DUNLAP PARK REZONING
PLANNED MIXED USE DEVELOPMENT TEXT
DELAWARE, OHIO

1. DESCRIPTION OF DEVELOPMENT

The City of Delaware is proposing to rezone several properties located at 425-439 Dunlap Street and 420 Park Avenue. The properties are currently occupied by Delaware Creative Housing, Delaware County Council for Older Adults, and a detached single-family home. The current zoning of the properties is M-1 (Light Manufacturing District) resulting in all of the present uses being considered legal non-conforming. In addition to creating non-conforming uses of the properties, the existing zoning designation, combined with the building sizes and configurations has made reuse and redevelopment of the properties difficult in the current zoning conditions resulting in significantly high vacancy rates, particularly 435-439 Dunlap Street (Delaware Creative Housing). With the recent opening of the new Delaware County for Older Adults (COA) facility on Cheshire Road, it is uncertain how much longer the 420 Park Street facility will remain viable for its current use. This Planned Mixed Use Development Text allows the properties flexibility of uses from the M-1 District in order to be reused and redeveloped, or in the case of the detached single-family home to be retained, in a manner that is in more consistent with the industrial, commercial, and residential surroundings.

2. GENERAL DEVELOPMENT STANDARDS

a. **Purpose and Intent.** It is the intent of this Development Text to provide a mixed use development with compatible and common architectural design, streetscape, signage, and lighting amenities to be compatible throughout the entire rezoning area and to be compatible with and provide for appropriate transition to the adjacent existing residential developments. Prototypical design that is not consistent with this purpose and intent will not be accepted during the required Development Plan review process.

b. **Conformance with Codified Ordinances and City Policy.** Unless noted otherwise within this Development Text, all development will be constructed and provided in conformance with the then current Codified Ordinances and City Policy in effect at the time of Development Plan application.

c. **Limitations.** Nothing in this text shall prohibit additional restrictions or requirements consistent with this Development Text and the requirements of the Zoning Code and accepted City Policies from being placed on the approval of any Development Plan.

d. **Minor Modifications.** Once a 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 Development Plan. Minor modification for the purposes of this text shall mean any modification of the approved 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 of 10% or less in the non-residential building area.

(3) Minor change in the approved location of land uses.

(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.

e. **Major Modifications.** Once a 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 Development Plan through the procedures set forth in the Zoning Code. Major modification for the purposes of this text shall mean any modification of the approved Development Plan, as determined by the Director of Planning & Community Development, that results in:

(1) Any increase in the non-residential building area not considered a minor modification.

(2) Any change in the approved location of land uses not considered a minor modification.

(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.

3. DEVELOPMENT STANDARDS

a. **Uses.** The following uses shall be considered permitted or limited uses as represented in the chart below by P, L, or C respectively, and as defined by 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 text and the Zoning Code, as applicable.

(2) **Limited Uses.** Limited uses shall be considered permitted uses subject to complying with all the specific limitations and restrictions as specified within this text as determined by Final Development Plan approval.

(3) **Conditional Uses.** Conditional uses shall be considered conditionally permitted uses subject to complying with all the specific limitations and restrictions as specified within this text as determined by Final Development Plan approval and approval of a Conditional Use Permit by the process and standards set forth in the Zoning Code.

(4) **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. If the uses are specified as limited uses the processes and limitations shall apply regardless of accessory use status.

Land Use Category	**PMU**
(A) Residential	
1. Single-family dwelling	P
2. Two-Family dwelling	C
3. Multiple-Family dwelling	C
4. Residential Care Facility	C
(B) Office and Professional Services	
1. Research and development facility	P
2. Training and conference facility	P
3. Offices – administrative, business and professional	P
4. Financial institutions, banks, not including pay day lending or other businesses offering similar services	P
5. Medical and dental offices, health and allied services	P
(C) Storage & Distribution	
1. Warehouse or indoor storage facility	P
(D) Retail and Services	
1. Retail and service establishments in completely enclosed buildings with a minimum gross floor area of less than 100,000 square feet.	P
2. Domestic animal grooming, training, and boarding (no outside kennel)	L
3. Veterinary office (no outside kennel)	L
4. Veterinary hospital (no outside kennel)	L
(E) Automotive and Transportation	

Land Use Category	PMU
1. Drive-thru facility associated with any principal permitted, limited, or conditionally permitted use	L
(F) Manufacturing	
1. Assembly and production facility utilizing products from previously and elsewhere prepared materials	P
2. Pre-Existing Wireless Telecommunication Tower	P
(G) Community Facilities	
1. Schools, trade, business or cultural arts	P
2. Place of Worship	P
3. Public cultural institutions and art galleries	P
4. Day care center, child/adult	C
5. Public safety & service facility	P
6. Public/Private parks & playgrounds	P
7. Congregate Care Facility	C
(H) Recreation and Entertainment	
1. Indoor recreation and amusement (such as indoor theater, bowling alley, arcade, billboard parlor, assembly hall and party center)	C
2. Health club	P

b. **Standards for All Uses.** Any use listed shall meet the following additional standards:

(1) Any use proposed to operate from 10pm to 7am except ATM facilities shall be subject to all requirements and processes of a Conditional Use Permit as defined by the Zoning Code.

