ORDINANCE NO. 12-07

AN ORDINANCE APPROVING A REZONING ADDING A PLANNED MIXED USE (PMU) OVERLAY ON FEBUS PROPERTIES LLC., LOCATED ON 1.651± ACRES ZONED B-3 (COMMUNITY BUSINESS DISTRICT) AND LOCATED AT 984 STRATFORD ROAD.

WHEREAS, the Planning Commission at its meeting of January 4, 2012 recommended approval of a Rezoning for Febus Properties LLC., adding a Planned Mixed Use (PMU) Overlay District on property located on 1.651± acres zoned B-3 (Community Business District) and located at 984 Stratford Road (PC 2011-2403), and

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

SECTION 1. That the Rezoning for Febus Properties LLC., adding a Planned Mixed Use (PMU) Overlay District on property located on 1.651± acres zoned B-3 (Community Business District) and located at 984 Stratford 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: 1/23, 2012 YEAS 7 NAYS 0
ABSTAIN 0

ATTEST: Christine Shaw
CITY CLERK

MAYOR

2011-2403
984 STRATFORD ROAD

DEVELOPMENT TEXT
PLANNED MIXED USE OVERLAY DISTRICT

1. DESCRIPTION OF DEVELOPMENT

Febus Properties LLC., is proposing a Planned Mixed Use Overly District on two properties zoned B-3 (Community Business District) that encompasses 1.651 acres. The properties are at 984 Stratford Road located between Stratford Road and Byers Ford just north of the Byers Ford private access road that connects US 23 and Stratford Road.

2. GENERAL DEVELOPMENT STANDARDS

a. **Purpose and Intent.** It is the intent of the owner to allow an existing single-family use to comply with Section 1151.02 of the Delaware Zoning Code that would allow the structure to be rebuilt if it was destroyed by any means or razed to the extent of fifty percent (50%) of the fair replacement cost of the structure. Furthermore, it is the intent of the owner to maintain the majority of the commercial uses permitted in a B-3 zoning district. This Development Text represents the zoning requirements for this area unless otherwise noted.

b. **Conformance with Codified Ordinances and City Policy.** Unless noted otherwise within this development text, 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 from being placed on the approval of any Final Development Plan.

d. **Major Modifications.** The existing house, out buildings and site features at the date of approval comprise the Final Development Plan. Once a Final Development Plan has been approved by City Council, any subsequent major modification to that plan shall only be permitted by resubmission and approval of a revised Final Development Plan through the procedures set forth in the Zoning Code. Major modification for the purposes of this text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:

(1) Any major change in the use or occupancy or any major increase in the residential and commercial building area.
(2) Major change in the approved location of land uses.

e. **Minor Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent minor modification to that plan shall only be permitted by resubmission and approval by the Director of Planning and Community Development of

a revised Final Development Plan. Minor modification for the purposes of this text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:

(1) Any modification that is not considered a major modification by this Zoning Text or by determination of the Director of Planning & Community Development.
(2) Any minor change to the use or occupancy other than those uses specifically allowed in this text or any minor changes to the approved site layout.
(3) Minor change in the approved location of land uses.
(4) Minor structural alterations that do not alter the overall design intent of the building.

3. USE & SPECIFIC DEVELOPMENT STANDARDS



a. **Uses.** The following residential and commercial uses shall be considered permitted, conditionally permitted, or limited uses on the two parcels as represented in the chart below by P, C, or L, respectively, and as defined by Chapter 1121 of the Zoning Code. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.

Residential Uses

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

(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 sheds, non-commercial storage buildings, signs, fences, walls, trash receptacles and enclosures, and off-street parking areas. If the uses are specified as conditional or limited uses the processes and limitations shall apply regardless of accessory use status.

