Donovan Farms, LLC.
Planned Mixed-use Overlay
Development text

**PLANNED MIXED-USE DEVELOPMENT TEXT CONTENTS**

**PLANNED MIXED-USE OVERLAY**
**DEVELOPMENT TEXT**
**DONOVAN FARMS, LLC.**
**DELAWARE, OHIO**

DISCLAIMER

In the event of an actual conflict between this Development Text and any exhibit to this Development Text or any item in the notebook of which this Development Text is a part, the provisions of this Development Text shall prevail, and such exhibit or other item shall be deemed amended to conform to the conflicting provision in this Development Text.

## 1. DESCRIPTION OF DEVELOPMENT

Donovan Farms, LLC and Maronda Homes ("Applicant") is proposing to rezone the approximate 107.83-acre site south located at 1723 South Section Line Road, Delaware Township, Delaware County, Ohio; South of State Route 36 and North of State Route 42, across from the National Lime and Stone Quarry; West of South Houk Road, from A-1 (Agricultural District) and M-1 PUD (Light Manufacturing District with a Planned Unit Development Overlay District) to R-4 PMU (Medium Density Residential District with a Planned Mixed Use Overlay District). An additional parcel of 6.28 acres as surveyed, is located at Houk Road, is proposed to be included in the development. Total site acreage to be included in the PMU, as surveyed, is 114.11 acres. (reference PMU sub-area Chart for distribution of acreage) The PMU proposes a maximum of a 255-unit single family development (Sub-Area A), a maximum 240 units for the multi-family development accessed from Houk Road (Sub-Area B), a maximum 120 residential units for the mixed-use/multifamily and +/- 62,000 square feet of gross leasable area (GLA) with a minimum of 310 parking spaces for the mixed-use/business park development accessed from South Section Line Road as defined herein (Sub-Area C). (reference PMU sub-area Plan for distribution of sub-areas)

## 2. GENERAL DEVELOPMENT STANDARDS

**A. Purpose and Intent.** It is the intent of the Applicant to provide a planned mixed-use 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.

**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.

**B. Limitations.** Nothing in this text shall prohibit additional restrictions or requirements from being placed on the approval of any Final Development Plan.

**C. 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:

a. Any major change in the use or occupancy other than those uses specifically listed in this text.

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

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

**D. 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:

a. Any modification that is not considered a major modification by this Zoning Text or by determination of the Director of Planning & Community Development.

b. 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.

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

d. Minor structural alterations that do not alter the overall design intent of the building.

**E. Approval Processes.**

The process for approvals shall require preliminary and final development plans and plats as well as preliminary and final subdivision plats. The initial zoning, text, and overall preliminary plan shall establish the basic zoning and text items as well as the overall preliminary which shall also be considered the preliminary plan for the single family detached (Sub-Area A). Preliminary Plans, Plats, and Major Changes shall require review by Planning Commission followed by decision of City Council. Preliminary Development Plan, establishes building standards with elevation samples for the single family. Actual elevations to be

submitted for Final Development Plan approval. Therefore, the following requirements as to processes are:

a. Overall Preliminary Plat is required for the entire development site. This plat is anticipated to show the Multi-family (Sub-Area B) and Mixed-use residential areas (Sub-Area C) as single large lots at the preliminary plat stage of the process.

b. Single Family (Sub-Area A): Final Plats and Final Development Plans by section upon completion of the Overall Preliminary Plat.

c. Multi-family (Sub-Area B) and Mixed-use residential (Sub-Area C):
   i. Preliminary Development Plan(s) are required upon completion of the Overall Preliminary Plat.
   ii. Final Development Plans by section upon completion of the Preliminary Development Plan and the Overall Preliminary Plat.
   iii. Requirement for Preliminary and Final Plats for Multi-family (Sub-Area B) and Mixed-use residential (Sub-Area C) shall be determined by Staff during the Preliminary Development Plan review process.

d. Commercial (Sub-Area B1)
   i. A Development Plan shall be required.

**F. Tree Preservation, Removal and Replacement.** Tree removal and replacement shall meet the following replacement schedule and will, together with the procedural requirements of Chapter 1168, be in conformance with the requirements of Chapter 1168 as follows:

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

b. Trees in fair condition shall be replaced at 50%.

c. Trees in good condition shall be replaced at 100%

d. Ash trees shall not be replaced and the need for their removal shall be determined by the City Arborist.

e. Other tree species considered by the City Arborist to be a species of poor quality will be considered as such with a 0% replacement / preservation value.

f. Per the submitted tree survey with the preliminary development plan, approximately 2,402caliper inches of trees (190 trees) are being preserved.

g. Approximately 512 caliper inches (28 trees) are to be removed from proposed development areas, this represents 327 caliper inches of replacement value based on tree condition.

h. Approximately 70 caliper inches (5 trees) are to be removed from proposed utility easements and Stormwater Management areas, this represents 65 caliper inches of replacement value based on tree condition.

