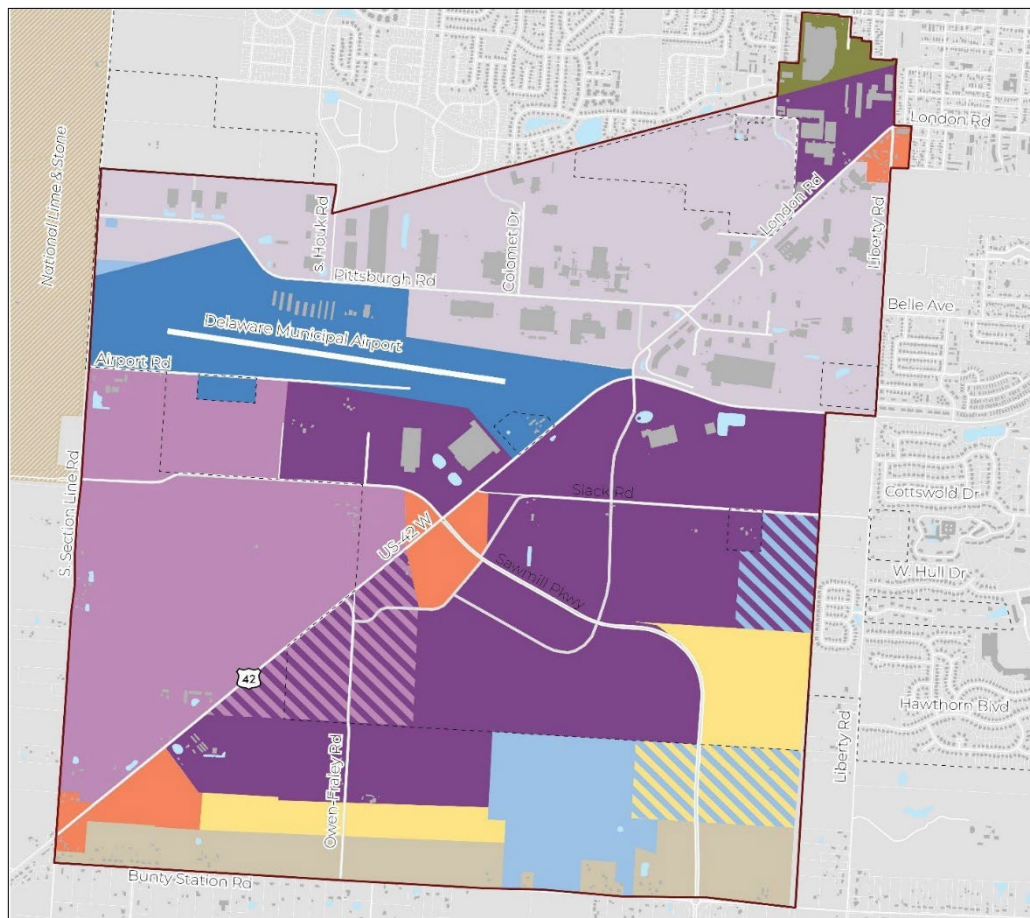


## ***CHAPTER 1115. SOUTHWEST AREA OVERLAY (SWA)***

### **1115.01. Purpose and intent.**

- (a) Purpose. The Southwest Area District (SWA) is intended to implement the vision set forth in the Southwest Focus Area Plan to support existing businesses and increase employment opportunities in growing sectors, while promoting a vibrant mix of uses and strong sense of place.
- (b) Applicability. Any development proposed to occur within the corporate boundaries of the City of Delaware on land designated as SWA-1, SWA-2, SWA-3, SWA-4, SWA-5, SWA-6, SWA-7, SWA-8, or SWA-9 shall be required to meet the requirements of the Southwest Area Overlay District as specified herein in addition to all relevant regulations in the City of Delaware Planning and Zoning Code.
- (c) Conflicts. If the regulations within this section conflict in any manner with the City of Delaware Planning and Zoning Code, the provisions of the district shall prevail. All matters not covered by the district and its requirements shall be regulated by the requirements and standards contained in the City of Delaware Planning and Zoning Code.
- (d) Relationship to Design Guidelines. The design guidelines shall supplement the regulations contained within the code and will guide the Planning Commission in determining requests for approval.
- (e) Intent. The titles of each zoning sub-district reflect the general intent of each sub-district as part of the Southwest Area Overlay District. The following further describes the intent of each of the sub-districts.
  - (1) SWA-1: Corridor Commercial: Commercial frontage development is intended to serve the community at large and is typically located along major corridors or intersections. Uses may include retail, office, services, restaurant, recreation, and other uses in varying scales. Screening walls or landscaped berms are to be used between these areas and adjacent neighborhoods. An upgraded design is expected in keeping with other such areas in the City.
  - (2) SWA-2: Traditional Industrial Campus: Large lot subdivisions with infrastructure and lot sizes designed to accommodate buildings with large footprints. Roads are designed for easy access and to the weight of freight and heavy truck traffic.
  - (3) SWA-3: Innovative Business Campus: A light industrial and office business campus where Research and Development companies and other private entities develop integrated strategies that support thriving innovation ecosystems and attract entrepreneurs, startups, and business incubators.
  - (4) SWA-4: Multi-Use Innovation: An adaptation of the Innovative Business Campus that includes amenity rich uses such as hotel lodging, short-term rentals, restaurants, and tourism.
  - (5) SWA-5: Airport: A campus that supports the airport and its surrounding area. This area is well connected to public transportation systems, providing easy access to and from the surrounding area. The area is home to a variety of aviation businesses and offers a wide range of services to travelers and locals.
  - (6) SWA-6: Suburban Mixed Residential: Mixed residential development can range in type and scale, with a variety of housing types in one development often segregated into segments of like housing. Housing types include Single-Family, Single-Family Attached, and Multi-Family.

- (7) SWA-7: Suburban Mixed Use: Supports a mix of housing options with townhomes and three-story homes sitting at the sidewalk edge with small rear yards or alleys. On-street parking common but not required. Housing types include Single-Family Detached, Single-Family Attached, Two- Three Family, and Multi-Family.
