payment will not preclude the Delaware Municipal Court or Clerk of Court from implementing any disciplinary action.

**Section 9. Sick Leave Abuse**

It is the mutual interest of the employee and the Delaware Municipal Court or Clerk of Court to prevent the abuse or misuse of sick leave. The acceptable usage of sick leave is explained in this policy.

Employees must not abuse or demonstrate a pattern of sick-leave and/or leave-without-pay usage. The abuse of sick leave or the patterned use of sick leave will be just and sufficient cause for discipline. A request of sick leave will be denied if the employee fails to comply with the procedures for proper sick leave usage, fails to present a required physician's statement, or if an investigation of a request for sick leave discloses facts inconsistent with the proper use of sick leave. Falsification of applications for sick leave or the filing of sick leave applications and documentation with intent to defraud may result in the disapproval of sick leave and may be grounds for disciplinary action, up to and including discharge.

Any employee who is hospitalized will not have such period of leave considered in determining whether the employee is abusing sick-leave benefits.

The implementation of this section does not preclude the right of the Delaware Municipal Court or Clerk of Court to discipline an employee for the abuse of sick leave, to require a statement from the employee's physician, or to have the employee examined by a physician. Any employee who has been disciplined for abuse of sick leave may be required to furnish a statement from the employee's physician for each use of sick leave up to six months in duration. The City, Delaware Municipal Court, or Clerk of Court may, with mutual agreement of both parties, extend the need for sick leave verification for an additional six month period. The City, Delaware Municipal Court, or Clerk of Court also maintains the right to investigate all absences.

## **Policy 27. Injury Leave**

- Section 1.** All regular full-time employees are entitled to injury leave with pay, less any Worker's Compensation weekly salary benefits that they may be awarded by the Industrial Commission of Ohio (ICO), for a period not to exceed 120 consecutive working days for employees working a 40 hour work week for each injury incurred in the performance of employment duties with the Delaware Municipal Court or Clerk of Court, provided that the following procedures are followed:
- A.** In all cases of personal injury to any full-time Delaware Municipal Court or Clerk of Court employee as a result of the performance of employment duties, the employee must immediately complete an accident/injury investigation form and report the accident/injury to the Administrative Judge or his/her designee or the Clerk of Court or his/her designee, who must immediately report said accident/injury to the Department of Administrative Services and ensure that a claim is filed with ICO.
  - B.** In the event that time off from work is required by the injured employee, he/she will be granted injury leave from the first day of injury, if the proper documentation is submitted to the City of Delaware. This documentation will include, but not be limited to, a statement from the employee's physician, an Agreement covering Compensation Reimbursement, any necessary ICO forms and other documents as may be required by the City. In the event that the ICO determines that the injury is NOT employment related, any time the employee is, or has been, absent from work will be deducted first, from any accrued sick leave, then accrued vacation, or accrued compensation time off, other than compensatory time for overtime worked.
  - C.** During the period of time an injured employee is being paid under this policy, all normal benefits given to regular full-time employees will remain in force with no deductions to earned sick leave and/or vacation time.
  - D.** In all cases where an injury leave of more than 120 consecutive working days is requested by an employee working a 40 hour work week, the Administrative Judge or his/her designee or Clerk of Court or his/her designee may extend such leave by an additional 120 consecutive working days if such necessity is determined to his/her satisfaction. Each employee requesting such an extension under this policy may be required to furnish a current affidavit from a licensed physician setting forth the need for the extension.

**Policy 28. Insurance**

**Section 1. Hospitalization, Surgical, and Major Medical.** The City will continue to provide comprehensive hospitalization, surgical, and major medical coverage for all full-time members and their dependents. Beginning January 1, 1999, or at some date thereafter, the City may implement a Preferred Provider Organization (PPO). The Plan if implemented will provide for the following deductibles and co-payments as follows:

	<b>NETWORK PROVIDERS</b>	<b>NON-NETWORK PROVIDERS</b>
Annual Deductible Single Family	None None	\$ 500.00 \$1,000.00
Office Visit Co-Pay	\$10.00	N/A
ER Visit  Co-Pay	\$50.00 unless admitted into the hospital, otherwise co-insurance will apply in excess of the deductible.	N/A
Co-Insurance Single  Family	90/10% of first \$1,000 80/20% of next \$3,000  90/10% of first \$2,000 80/20% of next \$5,000	50/50% of first \$5,000  50/50% of first \$10,000

Contributions will be deducted from the member's gross income prior to taxes, subject to compliance with all applicable tax regulations.

Employees will contribute to the cost of the health benefit plan in an amount determined annually by the City of Delaware. Annual changes to the calculated COBRA rate will be applied to the monthly employee contributions on the first full pay-period in April of each year. Contributions will be deducted from all members in a paid status based on twelve months times the monthly rate, divided by the number of pay periods per year. An example would be \$56.95/mo. x 12 = \$683.40, \$683.40/26 pay periods = \$26.28 per pay period. In the event federal tax regulations are changed so that medical benefit plans are no longer tax exempt, the City will not be responsible to pick up the member's tax burden.

The City will permit employees who have alternate health plan options through a spouse to opt out of the City plan in return for a payment of \$100.00 per month. Families who have both spouses employed full time by the City of Delaware will not be eligible to opt out of the plan. Likewise, these employees will not be subject to monthly payroll contributions. The employee will provide proof that they do in fact have other

coverage before the City will drop that employee's current coverage. The City will continue to provide dental coverage if it is not provided under the employee's spouse's insurance. A member may elect to return to coverage under the City's insurance plan by notifying the City in writing of any substantial changes in their qualifying family circumstances. The member must give thirty days notice of his or her election to return to the City's plan, except in the case of an emergency, such as sudden loss of spouse's coverage, divorce or other change in family status. The plan will comply with Internal Revenue Code Section 125 which governs this matter.

Employees who opt out of the health insurance program will be compensated as follows:

No Coverage	\$100 per month
Maintain Prescription Only	\$ 60 per month
Maintain Dental Only	\$ 65 per month
Maintain Prescription and Dental	\$ 55 per month

\* An employee may not elect to have medical coverage only.

Payments will begin on the first pay period of the month following 30 days notice of an employee's desire to drop coverage. A form will be provided which will contain all information necessary to discontinue coverage under the plan. The form must be signed and returned to the Department of Administrative Services. Until such time that an employee is effectively dropped from City coverage, they will be subject to any payroll contributions.

All payments made in lieu of insurance coverage will be included as other pay on employee's paycheck. This income will not be included in income subject to PERS contributions but will be subject to all applicable taxes.

### **A. Prescription Plan**

The City will provide a prescription card plan for members and their dependents.

The retail benefits will be the following with the City paying the higher amount and the employee paying the lesser amount of prescription coinsurance:

- 80/20% for generic drugs
- 50/50% name brand drugs with a \$25.00 co-pay for each disbursement

The mail order benefits will be the following:

- 90/10% for generic drugs and
- 75/25% for name brand drugs with no \$25.00 co-pay.

The maximum expense an employee will pay for coinsurance is \$250.00 annually for single coverage and \$500.00 for family annually for prescription

benefits, however, the \$25.00 co-pay for retail name brand drugs will not count towards the calculation of the \$250.00 or the \$500.00 coinsurance maximum and will always apply even after an employee reaches the coinsurance maximum expenditure.

**B. Dental Care Plan**

The City will maintain the current dental coverage for all members. Please contact Department of Administrative Services if you have questions.

**C. Vision Care Plan**

The City will contribute \$6 a month towards vision coverage. The employee will be responsible for the balance of the monthly cost of the selected coverage. The City may cease to make this contribution if the City no longer offers vision coverage. Please contact the Department of Administrative Services if you have questions.

**Section 2. Life Insurance**

The City will provide the following amount of life insurance:

Clerk of Court	\$ 100,000.00
Magistrate	\$ 45,000.00
Clerk's Chief Deputy	\$ 30,000.00
Court IT Director	\$ 30,000.00
All other full time employees	\$ 20,000.00

**Section 3. Certificate of Coverage**

The City will provide a certificate of coverage for each Court employee. Such certificate will be for the employee's family situation.

**Policy 29. Overtime Compensation**

**Section 1. Overtime Pay and Compensatory Time - Nonexempt Employees**

Employees who are entitled to overtime pay or compensatory time off under the provisions of the Fair Labor Standard Act are entitled to overtime pay or compensatory time as described below:

- & Employees must receive prior approval from the Administrative Judge or his/her designee or Clerk of Court or his/her designee.
  
- & Employees will be compensated at straight-time rates for all hours in active pay status, except that all hours in paid status in excess of 40 hours in any work week will be compensated at a rate of time and one-half. Payment in cash will be made for any overtime due at the time of separation from City service.

- & In lieu of cash payment, the employee may request to be compensated for overtime by compensatory time off in accordance with the law. Such compensatory time off will be equal to 1.5 hours for each hour overtime compensation to which the employee is entitled. All requests for compensatory time are subject to approval of the department head. Any compensatory time that is used by an employee must be taken at a time mutually agreeable to the supervisor and the employee.
- & Employees can accumulate up to 80 hours of compensatory time. When an employee has 80 hours of accumulated compensatory time, all further overtime will be paid in cash.
- & Compensatory time will be submitted on the regular payroll sheet detailing the time earned and taken.

## **Section 2. Overtime Pay and Compensatory Time - Exempt Employees**

Employees exempt under the Fair Labor Standard Act are not entitled to overtime pay but are entitled to compensatory time as described below:

- & Employees must receive prior approval from the Administrative Judge or his/her designee or Clerk of Court or his/her designee.
- & Compensatory time will be earned for approved work that exceeds the 40 hour work week and such employees may receive said compensatory time at the rate of one hour for each hour worked in excess of 40 hours per week.
- & The maximum accrual of compensatory time is 80 hours.
- & Compensatory time must be used in minimum increments of one hour and maximum increments of 16 hours.
- & At no time will compensatory time be converted to any other form of leave or compensation.
- & Compensatory time must be listed on the regular payroll sheet detailing the time earned and taken.