i. Per the submitted tree survey with the preliminary development plan,

approximately 512 caliper inches (28 trees) are to be removed, this represents 327 caliper inches of replacement value, based on tree condition or approximately 187 replacement trees calculated at 1.75 caliper inches.

j. Street trees: Street trees shall be provided in accordance with section 1166.06 Street tree planting requirements. Per the Overall Preliminary Plan submitted, the Applicant is proposing to add 419 Street Trees at 1.75 caliper inches minimum per tree totals 733.25 caliper inches of trees added to the site. These shall be planted with the improvements for the particular Section as development occurs.

k. Each single-family detached lot, in addition to base landscaping code requirements of one hardwood tree, shall plant an additional 1 tree per lot (for a total of one deciduous and one evergreen). Deciduous trees shall be a minimum of 1.5 caliper inches, evergreen trees shall be a minimum of 6 ft. in height (evergreen trees 6 ft in height or greater shall count as a 1.5 caliper inch tree for the purposes of value and replacement.) This would result in 510 trees planted on lots (765 equivalent caliper inches).

l. Buffer and Other Trees: The berms and buffer areas and other areas of the site. shall be planted with trees as noted on the development plans, and installed with the improvements for the particular section and phase as development occurs.

m. Any trees proposed to be preserved shall not include any utility easements or otherwise be disturbed except to provide for field located walking paths. A common association(s) shall be responsible for any maintenance and upkeep of these areas as determined on any Final Development Plan or Plat. During construction of the site, the Applicant shall employ tree preservation techniques as determined by the city such as but not limited to the use of fencing to demark preservation boundaries.

n. The schedule above shall be applied to any proposed Final Development Plan and tree survey for preservation and removal of trees as well as during construction. This shall be done prior to or concurrent with the Final Development Plan submission and during construction. 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) as well as credit given for the addition of new trees planted per the schedule above. If there remains a balance of caliper inches due, the applicant shall plant trees on site in the buffer and Stormwater Management areas or make a payment in lieu of replanting these at $100 per caliper inch, or any such combination that achieves a zero-balance due.

## 3. SITE PLAN

The project is located on an approximate 107.83-acre site at 1723 South Section Line Road, Delaware Township, Delaware County, Ohio and a 6.28-acre site at Houk Road, City of Delaware, Ohio; South of State Route 36 and North of State Route 42, across from the National Lime and Stone Quarry, West of South Houk Road. Total site acreage as surveyed is 114.11 acres. Access points are provided as follows: an entry along South

Section Line Road to service Sub-Area C and continue through to Sub-Area A; an entry from South Houk Road to serve both Sub-Areas A and B and a proposed stub road to the north east to connect with Boulder Drive.

The project is separated into three (3) distinct Sub-Areas for development.

A. **Sub-Area A (Single family):** The single-family area is an approximate ±76.01 AC on the center to western portion, south of Boulder Park. Primary access from South Houk Road, with secondary access points from S. Section Line to the west, and a stub to the extension of Boulder Drive from the north east. The proposed plan designates this tract of land to include a maximum 255 single family homes on two lot sizes, as well as amenities.

B. **Sub-Area B (Multi-family):** The multi-family is an area of approximately ±20 AC, a proposed approximate density of 14 dwelling units per acre and a maximum number of 280 units. Located on the eastern portion of the site bordering South Houk Road with primary access points from Houk Road centered on the site. The proposed plan designates this use of this area as multi-family residential, with amenities.

C. **Sub-Area B1: Approximately 2.33 acres as described in Exhibit X Sub-Area B1 anticipates a commercial use of neighborhood scale no greater than 12,000 square feet of buildable area.**

D. **Sub-Area C (Mixed-use: commercial / multi-family):** The Mixed-use, is an area of approximately ±18 AC, located on the western portion of the site bordering South Section Line Road with primary access points from South Section Line Road centered on the site. The proposed plan designates this tract of land to incorporate a mix of uses including commercial and multi-family residential, as well as amenities. The commercial area anticipates estimated 62,000 sq. ft. of gross leasable area (GLA) and associated parking and service areas; for the multi-family a proposed maximum density of 12 dwelling units per acre and a maximum of 120 units.

Among the amenities proposed across all subareas, the applicant plans to include a playscape, a dog park, three parklets with mailbox clusters, passive recreational open spaces and extensive multiuse path network and landscaping. Each multi-family area may include additional amenities as determined through the preliminary and final development plan processes for each. Some multi-family amenities are anticipated to be private, while others shall be open to the public, such as walkways, sidewalks, and bike paths, as determined through the preliminary and final development plan processes for each. All amenities shall be owned and maintained by a common private association – See Landscaping and other relevant sections of this Development Text.