  - (8) SWA-8: Suburban Residential: Primarily characterized by individual subdivisions or neighborhoods with a specific street and block patterns adjacent to other subdivisions or neighborhoods with different patterns. A common characteristic of these neighborhoods is homogeneous housing types and architectural styles either in a block, along a street, or clustered in pods around a common open space.
  - (9) SWA-9: Government Campus: Sites that include several blocks dedicated to buildings with a government function, including schools, normally also consisting of open space and / or parking to support the use.
- (f) Sub-District Map. The map is to be used as a guide for the general location of permitted uses but not intended to delineate exact boundary locations for sub-districts (i.e. the corridor commercial designation along US 42 could extend further into the Innovative Business Campus or Multi-Use Innovation sub-district if it is in proximity).



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## 1115.02. Uses.

- (a) Intent. This section establishes the desired uses for land and buildings in each of the sub- districts. This is achieved through the variety of permitted, conditional, accessory, and temporary uses allowed in each sub- district. In some cases, special siting and size limitations to establish the desired development character shall apply.
- (b) General Provisions
  - (1) Permitted and conditional uses in each of the sub-districts are shown in Table 1. Permitted and conditional uses may be restricted by location, size, period of operation, or other use-specific standards as designated herein.
  - (2) Explanation of Terms
    - A. A “P” in a cell indicates a use that is permitted by right in that zoning sub- district, subject to compliance with any use specific standards referenced in Table 1 and the applicable provisions herein.
    - B. A “C” in a cell indicates a use that is allowed in that zoning sub-district provided the Planning Commission approved the conditional use according to the procedures set forth in Chapter 1129.
    - C. An “A” in a cell indicates a use that is permitted as an accessory use in that zoning sub-district, subject to compliance with any use specific standards referenced in Table 1 and the applicable provisions herein.
    - D. A blank cell indicates that the use is prohibited in that sub-district.
  - (3) Nonconformities. All nonconforming uses, buildings, structures, and lots are subject to the regulations in Chapter 1151.
  - (4) Determination of Similar Uses. Determinations of similar uses shall follow the procedure set forth in Section 1129.12.
  - (5) Permitted Uses. Permitted uses are permitted by right and shall meet all development standards specified within this Chapter and the Zoning Code, as applicable.
  - (6) Conditionally Permitted Uses. In addition to all standards specified within this Chapter, uses listed as conditionally permitted shall meet all current Zoning Code standards for approval of the 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.
  - (7) Accessory Uses. Specified accessory uses are identified but other accessory use items that are customarily incidental and secondary to the principal use of the land are permitted. If the uses are specified as conditional uses, the process and limitation shall apply regardless of accessory use status.
  - (8) Permitted Use Table: See Table 1