## **Policy 30. Special Leave**

The Administrative Judge or his/her designee or the Clerk of Court or his/her designee, may authorize special leave of absence, with or without pay, for purposes beneficial to the employee and/or the Court or Clerk of Court.

### **A. Jury Service Leave**

An employee, while serving on a jury in any court of record in Delaware County, the State of Ohio, or any adjoining county, will be paid his/her regular salary for each

workday during the period of time so served. Time so served will be deemed active and continued service for all purposes. All jury fees received from the court where the jury was seated will be assigned to the City of Delaware and submitted to the Administrative Judge or his/her designee or the Clerk of Court or his/her designee, to be forwarded to the City Finance Director.

## **B. Court Leave**

Time off with pay will be allowed for work-related incidents where an employee is subpoenaed as a witness in civil matters in any court of record in Delaware County, State of Ohio, or any adjoining county. All witness fees will be assigned to the City of Delaware and submitted to the Administrative Judge or his/her designee or the Clerk of Court or his/her designee, to be forwarded to the City Finance Director.

## **Policy 31. Family and Medical Leave Act**

The Family and Medical Leave Act policies in the City of Delaware's Employment Handbook apply to the employees of both the Court and the Clerk of Court.

## **Policy 32. Parks and Recreation Credit**

The City will provide each employee with a credit to be applied to a City Pool membership, City Golf Course membership or punch-card, or City rentals (shelters or Hilborn Room). The amount of the credit is \$60.00. This membership is defined and regulated by the Recreation Services Department and employees must abide by the stipulations set forth by the department both in definition and restrictions. This credit amount is fixed, regardless of changes in membership fees that may occur. In addition, the City will provide to each member a 20% discount on all individual registrations for City recreation programs.

## **Policy 33. On-Call Compensation**

Both exempt and non-exempt employees of the Clerk of Court will be eligible for on-call compensation for weekly periods when assigned the responsibility of responding to law-enforcement requests during non-scheduled work periods. Employees assigned to this on-call status will serve in this posture for weekly time periods as authorized by the Clerk or by the Clerk's designee. Employees assigned to on-call status will be compensated at a weekly rate of between \$25 and \$50 as determined by the Clerk of Court. On-call compensation will be added to regular and overtime wages earned during the pay period and will be paid as taxable income through the bi-weekly payroll process.

## **Policy 34. Salary Ranges**

Each employee is required to pay all required employee contributions to the Ohio Public Employees Retirement System (OPERS).

**SALARY RANGES - MUNICIPAL COURT:**

JOB TITLE	HOURLY WAGE		ANNUAL SALARY	
	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
OFFICE ASSISTANT	\$12.37	\$20	\$25,730	\$41,600
ADMINISTRATIVE ASSISTANT	\$14.53	\$20	\$30,222	\$41,600
BAILIFF/SECURITY OFFICER	\$16.28	\$27	\$33,662	\$56,160
COMMUNITY CONTROL OFFICER	\$16.35	\$28	\$34,000	\$58,240
OVI DOCKET COORDINATOR/ COMMUNITY CONTROL OFFICER	\$16.35	\$28	\$34,000	\$58,240
MISSION DOCKET COORDINATOR/ COMMUNITY CONTROL OFFICER*	\$16.35	\$28	\$34,000	\$58,240
VETERAN MENTOR COORDINATOR	\$16	\$24	\$33,280	\$49,920
ASSIGNMENT ADMINISTRATOR	\$18.81	\$28	\$39,125	\$58,240
ASSIGNMENT COMMISSIONER/JURY COMMISSIONER	\$18.81	\$28	\$39,125	\$58,240
ADMIN. ASSISTANT/JURY COMMISSIONER	\$18.81	\$28	\$39,125	\$58,240
CHIEF COMMUNITY CONTROL OFFICER	\$20.74	\$32	\$43,139	\$66,560
DEPUTY CHIEF COMMUNITY CONTROL OFFICER	\$20.74	\$32	\$43,139	\$66,560
MAGISTRATE	\$34.67	\$52	\$72,114	\$108,160

**SALARY RANGES - CLERK OF COURT:**

1901.31(H) Deputy Clerks of a municipal court other than the Carroll County Municipal Court may be appointed by the Clerk and shall receive the compensation, payable in either biweekly instalments or semi-monthly instalments, as determined by the payroll administrator, out of the City Treasury, that the Clerk may prescribe, except that the compensation of any Deputy Clerk of a county-operated municipal court shall be paid out of the treasury of the county in which the Court is located. The Judge of the Carroll County Municipal Court may appoint Deputy Clerks for the Court, and the Deputy Clerks shall receive the compensation, payable in biweekly instalments out of the county treasury, that the Judge may prescribe. Each Deputy Clerk shall take an oath of office before entering upon the duties of the Deputy Clerk's office and, when so qualified, may perform the duties appertaining to the office of the Clerk. The Clerk may require any of the Deputy Clerks to give bond of not less than three thousand dollars, conditioned for the faithful performance of the Deputy Clerk's duties.

**Policy 35. Permanent Part-Time Employees**

Permanent part-time employees will receive the following wages and benefits:

## **Section 1. Wages**

Permanent part-time employees will be paid on an hourly basis in accordance with the table in Policy 34 above.

## **Section 2. Benefits**

- A.** Permanent part-time employees will accrue Universal Leave on a prorated basis of 4.6 hours for every eighty hours worked in a pay period.
- B.** Permanent part-time employees are eligible for holiday pay if they work a major holiday, which includes the following: Memorial Day, July 4, Labor Day, Thanksgiving, Christmas, and New Year's Day. Holiday Pay is defined as one and one-half times the permanent part-time employee's regular hourly rate.
- C.** Overtime will be compensated at straight time rates for all hours in paid status, except that all hours in paid status in excess of 40 hours in any work week will be compensated for a rate of time and one-half.
- D.** The permanent part-time employee is responsible for payment of the employee contribution for the State of Ohio Retirement System.
- E.** Upon termination of employment with the Court or Clerk of Court, permanent part-time employees will not receive pay-out for any leave accumulated.
- F.** If a permanent part-time employee becomes full time with the Court or Clerk of Court, any accumulated Universal Leave will be added to the permanent part-time employee's sick leave balance.

## **Policy 37. Intermittent Part-Time/Seasonal Employees**

Intermittent part-time and seasonal employees will receive the following wages and benefits:

### **Section 1. Wages**

Intermittent part-time and seasonal employees will be paid on an hourly basis in accordance with the table in Policy 35 above.

### **Section 2. Benefits**

Intermittent part-time and seasonal employees are not eligible for benefits, but the intermittent part-time, and/or seasonal employee is responsible for payment of the employee contribution for the State of Ohio Retirement System.

## Receipt and Acknowledgment Form

The employee policy manual and employee benefits manual include important information about employment at the Delaware Municipal Court and the Clerk of Court's office, and I understand that I should consult my immediate supervisor regarding any questions that are not answered in those documents. If my supervisor cannot answer my question, I should consult with the Administrative Judge or his/her designee or the Clerk of Court or his/her designee.

I have entered into my employment relationship with the Delaware Municipal Court or the Clerk of Court voluntarily and I acknowledge that there is no specified length of employment. Accordingly, the Delaware Municipal Court, the Clerk of Court, or I may terminate the relationship at will, with or without cause, at any time.

Because the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the administrative policy manual and the employee-benefits manual may occur, though I also understand that my position is and will remain an employment-at-will position. Any changes in the manuals will be communicated through official notices, and I understand that that revised information may supersede, modify, or eliminate existing policies. Only the Administrative Judge or Clerk of Court of the Delaware Municipal Court has the ability to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the administrative policy manual and the employee-benefits manual, and I understand that it is my responsibility to read and to comply with the policies contained in these documents as well as any revisions made to them later.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Name (Please Print)



## FACT SHEET

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AGENDA ITEM NO: 15

DATE: 11/26/2018

ORDINANCE NO: 18-111

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

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TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Jackie Walker, Assistant City Manager

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE AMENDING ORDINANCE NO. 17-78 ESTABLISHING THE PAY AND BENEFITS FOR VARIOUS PART-TIME AND INTERMITTENT/SEASONAL EMPLOYEES OF THE CITY OF DELAWARE, AND DECLARING AN EMERGENCY.

**BACKGROUND:**

The proposed 2019 budget reflects an increase in wages by 2% for all permanent part-time positions. As a result of conducting an external seasonal pay-rate comparison in response to difficulty staffing seasonal laborer positions during the 2018 season, the intermittent part-time/seasonal wage table has been adjusted. This change will increase our ability to recruit qualified individuals for these positions, reduce the time to fill these positions, provide internal and external pay equity as municipal pay rate comparisons have increased, incentivize past employees to return and condense the number of seasonal pay grades.

**REASON WHY LEGISLATION IS NEEDED:**

Legislation is necessary in order to process payroll changes.

**COMMITTEE RECOMMENDATION:**

N/A

**FISCAL IMPACT(S):**

2 percent increase for all permanent part-time positions. Wage table adjustment for intermittent part-time/seasonal positions, as reflected in the proposed 2019 budget.

