ORDINANCE NO. 19-26

AN ORDINANCE APPROVING A REZONING AMENDMENT FOR JOHN & TESS MEEKER FOR MEEKERS VENUE FROM R-4 (MEDIUM DENSITY RESIDENTIAL DISTRICT) TO R-4 PMU (MEDIUM DENSITY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND EXTEND THE CURRENT PMU AT 377 EAST WILLIAM STREET TO 385 EAST WILLIAM STREET ON APPROXIMATELY 0.477 ACRES AND LOCATED AT 385 EAST WILLIAM STREET.

WHEREAS, the Planning Commission at its meeting of May 1, 2019 recommended approval of a Rezoning Amendment for Meekers Venue from R-4 (Medium Density Residential District) to R-4 PMU (Medium Density Residential District with a Planned Mixed Use Overlay District) and extend the Current PMU at 377 East William Street to 385 East William Street on approximately 0.477 acres and located at 385 East William Street (PC Case 2019-0648).

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

SECTION 1. That the Rezoning Amendment for Meekers Venue from R-4 (Medium Density Residential District) to R-4 PMU (Medium Density Residential District with a Planned Mixed Use Overlay District) and extend the Current PMU at 377 East William Street to 385 East William Street on approximately 0.477 acres and located at 385 East William Street, is hereby confirmed, approved, and accepted with the following condition 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, Landscape Standards 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 7 NAYS 0
ABSTAIN 0

PASSED: June 10, 2019 YEAS 7 NAYS 0
ABSTAIN 0

ATTEST: Elaine McCluskey
CITY CLERK

Carly Kay Ryan
MAYOR

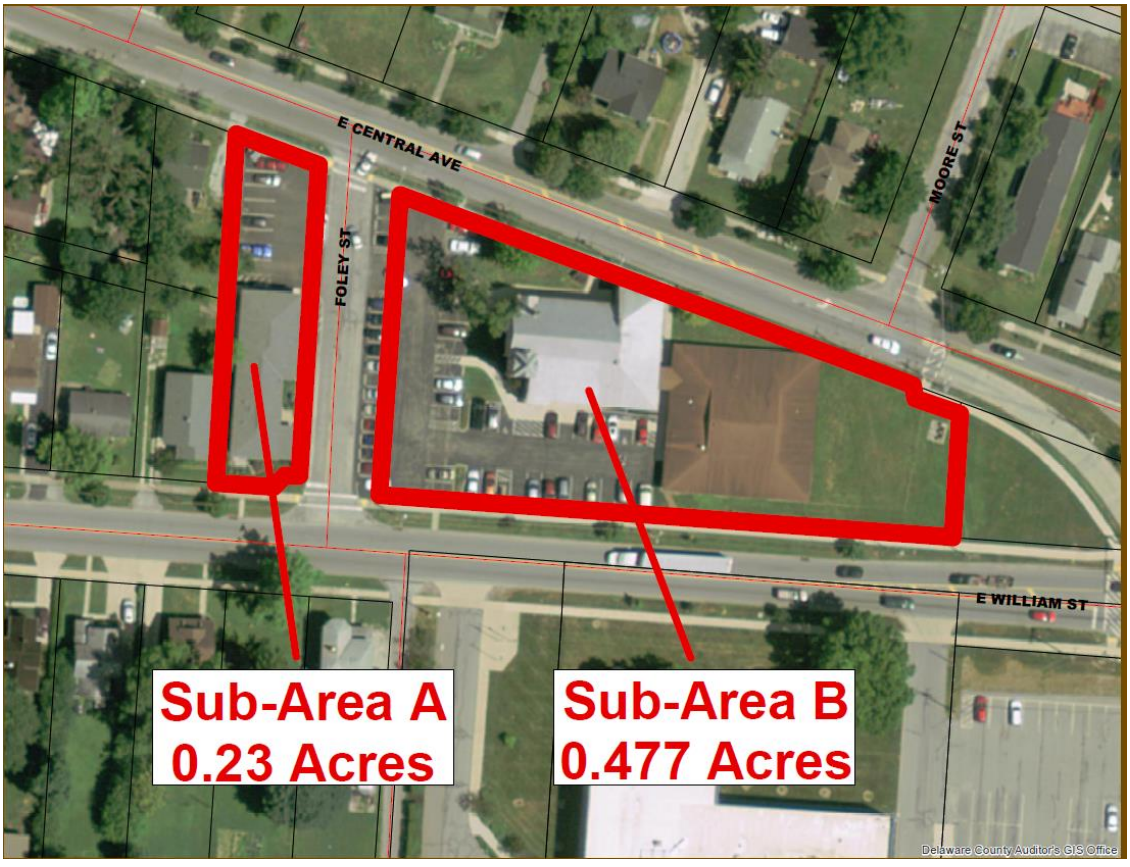
LF INVESTMENTS, LLC.
377 EAST WILLIAM STREET
&
MEEKERS VENUE
385 EAST WILLIAM STREET

DEVELOPMENT TEXT
PLANNED MIXED USE OVERLAY DISTRICT

1. DESCRIPTION OF DEVELOPMENT

Meekers Venue is proposing to expand the existing LF Investments, LLC. Planned Mixed Use Overly District (PMU) (Ordinance 14-67) on three properties zoned R-4 (Medium Density Residential District) to four properties on encompassing approximately 0.707 acres (LF Investments 0.23 acres and Meekers Venue (0.477 acres). The subject properties are at 377 and 385 E. William Street and located north of East William Street and south of East Central Avenue.

