ORDINANCE NO. 05-109

AN ORDINANCE APPROVING A REZONING OF 12.823 ACRES LOCATED WEST OF US ROUTE 23 AND SOUTH OF CHESHIRE ROAD FROM A-1 (AGRICULTURAL DISTRICT) TO B-4 (GENERAL BUSINESS DISTRICT), WITH USE LIMITATIONS AS PROPOSED BY THE APPLICANT.

WHEREAS, the Planning Commission at its meeting of September 27, 2005 recommended approval of a Rezoning of 12.823 acres located west of US Route 23 and south of Cheshire Road from A-1 (Agricultural District) to B-4 (General Business District) (PC 05-050), and

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

SECTION 1. That the Rezoning of 12.823 acres located west of US Route 23 and south of Cheshire Road from A-1 (Agricultural District) to B-4 (General Business District), be the same and is hereby confirmed, approved, and accepted, with the following Prohibited Uses, as requested by the Applicant:

1. Kennel, boarding stables
2. Self service storage
3. Terminal-bus, cab

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: Oct 24, 2005 YEAS 6 NAYS 1 ABSTAIN 0

ATTEST: Cindy Moore
CITY CLERK

Windsor Wheeler
MAYOR

Planning *and* Community Development
CITY OF DELAWARE, OHIO

PLANNING COMMISSION / STAFF REPORT

CASE NUMBER: PC 05-050
REQUEST: Rezoning
PROJECT: Melvin-Byers Property
MEETING DATE: September 27, 2005

APPLICANT/OWNERS

Byers Realty, LLC
390 E. Broad Street
Columbus, OH 43215

Melvin Trust
4239 Chapman Road
Delaware, OH 43015

REQUEST

Rezoning of 8.5± acres located west of US Route 23 and south of Cheshire Road from A-1 (Agricultural District) to B-4 (General Business District).

PROPERTY LOCATION & DESCRIPTION

The property is the front 12.823 acres of the 80.644-acre Melvin property that is located on the west side of US 23, some 900 feet south of the existing Cheshire Road intersection with US 23. Following dedication of right-of-way for US 23 and Cheshire Road, the resulting site to be zoned and developed is 8.5± acres. The surrounding zoning is township zoning on all sides, except for B-4 (General Business District) and A-1 (Agricultural District) in the City across US 23 to the east.

BACKGROUND

The applicant proposes to rezone the property in anticipation of submitting for development plan approval of a relocated Toyota dealership. Approval of this rezoning will allow an existing city business to remain in the city while allowing it to expand.

STAFF ANALYSIS

- **LAND USE:** This property is intended to be developed for the relocation of the Byers Toyota dealership. The Comprehensive Plan recommendation for Mixed Use in this area is supportive of this proposal. However, it is important to note that, to qualify as Mixed Use, this commercial development must be considered part of a larger mixed-use development, as adjacent properties develop. This means that residential, office, or other uses will have to be incorporated into adjacent sites to fulfill the intent of the Mixed Use designation. The site is part of the Southeast Gateway, a large development node that will be anchored by the proposed Grady Memorial Hospital campus located to the southeast of this property.
- **LOCATION AND ACCESS:** The property is located on US 23S at what will become a signalized intersection with the proposed relocated Cheshire Road. If this site is developed, the primary access point would be the extension of relocated Cheshire Road. Mechanisms to fund and construct the extension of Cheshire Road will need to be determined with the development of the site. The applicant needs to finalize the pre-annexation agreement with the City prior to submittal of a development plan. This agreement addresses the funding mechanisms and cost sharing.
- **ADJACENT LAND USE:** North of the site is primarily farming and rural residential in Liberty Township. To the east will be retail development (Shoppes at Delaware has been proposed by Sturges Development), as well as Mixed Use developments, as recommended by the Comprehensive Plan. Most of the sites to the east are vacant, with the exception of single-family housing in the Cheshire Crossing subdivision and existing single-family lots along Cheshire Road. South of the site are township properties, which are currently utilized for agricultural and/or farm residential uses as well as the Camp Lazarus Boy Scout campground. To the west and north are lands that are still in the township and also being used for agricultural and farm residential purposes. The Comprehensive Plan suggests these western properties be residential.
- **DEVELOPMENT TEXT:** No development text is proposed with this rezoning. Staff has suggested to the applicant that development text be provided and that the applicant revise the request with a Planned Business Overlay and preliminary development plan. However, the rezoning as proposed is consistent with the Comprehensive Plan and the zoning to the east across US 23. Current code does not require a development plan or text to be submitted with a rezoning. Staff has shared their ideas for the development of the property to minimize the impact of large parking areas with landscaping, setbacks, pond/fountain features, and exceptional building design including four sided architecture and brick facades. The applicant has been generally receptive to the ideas presented by Staff. As required by the pre-annexation agreement, the Gateways & Corridors Plan will be incorporated into the development of this site.

- **SUBDIVISION REGULATIONS:** The applicant proposes to create an 8.5-acre lot from the existing 80.644-acre Melvin property. As shown, it appears that the remaining portion of the Melvin property will not have any frontage along US Route 23. Access will be provided via the Cheshire Road extension and/or access roads, depending on the final site layout of remaining property. This issue must be addressed at the time the applicant proposes to create the lot.

STAFF RECOMMENDATION

Staff recommends approval of the rezoning of 8.5± acres located west of US Route 23 and north of Cheshire Road from A-1 (Agricultural District) to B-4 (General Business District).