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

Jackie Walker, Assistant City Manager

**RECOMMENDATION:**

Approval at 3<sup>rd</sup> Reading

**ATTACHMENT(S)**

N/A

ORDINANCE NO. 18-111

AN ORDINANCE AMENDING ORDINANCE NO. 17-78 ESTABLISHING THE PAY AND BENEFITS FOR VARIOUS PART-TIME AND INTERMITTENT, AND SEASONAL EMPLOYEES OF THE CITY OF DELAWARE AND DECLARING AN EMERGENCY.

WHEREAS, the City hires various part-time, intermittent/seasonal employees that can be divided into two classifications, to wit: permanent part-time and intermittent seasonal, and

WHEREAS, Section 155.09, Appointment Status, of the Codified Ordinances of the City of Delaware defines part-time employment, and Ordinance No. 15-115 established pay and benefits for various part-time employees of the City, and

WHEREAS, it is necessary to clarify the wages and benefits for each classification of part-time and intermittent/seasonal employees.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. Ordinance No. 17-78 is hereby amended to read as follows:

A. Effective **DECEMBER 26, 2018** permanent part-time employees shall receive the following wages and benefits:

1. Wages. Permanent part-time employees shall be paid on an hourly basis in accordance with the following table:

<b>Pay Grade</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>STEP 4</b>	<b>STEP 5</b>
<b>PT 1</b>	9.24	9.58	9.98	10.19	10.39
<b>PT 2</b>	13.94	14.48	15.08	15.69	16.29
<b>PT 3</b>	14.66	15.24	15.81	16.49	17.15
<b>PT 4</b>	16.88	17.56	18.27	19.00	19.76
<b>PT 5</b>	19.56	20.17	20.79	21.44	22.07
<b>PT 6</b>	22.34	23.00	23.61	24.33	25.05

<u>PAY GRADE</u>	<u>POSITION</u>
PT 1.....	Facility Maintenance Technician I
PT 2.....	Support Services Aide, Parking Control Officer
PT 3.....	Facility Maintenance Technician II Clerical Specialist, Records Clerk, <b>RECORDS ANALYST, Laborer</b> , Front Counter Clerk, Help-Desk Technician

- PT 4..... **COMMUNICATIONS SPECIALIST,**  
**PARALEGAL, LABORER**
- PT 5..... Investigator/Diversion  
Manager, Code Enforcement  
Officer
- PT 6..... Human Resource Coordinator

- 2. Benefits. Benefits for permanent part-time are as follows:
  - (a) Employees will accrue Universal Leave on a prorated basis of 4.6 hours for every eighty hours worked in a pay period.
  - (b) Employees are eligible for holiday pay if they work a major holiday which includes the following: Christmas, Labor Day, Memorial Day, July 4, New Year's Day and Thanksgiving. Holiday Pay is defined as one and one half times the employee's regular hourly rate.
  - (c) Overtime shall be compensated at straight time rates for all hours in paid status, except that all hours in paid status in excess of 40 hours in any work week shall be compensated for a rate of time and one half.
  - (d) The employee shall be responsible for payment of the employee contribution for the State of Ohio Retirement System.
  - (e) Upon termination of employment with the City employees will not receive pay-out for any leave accumulated.
  - (f) If an employee becomes full time with the City, any accumulated Universal Leave will be added to the employee's sick leave balance.
  - (g) Employees shall receive a Parks and Recreation Credit to be applied to a Jack Florance Pool membership, City Golf Course membership or punch-card, or City rentals (shelters or Hillborn Room). The amount of the credit shall be \$60.00. Employees shall abide by the stipulations set forth by the managing organization both in definition and restrictions. This credit amount is fixed, regardless of changes in membership fees that may occur. Employees will also receive a 20% discount on all individual registrations for City recreation programs. Credits may not be used to purchase memberships or to secure rentals beyond the calendar year for which it is issued. Credits will not be re-issued if lost or stolen and must be surrendered at the time of registration/purchase. Credits are non-transferrable.

B. Effective **December 26, 2018** permanent part-time firefighters shall be paid on an hourly basis in accordance with the following table:

PAY GRADE	POSITION	WAGE
PTFF1	Firefighter/EMT	<b>13.26/hour</b>
PTFF2	Firefighter/Paramedic	<b>15.30/hour</b>

1. Benefits. Benefits for permanent part-time firefighters are as follows:
  - (a) The City will provide \$10,000 of life insurance.
  - (b) Overtime shall be compensated at straight time rates for all hours in paid status, except that all hours in paid status in excess of 2 1/2 hours in any 28 day pay cycle shall be compensated for a rate of time and one half.
  - (c) The employee will be responsible for payment of the employee contribution to their pension system.
  - (d) Employees are eligible for holiday pay if they work a major holiday which includes the following: Christmas, Labor Day, Memorial Day, July 4, New Year's Day and Thanksgiving. Holiday pay is defined as one and one half times the employee's regular hourly rate.
  - (e) Permanent part-time firefighters may not exceed 1500 hours worked in a calendar year.
  - (g) Employees shall receive a Parks and Recreation Credit to be applied to a Jack Florance Pool membership, City Golf Course membership or punch-card, or City rentals (shelters or Hilborn Room). The amount of the credit shall be \$60.00. Employees shall abide by the stipulations set forth by the managing organization both in definition and restrictions. This credit amount is fixed, regardless of changes in membership fees that may occur. Employees will also receive a 20% discount on all individual registrations for City recreation programs. Credits may not be used to purchase memberships or to secure rentals beyond the calendar year for which it is issued. Credits will not be re-issued if lost or stolen and must be surrendered at the time of registration/purchase. Credits are non-transferrable.

C. Effective **DECEMBER 26, 2018** intermittent part-time/seasonal employees shall receive the following wages and benefits:

1. Wages. Intermittent part-time/seasonal employees shall be paid on an hourly basis in accordance with the following table:





## FACT SHEET

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AGENDA ITEM NO: 16

DATE: 11/26/2018

ORDINANCE NO: 18-112

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

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TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Jackie Walker, Assistant City Manager

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE AMENDING THE MANAGEMENT, PROFESSIONAL, TECHNICAL, CONFIDENTIAL, AND SUPERVISORY EMPLOYEES PAY PLAN, AND DECLARING AN EMERGENCY.

**BACKGROUND:**

The proposed 2018 budget reflects an increase in wages by 2% for the non-union employee pay plan and 2.5% for the department head pay plan ranges.

Other notable additions/changes include establishing a calendar year maximum reimbursement (\$3,500) for tuition reimbursement, subject to available appropriations.

In addition, the ordinance includes a section authorizing the Finance Director to sign an annual OPERS earned time off conversion document.

**REASON WHY LEGISLATION IS NEEDED:**

Legislation is necessary in order to process payroll changes.

**COMMITTEE RECOMMENDATION:**

N/A

**FISCAL IMPACT(S):**

A 2 percent increase for all non-union pay plan positions and 2.5 percent increase to the department head pay plan ranges, as reflected in the proposed 2019 budget.

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

Jackie Walker, Assistant City Manager

**RECOMMENDATION:**

Approval at 3<sup>rd</sup> Reading

**ATTACHMENT(S)**

Amended Pay Plan

ORDINANCE NO. 18-112

AN ORDINANCE AMENDING THE MANAGEMENT, PROFESSIONAL, TECHNICAL, CONFIDENTIAL, AND SUPERVISORY EMPLOYEES PAY PLAN, AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the attached Management, Professional, Technical, Confidential and Supervisory Pay Plan shall be amended to reflect the noted changes.

SECTION 2. That the Finance Director is hereby authorized to execute and submit the annual OPERS earned time conversion document on behalf of the City.

SECTION 3. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

SECTION 4. EMERGENCY CLAUSE. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City. The emergency clause is required to enact the changes effective on December 26, 2018 which coincides with the new calendar year. Therefore this Ordinance shall be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION:

YEAS \_\_\_ NAYS \_\_\_  
ABSTAIN \_\_\_

VOTE ON EMERGENCY CLAUSE:

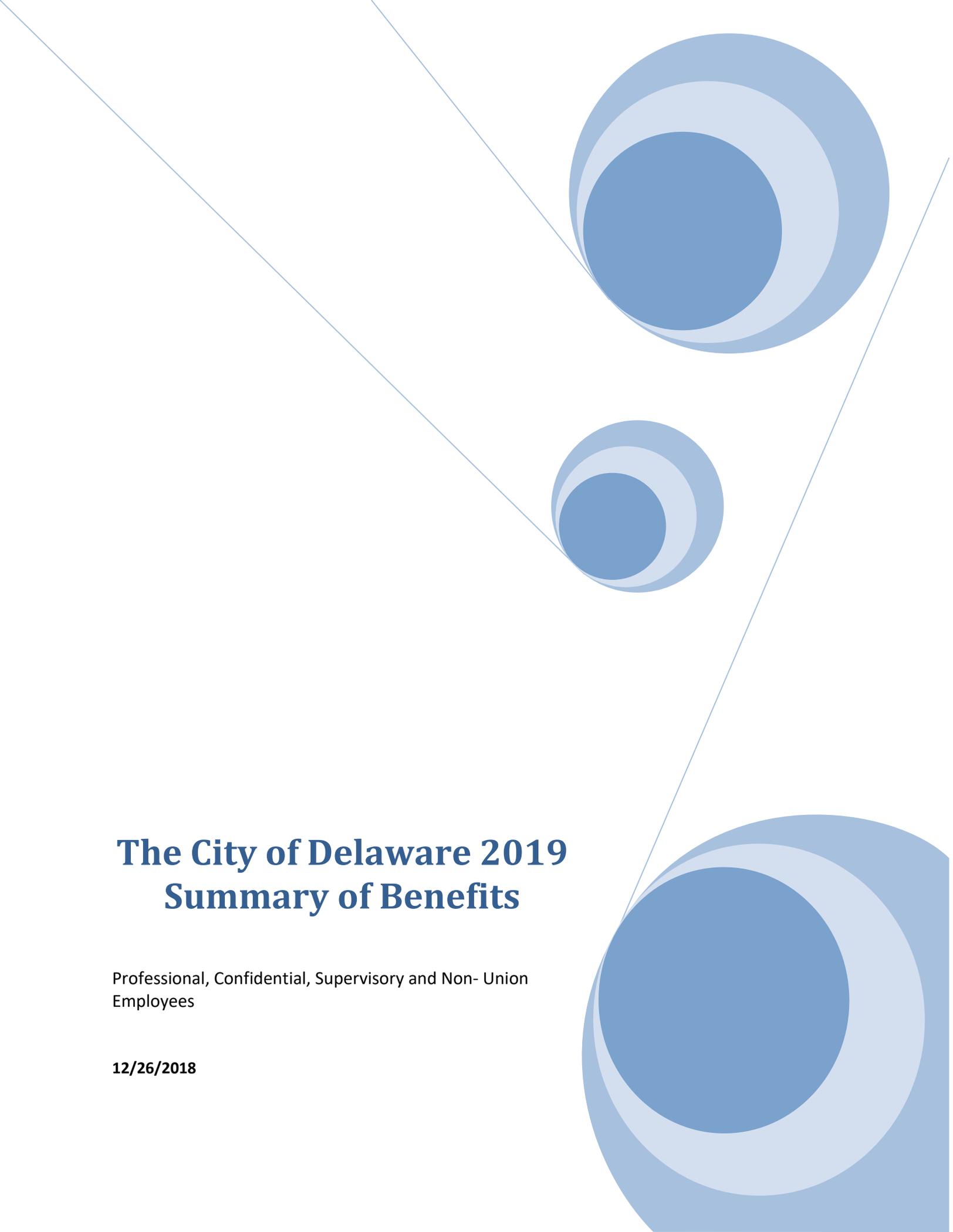
YEAS \_\_\_ NAYS \_\_\_  
ABSTAIN \_\_\_

PASSED: \_\_\_\_\_, 2018

YEAS \_\_\_ NAYS \_\_\_  
ABSTAIN \_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR



# **The City of Delaware 2019 Summary of Benefits**

Professional, Confidential, Supervisory and Non- Union  
Employees

**12/26/2018**

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# SECTION I WAGES AND PAY PLAN

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## A. Non-Union Employee Pay Plan

The following pay schedule is to be effective **DECEMBER 26, 2018** and the table below reflects a **2%** increase for each step. Step increases shall take effect the first full pay period following the employee's anniversary date.

<u>PAY GRADE</u>	<u>POSITION</u>
M1	Administrative Assistant, Police Administrative Aide, Desktop Technician, Clerk of Council
M2	Airport Technician, Watershed Coordinator, Police Assistant,
M3	Economic Development Communications Specialist
M4	Cemetery Manager, Financial Specialist I, Arborist
M5	GIS/CMMS Technician, Administrative Services Specialist, Right-of-Way Inspector, Zoning Technician
M6	Police Technician
M7	Code Enforcement Officer I, Customer Service Liaison, Facility Maintenance Supervisor
M8	Engineering Technician, Airport Operations Supervisor, Division Supervisor, Financial Specialist II, Executive Assistant, Code Enforcement Officer II, Golf Course Superintendent, Project Manager I, Collections Manager, Construction Inspector
M9	Assistant City Attorney/Prosecutor, Building Inspector I
M10	Development Planner
M11	No Current Position
M12	GIS Coordinator, Project Manager II, Airport Manager, Construction Inspection Manager, IT Project Coordinator, Budget Analyst,
M13	Building Inspector II
M14	Information Systems & Network Administrator, Human Resource Manager, Assistant Prosecutor, Database Analyst
M15	Project Engineer I, Assistant Water Manager, Assistant Wastewater Manager, Parks Superintendent
M16	No current position
M17	Project and Maintenance Manager, Public Works Superintendent, Accountant, Zoning Administrator, Water Manager, Wastewater Manager, Community Affairs Coordinator, Project Engineer II, Income Tax Administrator
M18	Project Engineer III
M19	Deputy City Engineer
M20	No current position

<b>Pay Grade</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>
<b>M1</b>	18.86	19.59	20.28	21.21	22.04
<b>M2</b>	19.40	20.55	20.98	21.86	22.71
<b>M3</b>	20.37	21.19	22.04	22.93	23.84
<b>M4</b>	21.19	22.03	22.92	23.87	24.80
<b>M5</b>	22.28	23.25	24.63	25.55	26.32
<b>M6</b>	23.18	24.25	25.59	26.56	27.38
<b>M7</b>	24.08	25.23	26.61	27.60	28.48
<b>M8</b>	25.42	26.50	27.56	28.73	29.94
<b>M9</b>	26.46	27.54	28.67	29.88	31.14
<b>M10</b>	27.51	28.65	29.85	31.10	32.41
<b>M11</b>	28.61	29.75	31.08	32.31	33.65
<b>M12</b>	29.79	30.98	32.28	33.60	35.03
<b>M13</b>	30.96	32.21	33.58	34.97	36.44
<b>M14</b>	32.16	33.52	34.92	36.37	37.90
<b>M15</b>	33.44	34.87	36.33	37.83	39.37
<b>M16</b>	34.82	36.25	37.77	39.33	40.94
<b>M17</b>	36.21	37.68	39.33	40.89	42.62
<b>M18</b>	37.62	39.19	40.89	42.56	44.33
<b>M19</b>	39.16	40.78	42.53	44.24	46.07
<b>M20</b>	40.71	42.37	44.24	46.02	47.92

**B. Department Head Pay Plan**

The following pay schedule for the positions below is to be effective **DECEMBER 26, 2018** and reflects a **2.5%** increase to each range.

<b>DH III</b>		<b>Range</b>
	Dean Stelzer      Finance Director	\$105,386.40 to \$147,540.96
	Darren Shulman    City Attorney	
	Bruce Pijanowski    Police Chief	
	John Donahue      Fire Chief	
<b>DH II</b>		\$87,822.00 to \$122,950.08
	Bill Ferrigno      Public Works Director/City Engineer	
	David Efland      Planning Director	
	Chief Information Officer	
	Assistant Fire Chief	
	Brad Stanton      Public Utilities Director	
	Jackie Walker      Assistant City Manager	
<b>DH I</b>		\$73,185.00 to \$102,459.00
	Jerry Warner      Chief Building Official	
	Sean Hughes      Economic Development Director	
	Ted Miller        Parks & Recreation Director	
	Melissa Schiffel   City Prosecutor	

**C. Safety Forces Pay Plan**

The following pay schedule is to be effective **DECEMBER 26, 2018**. The table below reflects a **2%** increase for each step. Step increases shall take effect the first full pay period following the employee’s anniversary date.

Pay Grade	STEP 1		STEP 2		STEP 3	
	Hourly	Annual	Hourly	Annual	Hourly	Annual
SF1	48.78	\$101,454.91	50.60	\$105,252.58	52.44	\$109,071.46

**PAY GRADE**                      **POSITION**  
**SF1**                                      Police Captain

**1. Maximum Vacation Accrual**

If an employee enters into the Management Pay Plan with more than the maximum accrual of vacation hours allowed, the following will occur: 1.the employee may request a pay out to take the current level below the maximum allowed or 2. the current accrual will be “frozen” as a maximum cap for the calendar year. The last pay of each year will be the next annual cap if the accrual is lower than the previous cap. This will continue to occur until the employee reaches the maximum management accrual rate.

**2. Initial Compensatory Time**

Prior to entering the Management Pay Plan all compensatory time will be paid out according to the provision in the respective bargaining contract and the employee compensation time will be zero (0).

**3. Clothing Maintenance Allowance**

The positions of Police Chief and Police Captain shall receive an annual clothing maintenance allowance of three hundred and forty dollars (\$340) in January of each year.

**4. Uniforms Allowance**

The Management Pay Plan positions in the Police and Fire Departments will receive replacement uniform items when determined by the Chief that replacement is necessary.

Pay Grade	STEP 1		STEP 2		STEP 3	
	Hourly	Annual	Hourly	Annual	Hourly	Annual
SF2	per contract		per contract		per contract	

**PAY GRADE**

SF2

**POSITION**

Fire Captain

1. Wages and associated benefits for the 40-hour/week Management Fire Captain are identical to those provided to equivalent bargaining unit position. Position is considered overtime eligible. Additionally, incumbent will receive 5% out-of-class pay (**BASED ON BASE WAGE RATE**) when serving as Acting Chief.

**D. Overtime Pay and Compensatory Time: Non-Exempt Employees**

For employees who are entitled to overtime pay or compensatory time off under the provisions of the Fair Labor Standard Act they shall be entitled to overtime pay or compensatory time as described below:

1. Employees shall be compensated at straight-time rates for all hours in active pay status, except that all hours in paid status in excess of forty (40) hours in any workweek shall be compensated for at a rate of time and one-half. Payment in cash shall be made for any overtime due at the time of separation from City service.
2. In lieu of cash payment, the employee may request to be compensated for overtime by compensatory time off in accordance with the law. Such compensatory time off shall be equal to one and one-half (1.5) hours for each hour of overtime compensation to which the employee is entitled. All requests for use of compensatory time are subject to approval of the department head. Compensatory time shall be taken at a time mutually agreeable to the supervisor and the employee.
3. Employees can accumulate up to eighty (80) hours of compensatory time. When an employee has eighty (80) hours of accumulated compensatory time, all further overtime will be paid in cash.
4. At no time shall compensatory time be converted to any other form of leave or compensation; except when an employee separates from City service. Upon termination of employment, a non-exempt employee shall be paid for unused compensatory time provided that the time was earned after April 14, 1986 at a rate of compensation not less than:

- a.) The average regular rate (hourly rate) received by such employee during the last 3 years of the employee's employment, or
  - b.) The final regular rate (hourly rate) received by such employee, whichever is higher.
5. Compensatory time shall be submitted on the regular payroll sheet detailing the time earned and taken.