## 4. SITE DEVELOPMENT

A. **USES.** The following uses shall be considered permitted, conditionally permitted, or limited uses as represented in the chart below by P, C and L. respectively, and as defined herein. 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.

a. **Permitted Uses.** Permitted uses are permitted by right and shall meet all development standards specified within this text and the Zoning Code, as

applicable.

b. **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. Conditional Uses shall be reviewed by the Planning Commission followed by decision by City Council per the normal and customary procedures.

c. **Limited Uses.** Limited uses shall be considered permitted uses subject to complying with all the specific limitations and restrictions as specified within this text and as may be determined by any required Final Development Plan approval process.

d. **Accessory Uses and Structures.** Accessory uses, which are considered permitted, include those that are customarily incidental and secondary to the principal use of the land. Such items include but are not limited those enumerated within the chart below designated with an A as well as signs, fences, trash receptacles and enclosures, and off-street parking areas.

I. **LAND USES**

| **Sub-Area A** | **Uses** |
|---|---|
| **(a) Residential** | not to exceed 255 total dwelling units |
| (1) Single-Family Detached Dwelling | P |
| (2) Minor Home Occupation | As per Zoning Code |
| **(b) Recreational Open Space** | |
| (1) Park/Playground | P |
| (2) Non-commercial recreation facility (Including Homeowners or other private association-controlled facilities) | P |
| **(c) Other** | **(c) Other** |
| (1) Public Safety and Service Facility (Local Service) | P |
| (2) Stormwater Management Facilities | P |

| **Sub-Area B** | **Uses** |
|---|---|
| **(a) Residential** | not to exceed 280 total dwelling units |

| | |
|---|---|
| (1) Single-Family - Attached and/or detached Dwellings | P |
| (2) Multi-Family | P |

| | |
|---|---|
| **(b) Recreational Open Space** | |
| (1) Park/Playground | P |
| (2) Non-commercial recreation facility (Including Homeowners or other private association-controlled facilities) | P |
| **(c) Other** | |
| (3) Public Safety and Service Facility (Local Service) | P |
| (4) Stormwater Management Facilities | P |
| **Sub-Area B(1)** | |
| | |
| **(d) Office/ Professional Services** | |
| (1) Offices - Administrative, Business and Professional | P |
| (2) Medical/Dental Offices health and allied services | P |
| (3) Financial Institutions/Banks | P |
| **(e) Retail and Services** | |
| (1) Retail and service establishments in a completely enclosed building | P |

| | |
|---|---|
| (2) Restaurant-Table Service | P |
| (3) Restaurant- Counter Service | P |
| (4) Veterinary office (no outside run or kennel) | P |
| **(f) Community Facility** | |
| (1) Day Care Center - child/adult | P |

| **Sub-Area C** | **Uses** |
|---|---|
| **(a) Multi-family** | |
| (1) Multi-Family | P |
| **(b) Recreational Open Space** | |
| (1) Park/Playground | P |
| (2) Non-commercial recreation facility (Including Homeowners or other private association-controlled facilities) | P |
| **(c) Other** | |
| (1) Public Safety and Service Facility (Local Service) | P |
| (2) Stormwater Management Facilities | P |
| **(d) Office Professional Services** | |
| (1) Offices - Administrative, Business and Professional | P |
| (2) Medical/Dental Offices health and allied services | P |

| | |
|---|---|
| (3) Financial Institutions/Banks | P |
| Licensed Massage Establishments | P |
| **(e) Retail and Services** | |
| (1) Retail and service establishments in a completely enclosed building | P |
| (2) Restaurant-Table Service | P |
| (3) Restaurant- Counter Service | P |
| (4) Veterinary office (no outside run or kennel) | L |
| **(f) Commercial** | |
| (1) Office/warehouse | P |
| (2) Office/Light Manufacturing | P |
| (3) Gas Station – not truck fueling or overnight parking | L |
| (4) Automotive Service Station – light maintenance | P |
| (5) Drive-thru associated with any principal permitted, conditionally permitted, or limited use | L |
| (6) Car wash | L |
| (7) Parking lots and garages | A |
| **(f) Outdoor Display/Storage** | |
| 1. Outdoor Storage, Display, and Patios | L |
| **(h) Community Facilities** | |
| (1) Places of Worship | P |
| (2) Schools, public or private | P |
| (3) Schools, trade, business or cultural arts | P |
| (4) Library | P |
| (5) Public cultural institutions and art galleries | P |

| | |
|---|---|
| (6) Day Care Center - child/adult | P |
| (7) Nursing Home | P |
| (8) Public Safety and Service Facility | P |
| **(i) Recreation and Entertainment** | |
| (1) Outdoor recreation and amusement | L |
| (2) Health Club | P |

e. **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.

i. Car Wash (accessory to principal use or stand-alone/principal use). There shall be no more than one such use on the entire development site. Such use shall meet all other requirements of the then current Zoning Code. If accessory to a principal use it shall be located in the side of the principal building. If stand-alone and the principal use it shall ensure all car stacking requirements are met. The use shall be designed in a manner that is substantially similar with the overall development. All elements of the car wash shall be completely enclosed within the building with the exception of any vacuums or vacuum areas which shall be reviewed and sited through any Final Development Plan in a manner to minimize noise and visual impact on any residentially used or zoned property.

