ORDINANCE NO. 19-29

AN ORDINANCE APPROVING A REZONING AMENDMENT FOR GRDEN LLC., FOR WINTERBOOKE PLACE FROM A-1 (AGRICULTURAL DISTRICT) TO R-3 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) CONTAINING 263 SINGLE FAMILY LOTS ON APPROXIMATELY 100.6 ACRES AND LOCATED ON THE NORTH SIDE OF PEACHBLOW ROAD JUST EAST OF THE BELMONT PLACE SUBDIVISION (PARCEL #'s 418-330-01-019-000, 418-330-01-018-001, 418-330-018-000, 418-320-01-038-000).

WHEREAS, the Planning Commission at its meeting of May 1, 2019 recommended approval of a Rezoning Amendment for Grden LLC., for Winterbrooke Place from A-1 (Agricultural District) to R-3 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) containing 263 single family lots on approximately 100.6 acres and located on the north side of Peachblow Road just east of the Belmont Place Subdivision (Parcel #'s 418-330-01-019-000, 418-330-01-018-001, 418-330-018-000, 418-320-01-038-000) (PC Case 2019-0640).

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

SECTION 1. That the Rezoning Amendment for Grden LLC., for Winterbrooke Place from A-1 (Agricultural District) to R-3 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) containing 263 single family lots on approximately 100.6 acres and located on the north side of Peachblow Road just east of the Belmont Place Subdivision (Parcel #'s 418-330-01-019-000, 418-330-01-018-001, 418-330-018-000, 418-320-01-038-000), is hereby confirmed, approved, and accepted with the following condition that:

1. Any change of use or major modification of the plan shall require conformance to all provisions of the Development Text.

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.

PASSED: June 24, 2019 YEAS 4 NAYS 1
ABSTAIN 0

ATTEST: Elaine McCloskey
CITY CLERK

MAYOR

PLANNED MIXED USE DEVELOPMENT TEXT
ARLINGTON BUILDERS
WINTERBROOKE PLACE
DELAWARE, OHIO

1. DESCRIPTION OF DEVELOPMENT

Arlington Builders ("Applicant") is proposing to rezone the approximate 100.648 acre site north of Peachblow Road, south of The Communities at Glenross and east of the Belmont Place A-1 (Agricultural) to R-3 PMU (One Family Residential with a Planned Mixed-Use Development District) for a 263-unit single family development with a density of approximately 2.61 units per acre.

2. GENERAL DEVELOPMENT STANDARDS

A. Purpose and Intent. It is the intent of the Applicant to provide a planned single-family development with high quality site improvements, architectural design, signage and amenities. This Development Text represents the zoning requirements for this development as agreed upon between the Applicant and the City.

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. 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 other than those uses specifically listed in this text.

(2) Major change in the approved location of land uses and/or buildings and building sizes of more than 10%.

(3) Substantial alteration of the basic geometry of the street layout and/or operation characteristics of any element of the approved access points and systems of pedestrian paths that result in a change in operating characteristics or character.

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 of the structures onsite other than those uses specifically allowed in this text or any minor changes to the approved site layout.

(3) Minor alteration of the basic geometry of the street layout and/or operation characteristics of any element of the approved access points and systems of pedestrian paths that result in a change in operating characteristics or character.

(4) Minor structural alterations that do not alter the overall design intent of the building.

F. Preliminary & Final Development Plan

(1) The proposed site plan and building elevations require Preliminary and Final Development Plan approval by the Planning Commission and City Council. As there is no builder yet engaged in this project, building standards are included with the Preliminary Development Plan, with actual elevation samples submitted with Final Development Plan approval.

G. Tree Removal and Replacement. Tree removal and replacement shall meet all requirements of Chapter 1168 along with the following replacement schedule:

(1) Trees in poor condition shall not be replaced (dead, damaged or diseased).

(2) Trees in fair condition shall be replaced at 50%.

(3) Trees in good condition shall be replaced at 100%

(4) Ash trees shall not be replaced and must be removed from the site.

(5) Other tree species considered by the City Arborist to be a species of poor quality will be considered as such with a 0% replacement value.

(6) Per the submitted tree survey with the preliminary development plan, the applicant is removing 915 caliper inches (107 trees).

(7) Per the submitted tree survey with the preliminary development plan, the applicant is preserving 1771.5 caliper inches of trees (211 trees).