CONCLUSIONS

- The proposed zoning is consistent with the zoning in the area that is recommended by the Comprehensive Plan for this property.

COMMISSION NOTES:

Chapter 1143
Business District Regulations

1143.01	Purpose.	1143.09	Supplemental regulations for gasoline stations, automotive service stations and automotive repair garages.
1143.02	Permitted uses.		
1143.03	Lot requirements.		
1143.04	Building setback requirements.		
1143.05	Height regulations.	1143.10	Outdoor display and outdoor storage regulations.
1143.06	Off-street parking requirements.		
1143.07	Accessory use regulations.	1143.11	Required design elements.
1143.08	Landscaping and screening requirements.	1143.12	Development plan review.

SECTION 1143.01 PURPOSE.

Business Districts (B-1, B-2, B-3, B-4, B-5, and B-6) and their regulations are established in order to achieve, among others, the following purposes:

(a) To provide in appropriate and convenient locations, sufficient areas for business activities, and the exchange of goods and services.

(b) To protect residential neighborhoods adjacent to business uses by restricting the types of establishments, particularly at the common boundaries, that would create congestion, noise or other objectionable influences.

(c) To protect and stabilize both residential and nonresidential developments from congestion by requiring off-street parking facilities.

(d) To carry out the following specific purposes:

(1) To provide Limited Business Districts (B-1) that accommodate a variety of retail and service establishments in a shopping center environment, and where only limited outdoor sales and automotive uses are permitted.

(2) To provide a Central Business District (B-2) that maintains and encourages the preservation of the core as a pedestrian-oriented business and commercial center by permitting buildings close to the street and to one another.

(3) To provide Community Business Districts (B-3) that accommodate a wide range of commercial uses including automotive uses and outdoor activities as conditional uses in a manner that does not intrude upon residential areas.

(4) To provide General Business Districts (B-4) that accommodate uses in addition to those specified for the B-3 District, and to thereby provide service and sales in support of primary business activities in advantageous locations at specified points on major thoroughfares and at outlying locations in the community.

(5) To provide Commercial Recreation Districts (B-5) that accommodate both indoor and outdoor recreational facilities while limiting standard commercial development in order to minimize adverse impact on local streets and residential neighborhoods.

(6) To provide Motorist Services Districts (B-6) that accommodate a limited range of uses (i.e., motels, restaurants, gas stations and car dealers) which are traditionally attracted to highway interchanges or other major intersections.

SECTION 1143.02 PERMITTED USES.

(a) Uses Permitted by Right. A use listed in Schedule 1143.02 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other city ordinances and this Zoning Ordinance have been met.

(b) Conditional Uses. A use listed in Schedule 1143.02 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Planning Commission first makes the

determination that the requirements of Chapter 1148 have been met according to the procedures set forth in Chapter 1129.

(c) Accessory Uses. A use listed in Schedule 1143.02 shall be permitted as an accessory use in a district when denoted by the letter "A". Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections of this Ordinance.

(d) Prohibited Uses. Open dumps plus mineral extraction, storage and processing. (ORD 04-91 Passed 6-14-04)

(e) Use Not Listed in Schedule. Although a use may be indicated as a permitted principal, conditional or accessory use in a particular district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Ordinance applicable to the specific use and parcel in question. Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in these zoning districts and shall only be permitted:

(1) Upon amendment of this Ordinance and/or the Zoning Map as provided in Chapter 1130; or

(2) Upon a finding that a use is substantially similar as provided in Section 1129.11.

Schedule 1143.02
PERMITTED USES (ORD 04-91 Passed 6-14-04)

Land Use Category	B-1 Limited Business	B-2 Central Business	B-3 Community Business	B-4 General Business	B-5 Commercial Recreation	B-6 Motorist Services
(a) Residential						
(1) Multiple-family dwelling		C				
(2) Residential uses as conversions from warehouse and retail uses		C				
(3) Dwelling units on upper floors of an existing commercial or office building		P				
(4) Dwelling units which are an integral part of the permitted use structure		P				
(b) Office and Professional Services						
(1) Offices – administrative, business and professional	P	P	P	P		
(2) Financial institutions, banks	P	P	P	P		
(3) Medical and dental offices, health and allied services	P	P	P	P		
(c) Retail and Services						
(1) Retail development with a minimum gross floor area of 100,000 square feet or greater (ORD 04-42 Passed 03/22/04)			C	C		C

P = Principal use permitted by right C = Conditional use A = Accessory use Blank = Use not permitted

Land Use Category	B-1 Limited Business	B-2 Central Business	B-3 Community Business	B-4 General Business	B-5 Commercial Recreation	B-6 Motorist Services
(2) Retail and service establishments in completely enclosed buildings	P	P	P	P		
(3) Restaurant – table service	P	P	P	P	A	P
(4) Restaurant – counter service	P	P	P	P	A	P
(5) Drive-thru or walk-up ATM (stand-alone facility)	C	C	C	P		
(6) Funeral home and related facilities		C	C	P		
(7) Veterinary office (no outside run or kennel)	P	P	P	P		
(8) Veterinary hospital (with or without kennel)			C	P		
(9) Kennel, boarding stables				P		
(10) Taxidermy shop				C		
(11) Self-service storage (ORD 04-91 Passed 6-14-04)			C	P		
(d) Automotive and Transportation						
(1) Gasoline station	C		C	P		P
(2) Automotive repair garage				P		P
(3) Automotive sales and rental			C	P		P
(4) Automotive service station			C	P		P
(5) Drive-thru facility associated with any principal permitted or conditionally permitted use	C	C	C	P		P
(6) Car wash			C	P		P
(7) Parking lots and garages		P	P	P		
(8) Truck, farm, recreational vehicles – sales/storage				P		C
(9) Terminal – bus, cab		C		P		P
(e) Outdoor Display/Storage						
(1) Outdoor display	C	C	C	P		P
(2) Outdoor storage			C	P		
(f) Community Facilities						
(1) Places of worship		P	P	P		

