ORDINANCE NO. 20-89

AN ORDINANCE APPROVING A REZONING AMENDMENT FOR HOMEPORT FROM B-3 (COMMUNITY BUSINESS DISTRICT) AND R-4 (MEDIUM DENSITY RESIDENTIAL DISTRICT) TO R-4 PMU (MEDIUM DENSITY RESIDENTIAL DISTRICT WITH A PLANNED MIXED-USE OVERLAY DISTRICT) AT 50 CHANNING STREET ON APPROXIMATELY 5.38 ACRES.

WHEREAS, the Planning Commission at its meeting of December 2, 2020 recommended approval of a Rezoning Amendment for Homeport from B-3 (Community Business District) and R-4 (Medium Density Residential District) to R-4 PMU (Medium Density Residential District with a Planned Mixed Use Overlay District) at 50 Channing Street on approximately 5.38 acres (PC Case 2020-2571) and

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

SECTION 1. That the Rezoning Amendment for Homeport from B-3 (Community Business District) and R-4 (Medium Density Residential District) to R-4 PMU (Medium Density Residential District with a Planned Mixed Use Overlay District) at 50 Channing Street on approximately 5.38 acres, is hereby confirmed, approved, and accepted with the following condition that:

1. Any new structure(s) or any change of land use shall require conformance to all provisions of the Development Text and any conditions of approval.

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: January 25, 2021 YEAS 7 NAYS 0
ABSTAIN 0

ATTEST: Elaine McCloskey
CITY CLERK

Chad Kapper
MAYOR

PLANNED MIXED USE DEVELOPMENT TEXT
HOMEPORT RESIDENTIAL DEVELOPMENT
50 CHANNING STREET
DELAWARE, OHIO

1. DESCRIPTION OF DEVELOPMENT

Homeport builds and manages high quality housing mixed income levels including low to moderate income individuals, families and seniors. They are proposing to rezone the existing 5.26 acre site which currently accommodates the Delaware County Building and Engineering Departments and County Garage from B-3 (Community Business District) to R-4 (Medium Density Single Family) with a PMU (Planned Mixed Use) Overlay District for a 52 unit mixed use residential development. The developer would renovate the existing office building into 23 apartment units (Sub-Area 1) while the existing garage/storage area would be demolished in addition to a later building addition on the east side of the primary office building. Eight detached single-family lots (Sub-Area 3) would be constructed where the garage/storage area is located, and 20 attached single-family townhouse type units (Sub-Area 2) would be constructed where the current parking lot is located just south of the existing building.

2. GENERAL DEVELOPMENT STANDARDS

A. **Purpose and Intent.** It is the intent of the developer to provide a planned residential mixed income and mixed unit type development with high quality site improvements and architectural design. This Development Text represents the zoning requirements for this development.

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 (FDP).

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 road layout and/or operation characteristics of any element of the approved access points and parking facilities 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 road layout and/or operation characteristics of any element of the approved access points and parking facilities 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.

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, except in the permanently preserved areas.
(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) If a tree survey is completed for the entire site (preferred method) showing existing trees, their caliper inches and those that will be preserved or removed the schedule above shall be applied for both preserved and removed trees. If no survey is supplied, Chapter 1128 shall be used with the replacement schedule noted above for any trees removed and no credit shall be granted for any trees preserved.
(7) The schedule above shall be applied to the proposed Final Development Plan and tree survey (if supplied) for preservation and removal of trees. This shall be done prior to or concurrent with the Final Development Plan submission. If a tree survey as above is supplied 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 still remains a balance of caliper inches due, the developer shall replant this on site in addition to any required or proposed trees, shall make a payment in lieu of replanting these trees at $100 per caliper inch, or any such combination that achieves a zero balance.