**E. Compensatory Time: Exempt Employees**

Employees exempt under the Fair Labor Standard Act shall not be entitled to overtime pay but shall be entitled to compensatory time as described below:

1. No existing compensatory time balances will be carried over from an outside position or when the employ transfers into the Management Pay Plan.
2. Compensatory time shall be earned for approved work that exceeds eight (8) hours per day and such employees may receive said compensatory time at the rate of one (1) hour for each hour worked in excess of eight (8) hours per day.
3. The maximum accrual of compensatory time shall be eighty (80) hours.
4. Compensatory time must be used in minimum increments of one (1) hour and maximum increments of twenty four (24) hours per pay period.
5. At no time shall compensatory time be converted to any other form of leave or compensation. Upon termination of employment, an exempt employee is not entitled to payment for unused compensatory time.
6. Compensatory time shall be submitted on the regular payroll sheet detailing the time earned and taken.

## SECTION II ACCRUED TIME AND VARIOUS LEAVES

### A. Vacation

1. The vacation year for employees shall end at the close of business on the last pay period that ends in the month of December.
2. Each full-time employee shall accrue vacation leave by pay period at the annual rate of work hours based on years of full time total service which is established in the schedules contained in Section 3 of this article. Years of total full time service is defined to be the total of all periods of employment for the City of Delaware. Any period of interruption of service due to resignation, layoff, disciplinary suspension, or discharge for cause, will not be included in the computation of total service. Time not in paid status, excepting military leave, shall also be excluded in computing total service. In computing years of service, the higher rate of accrual will be on the first day of the first pay period in which a year of service is completed.
3. The following vacation accrual schedules are established:

<b>Years of Total Service</b>	<b>Vacation Hrs/Year</b>	<b>Vacation Hrs/Pay</b>
Start through 5 years	80.6	3.1
6 through 10 years	119.6	4.6
11 through 15 years	161.2	6.2
16 plus years	200.2	7.7

4. Any vacation balance in excess of the maximum accrual shall become void as of the close of business on the last day of the last pay period that ends in the month of December.

<b>Years of Total Service</b>	<b>Maximum Accrual of Vacation Hours</b>
<b>Start through 5 years</b>	<b>241.8</b>
<b>6 through 10 years</b>	<b>358.8</b>
<b>11 through 15 years</b>	<b>483.6</b>
<b>16 plus years</b>	<b>600.6</b>

5. Eligibility
  - a. To be eligible for biweekly (pay period) vacation accumulation, an employee must be in paid status for a minimum of 72 hours within that pay period; except that when an employee is

required to report for work and does so report and is denied work because of circumstances beyond their control, absence from work for the balance of that day shall not be construed as unpaid work status.

- b. An employee in full-time status who is to be separated from the City service through discharge, resignation, retirement or layoff, and who has unused vacation leave to their credit, shall be paid in a lump sum for such unused vacation leave in lieu of granting a vacation leave after his last day of active service with the City. Such payment shall be paid at the employee's hourly rate of pay at time of separation.
- c. When a member dies while in paid status in the City service, any unused vacation leave to their credit shall be paid in a lump sum to the surviving spouse, or such other person the employee may have designated in writing.
- d. Requests for vacation are to be submitted and approved, in advance of the intended use, by employee's supervisor or department head.
- e. To be eligible to transfer years of service for determination of vacation benefits to the City of Delaware from prior employment inside the State of Ohio:
  - 1) Employees will only be eligible to transfer years of service from a public agency as defined by State law.
  - 2) The amount of years of service that can be transferred is unlimited.
  - 3) Prior employment must be in full-time status.
- f. To be eligible to transfer years of service for determination of vacation benefits to the City of Delaware from prior employment outside the State of Ohio:
  - 1) Employees will only be eligible to transfer years of service from their immediate previous employer.
  - 2) Said previous employer must be a public agency.
  - 3) Employment with the City of Delaware must take place within twelve months of termination from their immediate previous employer.
  - 4) The maximum amount of years of service that can be transferred is five (5) years.
  - 5) Present employees are not eligible.
  - 6) Prior employment must be in full-time status.
- g. An employee may elect to trade three (3) weeks of vacation time, or the equivalent of vacation time earned in one year, whichever is greater, for equivalent pay during the calendar year. Conversion of vacation time may occur ~~in~~ **FOR PAY PERIODS ENDING IN THE MONTHS OF** January, June, or December of each year. **FOR 2019, THESE DATES ARE AS FOLLOWS:**

<b>Pay Period Ending</b>	<b>Pay Date</b>
January 8, 2019	January 15, 2019
January 22, 2019	January 29, 2019
June 11, 2019	June 18, 2019
June 25, 2019	July 2, 2019
December 10, 2019	December 17, 2019
December 24, 2019	December 31, 2019

An employee must inform the Department Head prior to August 1 of the year preceding the calendar year in which he intends to make the trade and must maintain at least forty (40) hour of vacation time in the employee's account after said trade takes place. **EXCEPTIONS MAY BE GRANTED BY THE AUTHORITY OF THE CITY MANAGER.**

**B. Sick Leave**

1. Each City employee shall be entitled to sick leave with pay of four and six-tenths (4.6) hours for each completed eighty (80) hours of service. An employee may use sick leave, upon approval of his or her Department Head, for absence due to personal illness, pregnancy, injury, exposure to contagious disease which could be communicated to other employees, and for illness or injury of the employee's spouse, dependent children, step-children or parent. It is the option of a supervisor, with cause, to require return to work documentation from the employee.
  
2. If an employee used 0 hours of sick leave in any one calendar year, that employee shall be credited with an additional three (3) vacation days the following year. If an employee uses between one (1) and eight (8) hours of sick leave in any one calendar year that employee shall be credited with an additional two (2) vacation days the following year. If an employee uses between nine (9) and sixteen (16) hours of sick leave in any one calendar year that member shall be credited with one (1) additional vacation day the following year. To be eligible for this incentive, an employee must be active for the first pay period of the calendar year through the last pay period of the calendar year. At the employee's option, any additional vacation days earned can be converted to pay **FOR PAY PERIODS ENDING** in the months of January, June, or December of the year the additional vacation is earned. **FOR 2019, THESE DATES ARE AS FOLLOWS:**

<b>Pay Period Ending</b>	<b>Pay Date</b>
January 8, 2019	January 15, 2019
January 22, 2019	January 29, 2019
June 11, 2019	June 18, 2019
June 25, 2019	July 2, 2019
December 10, 2019	December 17, 2019
December 24, 2019	December 31, 2019

3. To be eligible to transfer sick leave to the City of Delaware from prior employment inside the State of Ohio:
  - a. Employees will only be eligible to transfer sick leave from a public agency as defined by the State of Ohio.
  - b. Employment with the City of Delaware must take place within ten (10) years of termination from their previous employer.
  - c. The maximum amount of sick leave hours that can be transferred is unlimited as long as it is accrued at a rate of no greater than 15 days per year.
  
4. To be eligible to transfer sick leave to the City of Delaware from prior employment outside the

State of Ohio:

- a. Employees will only be eligible to transfer sick leave from their immediate previous employer.
  - b. Said previous employer must be a public agency.
  - c. Employment with the City of Delaware must take place within twelve (12) months of termination from their immediate previous employer
  - d. The maximum amount of sick leave hours that can be transferred is six hundred (600).
  - e. Any sick leave time so transferred shall have been accumulated at the rate of one and one-fourth days per month of employment.
  - f. Present employees are not eligible.
5. Any City employee who has accumulated at least 100 days of sick leave credit may convert any excess thereof up to fifteen (15) days per year of sick leave to vacation leave on the basis two (2) sick leave days for one (1) day vacation leave. Such annual conversion, if made, shall occur in December for the year of conversion.
6. Any employee separated from City service for other than just cause shall be paid for all accumulated and unused sick leave on the basis of one (1) hour of pay for every two (2) hours of unused sick leave. Total sick leave pay out cannot exceed sixteen (16) weeks pay.
7. For Employees Hired After November 1, 2013

Each member hired by the City of Delaware after November 1, 2013 may transfer accrued sick leave hours from previous employment with any public agency but such sick leave hours will not be eligible for conversion or payment upon separation pursuant to section 5. In addition, sick leave usage by members who transfer in sick leave hours will first be charged to sick leave hours accumulated while employed by the City of Delaware. Members will only be eligible to utilize hours transferred in from prior public employment when they have no balance of sick leave available from sick leave accrued while employed by the City of Delaware.

**C. Holiday and Personal Days**

1. The following are designated as paid holidays for covered employees:

New Year's Day, January 1	Little Brown Jug Day, ½ day <sup>1</sup>
Martin Luther King Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day, July 4	Day before Christmas, ½ day
Labor Day	Christmas Day, December 25

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<sup>1</sup> In the event that an office remains open on a designated paid holiday all affected staff may take the corresponding time off for that holiday on another date, upon prior approval of their supervisor and/or department director.