**TABLE 1: SOUTHWEST AREA DISTRICT PERMITTED USES**

USE	SWA-1	SWA-2	SWA-3	SWA-4	SWA-5	SWA-6	SWA-7	SWA-8	SWA-9
<b>Residential Uses</b>									
Single-Family Attached						P	P	P	
Single-Family Detached						P	P	P	
Two-Family						P	P		
Three-Family						P	P		
Multi-Family						P	P		
<b>Commercial Uses</b>									
Airport & Airport Related Uses					P				
Automotive Sales & Rental			C		A				
Brewery, Distillery, Winery, Cidery (Macro)			P	P					
Brewery, Distillery, Winery, Cidery (Micro)	P		P	P	P				
Daycare, Adult and Child	P	C	C	C		P	P	P	
Drive-Thru Facility				C		C			
Financial Institutions, Banks		P	P	P			C		
Gasoline Station	C				P				
Health Club	P	P	P	C		C	C		
Hotel/Motel	P		C	P	C				
Indoor Recreation & Entertainment	C		C	C					
Micro-Fulfillment Center		P	P	P		C			
Office, Administrative, Business, & Professional	P		P	P	P	C	C		
Office, Medical & Dental	P		P	P		C	P		
Outdoor Recreation & Amusement	C		C	C					
Parking Garages	P	P	P	P	P	P	P		P
Restaurant, Counter Service	P			P	P	P	P	P	
Restaurant, Table Service	P			P	P	C	P	P	
Retail Sales & Service, Neighborhood Scale	P		P	P		C	P	C	
Retail Sales & Service, Large-Scale	P			C		C	C		
<b>Institutional Uses</b>									
Colleges, Universities, Educational Research Establishment, Laboratory		C							P
Public Cultural Institutions & Art Galleries	P	P				P	P		P
Public Parks & Playgrounds	P			P		P	P		P
Public Safety & Service Facility	P	P			P		C		P
Public Utility Substation		P			P				P
School, Public or Private							C	C	P
Schools; Trade, Business & Arts		C							P

**TABLE 1: SOUTHWEST AREA DISTRICT PERMITTED USES**

USE	SWA-1	SWA-2	SWA-3	SWA-4	SWA-5	SWA-6	SWA-7	SWA-8	SWA-9
<b>Industrial Uses</b>									
Contractor Sales/Service		P			P				
Distribution Facility/Truck Terminal		P	P		P				
Indoor Storage Facility		C			C				
Indoor Cultivation		P	P	P					
Manufacturing, Artisan		P	P						
Manufacturing, Light		P	P						
Manufacturing, Heavy		P							
Processing, Industrial		C	C						
Research & Development Facility		P	P	P	P				
Training Facility		P	C	C	P				
Warehouse		P	P		P				
<b>Accessory Uses</b>									
Drive-Thru Facility	A			A		A			
Motor Vehicle Storage, Accessory	A				A				
Outdoor Dining and Seating	A			A		A	A		
Outdoor Display and Retail	A			A			A		
Outdoor Storage, Accessory		A	A		A				
Warehouse, Accessory		A	A	A	A				

<sup>1</sup>Airport and Airport Related Uses shall include all listed uses in Section 1145.07.

<sup>2</sup>Temporary Uses shall comply with all supplemental regulations in Section 1149.01

**1115.03 Site development standards**

- (a) Intent. The intent of the Southwest Area District is to foster appropriate development standards that encourage a development pattern and form that is set forth in the Southwest Focus Area Plan.
- (b) Applicability. The standards set forth in this chapter establish the regulations for the arrangement and development of land and structures within the SWA sub-districts.
- (c) General Development Standards. Table 2 outlines the general development regulations for land and structures within the SWA sub-districts.