3. SITE PLAN

The subject project is located primarily east of Channing Street and south of Vernon Avenue on the 5.26-acre site of the current Delaware County Building and Engineering Department. The existing building would be renovated (with a later addition on the east side slated for removal) and converted into a 24 unit apartment building, The existing garage/storage area to the east of the main building would also be demolished and converted into an 8 lot detached single-family subdivision while the existing parking lot just south of the main building would be the location of 20 two-story, attached single-family townhouse units (rental). A parking lot is proposed just east of the renovated building while parking for the townhouse units would be located in front of the buildings off the access drives. Two curb cuts from Channing Street would access the site while a curb cut on Vernon Avenue would also be used. A 32-space parking lot connects the curb cuts on Vernon Avenue and Channing Street. An open space with park amenities would be located just east of the parking lot. A dumpster corral for the entire development would be located just south of main apartment building and west of the parking lot. Also, an earthen mound of 4-6 feet, subject to ensuring adequate drainage and sight lines at intersections as well as no more than a 3:1 slope for mowing/maintenance together with landscaping would buffer the townhouse units from the existing single-family detached homes to the east and south.

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, C, or L, 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 (P) are permitted by-right and shall meet all development standards specified within this text and the Zoning Code in effect at the time of this application, as applicable.

(2) **Conditionally Permitted Uses.** In addition to all standards specified within this development text, uses listed as conditionally permitted uses (C) 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) **Limited Uses.** Limited uses (L) shall be considered permitted uses subject to complying with all the specific limitations and restrictions as specified within this text effective upon Final Development Plan approval.

(4) **Accessory Uses and Structures.** Although not specified in the chart below, accessory uses (A), 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. Accessory minor Home Occupations shall additionally be

considered accessory as they are defined within the current Zoning Code. Major Home Occupations shall not be permitted. 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 Detached Dwellings – Sub-Area 3	P – Sub-Area 3

Multi-Family Dwellings–
(2) Maximum 24 units within the exiting footprint of the current Delaware County Building and Engineer's Office – Sub-Area 1
(3) Maximum 20 attached single-family townhouse type units (two-story) on approximately 1.33 acres south of the existing building - Sub-Area 2
	For (a)(2) - L – Sub-Area 1
	
	For (a)(3) - L- Sub-Area 2

(b) Office and Professional Services	
(1) Offices – Administrative, Business and Professional	P
(2) Medical/Dental Offices health and allied services	P
(3) Research and development facilities within entirely enclosed buildings	P
(c) Community Facilities	
(1) Day Care Center – child/adult	C
(2) Library	P
(3) Public Safety and Service Facility	P
(d) Recreation	
(1) Public parks and playgrounds	P

L – Limited Use Requirements:

Multi-Family – Homeport owned and actively managed apartments for mixed income including low to moderate income individuals, families and seniors are permitted per the Development Plan approvals. The existing Delaware County Building and Engineering Office building shall contain a maximum 24 apartment units (no expansion to the current site plan and elevation of the building are permitted) while the approximately 1.33 acres south of the existing office building shall contain a maximum 20 two story single-family attached townhouse type units (rental) per the approved Preliminary Development Plan.

However, should Homeport fail to secure their requested Ohio Housing Finance Agency (OHFA) tax credit award for this proposed project any multi-family uses shall not be permitted or cease to be permitted and the zoning shall immediately revert to the proposed land use chart above for all uses except multi-family. Active, responsive, and responsible on-site management shall be an ongoing requirement for any multi-family uses and required common area maintenance on this site in order for the use to remain complaint with this text. Any other land use change in the future shall be permitted only through the normal and customary zone change procedures in effect at the time of application in the City of Delaware.

(5) **Prohibited Uses**.

i) **Adult Entertainment Businesses:** (also known as sexually oriented businesses) are expressly prohibited from locating anywhere on the proposed Development site.

ii) **Wireless telecommunication facilities: New, non-small cell** towers are expressly prohibited from the entire Development site

iii) **Outdoor Storage:** No outdoor storage is permitted on the site which includes open dumps, mineral extraction, etc.

iv) **Medical Marijuana**: No medical marijuana principal or accessory uses are permitted on the subject site.

v) **Games of Skill:** Accessory or principle for-profit, non-charitable, skill based gaming uses oriented towards adults and designed to substantially mimic gambling devices such as but not limited to spinning skill stop games but not including traditional video arcade type games typically found in restaurant/party center arrangements, for example Dave & Buster's, Magic Mountain, and Chuck E. Cheese