P = Principal use permitted by right C = Conditional use A = Accessory use Blank = Use not permitted

Land Use Category	B-1 Limited Business	B-2 Central Business	B-3 Community Business	B-4 General Business	B-5 Commercial Recreation	B-6 Motorist Services
(2) Schools, public or private			C	C		
(3) Schools, trade, business or cultural arts		C	C	P		
(4) Library		P	P	P		
(5) Library		P	P	P		
(6) Public cultural institutions and art galleries		P	P	P		
(7) Hospital			C	P		
(8) Day care center, child/adult	C	C	P	P		
(9) Congregate care facility		P				
(10) Nursing home		P				
(11) Public safety & service facility (local service)	C	C	C	C	C	C
(12) Public utility substation or distribution facility	C	C	C	C	C	C
(g) Recreation and Entertainment						
(1) Outdoor recreation and amusement (such as sport center, batting cage, mini golf)			C	P	P	
(2) Public parks and playgrounds					P	
(3) Golf courses and country clubs					P	
(4) Drive-in theater				P	P	
(5) Indoor recreation and entertainment (such as indoor theater, bowling alley, arcade, billiard parlor, assembly hall and party center)		C	C	P	P	
(6) Health club			P	P	P	
(h) Lodging						
(1) Hotel/motel with restaurant		P		P		P
(2) Bed-and-breakfast		P				
(i) Accessory Uses						
(1) Off-street parking and loading areas	A	A	A	A	A	A
(2) Fencing and screening	A	A	A	A	A	A

P = Principal use permitted by right C = Conditional use A = Accessory use Blank = Use not permitted

Land Use Category	B-1 Limited Business	B-2 Central Business	B-3 Community Business	B-4 General Business	B-5 Commercial Recreation	B-6 Motorist Services
(3) Signs	A	A	A	A	A	A
(4) Swimming pool or other recreational facility in association with hotel/motel		A		A		A
(5) Trash receptacles	A	A	A	A	A	A

P = Principal use permitted by right C = Conditional use A = Accessory use Blank = Use not permitted

SECTION 1143.03 LOT REQUIREMENTS. (ORD 04-91 Passed 6-14-04)

Lots created in a Business District on or after the effective date of this code shall comply with the requirements set forth in Schedule 1143.03.

Schedule 1143.03
LOT REQUIREMENTS

	B-1 Limited Business	B-2 Central Business	B-3 Community Business	B-4 General Business	B-5 Commercial Recreation	B-6 Motorist Services
(a) Minimum lot area	30,000 sq. ft	none	2 acres	3 acres	4 acres	5 acres
(b) Minimum lot width	120 ft	none	150 ft	175 ft	200 ft	225 ft
(c) Maximum building coverage	35%	no limit	40%	40%	40%	40%
(d) Maximum lot coverage	65%	no limit	70%	70%	70%	70%

SECTION 1143.04 BUILDING SETBACK REQUIREMENTS.

(a) Every building in a Business District shall be located on a lot in compliance with the setback requirements set forth in Schedule 1143.04.

Schedule 1143.04
BUILDING SETBACK REQUIREMENTS

	B-1 Limited Business	B-2 Central Business	B-3 Communit y Business	B-4 General Business	B-5 Commercial Recreation	B-6 Motorist Services
(a) Front yard	25 ft	[a]	50 ft	50 ft	50 ft	50 ft
(a) Setback from side or rear lot line						
(1) When adjoining non-residential district	20 ft	0 ft	30 ft	30 ft	30 ft	30 ft
(2) When adjoining residential district	50 ft	20 ft	50 ft	50 ft	50 ft	50 ft

[a] See Section 1143.04 (b)

(b) Mandatory Front Yard. In the Central Business District (B-2), a mandatory front yard shall be required as follows:

(1) When there is not an existing building within 100 feet along the block front, the mandatory front yard depth shall be five (5) feet.

(2) When the lot is within 100 feet of an existing building on both sides, the depth of the front yard shall be the average depth of the adjacent front yards, but shall not be greater than twenty (20) feet.

(3) When the lot is within 100 feet of an existing building on only one side, the depth of the front yard for the lot in question shall be determined by adding five (5) feet plus the depth of the adjacent front yard of the existing building, and dividing by two. The resulting number shall be the mandatory front yard depth, provided that such setback will not be greater than twenty (20) feet.

(c) Waiver of Yard Requirements for Joint Development. The side and/or rear yard requirements, as applicable, may be waived to permit buildings on abutting properties to share a common wall, access or parking, provided that the two or more buildings are approved as a joint development according to the procedures set forth in Chapter 1129.

SECTION 1143.05 HEIGHT REGULATIONS.

All buildings and structures in a Business district shall comply with the height regulations set forth in Schedule 1143.05:

Schedule 1143.05
MAXIMUM HEIGHT REGULATIONS

	B-1	B-2	B-3, B-4, B-5 & B-6
Maximum Height	35 ft	75 ft	45 ft

SECTION 1143.06 OFF-STREET PARKING REQUIREMENTS.