2. If one of the holidays set forth above occurs while an employee is on vacation leave, such day shall not be charged against his/her vacation leave.
3. In the event that the Federal Government designates a specific day for any of the aforesaid holidays, then such holiday shall be observed by the City in accordance with such federal designation. When any such holiday falls on a Saturday it shall be observed on the Friday immediately preceding, and when any such holiday falls on a Sunday, it shall be observed on the Monday immediately following, provided that the employee works their last regularly scheduled work day preceding and following the holiday.
4. For each of the holidays specified in Section 1 of this article on which a FLSA non-exempt employee works, they shall be entitled to holiday compensation equal to double the employee's regular rate of pay, except that the employee shall be entitled to holiday compensation at two and one-half times the employee's regular rate of pay if they work on any of the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day. Only eight (8) hours per day will be used when computing the holiday rate. Compensation for holidays may be in the form of cash or compensatory time off.
5. Employees shall be credited with 32 hours of personal leave a year, except for new hires who shall receive a prorated amount based on hire date. Use of holiday compensatory time or personal days shall be at the employee's discretion with the approval of the employee's supervisor or department head.
6. All employees will be permitted to accumulate three (3) years' worth of holiday compensatory time and personal leave. Once an employee accumulates the maximum allowable number of personal leave/holiday compensatory time then future personal leave/holiday compensatory time will be compensated for in cash, at the time they are earned. An employee may elect to cash in up to one year's worth of personal leave each year (32 hours) **FOR PAY PERIODS ENDING** in the months of January, June, or December each year. An employee must inform his or her Department Head prior to August 1 of the year preceding the calendar year in which they intend to make the trade. **FOR 2019, THESE DATES ARE AS FOLLOWS:**

Pay Period Ending	Pay Date
January 8, 2019	January 15, 2019
January 22, 2019	January 29, 2019
June 11, 2019	June 18, 2019
June 25, 2019	July 2, 2019
December 10, 2019	December 17, 2019
December 24, 2019	December 31, 2019

**D. Funeral Leave**

Each covered employee shall be entitled to funeral leave with pay according to the following schedule:

Leave for Death of:	Days/Hours of Leave	
	Local Funeral	Other Funeral

Immediate Family Member	1 - 3 Days	1 - 5 Days
Other Relative	May Use Up To One Scheduled Work Day of Accrued Leave	May Use Between 1-3 Scheduled Work Days of Accrued Leave

- One work day/shift is automatic for the day of the funeral, but additional time up to the maximum shall be given only with approval of the Department Head.
  - All leave time with approval of the Department Head.
1. For the purposes of this section, "Immediate Family Member" means spouse, child, brother, sister, parents, step-child, step-brother, step-sister and step-parents, grandparents, grandchildren, sister-in-law, brother-in-law and parents-in-law.
  2. For the purposes of the article, "Local Funeral" means a funeral in the City of Delaware, or within fifty (50) miles thereof.

**E. Special Leave**

In addition to other leaves authorized herein, the City Manager may authorize a special leave of absence, with or without pay, for purposes beneficial to the employee and/ **or** the City.

For exempt employees who are absent, if the absence cannot be covered or paid through appropriate leave time, said employees shall be subject to a reduction in pay, unless the absence is less than one workday.

**F. Jury Duty Leave**

An employee, while serving on a jury in any court of record in Delaware County, or any adjoining county, will be paid his regular salary for each of his workdays during the period of time so served. Time so served shall be deemed active and continuous service for all purposes. All jury fees received from the court of record shall be assigned to the City of Delaware.

When an employee has been released from Jury Duty they shall report back to work if more than two (2) hours are left in the workday

**G. Court Leave**

Time off with pay shall be allowed employees who are subpoenaed to attend any court of record in Delaware County, Delaware, Ohio, or any adjoining county, as a witness in civil matters, as they pertain to City matters. All witness fees shall be assigned to the City of Delaware.

**H. Injury Leave**

All regular full-time City employees shall be entitled to injury leave with pay, less any Worker's Compensation weekly salary benefits which he/she may be awarded by the Ohio Industrial Commission (OIC), for a period not to exceed 30 consecutive working days for employees working a 40-hour workweek for each injury incurred in the performance of employment duties with the City, provided that the following procedures are followed:

1. In all cases of personal injury to any regular full-time City employee as a result of the performance of employment duties, the employee shall complete an accident/injury investigation form and in conjunction with his/her Department Head shall report such injury to the Department of Administrative Services immediately and ensure that a claim is filed with the BWC.
2. In the event that time off from work is required by the injured employee, they will be granted injury leave from the first day of injury, if the proper documentation is submitted to the City of Delaware. This documentation will include, but not be limited to, a statement from the employee's physician, an Agreement covering Compensation Reimbursement, any necessary BWC forms and other documents as may be required by the City. In the event that the BWC determines that the injury is NOT employment related, any time the employee is, or has been, absent from work shall be deducted first from any accrued sick leave, then accrued vacation, or accrued compensatory time off, other than compensatory time for overtime worked.
3. During the period of time an injured employee is being paid under this policy, all normal benefits given to regular full-time City employees shall remain in force with no deductions to earned sick leave and/or vacation time.
4. In all cases where more than 30 consecutive working days are needed for injury leave for employees working a 40-hour workweek, the City Manager may extend such leave, if such necessity is determined to his/her satisfaction. Each employee requesting such an extension under this policy may be required to furnish a current affidavit from a licensed physician setting forth the need for the extension.

### **SECTION III - INSURANCE**

#### **A. Hospitalization, Surgical and Major Medical**

The City will continue to provide comprehensive hospitalization, surgical and major medical coverage for all full-time members and their dependents. Beginning January 1, 1999, or at some date thereafter, the City may implement a Preferred Provider Organization (PPO). The Plan if implemented will provide for the following deductibles and co-payments as follows:

		<b>NETWORKS PROVIDERS</b>	<b>NON-NETWORK PROVIDERS</b>
Annual Deductible	Single	None	\$ 500.00
	Family	None	\$1000.00
Office Visit Co-pay		\$10.00	N/A

ER Visit Co-Pay	\$50.00 unless admitted into the hospital, otherwise co-insurance will apply in excess of the deductible	N/A
Co-insurance		
Single	90/10% of first \$1,000 80/20% of next \$3,000	50/50% of first \$5,000
Family	90/10% of first \$2,000 80/20% of next \$5,000	50/50% of first \$10,000

- Contributions will be deducted from the member's gross income prior to taxes, subject to compliance with all applicable tax regulations.
- Effective January 1, 2013 employees will contribute to the cost of the health benefit plan in an amount equal to 15% of the established monthly COBRA rate utilized by the City. Annual changes to the calculated COBRA rate will be applied to the monthly employee contributions on the first full pay-period in April of each year. Contributions will be deducted from all members in a paid status based on twelve (12) months times the monthly rate, divided by the number of pay periods per year. *An example would be \$56.95/mo. x 12 = \$683.40, \$683.40/26 pay periods = \$26.28 per pay period.* In the event federal tax regulations are changed so that medical benefit plans are no longer tax exempt, the City will not be responsible to pick up the member's tax burden.

The City will permit employees who have alternate health plan options through a spouse to opt out of the City plan in return for a payment of \$100.00 per month. Families who have both spouses employed full time by the City of Delaware will not be eligible to opt out of the plan. One spouse will carry the cost of the plan minus the opt out payment. The employee will provide proof that they do in fact have other coverage before the City will drop that employee's current coverage. The City will continue to provide dental coverage if it is not provided under the employee's spouse's insurance. A member may elect to return to coverage under the City's insurance plan by notifying the City in writing of any substantial changes in their qualifying family circumstances. The member must give thirty (30) days' notice of his or her election to return to the City's plan, except in the case of an emergency, such as sudden loss of spouse's coverage, divorce or other change in family status. The plan will comply with Internal Revenue Code Section 125 which governs this matter.

- Employees who opt out of the health insurance program will be compensated as follows:

No Coverage	\$100 per month
Maintain Dental Only	\$ 65 per month

\* An employee may not elect to have medical coverage only.

- Payments will begin on the first pay period of the month following 30 days' notice of an employee's desire to drop coverage. A form will be provided which will contain all

information necessary to discontinue coverage under the plan. The form must be signed and returned to the Department of Administrative Services. Until such time that an employee is effectively dropped from City coverage, they will be subject to any payroll contributions.

5. All payments made in lieu of insurance coverage will be included as other pay on employee's paycheck. This income will not be included in income subject to OPERS contributions but will be subject to all applicable taxes.

## **B. Prescription Plan**

The City will provide a prescription card plan for members and their dependents.

The retail benefits will be the following with the City paying the higher amount and the employee paying the lesser amount of prescription coinsurance:

- 80/20% for generic drugs
- 50/50% name brand drugs with a \$25 co-pay for each disbursement

The mail order benefits will be the following:

- 90/10% for generic drugs and
- 75/25% for name brand drugs with no \$25 co-pay.

The maximum expense an employee will pay for coinsurance is \$250 annually for single coverage and \$500 for family annually for prescription benefits, however, the \$25 co-pay for retail name brand drugs will not count towards the calculation of the \$250 or the \$500 coinsurance maximum and will always apply even after an employee reaches the coinsurance maximum expenditure.

## **C. Dental Care Plan**

The City will maintain the current dental coverage for all members. Please refer to the Plan Document for specific covered services

## **D. Life Insurance**

The City will provide the following amount of life insurance:

- Department Heads = \$50,000
- Assistant Fire and Police Chiefs = \$50,000
- Pay Grades M11 through M20 = \$40,000
- Police Captain and Fire Captain = \$40,000
- Pay Grades M 1 through M10 = \$30,000

## **E. Vision Plan**

The City will provide a vision plan for members and their dependents covered by this Summary of Benefits. The City will contribute \$6.00 per month on behalf of the employee. The employee will be responsible for the balance of the monthly cost of the coverage selected.

