ORDINANCE NO. 12-81

AN ORDINANCE APPROVING A REZONING AMENDMENT FOR SOUTH SANDUSKY STREET PROPERTIES ON 2.51± ACRES ZONED B-3 (COMMUNITY BUSINESS DISTRICT) TO B-3 (COMMUNITY BUSINESS DISTRICT) WITH A PMU (PLANNED MIXED USE) OVERLAY DISTRICT AT 297, 301, 305, 310, 311, 315 AND 330 SOUTH SANDUSKY STREET.

WHEREAS, the Planning Commission at its meeting of November 7, 2012 recommended approval of a Rezoning Amendment for South Sandusky Street Properties on 2.51± acres zoned B-3 (Community Business District) to B-3 (Community Business District) with a PMU (Planned Mixed Use) Overlay District at 297, 301, 305, 310, 311, 315 and 330 South Sandusky Street (PC 2012-2128), and

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

SECTION 1. That the Rezoning Amendment for South Sandusky Street Properties on 2.51± acres zoned B-3 (Community Business District) to B-3 (Community Business District) with a PMU (Planned Mixed Use) Overlay District at 297, 301, 305, 310, 311, 315 and 330 South Sandusky Street, the same and is hereby confirmed, approved, and accepted, with the following conditions that:

1. Any change of use of any existing structure or property shall require conformance to all provisions of the Development Text except Building Setback Standards, Parking Setbacks, and Building Design. Such exception shall not be granted for any addition, exterior modification, enlargement, or exterior alteration of the building or site.

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 6 NAYS 0
ABSTAIN 0

PASSED: 11/26, 2012 YEAS 6 NAYS 0
ABSTAIN 0

ATTEST: Christine Shaw
CITY CLERK

MAYOR

2012-2128
SOUTH SANDUSKY STREET PROPERTIES
297, 301, 305, 310, 311, 315 & 330 SOUTH SANDUSKY STREET

DEVELOPMENT TEXT
PLANNED MIXED USE OVERLAY DISTRICT

1. DESCRIPTION OF DEVELOPMENT

The City of Delaware is sponsoring a Planned Mixed Use Overly District on eight properties zoned B-3 (Community Business District) that encompasses 2.51 acres. The subject properties are at 297, 301, 305, 310, 311, 315 and 330 (two parcels) South Sandusky Street located just south of Wootring Street on the east and west side of South Sandusky Street.

Address	**Parcel #**	**Use**
297 South Sandusky Street	41912102028000	Office Use (vacant)
301 South Sandusky Street	41912102029000	Single Family Residence
305 South Sandusky Street	41912102030000	Jack's Law Office
310 South Sandusky Street	41912201115000	Single Family Residence
311 South Sandusky Street	41912102031000	Accurate Barber Styling
315 South Sandusky Street	41912102032000	Single Family Residence
330 South Sandusky Street	41912201114000	Vacant Lot
(2 parcels)	41912201113000	Single Family Residence

2. GENERAL DEVELOPMENT STANDARDS

a. **Purpose and Intent.** It is the intent of the City to allow the existing single-family houses to accommodate single and two family dwelling units along with the majority of the current commercial uses in the B-3 zoning district. No new two family structures are permitted to be constructed on any of the properties while single and two family structures can be rebuilt per Section 1151.02 which states a structure can 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. 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. It would be the responsibility of the property owner to notify the City to verify a subject property contains a two-family dwelling unit. The property owner would have to provide documentation and evidence the two-family dwelling unit exists and the City would inspect the subject two family dwelling unit to ensure life, health and safety items achieve compliance. If such unit passes the City inspection, the City would document the two-family dwelling unit exists for the record. The owner must notify the City within three months of passage of the subject text and ordinance to receive credit of an existing two-family dwelling unit.

(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*	L*
(2) Two family dwelling*	L*
(3) Bed and breakfast	C

Land Use Category	Uses
(4) Park, playground	P
(b) Offices 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
(c) Retail Services	
(1) Retail and service establishments in completely enclosed buildings	P
(2) Restaurant – table and counter service	P
(3) Drive-thru or walk-up ATM (standalone facility)	C
(4) Funeral Home and related facilities	C
(5) Veterinary office (no outside run or kennel*)	L*
(6) Veterinary hospital (with or without kennel)*	L*
(7) Self-service storage	C
(d) Automotive and Transportation	
(1) Parking lots and garages	P
(e) Outdoor Display/Storage	
(1) Outdoor display	C
(2) Outdoor storage	C
(f) Community Facilities	
(1) Place of worship	P
(2) Schools, public or private	C
(3) School, trade, business or cultural arts	C
(4) Library	P
(5) Public cultural institutions and art galleries	P
(6) Hospital	C
(7) Daycare center, child/adult	P
(8) Public safety and service facility (local service)	P
(9) Public utility substation or distribution facility	C

Land Use Category	Uses
(g) Recreation and Entertainment	
(1) Outdoor recreation and amusement (such as sport center, batting cage, mini golf)	C
(2) Indoor recreation and entertainment (such as indoor theater, bowling alley, arcade, billiard parlor, assembly hall and party center)	C
(3) Health Club	P
(h) Accessory Uses	
(1) Off-street parking and loading area	A
(2) Fencing and screening	A
(3) Detached garages	A
(4) Pools	A

- See limitation text.

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

Lot Standards	
(1) Minimum lot area	0.18 acres
(2) Minimum lot width	40 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	Average of adjacent buildings or 30 feet whichever is less.
(2) Side Yard	8 ft.
(3) Rear Yard	40 ft.

d. **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	

(1) Setback from South Sandusky Street	5 ft.
(2) Setback from rear and side setbacks	5 ft.

e. **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.

f. **Building Design.** Any new commercial structures shall comply with Chapter 1171 Design Criteria and Performance Standards.

g. **Tree Removal and Replacement.** Any new development activity not including single or two family rebuilds shall comply with Chapter 1168 Tree Preservation Regulations.

h. **Landscaping and Screening.** Any new residential (except for rebuilds) and commercial developments dwellings shall comply with all landscaping and screening requirements per Chapter 1166.

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

j. **Signs.** All signage shall comply with Chapter 1165 Signs and the Gateways and Corridors Plan.

(1) **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. **Single and Two Family Dwelling.** Such limitations include: single and two-family structures can be rebuilt after substantial damage or destruction utilizing the current building setbacks, single family new construction is permitted, two family new construction is prohibited and rehabilitation of existing single and two-family dwelling units within the existing footprint is permitted.

B. **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.