(a) Off-street parking areas shall comply with the regulations set forth in Chapter 1161 and with the minimum setbacks, measured from the street right-of-way or property line, as specified in Schedule 1143.06.

Schedule 1143.06
PARKING SETBACK REQUIREMENTS (ORD 03-77 Passed September 22, 2003)

	B-1 Limited Business	B-2 Central Business	B-3 Community Business	B-4 General Business	B-5 Commercial Recreation	B-6 Motorist Services
(1) From street right-of-way	20 ft [a]	20 ft	20 ft [a]	20 ft [a]	20 ft	20 ft [a]
(2) From main building	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
(3) From side or rear lot line						
A. When the side or rear lot line adjoins a non-residential district	5 ft	0 ft	5 ft	5 ft	5 ft	5 ft
B. When the side or rear lot line adjoins a residential district	10 ft	5 ft	20 ft	20 ft	20 ft	20 ft

[a] Canopies associated with gasoline stations and automotive service stations shall be permitted in a front yard, but shall be no closer to a street right-of-way than the required parking setback.

(b) The area within the parking setback shall be landscaped in compliance with Chapter 1166.

(c) Loading and service areas shall be located in a rear yard, unless the Planning Commission determines that placement in a side yard would lessen the impact on adjacent residential uses. Loading and service areas shall comply with the parking setback requirements set forth in Schedule 1143.06 and shall be screened in accordance with the provisions set forth in Chapter 1166.

SECTION 1143.07 ACCESSORY USE REGULATIONS.

(a) Accessory Buildings and Structures. All accessory buildings and structures shall comply with the development standards established for principal buildings and uses in Sections 1143.04 and 1143.05 except:
  (1) Fences pursuant to subsection (b).
  (2) Trash receptacles pursuant to subsection (c).
  (3) Swimming pools and other recreational facilities in association with a principal use pursuant to subsection (d).
  (4) Uses such as ATMs, photo developing or coffee kiosks and similar uses sited in independent, stand-alone locations are considered principal uses and shall be treated as such

(b) Trash Receptacles. All solid waste products, including empty packing boxes, that result from any permitted principal, conditional or accessory use shall either be disposed of, stored in buildings, or completely enclosed in containers. Such building, container or dumpster shall be located in a side or rear yard and shall comply with the minimum parking setbacks established in Schedule 1143.06 and shall be screened in accordance with provisions set forth in Chapter 1166.

(c) Swimming Pools and Other Recreational Facilities. Swimming pools and other recreational facilities shall be permitted as an accessory use in association with a hotel or motel, provided that:
  (1) All outdoor swimming pools and associated lounge/deck areas or other outdoor recreational facilities shall comply with the building setback regulations of Schedule 1143.04.
  (2) All pools shall be located within an enclosed structure or completely surrounded by a fence or wall in compliance with the following:
    A. Fences or walls shall have a minimum height of six (6) feet and shall be securely locked at all times the pool is not in use. No part of such fence or wall shall be located in a required yard.
    B. Such enclosures shall be constructed to have no openings, holes, or gaps larger than three (3) inches in width, except for doors and gates, which shall be equipped with suitable locking devices to prevent unauthorized access. Accessory buildings and walls of principal buildings with secured access may be used in place of, or as a part of, the enclosure.
  (3) Construction of the pool shall comply with the regulations of the City of Delaware Board of Health.

(d) Signs. Signs shall comply with the regulations set forth in Chapter 1165.

SECTION 1143.08 LANDSCAPING AND SCREENING REQUIREMENTS.

Visual screening and landscape buffers shall be provided for all lots in nonresidential districts in accordance with the provisions set forth in Chapter 1166.

SECTION 1143.09 SUPPLEMENTAL REGULATIONS FOR GASOLINE STATIONS, AUTOMOTIVE SERVICE STATIONS AND AUTOMOTIVE REPAIR GARAGES.

(a) Access Drives. No access drive of a gasoline station, automotive service station or automotive repair garage shall be located within 100 feet of any school, public playground, church, hospital, public library or institution for dependents or for children. Measurements shall be

made from lot lines extended, except where such property is in another block or on another street that the lot in question does not abut.

(b) Storage of Vehicles. No junk or unlicensed motor vehicles shall be parked or stored on the property.

(c) Gasoline Stations and Automotive Service Stations.

(1) Fuel pumps and associated access aisles and canopies shall comply with the parking setbacks set forth in Schedule 1143.06.

(2) When located on a corner lot, a station shall have not less than 150 feet frontage on each of the two intersecting streets.

A. The location of access drives shall be placed as far as possible from the intersection; and

B. Shall be limited to no more than one (1) access drive per street frontage.

(3) In a B-6 District, gasoline stations and automotive service stations may be permitted to offer as an accessory use convenience retail items, provided that the portion of the floor area devoted to retail sales does not exceed 3,000 square feet.

(4) A car wash establishment may be combined with a gasoline station or automotive service station provided that the minimum lot area for the combined uses is a minimum of 50,000 square feet.

(5) Automotive service stations shall not provide services to vehicles that exceed one and one-half tons in capacity. All activities, except those required to be performed at a fuel pump, air dispenser or self-serve automobile vacuum, shall be conducted entirely within a building or garage. No inoperable vehicle shall be permitted to remain on the property, outside of a fully enclosed building, for more than 48 hours.

(6) Except as listed above, the only additional services permitted to be performed at a gasoline station shall be the dispensing of fuel, oil, air, and windshield wiper fluid.