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

Lot Standards	
(1) Minimum lot area – single-family detached lots	7,000 sf or per approved FDP
(2) Minimum lot width -single-family detached lots	52-ft
(3) Single-family attached and Multi-Family lots	As shown on the PDP or altered per an approved FDP
(4) Single-family attached and Multi-Family lots	As shown on the PDP or altered per an approved FDP

C. **Building Setback Standards.** The following standards shall apply for minimum building setbacks, except as otherwise approved on the Final Development Plan. 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	
(1) Setback from Channing Street	25 ft.
(2) Single-family attached and Multi-Family – Setback from private streets	10 ft or as approved on a FDP whichever is greater
(3) Single-Family Detached Lots – front yard setback from private street	25 ft.
(4) Single-Family Detached Lots – rear yard setback	30ft.
(5) Single-Family Detached Lots – side yard setbacks	7-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, except as otherwise approved on the Final Development Plan.

Minimum Parking Setbacks	
(1) Setback from Channing Street	25 ft.
(2) Setback from adjacent property lines generally. a. Adjacent to single family zoned property to the east, south, and north.	25 ft. 30 ft.

E. **Maximum Building Height.** The maximum height of any new building or structure shall be 30 feet and a maximum of two stories in height except for architectural details such as towers, spires or roof cupulas. The height of the existing office building to be converted to residential use shall not be increased from the current except for screening of any mechanical equipment and the like.

F. **Building Design.** The subject structure shall achieve compliance with City development standards and per the approved development text. All units shall achieve compliance with the R-4 Residential Design Criterial and Performance Standards in Chapter 1171and the following standards to ensure the intent of this regulation to create a cohesive and unified design throughout the entire development while varying colors and materials within a consistent overall design, color pallet, material, and architectural pattern as determined through the Final Development Plan review process that is not significantly dissimilar from the preliminary architectural renderings and that achieves compliance with the following requirements:

(1) Architectural Elements
   A. Similar architectural design elements and details shall be consistent throughout all elevations of the primary structure.
   B. Windows, doors and/or other details must be present on all four sides of the structure in a manner that is consistent but secondary to the treatment used on the front elevation of the primary structure.

C. Side elevations shall have a minimum wrap of 2 feet of materials used on the front elevations of the building corners. No brick or stone shall be required on the rear elevation (this elevation shall not be visible to the public) of any buildings.

(2) Exterior Building Materials
A. A minimum of 25% of the front façade shall be brick, stone, or cultured stone.
B. Cementitious siding (hardie plank) – (preferred)
C. Vinyl shakes in gables and accent areas
D. Horizontal or vertical vinyl siding (higher end) shall be permitted
E. Vinyl or metal window or wood windows
F. Vinyl or plastic detail pieces (i.e. brackets, dentil blocks, etc.)
G. Other materials used as minor accents with administrative approval of Planning and Community Development Director
H. Accessory structures such as enclosures for dumpsters and other similar structures shall consist of brick, stone, or similar approved products as the exterior material and be designed in a consistent and cohesive manner to the principal building in which it serves.
I. Mechanical Equipment shall be screened from public view from all sides of the building through the use of parapets, equipment screens, or other screening measures as deemed appropriate. The height of such screening shall be equivalent to the height of the highest mechanical equipment.

(3) Roof Structures/Materials
A. Gable, hip shed roof structures or combination thereof is permitted
B. All structures shall have a primary roof structure having a 6-1/2 minimum pitch
C. Secondary roof structures shall have a 3-1/2 minimum pitch
D. Eave overhangs shall be a minimum of 12 inches and rake shall be a minimum 6 inches
E. Minimum 30 year, 3-tab roof shingles
F. Standing seam accent roof (minimal use)
G. Dormers (active and inactive)
H. Shingle colors shall be from the color range of natural materials; such as but not limited to wood shakes, slate, etc.