(2) Regardless of the hours of operation, no delivery, loading, trash removal, or similar operations are permitted between the hours of 10:00pm and 6:00am.

c. **Standards for Residential Uses and Applicable Community Facilities Uses.** Any residential use shall be required to meet the requirements of the R-3 (Single-Family Residential) District. Should any modifications or replacement of these standards occur in the future, this Development Text shall automatically be amended by City Staff to include those changes. In no case shall the density on any specific parcel exceed 4.96 dwelling units per acre (for example, the two largest parcels today are about 3.59 Acres which would allow a maximum of 17 dwelling units – 13 units on the larger parcel and 4 units on the smaller parcel). For rehabilitation or conversion of existing structures on the sites into residential units the density maximum above still applies and to the extent practical the entire site should be brought into conformance with the R-3 District

requirements as approved with a Final Development Plan. It is anticipated that uses may be incorporated into existing structures on the site, in which case these uses are not expected to bring the site itself into full conformance with the R-3 District standards. In the case of a major addition or new construction all use, building, and site requirements of the R-3 shall apply.

d. **Specific Standards.** The following specific standards shall be met for all uses described below. Any use listed as a limited use shall meet all requirements of the Zoning Code, unless otherwise exempted or modified in this Section which shall take precedence in all cases, as determined through the Final Development Plan approval process. If any of the requirements set forth in this text or the then current Zoning Code are not met by a use listed as limited, the use shall then be considered a Conditional Use and a Conditional Use Permit must be approved as set forth in the Zoning Code prior to the use being permitted.

(1) **Veterinary Office (with no outside kennel) and Veterinary Hospital (with no outside kennel).** Such uses shall meet all requirements of the then current Zoning Code and be limited to household pets prohibiting on-site services to livestock, goats, equine, and other non-domesticated animals. Animal crematoriums or other such accessory or principal uses shall be prohibited on the subject properties.

(2) **Drive-Thru Facility Associated with any Principal Permitted, Limited, or Conditionally Permitted Use.** Such use shall meet all requirements of the then current Zoning Code and be located to the side or rear (opposite the public right-of-way) of the principal building provided the location does not place the drive-thru adjacent to a residentially zoned or used property. Any canopy or weather cover associated with this use shall be designed in a manner that is substantially similar with the overall development, the principal building, and shall not include exposed metal support columns.

(3) **Domestic Animal Grooming, Training, & Boarding (with no outside kennel).** Such uses shall have any associated outdoor run areas located to the side or rear (opposite the public right-of-way) of the principal building provided the location does not place the outdoor area adjacent to a residentially zoned or used property. If the only feasible location is adjacent to a residentially zoned or used property, the outdoor area must meet the required building setback from the property line, be fenced and landscaped to provide sufficient buffering of the noise, light, and other potential impacts to the adjacent residential property as determined on the Final Development Plan. Unless authorized by approval of a Final Development Plan, no outside run shall be used between the hours of 7pm and 7am beyond what is necessary to allow the animal to relieve itself (urination and defecation). No animal, regardless of the time of day, that is disturbing the peace (barking, growling, howling, and the like) of the surrounding neighborhood shall be allowed to remain outside beyond what is necessary for the same purposes.

(4) **Day Care Center, child/adult.** Such uses shall have any associated outdoor play or recreation areas located to the side or rear (opposite the public right-of-way) of the principal building provided the location does not place the outdoor area adjacent to a residentially zoned or used property. If the only feasible location is adjacent to a residentially zoned or used property, the outdoor area must meet the required building setback from the property line, be fenced and landscaped to provide

sufficient buffering of the noise, light, and other potential impacts to the adjacent residential property as determined on the Final Development Plan.