(7) An area for vehicular circulation that is not otherwise used for required parking shall be provided at each end of a gasoline pump island. Such area shall be a minimum of thirty (30) feet in width.

(d) Automotive Service Stations and Automotive Repair Garages. No oil draining pit or visible appliance for any such purpose, other than filling caps, shall be located within ten (10) feet of any street right-of-way or within twenty-five (25) feet of any residential district, except where such appliance or pit is within a building.

SECTION 1143.10 OUTDOOR DISPLAY AND STORAGE REGULATIONS.

Outdoor display of merchandise for sale, including outdoor dining, and outdoor storage of goods and materials, other than for automotive sales, shall comply with the following.

(a) General Requirements.

(1) Location.

A. Areas devoted to outdoor display or outdoor storage shall comply with all building setbacks and yard regulations for the district in which they are located as set forth in this Chapter.

B. All outdoor display and storage areas must be contiguous to the principal building; however, such areas shall be spaced a sufficient distance from the building, as dictated by the City Fire Chief, to satisfy all fire safety requirements.

C. No outdoor display or storage area shall be permitted to occupy or interfere with traffic circulation, required parking areas, public sidewalks or pedestrian access.

(2) Area. The area of the lot devoted to outdoor display or outdoor storage shall not exceed twenty-five percent (25%) of the ground floor area of the principal building.

This limitation shall not apply when outdoor display is listed as a permitted use in Schedule 1143.02.

(3) Surfacing. Areas devoted to outdoor display and storage shall be paved with asphalt or concrete and free of dust.

(4) Height.

A. Outdoor display areas located in front of a principal building shall not exceed a height of six (6) feet.

B. The height of outdoor display or outdoor storage areas which are located to the side or rear of the building shall be determined by the Planning Commission during the Development Plan Review process. Such determination will take into account such issues as proposed fencing and/or walls, roofing materials, if any, and landscaping and screening.

(5) Signs.

A. No signs shall be permitted in conjunction with outdoor display or outdoor storage areas except those otherwise in compliance with the sign regulations in Chapter 1165 or as regulated in (B) and (C) below.

B. Within an enclosed outdoor storage or outdoor display area, pricing signs may be used as long as signs are related to the product being sold and are incorporated into the product display. Pricing signs shall not be permitted on a wall or fence used to demarcate the outdoor display or storage area unless in compliance with the sign regulations in Chapter 1165.

C. Within an unenclosed outdoor storage or outdoor display area, pricing signs which are related to the product being sold and which are incorporated into the product display shall be permitted. The total area of such signs shall not exceed two (2) square feet.

(b) Supplemental Regulations for Outdoor Display. The outdoor display area must be defined by or contained within an appropriate architectural or decorative demarcation as approved by the Planning Commission during the Development Plan Review process. This may include the use of landscaping elements, fencing, walls or other appropriate materials. If building materials are utilized, these materials shall be consistent with the architectural design of the principal structure as approved by the Planning Commission.

(c) Supplemental Regulations for Outdoor Storage.

(1) Outdoor storage of materials shall include the storage of goods, materials, or products, or waste materials in containers associated with the principal use when such materials or products are customarily incidental to the permitted use of the property. The bulk storage of material such as mulch, wood chips, sand, etc. shall be permitted only if the material is effectively prevented from spreading and effectively screened pursuant to this Section.

(2) Areas devoted to outdoor storage shall be located in a side or rear yard only and shall comply with the building setbacks set forth in Schedule 1143.04.

(3) All outdoor storage areas shall be effectively screened from all adjacent residential districts, public parking areas and public streets according to the screening requirements set forth in Section 1166.08(c). The Planning Commission may increase the minimum height of required screening when it is determined that additional height is needed to effectively conceal all materials from view of any observer standing at grade level of an abutting residential district line or public street.

(4) All materials shall be stored in such a manner as to be accessible to fire fighting equipment at all times.

(d) Temporary Outdoor Sales and Displays. Permits may be granted for temporary outdoor sales and displays according to the provisions set forth in Chapter 1149.

SECTION 1143.11 REQUIRED DESIGN ELEMENTS.

The following required design elements are established to ensure that new development or redevelopment complies with the purposes of this Chapter, as set forth in Section 1143.01. Uses in a Business District shall comply with the following design requirements:

(a) Building Walls.

(1) When the wall of a building faces a public right-of-way, or the main parking area, or is within 45 degrees of facing a public right-of-way, a minimum of forty percent (40%) of such wall area, on the ground floor, shall have display-type windows. The bottom edge of such windows shall not be higher than three (3) feet above grade. All such windows may be opaque.

(2) Walls shall have no more than twenty (20) feet of continuous wall length devoid of windows, on any ground floor, unless the wall includes architectural features such as piers, columns, defined bays or an undulation of the building, so that a pedestrian scale, rhythm, and visual interest is created.

(3) Walls that meet the following criteria shall be exempt from the requirements of subsection (a)(2) above:

A. Two walls of adjacent business uses face one another and are separated by not more than 30 feet, or, two walls face one another, are separated by not more than 30 feet and the space between the two walls is used for servicing the buildings.

B. The wall faces an area devoted solely to loading and delivery and the wall is screened from view from all public rights-of-way, parking areas and abutting residential areas.

(b) Building Materials.

(1) Buildings shall have finish materials on all sides. Finish materials shall not include exposed concrete or cinder block or stucco (commonly known as "dryvit") unless it is utilized with bands of accent color, recessed or protruding belt courses, wide reveals or combinations thereof.