ii. Drive-thru Facility associated with any Principal Permitted, Limited, or Conditionally Permitted Use. Such uses are permitted with the limitations herein. Such use shall meet all other requirements of the then current Zoning Code and be located to the side or rear (opposite the primary public right-of-way) of the principal building. A covered pick-up area may be permitted in the front of the principal building. Any canopy or weather cover associated with this use shall be designed in a manner that is substantially similar with the overall development and the principal building and shall not include exposed metal support columns.

iii. Gasoline Station (with or without convenience store). There shall be no more than one such use on the entire development site located in Sub-Area C only. Only passenger vehicle fueling shall be allowed. No tractor trailer fueling, parking, or overnight parking shall be permitted. Such use shall meet all requirements of the then current Zoning Code and be designed in a manner that substantially limits the view of fueling pumps from the public right-of-way. Any canopy or weather cover associated with this use shall be designed in manner that is substantially similar with the overall development of this Development and the principal building. Canopies shall be of neutral color

and include a pitched roof. Signs shall only be allowed in accordance with the approved Comprehensive Sign Plan. Outdoor storage/display areas shall be delineated on the Final Development Plan and meet the requirements noted for that use herein this Text. In addition, any accessory appurtenances such as propane, ice, etc. shall be located on the side of the store away from the public way and shall be screened with landscaping and/or walls made of materials of similar type and quality to the primary building. Lights shall be fully recessed and cut off.

iv. Outdoor Patios – This use is permitted in Sub-Area C only and only as accessory to a primary use. Commercial outdoor patio hours of operation shall not begin before 9am or extend past 11pm. Outdoor music, amplified sound or sound systems, or outdoor entertainment shall be allowed only during the hours of operation. Trash receptacles, regular maintenance, fencing surrounding the patio and lighting shall be provided in conformance with the zoning code. All commercial outdoor patio areas shall be shown in detail at the time a Final Development Plan is brought forward for any particular use. All commercial outdoor patio areas shall be oriented away from existing residential property located outside the development area and shall be completely screened from adjacent residential property. No signs shall be permitted in conjunction with any outdoor dining area.

v. Outdoor Recreation and Amusement. This use is permitted as accessory to a principal permitted use only.

vi. Outdoor Storage and Display. The following standards shall apply for outdoor storage and outdoor display.

(a) Permanent outdoor storage and outdoor display in any parking area in front of the building is prohibited.

(b) Outdoor display of seasonal merchandise is permitted in the walkway area in front of and to the side of the building in limited areas defined on the Final Development Plan provided a minimum pedestrian walkway of 5 feet in width is maintained between the front of the building and parking spaces or drive aisle. In no case shall such area exceed 500 square feet separately or in total. Such areas shall be limited to seasonal for sale merchandise and shall defined on the Final Development Plan. In no case shall any vending machines, ice boxes, palletized items, bulk material, or other similar items be permitted in such outdoor display areas. Additionally, no items may be mounted to the side of the building and display heights shall not exceed 4 feet in height.

(c) Outdoor storage of palettes, appliances to be recycled, or other such items is prohibited.

vii. Veterinary Office (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.

f. **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 including installations known as small cell sites and Distributed Antenna Systems (DAS):** Towers are expressly prohibited from the entire Development area. Small cell sites, DAS, antennas, and/or amplifiers may be permitted so long as they are completely camouflaged so as to not be visible either within an enclosed building or the structure to which they are attached if external. These shall be reviewed individually administratively for compliance with these regulations.

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

vi. **Donation boxes:** Donation boxes or material drop off bins are not permitted except completely within an enclosed building.

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

| **Sub-Area A: Single Family Single Family Detached** | |
|---|---|
| (1) Minimum lot width, depth, and area per the Approved Preliminary Development Plan | 42 ft wide by 125 ft. deep minimum lot area 5,250 sf.<br><br>52 ft. wide by 125 ft. deep minimum lot area 6,500 sf. |
| (2) Maximum building height | Maximum of 35 ft to eaves |
| **Sub-Areas B & C: Multi-family** | |
| (1) Minimum lot area | Per approved Final Development Plan |
| (2) Minimum lot width and frontage | Per approved Final Development Plan |

| | |
|---|---|
| (3) Maximum building coverage | Per approved Final Development Plan |
| (4) Maximum building height | Per approved Final Development Plan |

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

| **Single Family** | |
|---|---|
| (1) Minimum front yard setback* | 25' minimum |
| (2) Minimum side yard setback* | 5.5 ft minimum<br>(11 ft. total) |
| (2) Minimum Rear Yard setback* | 25 ft. minimum |

*Front, Side and Rear Yard setbacks shall not apply to minor architectural projections such as eaves, roof overhang, gutters, chimneys, lower-level egress window wells and bay windows. Such projections may extend 3 feet into the required yard setback. Stairs may extend up to 2.5 ft into front yard setback. Patios, decks, and other exterior improvements can extend 10ft. into the 25 ft rear yard setback.