Address	**Parcel #**	**Use(s)**
377 East William Street (Sub-Area A)	519-442-23-020-000	Office use - Forman Insurance Agency, 4 single family apartments
385 East William Street (Sub-Area B)	519-442-24-002-000	Wedding Venue – single family dwelling unit (second floor only)



2. GENERAL DEVELOPMENT STANDARDS

a. **Purpose and Intent.** It is the intent of the applicant at 385 East William Street to rezone the existing church from R-4 to R-4 PMU to allow a wedding venue and associated uses on the first floor and a single family owner occupied only dwelling unit on the second floor of the building. This would require the expansion of current R-4 PMU at 377 East William Street (LF Investments LLC) to 385 East William Street.. Therefore, the PMU Overlay District would be divided into two Sub-Areas. Sub-Area A at 377 East William Street would permit an office use on the first floor and four single family apartments on the second floor to 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 as approved in 2017. Sub-Area B at 385 East William Street would allow a wedding venue and associated uses on the first floor and an owner occupied single family use on the second floor. This Development Text represents the zoning requirements for these Sub-Areas 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 building, parking lot, and all other site improvements 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 increase from the existing residential and commercial building envelope that might be proposed in the future.
(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. **SUB-AREAS**

The project is separated into two Sub-Areas to represent the distinct areas of development. Sub-Area A is located at 377 East William Street while Sub-Area B is located at 385 East William Street.

4 SUB-AREA A

a. **Uses.** The following residential, office and commercial uses shall be considered permitted, conditionally permitted, or limited uses on the site 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

Land Use Category	Uses
(2) Two family dwelling	P
(3) Maximum 4 single family apartments on the second floor to the extent of the current building footprint	P
(b) Offices and Professional Services	
(1) Offices – administrative, business and professional	P
(2) Office and meeting space	P
(3) Financial Institutions, banks	P
(4) Medical and dental offices, health and allied services	P
(c) Retail Services	
(1) Wedding Venue, Party and Events	P
(2) Funeral Home and related facilities	C
(3) Veterinary office (no outside run or kennel*)	L*
(4) Veterinary hospital (with or without kennel)*	L*
(d) Community Facilities	
(1) Place of Worship	P
(2) School, trade, business or cultural arts	C
(3) Library	P
(4) Public cultural institutions and art galleries	P
(5) Daycare center, child/adult	P
(e) Recreation and Entertainment	
(1) Health Club	L
(f) 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	0.23 acre
(2) Minimum lot width	50 ft.(approximate width of lot)

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 (3 front yards)	Existing condition** or 25 feet for a new building/construction.
(2) Side Yard	Existing condition** or 8 feet for a new building/construction.
(3) Rear Yard	Existing condition** or 20 feet for a new building/construction

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 street right-of-way	Existing condition** or 5 feet for a new building/construction.
(2) Setback from rear and side setbacks	Existing condition** or 10 feet for a new building/construction.

** Existing condition or rebuilds because of an act of God.

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 building (except for rebuilds because of an act of God) shall comply with Chapter 1171 Design Criteria and Performance Standards.

g. **Tree Removal and Replacement.** Any new building (except for rebuilds because of an act of God) shall comply with Chapter 1168 Tree Preservation Regulations.

h. **Landscaping and Screening.** Any new building (except for rebuilds because an act of God) shall comply with all landscaping and screening requirements per Chapter 1166.

(1) A minimum 6 foot high solid fence or equivalent landscaping shall be installed adjacent to the parking lot to buffer the residence to the west.

i. **Lighting.** Any new exterior lighting (except for rebuilds because an act of God) shall be provided in accordance with the Chapter 1158 Lighting Plan.

j. **Signs.** All new signage shall comply with Chapter 1165 Signs and the Gateways and Corridors Plan except for the following:

(1) The building signage on the south elevation shall be a cabinet sign as currently installed.
(2) Any building signage on the north elevation shall be non-illuminated individual channel cut letters that encompasses a maximum 29 square feet.
(3) Any building signage on the east elevation shall be a maximum 2 foot x 2 foot non-illuminated flat wall sign.
(4) The only second floor signage allowed shall be on the north elevation.
(5) No other signage (temporary or permanent) such as banners, sandwich board, etc., signs shall be permitted.