(2) Compositions of similar building materials shall be used on all building elevations except for walls subject to subsection (a)(3) above.

(c) Central Business District. In addition to the required design elements in Subsections (a) and (b) above, the Central Business District shall comply with the following:

(1) Each lot shall have a minimum of seventy percent (70%) of the linear length of the lot frontage devoted to a building, or a building and wall in combination, as specified below:

A. The length of lot frontage utilized in the calculation shall not include the width of access drives.

B. When the length of the building frontage equals less than seventy percent (70%) of the linear length of the lot frontage, a wall shall be required as specified below so that the length of the building and wall, in combination, equal a minimum of seventy percent (70%) of the linear length of such lot frontage.

C. Walls shall be constructed of solid masonry and shall have a height not less than three (3) feet, not including ornamentation or other features.

D. Walls shall be located no farther from the public right-of-way than the building setback line established in subsection 1143.04(b).

(2) New structures shall have a minimum height of two (2) stories when the proposed structure will be adjacent to existing multi-story buildings. The Planning Commission may require a minimum height greater than two (2) stories when adjacent buildings for a consistent block(s) are composed of more than two (2) stories.

SECTION 1143.12 DEVELOPMENT PLAN REVIEW.

All uses in a Business District, permitted or conditional, new or modified, shall be permitted only after development plans have been reviewed and approved by the Planning Commission and City Council according to the standards set forth in Chapter 1171 and the procedures set forth in Chapter 1129. (ORD 03-77 Passed September 22, 2003)

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MAP OF TERRITORY TO BE ANNEXED TO

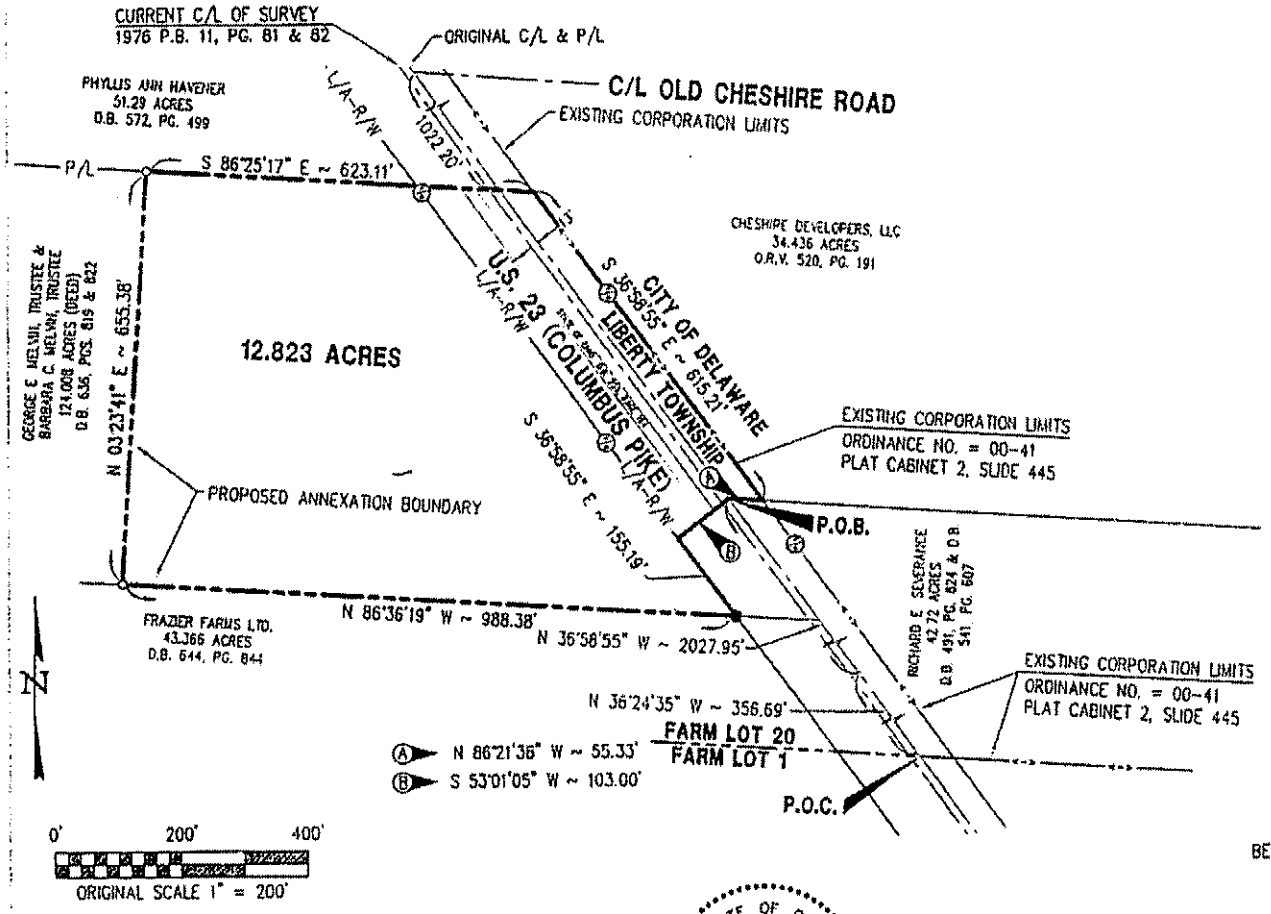
THE CITY OF DELAWARE

(EXPEDITED II ANNEXATION)