(5) **Indoor Recreation and Amusement (such as indoor theater, bowling alley, arcade, billboard parlor, assembly hall and party center).** Such use shall not include principal for profit, non-charitable, skill based gaming and bingo halls oriented towards adults and designed to substantially mimic gambling devices such as but not limited to spinning skill stop games and internet cafes. Traditional video arcade type gaming restaurant/party center arrangements, such as, but not limited to, Dave & Buster's, Magic Mountain, and Chuck E. Cheese are permitted.

e. **Lot Standards.** The following standards shall apply for lot standards and coverage. In the event of a mixed residential and non-residential use lot, the non-residential standard shall apply.

Lot Standards – Non-Residential Uses	**Non-Residential Uses**
(1) Minimum lot area	30,000 sq. ft.
(2) Minimum lot width and frontage*	125 ft.
(3) Maximum building coverage	40%
(4) Maximum lot coverage	70%

*Lot frontage requirement may be met by providing the minimum frontage along cross access easements connecting to public streets.

f. **Building Setback Standards.** The following standards shall apply for minimum building setbacks for additions and new construction. The pre-existing structures on the site are considered conforming at their current respective setbacks. Decorative architectural elements such as canopies and overhangs shall be permitted to encroach into any setback provided that no encroachment shall exceed 5 feet.

Minimum Building Setbacks – Non-Residential Uses	**Non-Residential Uses**
(1) Front Setback	25 ft.
(2) Side Setback from lot line shared with non-residentially used or zoned property	10 ft.
(3) Side setback from lot line shared with residentially used or zoned property	30 ft.
(4) Rear setback from lot line shared with non-residentially used or zoned property	10 ft.
(5) Rear setback from lot line shared with residentially used or zoned property	30 ft

g. **Parking Setbacks.** The following standards shall apply for minimum parking setbacks. Parking setbacks include any parking space, parking lot drive aisle, and parking lot circulation aisle.

Minimum Parking Setbacks – Non-Residential Uses	Non-Residential Uses
(1) Front Setback	25 ft.
(2) Side Setback from lot line shared with non-residentially used or zoned property	10 ft.
(3) Side setback from lot line shared with residentially used or zoned property	30 ft.
(4) Rear setback from lot line shared with non-residentially used or zoned property	10 ft.
(5) Rear setback from lot line shared with residentially used or zoned property	30 ft

h. **Maximum Building Height.** The maximum height of any building or structure shall be 35 feet as measured from finished floor elevation to the highest point of the roof, not including spires, steeples, chimneys, and other similar architectural additions that are uninhabitable. Any existing structures are capped at their current height and are considered conforming to this zoning text. Future, additions and new construction must comply with the 35 ft. height requirement however.

i. **Building Design.** All new buildings and major additions regardless of use shall meet the following building design requirements. New buildings and additions shall be designed with appropriate and compatible colors, materials, and architectural patterns and include similar and/or repeating a pattern of design elements such as cupolas, wind vanes, dormers, detailed and well defined cornices on flat roof structures, columns, awnings, or other elements as determined through the Final Development Plan review process.

(1) General Design Requirements.

A. The architectural design of all commercial/retail buildings shall be traditional in nature and shall establish proper transitional relationships with adjacent developments. Quality architecture shall be utilized with a consistent look and feel. All structures shall be designed to be architecturally compatible with each other by employing similar roof pitches, architectural details and be constructed of compatible exterior building materials. Exterior materials shall be primarily masonry incorporating brick and/or stone with accent materials listed below. All buildings and portions thereof shall retain traditional building massing. Buildings shall incorporate elements and forms that reduce large masses into an assemblage of definable parts. The scale of the building(s) shall be aided through the use of different materials and architectural elements to help reduce the perception of the building mass.

B. Required architectural features shall include large transparent storefronts and window systems, roof elements such as dormers, cupolas, roof spires, and hip and gable roofs to emphasize and reduce the building scale at the building storefront.

(2) Exterior Design Elements.

A. Predominant exterior building materials shall be of high quality. The permissible building materials shall include the following or shall be a comparable material as approved by the City of Delaware:
   1. Brick
   2. Wood/Engineered Wood (Hardiplank)
   3. Stone/Synthetic Stone
   4. Stucco/Synthetic Stucco (commonly known as "EIFS") as accent bands or decorative elements only
   5. Design Brick (integrally colored concrete units)/Quick-brik of appropriate size and quality for the elevation for which it is being applied
   6. Dimensional Asphalt Shingles
   7. Prefinished Metal Standing Seam Roof Systems
   8. Slate/Synthetic Slate

B. Split-faced concrete block, painted standard concrete block (CMU), tilt-up concrete panels, or pre-fabricated steel panels are prohibited as exterior building materials. Tilt-up or pre-cast concrete wall panels may be used on elevations not visible to the general public and the exposed exterior surface is textured, patterned or detailed to be complimentary to the building design.

