

CHAPTER 1112. COMMERCIAL DISTRICT REGULATIONS

1112.01. Purpose.

Commercial Districts C/I, C-DC, C-CC, C-GC, and C-NX) and their regulations are established in order to achieve, among others, the following purposes:

- (a) To provide in appropriate and convenient locations, sufficient areas for business activities, and the exchange of goods and services.
- (b) To protect residential neighborhoods adjacent to business uses by restricting the types of establishments, particularly at the common boundaries, that would create congestion, noise or other objectionable influences.
- (c) To provide for the proper location of supplementary residential uses which complement commercial development.
- (d) To meet the goals of the City of Delaware Comprehensive Plan.
- (e) To carry out the following specific purposes:
 - (1) The Civic/Institutional District (C/I) is established to provide land for civic and intuitional uses with careful consideration of their unique needs and demands for mixed-use arrangements, parking, and accessibility.
 - (2) The Downtown Commercial District (C-DC) is established to maintain and encourage the preservation of the City's historic core as a pedestrian-oriented mixed-use commercial area.
 - (3) The Commercial Neighborhood Mixed District (C-NX) is established to provide land for a variety of commercial uses complemented by incidental, limited residential uses to create a walkable neighborhood environment similar to that of the historic downtown core.
 - (4) The Community Commercial District (C-CC) is established to provide land for a wide range of commercial uses in a manner that does not intrude upon residential areas.
 - (5) The General Commercial District (C-GC) is established to provide land for more intense commercial uses in specific locations on major thoroughfares and at outlying locations in the community.

1112.02. Relevant Complementary Chapters.

Title	Chapter
Definitions	1102
Subdivision regulations	1106
Parking	1123
Landscaping and screening	1121
Lighting	1124
Conditional Uses	1105
Procedures (for approval)	1105

1112.03. Permitted uses.

- (a) Uses Permitted by Right. A use listed in Schedule 1112.03 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other City ordinances and this Zoning Ordinance have been met.

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- (b) Conditional Uses. A use listed in Schedule 1112.03 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Planning Commission first makes the determination that the requirements of Chapter 1148 have been met according to the procedures set forth in Chapter 1129.
- (c) Use Not Listed in Schedule. Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in these zoning districts and shall only be permitted:
- (1) Upon amendment of this Ordinance and/or the Zoning Map as provided in Chapter 1130; or
 - (2) Upon a finding that a use is substantially similar as provided in Section 1129.12.

Schedule 1112.03
 PERMITTED USE TABLE

	C/I (Civic / Institutional)	C-DC (Downtown Commercial)	C-NX (Commercial Mixed)	C-CC (Community Commercial)	C-GC (General Commercial)
(a) Residential					
(1) Multiple-family dwelling		C	C		
(2) Dwelling units on upper floors of a commercial or office building		P	P	C	
(b) Office and Professional Services					
(1) Offices—medical, veterinary, or professional		P	P	P	P
(2) Financial institutions, banks		P	P	P	P
(3) Massage establishments		P	P	P	P
(c) Retail and Services					
(1) Retail development with a minimum gross floor area of 80,000 square feet or greater				C	C
(2) Retail development with a minimum gross floor area under 80,000 square feet		P	P	P	P
(3) Restaurant		P	P	P	P
(4) Drive-thru facility (stand-alone)				C	C
(5) Funeral home and related facilities		C		P	P
(6) Veterinary office (no outside run or kennel)		P	P	P	P
(7) Outpatient medical or dental office		P	P	P	P
(d) Automotive and Transportation					
(1) Gasoline station				C	C
(2) Light automotive repair garage				C	P
(3) Automotive sales and rental				C	P

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	C/I (Civic / Institutional)	C-DC (Downtown Commercial)	C-NX (Commercial Mixed)	C-CC (Community Commercial)	C-GC (General Commercial)
(4) Drive-thru facility associated with any (P) or (C) use		C		C	C
(5) Car wash				C	C
(6) Parking lots and garages		C		C	C
(7) Terminal—Bus, cab, train				C	C
(f) Community Facilities					
(1) Places of assembly – religious or other – capacity of 50 or fewer	P	P	P	P	P
(2) Places of assembly – religious or other – capacity of more than 50	C	C	C	C	C
(3) Schools, public or private	C		C	C	C
(4) Schools, trade, business or cultural arts	C	P	C	P	P
(5) Library	P	C	C	P	P
(6) Public cultural institutions and art galleries	P	P	C	P	P
(7) Hospital	P			C	P
(8) Day care center, child/adult	C	C	P	C	C
(9) Congregate care facility	C	C	C	C	C
(10) Nursing home	C	C	C	C	C
(11) Public safety and service facility (local service)	P	P	P	P	P
(g) Recreation and Entertainment					
(1) Outdoor recreation and amusement (such as sport center, batting cage, mini golf)				C	C
(2) Golf courses and country clubs	C				C
(4) Drive-in theater					C
(5) Indoor recreation and entertainment (such as indoor theater, bowling alley, arcade, billiard parlor)		P	C	P	P
(6) Health club		P	C	P	P
(h) Lodging					
(1) Hotel/motel		C	C	C	C

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1112.04. Lot, Setback, and Height Requirements.

- (a) All lots created or buildings constructed in a Commercial district on or after the effective date of this code shall comply with the requirements set forth in Schedule 1112.04.