STATE OF OHIO, COUNTY OF DELAWARE, TOWNSHIP OF LIBERTY, BEING PART OF FARM LOT 20, SECTION 4, TOWNSHIP 4, RANGE 19, UNITED STATES MILITARY LANDS

FLOYD BROWNE ASSOCIATES, INC.
FBA
OF DELAWARE

585 SUNBURY ROA
DELAWARE, OHIO
(740) 363-6
FAX (740) 363-
EMAIL: fbadelawa



ACREAGE SUMMARY

STATE OF OHIO (R/W) = 0.258 AC.
CHESHIRE DEVELOPERS, LLC. (R/W) = 0.593 AC.
GEORGE & BARBARA MELVIN (R/W) = 1.301 AC.
GEORGE & BARBARA MELVIN = 10.671 AC.
TOTAL AREA TO BE ANNEXED = 12.823 AC.

SUMMARY OF ANNEXATION TERRITORY

TOTAL LENGTH OF CONTIGUITY = 615.21'
TOTAL PERIMETER = 3,195.61'
CONTIGUITY PERCENTAGE = 19%
LENGTH OF PUBLIC R/W (O.D.O.T. U.S. RT. 23) = 858.71 L.F.

NOTE

NO ISLAND OF UNINCORPORATED AREA IS BEING CREATED WITH THIS ANNEXATION.

NOTE

THE 1976 CENTERLINE SURVEY AND ADDITIONAL RIGHT-OF-WAY TAKE ON U.S. 23 STATES THAT THIS ROADWAY IS LIMITED ACCESS.

BASIS OF BEARINGS

BEARINGS ARE BASED ON OHIO STATE PLANE COORDINATE SYSTEM-OHIO NORTH ZO NAD 88/95 AS OBTAINED BY GPS OBSERVATIONS FROM THE DELAWARE COUNTY GEODETIC CONTROL MONUMENTATION SYSTEM.

I HEREBY STATE THAT THIS SURVEY IS BASED ON ACTUAL FIELD MEASUREMENTS AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS CORRECT.