## **SECTION IV OTHER COMPENSATION**

### **A. Longevity Compensation**

Employees shall receive, in addition to other pay called for herein, Longevity Compensation based on completed years of service according to the following table:

After five (5) years of continuous service	\$550.00 / year
After ten (10) years of continuous service	\$750.00 / year
After fifteen (15) years of continuous service	\$950.00 / year
After twenty (20) years of continuous service	\$1150.00 / year

1. Longevity compensation shall be paid, in accordance with the above schedule, in two (2) separate lump sum payments during the first pay periods in June and December of each year.
2. Upon termination of service for any reason, employees who are eligible for longevity pay under this section (or in the event of death, the surviving spouse or estate) will be paid, as part of their terminal pay, the final partial year of longevity compensation, prorated to the number of months completed during said partial year since the employee's last payment date.
3. For the purpose of this section, continuous years of service shall include approved military leave.

## **B. Automobile Expense Reimbursement**

Employees shall receive reimbursement for business use of their personal vehicle. Reimbursement will be in accordance with Internal Revenue Service (IRS) regulations for not-taxable reimbursements and shall be at the IRS per mile reimbursement rate in effect when the business use miles were incurred. Department Heads as department heads employed by the City prior to January 1, 1999 who had received a monthly automobile allowance will only be reimbursed for business use of their personal vehicle for travel outside the City limits.

## **C. Non-Uniformed Clothing Allowance**

All employees covered under this pay plan in Pay Grades M1 through M9 who are not provided with a uniform shall receive an annual clothing allowance of \$150.00. Such allowance shall be utilized to purchase necessary work related items of clothing such as, but not limited to: steel toed boots, coats, rain gear, rubber boots, gloves etc. All purchases of clothing shall be the responsibility of the employee. Upon hire the clothing allowance will be prorated based on the full months of service for that year.

## **D. Call In Pay**

Both exempt and nonexempt employees shall be eligible for "on call" compensation for weekly periods when assigned the responsibility of directing Parks, Public Works, or Utility personnel in response to service requests during non-scheduled work periods. Employees assigned to this "on call" status shall serve in this posture for weekly time periods as authorized by the respective Department Head. Said employees shall be responsible for responding to after hour service requests. Employees assigned to an "on call" status shall be compensated at a weekly rate of between \$25.00 and \$50.00 as determined by the City Manager. On call compensation shall be paid in addition to regular and overtime wages earned during the pay period. On call assignments will be posted in June and December of each year for the following six-month period. Changes to the schedule must be made in advance with approval of the Department Head.

## **E. Tuition Reimbursement**

All full-time employees with one or more years of continuous active service shall be eligible for a reimbursement of instructional fees for undergraduate or graduate courses towards a degree or certification, pre-approved by the city and voluntarily undertaken by the employee. The tuition reimbursement program shall be subject to the following conditions:

1. All courses must be taken during other than scheduled working hours. Any situation which, in the discretion of the department head, would require an employee's presence on the job shall take complete and final precedence over any time scheduled for courses. All courses are subject to approval by the department head and/or city manager. There must be a direct correlation between the employee's duties and responsibilities and the courses taken or the degree program pursued. The city manager, or his designee, has the sole and final discretion to approve or disapprove tuition reimbursement requests.
2. Any financial assistance from any government or private agency available to the employee, whether applied for and regardless of when such assistance may have been received, shall be deducted in the entire amount from the tuition reimbursement

the employee is eligible for under this section. If an employee's tuition is fully covered by another governmental or private agency, then the employee is not entitled to any payment from the city.

3. Employees seeking authorization of a tuition reimbursement must first submit to the department head for review, prior to September 30 of the year preceding when the classes are to be taken, all necessary information pertaining to the proposed course degree to be pursued, the educational institution and the employee's best estimate of course costs, dates and times. **EMPLOYEES WILL BE ELIGIBLE FOR TUITION REIMBURSEMENT FOR PROPERLY APPROVED AND COMPLETED COURSEWORK UP TO \$3,500 FOR CALENDAR YEAR (JANUARY 1 TO DECEMBER 31).** Pre-approval is subject to available appropriations. **THE EMPLOYEE WILL BE RESPONSIBLE FOR ANY TUITION IN EXCESS OF THE ABOVE MENTIONED AMOUNTS. AN APPLICATION FOR TUITION REIMBURSEMENT MUST BE COMPLETED BY THE EMPLOYEE PRIOR TO ENROLLING IN THE CLASS WORK FOR WHICH REIMBURSEMENT IS REQUESTED.**
4. Courses must be taken at accredited colleges, universities, technical and business institutes or at their established extension centers and these must be first approved by the city. Seminars, conferences and workshops are not included.
5. Reimbursement for tuition will be made when the employee satisfactorily completes (attains at least a grade of "C" or its equivalent for undergraduate work and a grade of at least "B" or its equivalent for graduate work) a course and presents an official certificate or its equivalent and a receipt of payment or a copy of the unpaid bill from the institution confirming completion of the approved course.
6. No reimbursement will be granted for books, paper, supplies of whatever nature, transportation, meals, or any other expense connected with any course, except the cost of tuition fees outlined above.
7. Any employee participating in the tuition reimbursement program who resigns (except resignation due to disability), retires (except retirement due to disability), or is discharged for cause must repay the tuition reimbursement paid by the city for courses taken less than two years prior to the date of termination or discharge. If necessary, this amount will be deducted from the employee's terminal leave pay or final paycheck.

## **SECTION V MISCELLANEOUS**

### **A. Personnel Files**

The official personnel files of all employees shall be maintained in the Department of Administrative Services (DAS). All employee personnel records shall include but not limited to, applications, performance evaluations, promotions, ~~acts of reward and recognition~~, disciplinary actions and any other pertinent information pertaining to the job performance of the individual employee. Copies therein shall be available to the employee.

DAS shall be responsible for the care and maintenance of all personnel files and records. Department heads shall be responsible for promptly forwarding all pertinent personnel information and documentation to DAS. Employees may, during normal office hours, review their official personnel files.

### **B. Parks and Recreation Credit**

The City shall provide each employee with a credit to be applied to a Jack Florance Pool membership, City Golf Course membership or punch-card, or City rentals (shelters or Hilborn Room). The amount of the credit shall be \$60.00. Employees shall abide by the stipulations set forth by the managing organization both in definition and restrictions. This credit amount is fixed, regardless of changes in membership fees that may occur. In addition, the City will provide to each member a 20% discount on all individual registrations for City recreation programs.

Credits may not be used to purchase memberships or to secure rentals beyond the calendar year for which it is issued. Credits will not be re-issued if lost or stolen and must be surrendered at the time of registration/ purchase. Credits are non-transferrable.



## FACT SHEET

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AGENDA ITEM NO: 17

DATE: 11/26/2018

ORDINANCE NO: 18-113

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

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TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE ESTABLISHING NEW SALARY RATES FOR THE MAYOR AND MEMBERS OF CITY COUNCIL EFFECTIVE JANUARY 1, 2020 AND REPEALING ORDINANCE NO. 13-44.

**BACKGROUND:**

The salaries for Delaware City Council members were last increased effective January 1, 2016 pursuant to Ordinance 13-44. Ordinance 13-44 requires even numbered year, as part of the City's budget, Council vote to adjust or maintain the salary of the mayor and council. According to the 2018 MORPC salary survey, City of Delaware pays its council members less than average salary paid to City Council members in similar cities. City Council members are called upon to attend many meetings and devote hours of time to meet their responsibilities.

**REASON WHY LEGISLATION IS NEEDED:**

Salary adjustments for City Council may only be made through legislation and made as part of the budget process established by Ord. 13-44. Such changes shall take effect the January of the next even numbered year, which complies with Section 15 of the Charter of the City of Delaware.

**COMMITTEE RECOMMENDATION:**

N/A

**FISCAL IMPACT(S):**

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

Mayor Carolyn Kay Riggle

**RECOMMENDATION:**

Approval.

**ATTACHMENT(S)**

ORDINANCE NO. 18-113

AN ORDINANCE ESTABLISHING NEW SALARY RATES  
FOR THE MAYOR AND MEMBERS OF CITY COUNCIL  
EFFECTIVE JANUARY 1, 2020 AND REPEALING  
ORDINANCE NO. 13-44.

WHEREAS, the salaries for City Council members were last increased effective January 1, 2016 pursuant to Ordinance 13-44; and

WHEREAS, Ordinance 13-44 requires even numbered year, as part of the City's budget, Council vote to adjust or maintain the salary of the mayor and council; and

WHEREAS, according to the 2018 MORPC salary survey, City of Delaware pays its council members less than average salary paid to City Council members in similar cities; and

WHEREAS, City Council members are called upon to attend many meetings and devote hours of time to meet their responsibilities; and

WHEREAS, Salary adjustments made as part of the budget process established in Ord. 13-44 shall take effect the January of the next even numbered year, which complies with Section 15 of the Charter of the City of Delaware.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That effective January 1, 2020 the salary of the Mayor shall be eleven thousand five hundred dollars (\$11,500) per year and the salary for each member of City Council, except the Mayor, shall be seven thousand two hundred dollars (\$10,000) per year.

SECTION 2. That the salary of Mayor and the salary of each member of City Council shall continue to be paid in biweekly installments equal to one twenty sixth of their annual salary as established.

SECTION 3. That Ordinance No. 13-44 is hereby repealed effective January 1, 2020.

SECTION 4. Each even numbered year, as part of the City's budget, Council shall vote to adjust or maintain the salary of the mayor and council. Salary adjustments made as part of this budget process shall take effect the January of the next even numbered year.

SECTION 5. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS\_\_\_NAYS\_\_\_  
ABSTAIN \_\_\_

PASSED: \_\_\_\_\_, 2018

YEAS\_\_\_NAYS\_\_\_  
ABSTAIN \_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR



## FACT SHEET

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AGENDA ITEM NO: 18

DATE: 11/26/2018

ORDINANCE NO: 18-114

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES  
December 10, 2018 at 7:15 p.m.