| **All Sub-Areas** | |
|---|---|
| (1) Setback from S. Section Line Rd. ROW | 60 ft. |
| (2) Setback from North perimeter buffer | 25 ft. |
| (3) Setback from South perimeter buffer | 25 ft. |
| (4) Setback from S. Houk Rd. ROW | 50 ft. |
| (5) Setback from internal private drives:<br>• Principal Structure<br>• Garage Building or Attached Garage<br>• Compactor<br>• Clubhouse<br>• Mail kiosk | <br>20' Main wall, 15' End wall<br>0'<br>0'<br>20'<br>20' |
| (6) Setback from open parking spaces<br>• Principal Structure<br>• Garage Building or Attached Garage<br>• Compactor<br>• Clubhouse<br>• Mail kiosk | <br>15' Main wall, 10' End wall<br>0'<br><br>0'<br>10'<br>10' |

| | |
|---|---|
| (7) Garage/mail kiosk separation to principal buildings/structures, garages | As approved with Final Development Plan |

| Building Type | Max Stories (Height) | Distance between buildings | | |
|---|---|---|---|---|
| | | front/rear facade to front/rear facade | end or side wall to end or side wall | front/rear wall to end or side wall |
| (1) Mixed-use: commercial/residential | 4 (60 ft.) | 60 ft. | 20 ft. | 25 ft. |
| (2) Multi-family, multi-story bldg. | 3 (50 ft.) | 35 ft. | 20 ft. | 25 ft. |
| (3) Townhome, attached | 3 (45 ft.) | 25 ft. | 10 ft. | 20 ft. |
| (4) Patio Home, attached or detached (ranch, duplex, or 1.5 story) | 2 (35 ft.) | 25 ft. | 10 ft. | 15 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- Commercial / residential** | |
|---|---|
| (1) Parking Setback from S. Section Line Rd. ROW | 20 ft. |
| (2) Parking Setback from single family perimeter buffer | 10 ft. |
| (3) Parking setback from S. Houk Rd. ROW | 50 ft. |
| (4) Parking setback from General Manufacturing perimeter buffer | 5 ft. |

E. **Dwelling Unit 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.

| **Minimum Floor Square Footage** | |
|---|---|
| Single Family<br>(1) 42 ft. wide lots<br>(2) 52 ft. wide lots | <br>1,200 sf.<br>1,400 sf. |
| Multi-family<br>(1) Efficiency Unit<br>(2) 1-Bedroom Unit<br>(3) Two or More Bedroom Unit [(a)] | <br>550 sf.<br>680 sf.<br>950 sf. |
| a. Plus an additional 150 sf. for each additional bedroom over 2. | |

F. **Parking Requirements**

a. All attached or detached single-family homes must have at minimum an attached 2 car garage.

b. Multi-family dwelling units shall provide dedicated off-street parking at a minimum of 1.8 spaces per dwelling unit. Each proposed development area shall include overflow/visitor parking distributed throughout each sub area as determined on the Final Development Plan and as directed by the City.

c. The City reserves the right to restrict or eliminate on-street parking as determined by the City Engineer.

d. Garage units shall be finished with the same quality materials as any approved primary structure(s) as determined with any Final Development Plan.

e. In Sub-Area C: No overnight parking (12:00 am to 7:00 am) shall be allowed; except employees and trucks docked in a loading facility, which shall not have their engines or cooling units running. This overnight prohibition includes, but is not limited to, RVs, tractor-trailer trucks or similar sized vehicles. Overnight parking is defined as any qualifying vehicle parked on-site longer than 4 hours. At appropriate locations within the Development there shall be signs indicating no overnight parking is permitted.

f. Recreational vehicles shall not be permitted to be parked on the street. Recreational vehicles shall be parked, on a suitable surface, behind the front yard setback.

g. In Sub-Area B1: Any use permitted shall meet all parking requirements of the Zoning Code unless otherwise determined through the Final Development Plan approval process.

G. **Building Design – Sub-Area A (Single Family).** Unless otherwise modified within this Development Text, all dwellings shall meet the minimum building design requirements of Chapter 1171, R-4 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. For single family dwellings lot sizes will be 52 ft. wide and 42 ft. wide, 125 depths.

a. **Exterior Material and Trim Standards.**

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. The remainder of the front and other facades are encouraged to be engineered siding products (including cementitious fiberboard and other engineered siding products approved by the City of Delaware) and may be vinyl siding which 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. The roofs of all homes

shall have dimensional shingles.

b. **General Standards:**

i. 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.

ii. 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.

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

iv. EIFS or similar products and stucco are prohibited as an exterior material.

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

vi. 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.

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

viii. All front elevations shall include a variety of styles, colors, and/or material types of materials and shall meet the varied locations requirement of Chapter 1171 of the Zoning Code.

ix. Minimum 8-inch overhangs and rakes.

x. Lintels and sills in masonry walls shall be brick soldier course, limestone, sandstone, or similar manufactured stone products.

xi. 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.

xii. Accessory Structures**.** Fences must meet the then current Zoning Code. All fences must meet the standard fence specifications as provided with the Final Development Plan. All other accessory structures shall meet the requirements of the current Zoning Code unless modified by this Zoning Text.