(8) Therefore, the applicant is preserving significantly more trees (856.5 caliper inches) than ones being removed and achieves compliance with the intent of Chapter 1168 Tree Preservation Regulations and other recently approved PMU's.

(9) The schedule above shall be applied to the proposed Final Development Plan and tree survey for preservation and removal of trees. This shall be done prior to or concurrent with the Final Development Plan submission. Trees proposed to be permanently preserved shall be given credit based upon their caliper inches per the tree survey and the schedule above calculated against the total caliper inches proposed to be removed (again in accordance with the schedule above and the tree survey). If there remains a balance of caliper inches due, the applicant shall replant these on site and in addition to any required or proposed trees, or make a payment in lieu of replanting these at $100 per caliper inch, or any such

combination that achieves a zero-balance due.

H. Utilities to be Located Underground. All new utilities serving the Property shall be located underground. Additionally, and if determined to be economically feasible, any existing utilities that will serve the Property that are located above ground shall be relocated underground. The Applicant and the City shall work together to ensure that any technical and financial information provided by the respective utility company is fair and reasonable. Cell towers, DAS and small cell site(s) applications shall not be allowed within the subdivision.

I. Composite Utility Plan Required. Prior to the installation of any non-City owned utility, a composite utility plan shall be submitted for review and approval by the City. Such plan shall depict the location and type of all non-City owned utilities including the location and type of any above ground pedestal, transformer, meter, cabinet, and other such above ground structures that support the respective utility. Any above ground structure shall be inconspicuously located, dark green in color, and if located in any front yard shall not be higher than 5 feet.

J. Construction Trailers. Construction trailers shall meet all requirements of the current Zoning Code and shall be removed once construction activity has moved to another phase of the development. For example, once the public improvements have been accepted in Phase 2 any construction trailer located in Phase 1 shall be relocated to Phase 2 provided the respective builder is or will be constructing lots in the subsequent phase.

3. SITE PLAN

The project is located on an approximate 100.648-acre site north of Peachblow Road, south of the Communities at Glenross and east of Belmont Place with primary access from Peachblow Road and an extension of Winterbourne Drive (from Communities at Glenross), with secondary access points from Ensigns Lane (Belmont Place) to the west, and a future road stub to the east. The applicant has been working with the Ohio Health to the west to accomplish the Ensigns Lane connection. . The Applicant is proposing 263 single family homes, on three lot sizes, for a density of approximately 2.61 units per acre. Among the amenities, the applicant plans to include 2 tot lots, a picnic area with shelter and picnic benches and bocce ball, open space and gathering areas, and extensive multiuse path network and landscaping. Open space shall be provided that includes +/-27.47 acres of open space (+/-27.29%) , with +/-14.22 (+/-14.13%) acres being suitable for public open space.

4. SITE USES

A. Uses. The following uses shall be considered permitted, conditionally permitted, or limited uses as represented in the chart below by P and C. respectively, and as defined by attached 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) 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.

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

Land Use Category-Single Family	Uses
(a) Residential	
(I) Detached Single-Family Dwelling	P
(2) Minor Home Occupation	P

(b) Recreational Open Space	
(1) Park/Playground	P
(2) Non-commercial recreation facility (including Home owners association controlled facilities)	P
(c) Other	
(1) Public Safety and Service Facility (local Service)	C

B. Lot Standards. The following standards shall apply for minimum principal building setbacks (including accessory structures attached to the principal structure) based on the type of dwelling unit

Lot Standards	
(1) Minimum lot area	80' lots -10,400 sf. 65' lots-8,450 sf. 52' lots-6,760 sf.
(2) Minimum front yard setback*	25' minimum
(3) Minimum side yard setback*	80' lots-7.5' minimum (15' total) 65' lots-6.5' minimum (13'total) 52' lots-5' minimum (10' total)
(4) Minimum Rear Yard setback*	Per approved FDP 30' minimum

*Front, Side and Rear Yard setbacks shall not apply to minor architectural projections such as eaves, chimneys, lower level egress window wells and bay windows. Such

projections may extend 3 feet into the required yard setback. Patios, decks, and other exterior improvements can extend 15' into the 30' rear yard setback.

C. Floor Area Requirements Each dwelling unit shall provide for the following minimum floor area, exclusive of basements, unfinished attic spaces, garages, and any attached or detached accessory buildings.