Paul R. Jackson
PAUL R. JACKSON, PS
PROFESSIONAL SURVEYOR NO. 7707

10/20/04
DATE

STATE OF OHIO
PAUL R. JACKSON
7707
REGISTERED PROFESSIONAL SURVEYOR

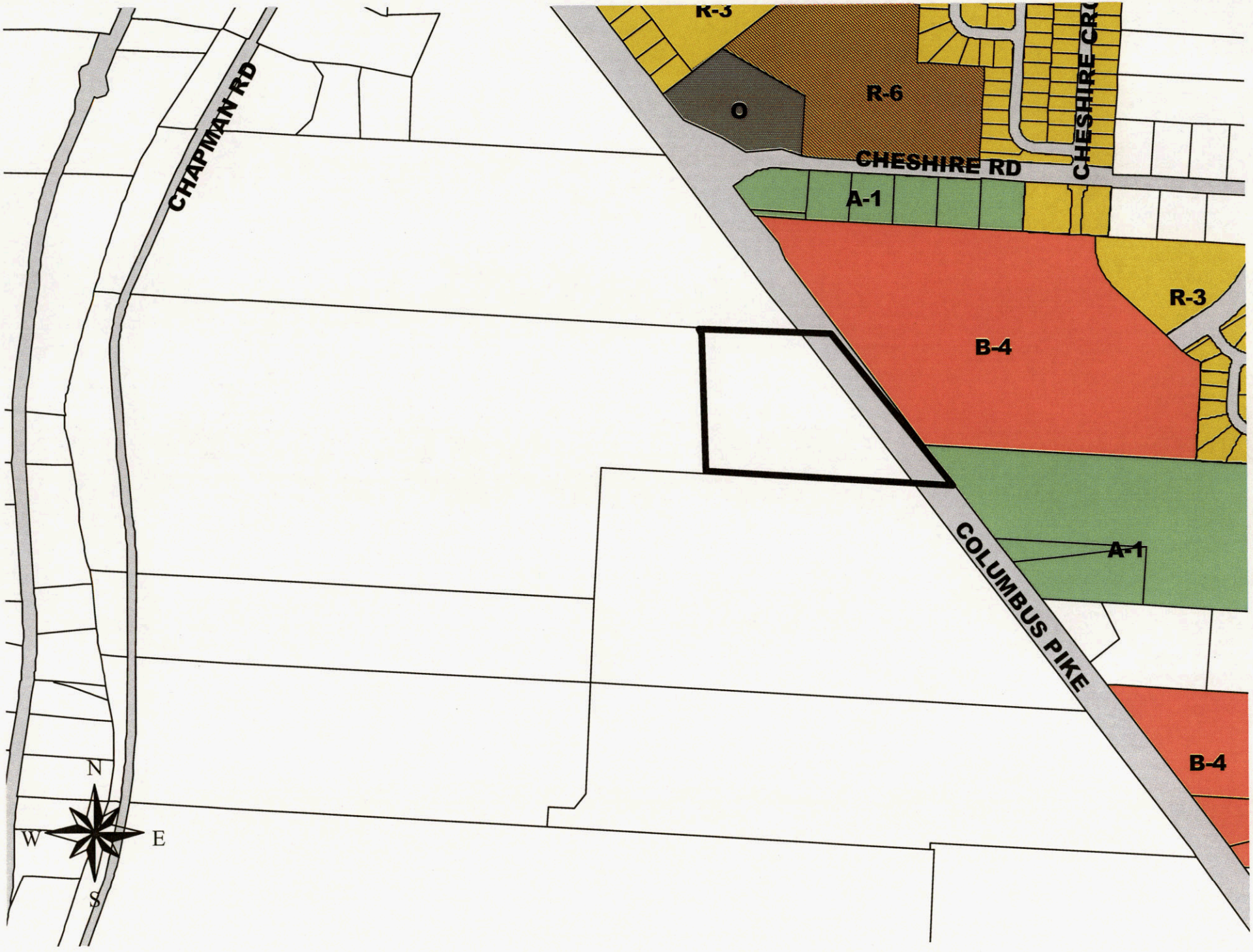
LEGEND

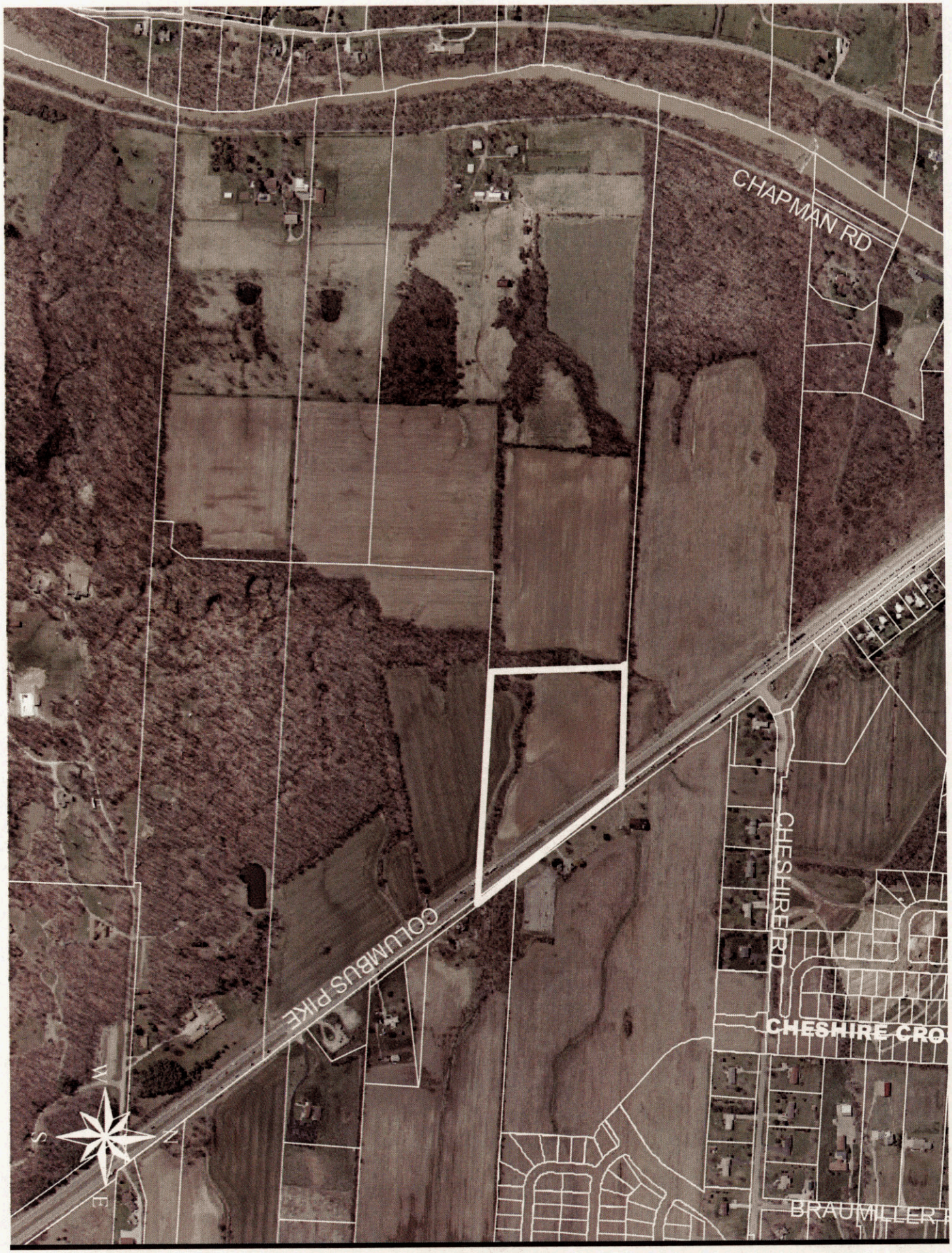
- ● IRON PIN FOUND
- ○ IRON PIN SET
- (R/W) RIGHT-OF-WAY MONUMENT
- —<·>— EXISTING CORPORATION BOUNDARY

County Engineer
Delaware Co., Ohio
I hereby certify the within to be a true copy of the original on file in the Map Department
CHRIS E. BAUSERMAN, County Engineer
By William E. Stille Title

FILE NO. 04


W
N
S
E
CHAPMAN RD
COLUMBUS PIKE
CHESHIRE RD
CHESHIRE CROSSING
BRAUMILLER RD


R-3
R-6
O
CHESHIRE RD
CHESHIRE CR
CHAPMAN RD
A-1
R-3
B-4
A-1
COLUMBUS PIKE
B-4
N
W
E
S


CHAPMAN RD
COLUMBUS PIKE
CHESHIRE RD
CHESHIRE CRO
BRAUMILLER
N
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W