Land Use Category	**Uses**
(a) Residential	
(1) Single-family dwelling	P
(2) Bed and breakfast	C
(3) Place of worship	P
(4) School, public or private	C
(5) Daycare center, child/adult	C
(6) Park, playground	P
(7) Public utility substation or distribution facility	L

b. **Lot Standards.** The following standards shall apply for lot standards and coverage.

Lot Standards	
(1) Minimum lot area	0.5 acres
(2) Minimum lot width	100 ft.
(3) Maximum lot frontage	70 ft.

c. **Building Setback Standards.** The following standards shall apply for minimum building setbacks, except as otherwise approved on the Final Development Plan.

Minimum Building Setbacks	
(1) Front Yard	50 ft.
(2) Side Yard	20 ft.
(3) Rear Yard	50 ft.

d. **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.

e. **Building Design.** Any new single-family homes shall comply with Chapter 1171 Design Criteria and Performance Standards.

f. **Tree Removal and Replacement.** Any new development activity shall comply with Chapter 1168 Tree Preservation Regulations.

g. **Landscaping and Screening.** The single-family dwellings shall comply with all landscaping and screening requirements per Chapter 1166.

h. **Adjacent Commercial Uses.** The adjacent commercial uses and commercially zoned properties shall comply with setback and landscaping and screening requirements of the B-3 (Community Business District) and not the residential district requirements.

Commercial Uses

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

(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 conditional or limited uses the processes and limitations shall apply regardless of accessory use status.

Land Use Category	984 Stratford Road
(a) Office and Professional Services	
(1) Offices – administrative, business and professional	P
(2) Financial institutions, banks	P
(3) Medical and dental offices, health and allied services	P
(b) Retail and Services	
(1) Veterinary office (no outside run or outside kennel)	L
(2) Veterinary hospital (no outside run or outside kennel)	L
(3) Funeral Home and related	C
(c) Community Facilities	
(1) Schools, trade, business or cultural arts	C
(2) Public cultural institutions and art galleries	P
(3) Places of worship	P
(4) Day care center, child/adult	P
(5) Public safety & service facility	P
(6) Public Parks & Playgrounds	P
(7) Public utility substation or distribution facility	L
(d) Recreation and Entertainment	
(8) Public parks and playgrounds	P
(9) Health club	P

(5) **Specific Standards for Limited Uses.** 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, the use shall be considered a Conditional Use and a Conditional Use Permit must be approved as set forth in the Zoning Code.

A. **Veterinary Office (with no outside run or outside kennel) and Veterinary Hospital (with no outside run or 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.

B. **Public Utility Substation or Distribution Facility.** Such use shall meet all requirements of the then current Zoning Code and shall be landscaped to block all public views.

i. **Lot Standards.** The following standards shall apply for lot standards and coverage.

Lot Standards	**984 Stratford Road**
(a) Minimum lot area	0.5 acre
(b) Minimum lot width and frontage	120 ft.
(c) Maximum building coverage	40%
(d) Maximum lot coverage	70%

j. **Building Setback Standards.** The following standards shall apply for minimum building setbacks.

Minimum Building Setbacks	**984 Stratford Road**
(a) Setback from Stratford and Haven Roads	40 ft.
(c) Side setback	20 ft.
(d) Rear setback	20 ft.

k. **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	**984 Stratford Road**
(1) Setback from Stratford and Haven Roads	15 ft.
(2) Setback from rear and side setbacks	10 ft.

l. **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.

m. **Building Design.** All non-residential buildings regardless of use shall meet the building design requirements of Chapter 1171 Design Criteria and Performance Standards.

n. **Parking.** All parking requirements shall comply with Chapter 1161 Off-Street Parking and Loading Requirements.

o. **Landscaping and Screening.** All landscaping shall meet the requirements of Chapter 1166 Landscaping and Screening Regulations.

p. **Lighting.** Building, site, and accent lighting shall be provided in accordance with the Chapter 1158 Lighting Plan.

q. **Signs.** All signage shall comply with Chapter 1165 Signs.