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

xiv. Front elevations shall be designed to de-emphasize the visual impact of the garage and shall include at least one course that is windows (glazing). 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 to the trim color of the home.

H. **Building Design – Sub-Area B & C(multi-family).** For all other unit types within this area the intent of this regulation to create a cohesive and unified design throughout the entire development, each building (dwellings and clubhouse building) shall be consistent in overall design, color, material, and architectural pattern as determined through the Final Development Plan review process and that achieves compliance with the following requirements:

a. **Exterior Material and Trim Standards.**

The architectural design/patterns of multi-family dwellings shall be similar and may be repeated from one building to the next to unify the project into a single architectural style. Similarities shall include window styles and patterns, roof pitches, use and mix of exterior materials, and building massing.

b. **General Standards:**

i. Exterior materials color palette shall consist of natural colors including white. Additional colors may be used as accents but may not be high- gloss colors.

ii. The exterior materials shall consist of a variety of materials and include brick, stone, or cultured stone, vinyl siding, and engineered siding products (including cementitious fiberboard and other engineered siding products approved by the City of Delaware). The front elevations of all structures and elevations facing Section Line Rd., S. Houk Rd., or any adjacent areas shall consist of a minimum of 40% brick, stone, or cultured stone. All vinyl siding shall have a minimum thickness of .044 mils. Gutters (and the material by which they are attached), 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.

iii. EIFS and Stucco or similar products are prohibited as exterior materials.

iv. All front elevations shall include a variety of styles, colors, and/or types of materials to provide variety throughout the community.

v. Treated lumber shall be painted or stained.

vi. The roofs shall have dimensional asphalt shingles.

vii. The principal roof structure shall have an eave overhang of not less than 12 inches with return.

viii. Windows shall be of vertical or square proportion. Accent windows may be circular, half-round, or octagonal and are limited to one per elevation unless used in a pair. The side elevations will not require windows.

ix. Any detached garages shall contain architectural elements consistent with the design of the apartment and development. Developer shall use light colored garage doors, complimentary to the overall color palette.

x. 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.

xi. Covenants shall not preclude the use of solar panels located upon primary building structures.

xii. Rooftop or ground mounted mechanical equipment shall be completely screened from public view from all sides of the building through the use of parapets, equipment screens, or other screening measures as deemed appropriate by the City and determined through the Final Development Plan process.

l. **Building Design- Sub-Area B1 and C (Mixed-use Commercial Out lots).** The intent of this regulation is for the commercial building(s) to be consistent with other recently approved commercial buildings and shall be determined in final form with any Final Development Plan. All buildings and structures in this Mixed-use area are expected to exhibit a similar, coordinated, and well-designed theme not dis-similar to the overall and adjacent development. Buildings and structures in this area shall achieve compliance at a minimum with the following requirements:

a. Commercial buildings shall incorporate elements and forms that reduce large masses into an assemblage of definable parts.

b. Buildings shall be oriented to a street whenever possible.

c. Exterior materials color palette shall consist of natural colors. Additional colors may be used as accents but may not be high-gloss colors.

d. Exterior materials shall include brick, cultured stone, limestone, or similarly approved products on all elevations visible to the general public. Engineered siding products (including cementitious fiberboard and other engineered siding products approved by the City of Delaware) in addition to brick, stone, or cultured stone is permitted. Preliminarily all elevations are assumed to be visible to the public based upon the Overall Preliminary Plan.

e. Aluminum and/or vinyl shall be allowed for trim details only such as soffits,

gutters, shutters, etc., but shall not be used as siding products.

f. Painted standard concrete block (CMU), tilt-up concrete panels, or prefabricated steel panels are prohibited as exterior building materials.

g. Unless otherwise approved in the Final Development Plan process, buildings shall generally have a similar degree of exterior finishes on all sides and shall be articulated with recesses, pilasters, fenestration, and/or material changes. Compositions of similar building materials shall be used on all building elevations visible to public view.

h. EIFS, Stucco, or similar products are prohibited as an exterior material, except as accents.

i. Treated lumber shall be painted or stained

j. Accessory structures such as enclosures for dumpsters, refrigeration and freezing units, and other similar structures shall consist of brick and stone or similar approved products as the exterior material. Any such accessory structure shall be designed to be consistent and cohesive with the principal building it serves. Doors shall be included with dumpster corrals and areas and shall be metal or wood painted or stained to match the primary building materials.

k. Rooftop or ground mounted mechanical equipment shall be completely screened from public view from all sides of the building through the use of parapets, equipment screens, or other screening measures as deemed appropriate by the City and determined through the Final Development Plan process.

l. Covenants shall not preclude the use of solar panels located upon primary building structures.

m.