(4) Exterior Colors
A. Siding Colors – applicant shall supply color pallet to be used for review with Final Development Plan
1. Natural earth tones and/or warm neutral colors including white
2. High chroma colors are not permitted
B. Trim Colors - applicant shall supply color pallet to be used for review with Final Development Plan
1. Natural earth tones and/or warm neutral colors including white
2. Complementary or contrasting to siding color
3. High-chroma colors are not permitted

G. **Parking.** The amount of parking shall be as approved on the Final Development Plan and not substantially inconsistent with the Preliminary Development Plan.

(1) The zoning code requires two spaces per unit for each single-family lot, single-family attached unit, or for each multi-family unit.

i. The single-family houses would have a minimum two spaces each with one being a one-car attached garage with each unit.

ii. The 20 attached townhouse units would have 44 parking spaces which achieve compliance with the parking standards,

iii. The three-story 23-unit building would have 37 parking spaces while 46 parking spaces would be required.

A, The applicant is proposing to leave the existing parking lot on the west side of Channing St. as a parking lot for the entire development which would provide an additional approximately 18 parking spaces above requirements for residents and visitors. In total then, the site would have more parking than the Zoning Code requires.

H. **Landscaping and Screening.** All landscaping shall meet the requirements of the Zoning Code and the Gateways & Corridors Plan; except as otherwise approved on the Final Development Plan.

(1) Street trees shall be required along the private drive with the 8-lot single family detached units.

(2) The single-family detached units shall meet the landscape requirements in Chapter 1171 at building permit approval.

(3) Street trees shall be installed along Channing Street, Vernon Avenue and the private in the single-family lot subdivision.

(4) The 24-unit apartment building shall have a comprehensive landscape plan approved by staff.

(5) The 20-unit, two-story attached townhouse units shall have a comprehensive landscape plan approved by staff.

(6) A 4-6-foot-high earthen mound, the height subject to adjustment based on assuring adequate drainage, sight lines at intersections, and a slope not in excess of 3:1, with landscaping per an FDP shall be installed just east and south of the 20-unit, two-story attached townhouse units adjacent to the single-family homes.

(7) Buffer yard and landscaping shall be included on the north side of the private drive adjacent to the single-family detached units per an FDP.

(8) Parking lot landscaping and screening shall be installed per the zoning code.

I. **Lighting.** Building, site, and accent lighting shall be provided in accordance with the current zoning and building code at the submittal of the Final Development Plan.

J. **Signs.** A comprehensive sign plan shall be provided and approved in conformance with Section 1165 Signs of the zoning code and adopted Gateways and Corridor Plan and shall be provided as part of the Final Development Plan.

K. **Roads.** The private roads shall be constructed to public standards within the development as approved by the City Engineer. The engineering drawings for such improvements shall accompany the submittal of the Final Development Plan.

L**. Pedestrian/Bike Path**. The adopted Bicycle and Pedestrian Master Plan 2027 does not identify bike paths in this area. The existing sidewalk on Channing Street shall be maintained or reconstructed. Also, a sidewalk along Vernon Avenue shall be required along the frontage of the subject property. The proposed single-family detached subdivision and the balance of the development site shall have a sidewalk on a least one side of the corresponding streets per the FDP with the sidewalk for the single-family detached units being on the housing unit side of the street. Sidewalk connections shall connect the mix of land uses with the proposed open spaces and to the adjacent Channing Street sidewalk.

M.**Utilities.** All new utilities(s) to be constructed and/or extended within the development shall comply with the City minimum requirements or as approved by the City. The engineering drawings for such improvements shall accompany the submittal of the Final Development Plan.

N. **Active Open Space:** There shall be at least 2 active open spaces for the development site with a tot lot, active field space, and other amenities as determined with the FDP. Preliminarily there are 3 potential locations for active open space including to the east of the main parking lot, to the north of the townhouse units, and at the east end of the single-family detached units. Programing all 3 areas is the desire intent.

O. **Common Area Maintenance:** There shall be an association of homeowners/renters for the entire development that shall maintain all common areas, landscaping / mounding / playgrounds / tot lots / active field areas in common areas, street trees on private drives, parking areas, private streets, all sidewalks, and the like.