(1) 80' lots -2,000 sf.
(2) 65' lots -1,800 sf.
(3) 52' lots – 1,500 sf.
All homes must have at least an attached 2 car garage

D. Building Design. Unless otherwise modified within this Development Text, all dwellings shall meet the minimum building design requirements of Chapter 1171, R-3 District standards for detached single-family dwellings and the additional standards as described below for each type of lot size and shall be consistent with the submitted elevations.

E. Exterior Material and Trim Standards.

80' lots

100% of all elevations of each building (excluding garage doors, entrance doors, gutters, shutters, downspouts and windows) shall consist of natural materials such as brick, stone, cultured stone, wood,, and engineered siding products (including cementitious fiberboard and other engineered siding products approved by the City of Delaware, e.g. HardiPlank™) (collectively "Natural Materials"). Not less than 50% of the front elevation (excluding doors, windows shutters, gutters and downspouts) shall consist of a natural material other than stucco. Gutters (and the material by which they are attached to the home), downspouts, soffits, shutters, garage and entrance doors may be of man-made materials such as metal, vinyl, aluminum or glass. No concrete or split face block shall be permitted, except for the basement or foundation walls. The roofs of all homes shall have dimensional shingles.

65' lots

At least 40% of the front facade elevation of each building (excluding garage doors, entrance doors, gutters, downspouts and windows) shall consist of brick, stone, or cultured stone, wood and engineered siding products (including cementitious fiberboard and other engineered siding products approved by the City of Delaware, e.g. HardiPlank™). All vinyl siding shall have a minimum thickness of .044 mils. Gutters (and the material by which they are attached to the home), downspouts, soffits, shutters, garage and entrance doors may be of man-made materials such as metal, vinyl, aluminum or glass. No concrete or split face

block shall be permitted, except for the basement or foundation walls. The roofs of all homes shall have dimensional shingles.

52' lots

At least 40% of the front facade elevation of each building (excluding garage doors, entrance doors, gutters, downspouts and windows) shall consist of brick, stone, or cultured stone, wood and engineered siding products (including cementitious fiberboard and other engineered siding products approved by the City of Delaware, e.g. HardiPlank^{TM}). All vinyl siding shall have a minimum thickness of .044 mils. Gutters (and the material by which they are attached to the home), downspouts, soffits, shutters, garage and entrance doors may be of man-made materials such as metal, vinyl, aluminum or glass. No concrete or split face block shall be permitted, except for the basement or foundation walls. The roofs of all homes shall have dimensional shingles.

Standards for all lot sizes

a) The color palette shall consist of earth tones including whites, blues, greens and grays, but shall not be of a high-chroma color. Additional colors may be used as accents but may not be high gloss or high-chroma colors.

b) Street lights shall achieve compliance with the then current Chapter 1158 Lighting Plan requirements.

c) Parking will be provided at a minimum of 2 spaces per dwelling unit in an attached garage.

d) All primary roof pitches on front and rear facing gabled elevations shall be a minimum of 5:12. All primary roof pitches on side facing gabled elevations shall be a minimum of 6:12. All other accessory elevations shall be a minimum roof pitch of 3-1/2:12.

e) Trim board around all corners, windows, and doors shall be a minimum of 4 inches all around.

f) EIFS or similar products are prohibited as an exterior material.

g) Frieze trim a minimum of 4 inches wide is required under all overhangs and gables.

h) All home elevations shall be reviewed and approved by the Director of Planning & Community Development to establish compliance with the Building Design requirements of this Development Text.

i) Materials on each home shall be varied to provide variety throughout the community.

j) All front elevations shall include a variety of styles, colors, and/or materials types of materials and shall meet the varied locations requirement of Chapter 1171. C.

k) Minimum 8 inch overhangs and rakes.

l) Lintels and sills in masonry walls shall be brick soldier course, limestone, or sandstone, along with other manufactured stone products.

m) Although porch railing and column details are encouraged to vary from home to home, porch columns shall have a minimum 6 x 6 inch cross section or diameter. Treated lumber shall be painted or stained, except when used on outdoor decks.

n) All homes shall provide an identifiable entry with entry coverings and stoops being a minimum of 3 feet deep or the minimum necessary for building code regulations, whichever is greater.

o) Front elevations shall be designed to de-emphasize the visual impact of the garage. All garage doors facing a public street shall be architecturally upgraded to include design elements consistent with the design of the home and development including matching the door color. and may incorporate a glass course, add trim packages to give the appearance of stable doors, man doors, hinged swing doors, and other similar architectural elements.

p) Accessory Structures. Fences (other than decorative fencing along front entrance paths and front porches) are prohibited in any front yard and must meet the standard fence specifications as provided with the Final Development Plan. Attached decks and patios may extend up to fifteen (15) feet into a required rear setback provided the encroachment does not adversely impact any easement. All other accessory structures shall meet the requirements of the current Zoning Code.

q) The Homeowner Association covenants shall not preclude the use of solar panels located upon primary house structures**.**

F. Landscaping and Screening. All landscaping shall meet the requirements of the then current Zoning Code and the Gateways & Corridors Plan unless modified herein.