k. **Dumpster**. The existing dumpster shall be screened by a wood enclosure with doors painted or stained to compliment the building color. Staff recommends a brick or stone enclosure with woods doors to match to lessen the future durability and maintenance concerns.

l. **Parking.** The subject site has 7 off street parking spaces (three on street spaces including the handicap space) while a minimum 12 spaces are required (8 for the office use and 4 for the residential uses per code).
(1) The parking on the site shall be grandfathered for the subject office use and 4 single family apartment uses but staff recommends obtaining an easement with the adjacent church to accommodate the required parking if possible.
(2) Parking spaces for residential uses shall be provided on-site at a minimum or by formal agreement with adjacent property.
(3) The City shall permit parking spaces at 377 East William Street to encroach on the Foley Street right-of-way (eastern portion of the site) by issuing a revocable encroachment agreement per the City Engineer.
(4) No on-street parking on Foley Street is permitted.

(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. **Health Club.** Such use shall meet all requirements of the current Zoning Code and the actual type of club should be specifically identified to ensure required

6 SUB-AREA B

a. **Uses.** The following commercial, office and residential uses shall be considered permitted, conditionally permitted, or limited uses on the site 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.

(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 (owner occupied – second floor only)	P

Land Use Category	Uses
(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) Funeral Home and related facilities	C
(2) Veterinary office (no outside run or kennel*)	L*
(3) Veterinary hospital (with or without kennel)*	L*
(d) Community Facilities	
(1) Place of Worship	P
(2) School, trade, business or cultural arts	C
(3) Library	P
(4) Public cultural institutions and art galleries	P
(5) Daycare center, child/adult	P
(e) Recreation and Entertainment	
(1) Health Club	L
(f) 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	0.447 acre
(2) Minimum lot width	50 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 (3 front yards)	Existing condition** or 25 feet for a new building/construction.
(2) Side Yard	Existing condition** or 8 feet for a new building/construction.
(3) Rear Yard	Existing condition** or 20 feet for a new building/construction

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 street right-of-way	Existing condition** or 5 feet for a new building/construction.
(2) Setback from rear and side setbacks	Existing condition** or 10 feet for a new building/construction.

** Existing condition or rebuilds because of an act of God.

e. **Maximum Building Height.** The existing building height is permitted as constructed but any new building shall have a maximum height of 35 feet from the finished floor elevation to the highest point of the roof.

f. **Building Design.** Any new building (except for rebuilds because of an act of God) shall comply with Chapter 1171 Design Criteria and Performance Standards.
   (1) Any addition to the existing building shall be comparable in materials and colors of the building.

g. **Tree Removal and Replacement.** Any new building (except for rebuilds because of an act of God) shall comply with Chapter 1168 Tree Preservation Regulations.

h. **Sidewalks**. The applicant shall not be responsible for extending the sidewalk to the east along East Central Avenue because of future road projects in this area per the City Engineer.

i. **Landscaping and Screening.** Any new building (except for rebuilds because an act of God) shall comply with all landscaping and screening requirements per Chapter 1166.
   (1) The applicant is proposing to install a 6 foot high privacy fence along the eastern portion of the site.

j. **Lighting.** Any new exterior lighting (except for rebuilds because an act of God) shall be provided in accordance with the Chapter 1158 Lighting Plan.

k. **Signs.** All new signage shall comply with Chapter 1165 Signs and the Gateways and Corridors Plan except for the following:

(1) There is existing ground signage along East William Street and East Central Street (illuminated) can be utilized.
(2) One ground sign along East William Street and East Central Street is permitted if the existing signs are removed. However, any new ground signage along East Central Avenue and East Williams Street shall achieve compliance with the minimum zoning requirements and with the adopted Gateways and Corridors Plan.
(3) Any building signage shall achieve compliance with the zoning code but shall not be illuminated.
(4) No second floor signage shall be allowed.
(5) Temporary signage is permitted per the minimum zoning requirements.

l. **Dumpster**. If the owner utilizes a dumpster, the dumpster shall be screened by a brick or stone enclosure with doors painted or stained to compliment the building color. If tip cart service is utilized, the tip carts shall be screened from public view by a wood fence.

m. **Parking.** The subject site shall achieve compliance with minimum parking requirements of the zoning code.
(1) The site has 50 parking spaces.
(2) The applicant has an agreement with Delaware City School District to utilize the Conger Elementary School parking lot at 10 Channing Street during times the district or school is using the parking lot. There are 46 parking spaces available at Conger Elementary School.
(3) The City shall permit parking spaces at 385 East William Street to encroach on the Foley Street right-of-way (western portion of the site) by issuing a revocable encroachment agreement per the City Engineer.
(4) No on-street parking on Foley Street is permitted.

(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) Health Club. Such use shall meet all requirements of the current Zoning Code and the actual type of club should be specifically identified to ensure required parking doesn't have an adverse impact the residential neighborhood.