C. Unless fully screened by mounding or landscaping or as otherwise approved as part of the Final Development Plan, buildings shall generally have a similar degree of exterior finishes on all sides and compositions of similar building materials shall be used on all building elevations visible to the public. Other than for necessary service and loading areas that do not face a pubic right-of-way and are not visible to the public, blank facades shall not be permitted.

D. Façade colors shall be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, or fluorescent colors is prohibited.

E. Building trim may feature brighter colors than façade colors, but exposed neon tubing or LED type lighting are prohibited.

F. All exterior service doors and overhead doors other than entry/exits shall be made of a heavy gauge metal painted to blend in with the exterior brick masonry.

(3) Roofs.

A. The following types of roofs are permitted:
   1. Pitched roofs with gabled or hipped ends
   2. Glass roofs are acceptable in portions of a structure
   3. Mansard roofs
   4. Green or living roofs

B. Roof materials shall be asphalt shingles, cedar shakes or man made cedar shake looking, slate or synthetic slate, prefinished standing seam metal or a comparable material as approved by the City of Delaware. Asphalt shingles shall have an "architectural" or "dimensional" appearance and performance.

C. The minimum pitch for a sloped roof shall be 6:12.

D. Gutters shall be metal-type and shall be painted to match fascias. Downspouts shall be installed in a manner comparable to and consistent with the buildings and architecture. Scuppers shall be used at the rear of the building if desired, through wall scuppers may be permitted where parapet walls are used. Scupper boxes and downspouts at the rear of the building shall be painted to blend in with exterior building color or shall be manufactured with a pre-finished metal of a color which compliments the finished material to which it is affixed. Overflow drains may be an open scupper through a masonry parapet in a manner comparable to and consistent with the buildings and architecture. An open scupper shall be detailed to minimize its appearance on the building elevation.

(4) Screening.

A. Rooftop equipment, antennas, and similar protrusions shall be installed in compliance with all applicable provisions of the Zoning Code. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and rooftop mechanical equipment from public view. Where flat roofs are used, all roof mounted equipment shall be completely screened through the use of parapet walls, or other architectural building elements compatible with the building design. All screening elements shall be consistent with the style of architecture of the building. Individual screening units may be used where other means are impractical. Satellite dishes shall be consistent with applicable federal law and all applicable provisions of the Zoning Code and shall be screened when visible to the public view.

B. All exterior mechanical equipment and appurtenances not located on a roof, including, but not limited to, transformers, air conditioning units not located on rooftops, wall or sprinkler pumps, storage tanks shall be located in designated service areas and where not otherwise prohibited shall be suitably screened by means of fences, walls, opaque landscaping, or other appropriate screening as approved as part of the Final Development Plan so as not to be visible from any street or adjacent lot. Electrical wireways, meters, gas meter sets, telephone enclosures and other building services/utility devices shall be painted to match the wall finish to which they are attached.

C. Loading docks, trash collection, outdoor storage and similar facilities and functions, as provided for by code, shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from the public. Screen wall materials shall be the same as the building materials and consistent in design. Dumpster enclosures shall be fully enclosed (no roof) with a lockable gate.

j. **Parking.**

(1) The amount of parking provided is permitted to be below the minimum requirements of the Zoning Code and shared parking is strongly encouraged where such locations are logical.

(2) Where necessary for connectivity and access management throughout the development and to adjacent properties, cross access easements shall be provided.

k. **Landscaping and Screening.** All landscaping shall meet the requirements of the Zoning Code and the Gateways & Corridors Plan, including but not limited to the provision of street and front yard trees, unless modified herein.

(1) Parking lots will be landscaped in a manner that minimizes the direct views of parking spaces and/or lots encourages safe vehicular movement, at a minimum, as depicted on the approved Preliminary Development Plan. Each landscaped island within the parking lot shall be planted with two trees.

(2) Wherever possible along building frontages with a pedestrian walkway a mix of year-round and seasonal foundation plantings shall be provided as well as tree wells or planters of other similar plantings included in the pedestrian walkway.

(3) Ground mounted equipment shall be screened from view using plant materials, and/or opaque decorative fencing or mounding providing 100% year round opacity.

l. **Pedestrian Connectivity.** No sidewalks are currently present on Dunlap Street and given that the street is a dead end no sidewalks are proposed. As a result there shall not be a requirement to construct sidewalks along Dunlap Street. No sidewalks are currently present on Park Avenue which connects Curtis Street to South Sandusky Street. A sidewalk is currently being contemplated on the south side of the street connecting the Springfield Branch Trail to Houk Road and the Community Center. Given the connectivity of Park Avenue, a sidewalk shall be required to be built, or payment made in lieu of installation, with major redevelopment of the property. Major redevelopment includes a building addition or site alteration/expansion that equals or exceeds 25% of the existing building square footage.

m. **Lighting.**

(1) Building, site, and accent lighting shall be provided in accordance with the current Zoning Code.