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TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA:

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE AMENDING PORTIONS OF THE SCHEDULE OF FEES AND SERVICE CHARGES.

**BACKGROUND:**

Per 197.01 of the codified ordinances, the city's fees and services charges are reviewed each year with the annual budget. The adjustments in this legislation address engineering inspection fees, small cell facility charges, and impact fees. Impact fee changes come as a result of a study commissioned by the city to review the impact fees.

Regarding engineering inspection fees, the Building Industry Association (BIA) made a request of the City in 2017 to re-visit the fee structure entirely. The BIA suggested the flat fee system for inspection services be converted to a "cost-plus" system where the Developer pays the actual cost to provide the services (typically consultants for the City) plus an administrative fee to cover some costs of in-house employees. The BIA feels this would be a fair way to address the fact that some projects take far longer to complete than others. Over the past year, engineering staff performed the task of tracking all expenses (in-house and consultants) relating to the provision of inspection services per project. Staff has analyzed the data and drawn the conclusion that a "cost-plus" system is a practical and fair way to charge for inspection services.

The Small Cell Facility Fee reflects changes included in recent changes to Ohio Revised Code 4939 and a declaratory ruling by the FCC. The Ohio Revised Code revision was the compromise legislation that resulted from a coalition of cities, including Delaware, suing the state. The limits embodied in the fee schedule include an amount that is permitted both by federal and state law covering small cell facilities, which conflict in many ways.

**REASON WHY LEGISLATION IS NEEDED:**

In order to adjust fees, the fee schedule must be amended.

**COMMITTEE RECOMMENDATION:**

**FISCAL IMPACT(S):**

Separate, but related, the impact fees adjustments will be introduced as future legislation at a subsequent meeting.

**POLICY CHANGES:**

The engineering fee change would change the method the fee is charged. Moving from a calculation based on cost of the improvements to a cost of service model.

**PRESENTER(S):**

Darren Shulman, City Attorney

**RECOMMENDATION:**

Approval at 3<sup>rd</sup> Reading

**ATTACHMENT(S)**

N/A

ORDINANCE NO. 18-114

AN ORDINANCE AMENDING THE SCHEDULE OF FEES AND SERVICE CHARGES.

WHEREAS, as part of the yearly review of the fees established in Delaware Codified Ordinance Section 197.01, it has been determined that certain rates should be amended.

NOW, THEREFORE, Be It Ordained by the Council of the City of Delaware, State of Ohio:

SECTION 1. The following portions of 197.02 are amended as follows:

**197.02 FEE SCHEDULE**

As used in this chapter, “s.f” means square foot/feet. “x” means multiplied by.

Community Development/Construction		
SOURCE OF FEE	FEE TITLE	AMOUNT
903.03	Engineering Inspection <b>FEES</b> Flat Fee	<p><b>APPLICANT INVOICED MONTHLY FOR:</b></p> <ul style="list-style-type: none"> <li>• <b>\$60 PER HOUR FOR IN-HOUSE INSPECTION SERVICES</b></li> <li>• <b>ACTUAL COST OF CONTRACT INSPECTION SERVICES</b></li> <li>• <b>10% ADMINISTRATIVE FEE FOR ALL INSPECTION FEE BILLINGS</b></li> </ul> <p><b>FINAL RECONCILIATION PERFORMED UPON COMPLETION OF ALL WORK AND RECEIPT BY CITY OF ALL OUTSTANDING CONTRACT SERVICE BILLING.</b></p> <p><del>Single Family Residential: 7.5% × Value of Public Infrastructure Improvements</del>  <del>Multi Family Residential: 7.5% × Value of Public Infrastructure Improvements PLUS 3% × Value of Private Infrastructure Improvements</del>  <del>Commercial/Industrial: 7.5% × Value of Public Infrastructure Improvements PLUS 1.5% × Value of</del></p>

		<del>Private Infrastructure Improvements</del> <del>Off Site Public Improvements: 7.5% x</del> <del>Value of Public Infrastructure</del> <del>Improvements</del>
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LICENSES AND PERMITS		
SOURCE OF FEE	FEE TITLE	AMOUNT
<b>OHIO REVISED CODE 4939.0316,  4939.0322</b> <b>NOTE: THE FEES ARE BASED ON  THE LIMITS ESTABLISHED BY  THE DECLARATORY RULING AND  THIRD REPORT AND ORDER  ADOPTED 9/26/18 BY THE FCC</b>	<b>SMALL  CELL  FACILITY</b>	<b>ONE TIME APPLICATION  FEE: \$250 PER SITE OR  \$500 FOR UP TO FIVE  SITES SUBMITTED IN  SAME APPLICATION  RECURRING ANNUAL  FEE: \$200 PER YEAR PER  SMALL CELL.</b>

SECTION 2. All other sections of the fee schedule remain unchanged.

SECTION 3. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

YEAS \_\_\_ NAYS \_\_\_  
ABSTAIN \_\_\_

PASSED: \_\_\_\_\_, 2018

YEAS \_\_\_ NAYS \_\_\_  
ABSTAIN \_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR



**TO: Members of City Council**  
**FROM: Dean Stelzer, Finance Director**  
**DATE: November 20, 2018**

**Reports Included**

<u>Page</u>	<u>Reports</u>	<u>Purpose</u>
2	Revenues by Source	This summary compares year-to-date revenues for 2018 to 2017 by source.
3	General Fund	Summary of General Fund budgeted revenues, expenditures and fund balance.
4	Other Operating Funds	Summary of budgeted revenues, expenditures, & fund balances for non-general fund operating funds.
5	Other Funds	Other non-operating funds revenues, expenditures and fund balance.
6	Insurance	Summary of the City's self-funded health insurance costs with comparisons to last year.
7	Income Tax	Monthly income tax collections for last three years. Also includes tax collection projections for remainder of the year.

**Highlights:**

- \* Income tax collections are up 6.26% compared to last year. The 2018 Budget projected a 5.5% increase.
- \* Engineering Fee revenue is down \$331,618 from the very high 2017 levels. Contracted engineering review expenditures are approximately \$below the 2017 amounts at this time. Engineering review fees are paid up front prior to review costs being incurred. The fees charged are set to cover related costs over time.
- \* Building permits are up \$319,978 (59) compared to last year as new housing starts remain high.
- \* Capacity and Impact Fee revenue related to new housing and commercial development is up \$2,485,777 (99%) over 2017 levels.

**YTD 2018 Budget Supplementals**

18-10	(\$200,000) - General Fund - Reduce Council budget
	\$91,547 - Airport Hangar Fund - Amount inadvertently left out of original appropriation
	(\$1,750,000) - Refuse Fund - Reduce budget for project started in 2017
18-19	\$10,000 - Dev Reserve Fund - Cams, Inc. economic development incentive
18-20	\$18,000 - P&R Fund - Increase appropriation for pool pump replacement
18-25	\$25,000 - Airport Fund - For Business Plan
18-26	\$1,185,686 - CIP Fund - Gazette Building improvements
	\$615,000 - Municipal Impact Fee Fund - Gazette Building improvements
18-39	\$10,000 - ED Incentive
18-42	\$57,670 - Muncipal Court
18-45	\$90,000 - SMR snow removal
18-46	\$376,115 - Park Improvement Levy
18-76	\$777,600 - CIP Fund Annex and City Hall Improvements
18-78	\$24,998 - Park Impact Fee Fund, Trail improvements
18-79	\$53,210 -Operating Funds, fuel supply
18-86	\$120,000 - Airport Fund, aviation fuel
18-101	\$50,000 - Lawsuit Settlement
18-102	\$200,000 - Glenn & 23 Signal

TO: Mayor Riggle and Members of Council

FROM: R. Thomas Homan, City Manager

SUBJECT: Miscellaneous Matters

DATE: November 21, 2018

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1. **Calendar**

See Attached

2. **Per Section 73 Of The City Charter The City Manager Is To Report Contract Agreements**

N/A

3. **Bi-Weekly Meetings**

November 5

\* Rotary

\* Work Session

November 9

\* Old Dog Alehouse

November 12

\* Rotary

\* City Council Meeting

November 15

\* OWU Business After Hours at Ross Art Museum

November 16

\* MOMA Meeting

\* Employee Birthday Breakfast

November 19

\* Records Commission

\* Rotary

November 20

\* ICMA site visit to National Veteran's Memorial

# November

2018

## Meeting Schedule

Council, Boards, Commissions, & Committees

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5 Council Work Session 6:30 pm	6 Public Works/Public Utilities- canceled	7 Planning Commission 7 pm	8	9	10
11	12 Council 7pm	13	14 BZA 7pm	15	16	17
18	19	20 Parks & Rec 7pm- Canceled	21	22 Thanksgiving City Offices Closed	23 City Offices Closed	24
25	26 Council 7pm	27 Shade Tree Commission 7pm	28 HPC 7pm	29	30 Main Street Delaware Tree Lighting	**December 1 Budget Work Session CANCELED

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# December

2018

## Meeting Schedule

Council, Boards, Commissions, & Committees

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1 Budget Work Session 9 am - noon CANCELED
2	3 Budget Work Session 6:30 p.m.	4	5 Planning Commission 7pm	6 Budget Work Session 6:30 p.m. if necessary	7	8
9	10 City Council Meeting 7pm	11	12 BZA 7pm	13	14	15
16	17 Parking and Safety Committee 6pm	18	19 HPC 7pm	20 Year End City Council Meeting 7 pm	21	22
23	24	25 City Offices Closed Shade Tree Commission-Canceled	26	27	28	29
30	31					