J. **Landscaping and Screening.** All landscaping shall meet the requirements of the then current Zoning Code and the Gateways & Corridors Plan and shall be consistent with all elements shown on the Overall Preliminary Plan unless modified herein.

a. 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.

b. All landscaping and screening shall be constructed with the public infrastructure with the respective phase in which the open space is located – this does not apply to the perimeter multi-use path network described elsewhere.

c. Along S. Section Line Rd. between the road and the Mixed-use: commercial / multi-family, an undulating earth mound of 2-3 ft. with a mix of deciduous and coniferous plantings and including evergreen trees planted at a minimum of at least 6 ft. height each at installation shall be provided high consistent with the Gateway & Corridor Plan. Entry signage with a mix of plantings shall be provided at the access points and as approved on any Final Development Plan. Mounding shall be omitted in locations of existing trees, power line easements, and areas

meeting sight distance requirements per the City Engineer on any approved Final Development Plan.

d. Between the single-family dwellings and the mixed-use: commercial / multi-family dwellings an undulating earth mound, no less than 4-6 feet in height with a mix of deciduous and coniferous plantings and including staggard evergreen trees planted at a minimum height of at least 6 ft. height each at installation shall be provided. Mounding shall be omitted in locations of existing trees, easements, paths, sidewalks and areas meeting sight distance requirements per the City Engineer on any approved Final Development Plan. Where there are existing trees are being preserved, evergreen trees a minimum of 6 ft. high each, at installation, shall supplement the buffer to provide a continuous screen.

e. Between the single-family dwellings and the General Manufacturing District an undulating earth mound, no less than 4-6 feet in height with a mix of deciduous and coniferous plantings and including staggard evergreen trees planted at a minimum height of at least 6 ft. at installation each, or a 6 ft. fence shall be provided. Mounding shall be omitted in locations of existing trees, power line easements, and areas meeting sight distance requirements per the City Engineer on any approved Final Development Plan. Where there are existing trees are being preserved, evergreen trees a minimum of 6 ft. high each, at installation, shall supplement the buffer to provide a continuous screen.

f. Street trees shall be provided along existing and proposed public streets per the Zoning Code. Interior parking areas shall meet the Zoning Code, current at the time of Final Development Plan submittal. Private streets and internal roadways shall provide a streetscape and street tree look with trees at regular intervals as determine with any Final Development Plan.

g. Minimum landscaping for all uses in all Areas shall meet the then current Zoning Code requirements for such in addition to all other requirements of this Zoning Text.

h. Common landscaping elements, mounding, and landscaping shall be well maintained by common association or combination of associations which could vary by Sub Area or be one single, master association (this is preferred for common elements) and shall include regular mowing, trimming, mulching, and weeding as well as replacement of dead, diseased, or damaged plantings as determined by the City, this includes the stormwater ponds and shall include plantings, structures and other appurtenances as determined by the City which shall be the responsibility of the Association(s) to maintain and keep in good working order. The City shall have the right to enforce the requirements herein.

K. **Pedestrian Connectivity.** Pedestrian connectivity shall be provided throughout all areas. Concrete sidewalks shall be required on both sides of any public street, or a multiuse path as may be required by the City, shown on the Overall Preliminary Plan, or required on any Final Development Plan. Within Mixed-use residential, sidewalks shall be required at a minimum on one side of internal streets to provide overall connectivity throughout the development as determined by the City on any Final Development Plan. paths shall generally be required throughout the development site as depicted on the Overall Preliminary Development Plan (see Open Space section of this Text). Paths

shown around the perimeter of the site, shall be completed across an entire street frontage (or equivalent) with the first construction along that frontage to ensure no gaps in the perimeter system as follows:

a. A multi-use path shall be required along the east side of S. Section Line Rd. per the adopted Bicycle and Pedestrian Master Plan 2027.

b. A multi-use path shall be required along the west side of S. Houk Rd.

c. A multi-use path shall be required along the north and south perimeter of the site, in the buffer zones with connections to the sidewalk network.

L. **Dedicated Land.** Section 1111.19 requires 2.5 acres of dedicated land per 1000 residents. Dedicated lands shall include Parkland and Open Space as described in this Section. Parkland and Open Spaces shall include landscaping and tree planting and be designed in a manner consistent with the Overall Preliminary Plans. Dedicated land for the 74.61 acres of Single-family development area is proposed as follows:

a. Ten percent (7.46 acres) of the single-family development area is required for Parkland; Parklands are active and passive common areas which shall include a dog park, a playscape, three parklets, sidewalks and street tree lawns are provided at 14.33% or approximately 10.69 acres.

b. Ten percent (7.46 acres) of the single-family development area is required for Open Space; Open space including unprogrammed active and passive common areas, stormwater perimeter paths, perimeter buffer paths is provided at 16.15% or approximately 12.28 acres.

c. Landscaping and design plans for all open spaces shall be submitted and approved with any Final Development Plan.