(2) All lighting fixtures, except those located in loading or service areas and not visible by the general public, shall be decorative fixtures that are appropriate and consistent with the overall design of the development.

(3) Standard shoe-box type fixtures and standard wall packs may only be used in loading or service areas that are not visible by the general public.

(4) No lighting fixture shall be mounted higher than 28 feet in height. All ground mounted accent lighting shall be hidden in landscaping and directed in a manner that does not affect visibility.

(5) To the extent practical without jeopardizing security, lighting will be minimized along any property line shared with a residentially used or zoned property, including not meeting any required minimum lighting specifications of the Zoning Code and including minimal light pole heights even if this results in more overall light poles

needing to be utilized. Light poles within 20 feet of a residentially used or zoned property shall have a maximum height of 12 ft.

(6) All non-security site and building lighting will be turned off one hour following close of business in accordance with tenant's operational requirements.

n. **Signs.** For multi-tenant buildings, a comprehensive sign plan shall be provided and approved in conformance Section 1165.16(c) and the Final Development Plan. All signs shall be in conformance with the approved comprehensive sign plan and shall meet the following requirements. Unless noted below, all signs shall meet the current Zoning Code.

(1) **All Signs.** All signs shall be designed and located in a manner that is appropriate and consistent with the Gateways & Corridors Plan. Unless noted otherwise, externally illuminated and reverse channel letter signs are preferred. For the purposes of this text, a reverse channel letter sign is generally a type of sign that utilizes an opaque aluminum letter which is stud mounted away from the wall or mounting surface. The illumination creates a soft glow or "halo" behind the letter. Changeable copy and changeable face signs are prohibited. Businesses located within a business shall not be permitted any free-standing signs, be limited to one non-illuminated wall sign not exceeding 2 square feet in area located in a sign band, and no building shall have more than 2 such signs.

(2) **Free-Standing Signs.** The current multi-tenant, free standing sign located along Dunlap St. is allowed and may be retained including tenant panel changes. The sign may not be enlarged or change without being in conformance with this section. Free-standing signs shall be of the highest quality and design and serve as part of overall entry and landscape feature to the development. Only one free-standing sign is permitted per lot regardless of the number of frontages and shall be placed on one of the following monument bases consisting of limestone or cultured stone as approved by the City of Delaware and consistent with the Gateway and Corridor Plan.



(3) **Wall Signs.** Wall signs shall be integrated into the overall design of the building on which the sign is attached in an area established as part of the building design approval for the purpose of mounting a wall sign. Only one wall sign is permitted per primary tenant. Signs facing a residential district or use shall be limited to 12 square feet in area and not be illuminated. No part of a wall sign shall project above the roof line, eve line, or other similar plane as these signs are then considered roof signs and are prohibited.

(4) **Other Signs.** A temporary marketing/for sale or lease sign plan shall be provided as part of the comprehensive sign plan for the development. All other signs shall meet the current Zoning Code.

ORDINANCE NO. 11-09

AN ORDINANCE APPROVING A REZONING FOR THE CITY OF DELAWARE OF 3.9± ACRES ZONED M-1 (LIGHT INDUSTRIAL DISTRICT) TO M-1 (LIGHT INDUSTRIAL DISTRICT) WITH A PLANNED MIXED USE (PMU) OVERLAY AND LOCATED AT 425-439 DUNLAP STREET AND 420 PARK AVENUE.

WHEREAS, the Planning Commission at its meeting of January 5, 2011 recommended approval of a Rezoning for the City of Delaware of 3.9± acres zoned M-1 (Light Industrial District) to M-1 (Light Industrial District) with a Planned Mixed Use (PMU) Overlay and located at 425-439 Dunlap Street and 420 Park Avenue, (2010-1722), and

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

SECTION 1. That the Rezoning for the City of Delaware of 3.9± acres zoned M-1 (Light Industrial District) to M-1 (Light Industrial District) with a Planned Mixed Use (PMU) Overlay and located at 425-439 Dunlap Street and 420 Park Avenue be the same and is hereby confirmed, approved, and accepted.

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: 1/24, 2011 YEAS 7 NAYS 0
ABSTAIN 0

ATTEST: Christine Haus
CITY CLERK

MAYOR