ORDINANCE NO. 11-42

AN ORDINANCE APPROVING A REZONING FOR SYMMETRY ONE LLC OF 5.7± ACRES ZONED M-2 (GENERAL MANUFACTURING DISTRICT) TO M-2 (GENERAL MANUFACTURING DISTRICT) WITH A PLANNED MIXED USE (PMU) OVERLAY TOGETHER WITH THE REQUIRED ZONING TEXT AND PLAN AND LOCATED AT 2097 LONDON ROAD.

WHEREAS, the Planning Commission at its meeting of April 6, 2011 recommended approval of a Rezoning for Symmetry One LLC of 5.7± acres zoned M-2 (General Manufacturing District) to M-2 (General Manufacturing District) with a Planned Mixed Use (PMU) Overlay together with the required Zoning Text and Plan and located at 2097 London Road, (2011-0429), and

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

SECTION 1. That the Rezoning for Symmetry One LLC of 5.7± acres zoned M-2 (General Manufacturing District) to M-2 (General Manufacturing District) with a Planned Mixed Use (PMU) Overlay together with the required Zoning Text and Plan and located at 2097 London Road 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: 4/19, 2011 YEAS 7 NAYS 0 ABSTAIN 0

ATTEST: Christine Shaw
CITY CLERK

MAYOR

SYMMETRY ONE REZONING
PLANNED MIXED USE DEVELOPMENT TEXT
DELAWARE, OHIO

1. DESCRIPTION OF DEVELOPMENT

Symmetry One is proposing to rezone the property located at 2097 London Road. The property was developed in 2005 as an inline flex office/warehouse building consisting of 48,000 square feet. The current zoning of the property is M-2 (General Manufacturing District) with a Use Variance granted in 2005 allowing limited retail/service uses that are accessory to the principally permitted M-2 District use. Despite this Use Variance, the underlying M-2 District combined with the building configuration and location has made the occupancy of the building difficult resulting in perpetually high vacancy rates. In fact, after 6 years since completion of the building the occupancy rate has never exceeded 65%. Over the years there have been many interested parties that have approached the owners and City Staff. Most of these businesses have been heavy commercial/retail type businesses that are supportive to the permitted industrial uses within the Delaware Commerce Hub North and attracted to the location of the property at the intersection of a major local arterial (London Road) and cross state highway (US 42). These uses are not permitted in the M-2 District and as a result were not allowed to occupy this building. This Planned Mixed Use Development Text allows the property flexibility of uses from the M-2 District in order to fully occupy this highly visible, high quality property, in a manner that remains consistent and supportive of the industrial surroundings.

2. GENERAL DEVELOPMENT STANDARDS

a. **Purpose and Intent.** It is the intent of this Development Text to provide a mixed use commercial, service, office, warehouse, and assembly development with compatible and common architectural design, streetscape, signage, and lighting amenities to be compatible throughout the entire development and to be compatible with and provide for appropriate transition to the adjacent existing industrial 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 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 5% 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. AIRPORT OVERLAY

This property is located within the City of Delaware Airport Overlay District. As such, all requirements of the Airport Overlay District must be complied with including those of the Federal Aviation Administration (FAA). No improvement, alteration, addition, use, or other modification in conflict with the Airport Overlay or the requirements of the FAA will be permitted. In the event that any provision of this Development Text is in conflict with the Airport Overlay or FAA requirements, the requirements of the Airport Overlay or FAA shall prevail.

4. DEVELOPMENT STANDARDS

a. **Uses.** The following uses shall be considered permitted or limited uses as represented in the chart below by P or L 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) **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) Office and Professional Services	
1. Research and development facility	P
2. Training and conference facility	P
3. Offices – administrative, business and professional	P
(B) Storage & Distribution	
1. Warehouse or indoor storage facility	P
(C) 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. Restaurant (no drive-thru)	P
3. Domestic animal grooming, training, and boarding (no outside kennel)	L
4. Veterinary office (no outside kennel)	L
5. Veterinary hospital (no outside kennel)	L
(D) Automotive and Transportation	
1. Truck & equipment sales and repair	L
(E) Manufacturing	
1. Assembly and production facility utilizing products from previously and elsewhere prepared materials	P

Land Use Category	PMU
(F) Outdoor Storage	
1. Storage of materials for use associated with any principal permitted, limited, or conditionally permitted uses.	L
2. Storage of equipment for sale or rental	L
(G) Community Facilities	
1. Public safety & service facility	P
(H) Recreation and Entertainment	
1. Indoor recreation and amusement.	L
2. Health club	P

b. **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) **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. 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 property as determined on the Development Plan. Unless authorized by approval of a 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.

(2) **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.

(3) **Truck & Equipment Sales & Repair.** 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. No trucks or equipment shall be stored to the front of the building and any outdoor storage shall meet all requirements this Development Text.

(4) **Storage of Materials For Use Associated with Any Principal Permitted, Limited, or Conditionally Permitted Uses and Storage of Equipment For Sale or Rental.** Outdoor storage shall be permitted within the limits of the loading dock(s) associated with the building area owned or leased by or for the principal use. Any other area designated for outdoor storage shall be in an area approved on a Development Plan, be to the rear of the building, not occupy any required parking spaces, and be on an asphalt or concrete surface. Any outdoor storage area shall be screened from public view of US 42 with the planting of year round vegetative material in area appropriate to provide full height screening.

(5) **Indoor Recreation and Amusement.** Such use shall only include athletic training, exercise, and instructional facilities such as gymnastics, baseball, martial arts and similar type uses.

c. **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	**Standard**
(1) Minimum lot area	3 acres.
(2) Minimum lot width and frontage*	200 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.

d. **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	**Standard**
(1) Front Setback	50 ft.
(2) Side Setback from lot line shared with non-residentially used or zoned property	30 ft.
(4) Rear setback from lot line shared with non-residentially used or zoned property	30 ft.

e. **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	20 ft.
(2) Side Setback from lot line shared with non-residentially used or zoned property	10 ft.
(4) Rear setback from lot line shared with non-residentially used or zoned property	10 ft.

f. **Maximum Building Height.** The maximum height of any building or structure shall be 45 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 45 ft. height requirement or as restricted by any required FAA permit.

g. **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 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 appropriate accent materials. 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 transparent store and office fronts and other appropriate features to emphasize and reduce the building scale at the front.

(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), or pre-fabricated steel panels are prohibited as exterior building materials. Tilt-up or pre-cast concrete wall panels may be used provided 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 directly face a pubic right-of-way and are not directly 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 similar LED tube 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. Flat roofs
2. Pitched roofs with gabled or hipped ends
3. Glass roofs are acceptable in portions of a structure
4. Mansard roofs
5. Green or living roofs

B. Other than for flat roofs, 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 meters and regulators, 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.

h. **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.

i. **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.

j. **Pedestrian Connectivity.** No sidewalks are currently present on London Road or US 42 and no sidewalks or other pedestrian paths are proposed. As a result there shall not be a requirement to construct sidewalks along London Road or US 42.

k. **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.

l. **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 only be permitted one window or door sign in the form of vinyl graphics not exceeding 2 square feet in area.

(2) **Free-Standing Signs.** 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 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. This sign is be used for development identification purposes and not as a marquee sign displaying business names.

(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. 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. All wall signs shall be consistent in type and illumination (i.e., non-illuminated individually mounted acrylic letters versus internally illuminated individually mounted channel letters.)

(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.