d. Additional proposed Dedicated Lands (Parkland and Open Space) plans shall also be submitted with final Development Plan for Sub-Areas B & C (Mixed-use: commercial/multi-family and the multi-family residential development plans) as applicable for areas internal to the development site and not otherwise noted elsewhere in this Development Text.

e. Sidewalks or 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 through and throughout as approved on the Overall Preliminary Development Plan.

f. Crosswalks leading to open spaces shall be provided and as acceptable by the City Engineer.

g. Amenities include open field space, playscapes, a dog park, gathering areas, and extensive paths and landscaping as depicted on the Preliminary Development Plan. Playscapes shall be designed and programed to

accommodate multiple ages of play, all parkland shall be appointed with amenities to promote use as community gathering spaces. The final details of each shall be reviewed and approved with every Final Development Plan and Final Subdivision Plat.

h. All open spaces shall be constructed with the public infrastructure with the respective phase in which the open space is located – this does not apply to the perimeter path network described elsewhere. 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.

M. **Lighting.** Building, site, and accent lighting shall be provided in accordance with the current zoning and building code and shall be fully cut-off and recessed, upgraded in design, black in color and be of a style not inconsistent with the overall design of the development. Streetlights shall achieve compliance with the then current Chapter 1158 Lighting Plan requirements. Private streets shall include private streetlights in a consistent spacing and unified designed to mimic a public street appearance while allowing flexibility as to design and spacing to achieve compliance with minimum building and zoning codes.

N. **Roads.**

a. Private streets shall be constructed to public standards or equivalent as approved by the City Engineer. The engineering drawings for such improvements shall accompany the submittal of the Final Development Plan as well as the Engineering record drawings.

b. Public Streets shall be designed and constructed as directed by the City of Delaware and per City standards and any governing Delaware Cunty and ODOT standards as part of this development.

O. **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 development. Internally illuminated signs are prohibited, but externally illuminated and backlighting of lettering is permitted as is halo glow. Decorative internally illuminated pillar and sign wall caps as depicted on Site Details of the submittal shall not be considered internally illuminated signage and shall be allowed.

a. All signs including temporary signs shall be in accordance to the Gateway & Corridor Plan of the City of Delaware.

b. The Applicant shall include in the plans and construct stone monoliths, piers, and jurisdictional entry way signs as determined by the City and per the Gateway & Corridor plan and as determined on a Final Development Plan.

c. **Multi-family:** A comprehensive sign plan for the Multi-family area shall be submitted to Staff for review and approval concurrent with the Preliminary Development Plan for the Multi-family area which shall be consistent with this Development Text and may allow a primary building sign to be internally illuminated, channel cut (dimensional) letters in a consistent sign band area and limited to one such sign per building per street frontage. Signs facing private roads are permitted so long as they are secondary and significantly smaller than the primary signage and externally illuminated. Directional signage shall be held to a minimum per site, not be more than 2 sq. ft. in area, and may not be illuminated.

P. **Utilities.** All new utilities(s) to be constructed and/or extended within the development and to the extent of the development edges as determined by the City of Delaware. Utilities shall all be underground. Utilities 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.

ORDINANCE NO. 23-68

AN ORDINANCE APPROVING A REZONING AMENDMENT REQUEST BY MARONDA HOMES LLC., FOR DONOVAN FARMS ON APPROXIMATELY 114.11 ACRES FROM A-1 (AGRICULTURAL DISTRICT) AND M-1 PUD (LIGHT MANUFACTURING DISTRICT WITH A PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT) TO R-4 PMU (MEDIUM DENSITY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED SOUTH OF FUTURE BOULDER DRIVE, EAST OF SOUTH SECTION LINE ROAD, AND WEST OF SOUTH HOUK ROAD.

WHEREAS, the Planning Commission at its meeting on October 4, 2023 recommended approval of a Rezoning Amendment request by Maronda Homes LLC., for Donovan Farms on approximately 114.11 acres from A-1 (Agricultural District) and M-1 PUD (Light Manufacturing District with a Planned Unit Development Overlay District) to R-4 PMU (Medium Density Residential District with a Planned Mixed Use Overlay District) and located south of future Boulder Drive, east of South Section Line Road, and west of South Houk Road (PC 2023-3399) and

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

SECTION 1. That the Rezoning Amendment request by Maronda Homes LLC., for Donovan Farms on approximately 114.11 acres from A-1 (Agricultural District) and M-1 PUD (Light Manufacturing District with a Planned Unit Development Overlay District) to R-4 PMU (Medium Density Residential District with a Planned Mixed Use Overlay District) and located south of future Boulder Drive, east of South Section Line Road, and west of South Houk Road, is hereby confirmed, approved, and accepted with the following conditions that:

1. Any change of use of 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.

VOTE ON RULE SUSPENSION: YEAS 7 NAYS 0 ABSTAIN 0

PASSED: October 23, 2023 YEAS 7 NAYS 0 ABSTAIN 0

ATTEST: _____ _____

CITY CLERK MAYOR