1. All street tree plantings shall meet the requirements and approval process of the Zoning Code unless modified in this Development Text. Street trees

shall be a minimum of 1.75 caliper inches as measured at breast height at the time of installation or per City Arborist.

2. Along Peachblow Road and Winterbourne Drive, an undulating earth mound, no less than 3 feet and not more than 6 feet in height with a mix of deciduous and coniferous plantings shall be provided. Mounding shall be omitted in locations of existing trees, power line easements, and areas meeting sight distance requirements per the approved Final Development Plan. Existing deciduous trees shall offset the need for additional deciduous trees.

3. A setback and screening with mounding and landscaping shall be established adjacent to the single family house to the southwest of the development (PID 418-330-01-024-000).

a. Along the eastern property line adjacent to the existing house a buffer shall established that would require a 5 to 6 high mound with a continuous screen of landscaping with minimum 6 foot high evergreen trees planted 20 feet on-center in staggered alignment. The setback shall range from 25 feet at lot 220 to 230 feet at lot 227 (on the Preliminary Development Plan).

b. The setback and buffering from lot 220 (east) to lot 215 (north) (on the Preliminary Development Plan) shall have a 25 foot setback that would require a 3 to 4 high mound with a continuous screen of landscaping with minimum 6 foot high evergreen trees planted 20 feet on-center in staggered alignment.

c. A detention basin is located west of the house and no landscaping is required.

4. Landscaping for each single-family home shall meet the requirements of the Residential Exterior Design Standards.

5. Common HOA landscaping shall be well maintained including regular mowing, trimming, mulching, weeding and replacement if needed.

G. Pedestrian Connectivity. Pedestrian connectivity shall be provided throughout the subdivision and future development. Concrete sidewalks or paths shall be provided on both sides of all public streets unless multi-use paths of appropriate width and material shall be provided as shown on the approved Final Development Plan per engineering requirements.

(1) A bike path shall be required along the north side of Peachblow Road per the adopted Bicycle and Pedestrian Master Plan 2027.

(2) A bike path shall be required along both sides of Winterbourne Drive per the adopted Bicycle and Pedestrian Master Plan 2027 to connect to

the bike path in the Communities of Glenross along Winterbourne Drive.

H. Open Spaces. Open spaces shall be landscaped and designed in a manner consistent with the overall development. Landscaping and design plans for all open spaces shall be submitted and approved with the Final Development Plan and include, at a minimum, the following:

1. Sidewalks or multi-use paths shall be provided throughout the open space to link the amenities of the open space to the adjacent public sidewalk or pathway network and provide active recreation throughout as approved on the Preliminary Development Plan.
2. Crosswalks leading to open spaces shall be provided and as acceptable by the City Engineer.
3. Amenities include two tot lots, a public picnic with shelter and picnic benches, bocce ball, open space and gathering areas, and extensive multi-use paths and landscaping as depicted on the Preliminary Development Plan. Tot lots shall be exceptionally well programed and appointed with a variety of amenities across the development including areas for active field space. The final details of each shall be reviewed and approved with every Final Development Plan and Final Subdivision Plat.
4. All open spaces shall be constructed with the public infrastructure with the respective phase in which the open space is located. Landscaping shall be installed at the first time of year in which it is appropriate to install such plant material provided the acceptance of public improvements occurs during an inappropriate time for planting and the incomplete landscaping is bonded with the City.

I. Entry Features and Signs. With the Final Development Plan, a comprehensive entry feature and signage plan shall be submitted. All signs shall be designed and located in a manner that is appropriate and consistent with the overall design of the Subdivision. Internally illuminated signs are prohibited, but externally illuminated and backlighting (haloglow) of lettering is permitted. Decorative internally illuminated pillar and sign wall caps as depicted on the Site Details of the submittal shall not be considered internally illuminated signage and shall be allowed with this PMU.