Schedule 1112.03
LOT, SETBACK, AND HEIGHT TABLE

	C/I (Civic / Institutional)	C-DC (Downtown Commercial)	C-NX (Commercial Mixed)	C-CC (Community Commercial)	C-GC (General Commercial)
(a) Lot Requirements					
(1) Minimum lot area	None, except that lot size shall be adequate to meet all setbacks, parking, circulation, open space, and landscaping requirements.				
(2) Minimum lot width	None, except that all lots must abut a public or private street or other access easement and have adequate width to meet all setbacks, parking, circulation, open space, and landscaping requirements.				
(3) Maximum lot coverage	65%	No Limit	65%	70%	70%
(b) Site Development Setbacks					
(1) Front Yard (parking and building)	20	0 ^b	20	20	30
(2) Side or Rear Yard (parking) ^a	5	0 ^b	5	5	5
(3) Side or Rear Yard (building) ^a	5	0 ^b	10	10	10
^a lots abutting residential zoning districts shall comply with buffering requirements outlined in XXXX					
^b each lot shall have a minimum of seventy percent (70%) of the linear length of the lot frontage devoted to a building, or a building and wall in combination					
(c) Height Requirements					
(1) Maximum Building Height	60 feet	60 feet ^c	45 feet	45 feet	60 feet
^c New structures shall have a minimum height of two (2) stories when the proposed structure will be adjacent to existing multi-story buildings. The reviewing body may require a minimum height greater than two (2) stories when adjacent buildings for a consistent block(s) are composed of more than two (2) stories.					

1112.05. Supplemental regulations for all uses.

- (a) Certificate of building and zoning compliance required for occupancy.
- (1) All persons wishing to operate a business out of an existing structure or portion thereof shall require a certificate of zoning compliance from the Director of Planning and Community Development.
 - (2) Applications shall be made in accordance with the checklist on file in the Department of Planning and Community Development.
 - (3) Any application for a certificate of building and zoning compliance shall be reviewed pursuant to the following requirements:
 - A. That the proposed use is permitted in the subject zoning district per Schedule 1112.03.
 - B. That the business shall complete the required income tax registration forms.

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- C. That the business will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area in accordance with Chapter 1120.
 - D. That the business will not restrict or adversely affect the existing use of the adjacent property owners.
 - E. That all required permits and inspections are approved and completed.
 - F. That the establishment, maintenance, or operation of the business will not be detrimental to or endanger the public health, safety, or general welfare.
- (4) Holders of a certificate of building and zoning compliance issued in this manner are subject to inspection by the City at any time.
- (b) Outdoor storage and display.
- (1) Outdoor storage is prohibited on all properties where the primary use is commercial, except as noted in A. below:
- A. Outdoor storage may be permitted within a fully enclosed, fenced-in area which is fully screened and approved with a certificate of building and zoning compliance.
- (2) Outdoor display is permitted on all properties where the primary use is commercial in accordance with the below regulations:
- A. Permitted Locations.
 - i. Outdoor display shall be permitted only in designated locations approved by the reviewing body at the time of development plan or certificate of building and zoning compliance review.
 - ii. Outdoor display shall be permitted in side or rear yards within the setbacks established for primary structures according to Schedule 1112.03.
 - iii. All outdoor display and storage areas must be contiguous to the principal building; however, such areas shall be spaced a sufficient distance from the building, as dictated by the City Fire Chief, to satisfy all fire safety requirements.
 - iv. No outdoor display or storage area shall be permitted to occupy or interfere with traffic circulation, required parking areas, public sidewalks or pedestrian access.
 - B. Area. The area of the lot devoted to outdoor display or outdoor storage shall not exceed twenty-five percent (25%) of the ground floor area of the principal building.
 - C. Design.
 - i. Outdoor display areas must be defined by or contained within an appropriate architectural or decorative demarcation as approved by the appropriate reviewing body during the Development Plan of Certificate of Building and Zoning Compliance process. This may include the use of landscaping elements, fencing, walls, or other appropriate materials. If building materials are utilized, these materials shall be consistent with the architectural design of the principal structure.
 - ii. Areas devoted to outdoor display shall be paved with asphalt or concrete and free of dust.

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D. Height. Outdoor display areas shall not exceed a height of six (6) feet.

1112.06. Supplemental regulations for specific uses.

- (a) Multiple-Family Dwellings in commercial districts. Multiple-Family Dwellings shall be designed in accordance with the regulations outlined in Section 1111.07(c).
- (b) Massage establishments. Massage establishments not licensed by the State of Ohio shall be reviewed pursuant to the following requirements in addition to those outlined in 1112.05(a):
 - (1) That the owner and all individuals providing massage treatments shall be subject to and submit background checks.
- (c) Drive-Thru Facilities.
 - (1) Stand-alone drive-thru facilities shall comply with all regulations of this Ordinance including Chapter 1121 and Chapter 1123.
 - (2) Drive-thru facilities associated with a primary use shall be designed in a way which minimizes their visibility from the ordinary public view.
- (d) Gasoline Stations.
 - (1) Gasoline stations shall be designed in a way which minimizes the visibility of individual fuel pumps from the ordinary public view.
 - (2) When located on a corner lot, a station shall have at least 150-feet of frontage on each of the two intersecting streets.

1112.07. Landscaping and screening requirements.

Landscaping, visual screening, and landscape buffers shall be provided for commercial buildings and developments in accordance with the provisions set forth in Chapters 1121 and 1122.

1111.08. Development plan review.

Development in commercial districts shall be permitted only after development plans or certificates of building and zoning compliance have been reviewed and approved by the City according to the procedures and review criteria set forth in Chapter 1105.