**TABLE 2: SOUTHWEST AREA DISTRICT GENERAL DEVELOPMENT STANDARDS**

	SWA-1	SWA-2	SWA-3	SWA-4	SWA-5	SWA-6	SWA-7	SWA-8	SWA-9
<b>Minimum Lot Size<sup>1</sup></b>	N/A	3 acres	3 acres	21,780 ft <sup>2</sup> (½ acre)	21,780 ft <sup>2</sup> (½ acre)	6,000 ft <sup>2</sup>	5,250 ft <sup>2</sup>	6,000 ft <sup>2</sup>	3 acres
<b>Minimum Lot Width</b>	N/A	200 feet	200 feet	100 feet	100 feet	50 feet	42 feet	50 feet	200 feet
<b>Maximum Lot Coverage</b>	N/A	70%	80%	70%	70%	N/A	N/A	N/A	80%
<b>Maximum Building Height<sup>2</sup></b>	45 feet	50 feet	50 feet	50 feet	50 feet	45 feet	35 feet	35 feet	50 feet
<b>Minimum Front Setback</b>	25 feet	50 feet	50 feet	25 feet	25 feet	25 feet	25 feet	25 feet	50 feet
<b>Minimum Side Yard Setback</b>	N/A	20 feet	10 feet	10 feet	10 feet	6 feet	6 feet	6 feet	10 feet
<b>Minimum Rear Yard Setback</b>	N/A	10 feet	50 feet	10 feet	50 feet	35 feet	20 feet	35 feet	50 feet
<b>Parking Location</b>	Rear	Front Side/Rear	Front Side/Rear	Rear	Front Side/Rear	Rear	Rear	Front Side/Rear	Front Side/Rear
<b>Minimum Percentage Open Space</b>	5%	10%	10%	5%	10%	5%	15%	5%	10%

<sup>1</sup> Residential development located on a corner lot shall comply with the lot size requirements of Section 1171.08(d)(5).

<sup>2</sup> Exceptions to height limitations under Section 1149.07 are applicable to buildings within the SWA.

(d) Design Requirements.

- (1) Applicability. All new non-residential buildings and major redevelopments regardless of use shall meet the following building design requirements. New buildings and additions shall be designed with appropriate and compatible colors, materials, and architectural patterns and include similar and/or repeating patterns of design elements such as cupolas, wind vanes, dormers, detailed and well-defined cornices on flat roof structures, columns, awnings, or other elements as determined through the review process.
- (2) Commercial and Industrial Design Requirements.
  - A. The architectural design of all buildings shall establish proper transitional relationships with adjacent developments.
  - B. Quality architecture shall be utilized with a consistent look and feel.
  - C. All structures shall be designed to be architecturally compatible with each other by employing similar roof pitches, architectural details, and be constructed of compatible exterior building materials.

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D. All buildings and portions thereof shall retain traditional building massing. Buildings shall incorporate elements and forms that reduce large masses into an assemblage of definable parts. The scale of the buildings(s) shall be aided using different materials and architectural elements to help reduce the perception of the building mass.

- i. Split-faced concrete block and painted standard concrete block (CMU) are prohibited as exterior building materials. Tilt-up or pre-cast concrete wall panels may be used provided the exposed exterior surface is textured, patterned, or detailed to be complementary to the building design.
- ii. No masonry shall be painted or altered without prior approval from the Planning and Community Development Department.

- (1) Required architectural features shall include transparent store and office fronts and other appropriate features to emphasize and reduce the building scale at the front.
- (2) There shall be no apparent rear to any building that has public facing elevations and windows and other architectural features shall be utilized to break up expanses of blank walls.
- (3) Roof and ground mounted equipment including HVAC systems, service ladders and the like shall be appropriately screened by physical barriers consistent with building design and/or landscaping.
- (4) Trash Receptacles. All solid waste products, including empty packing boxes, that result from any permitted principal, conditional or accessory use shall either be disposed of, stored in buildings, or completely enclosed in containers. All trash receptacles, other than those completely enclosed by buildings, shall be located in a side or rear yard and shall comply with the minimum parking setbacks established in Schedule 1113.08. Screening on three sides of the trash receptacle shall consist of a solid, opaque enclosure constructed of masonry and shall be consistent with the architectural character of the principal building. The open end of the enclosure shall have a 100% solid opaque metal, vinyl, PVC, or wooden gate that includes stop pins to lock the gates open for servicing and which are not readily degradable due to sunlight, moisture, or wind, with self-closing hinges. Said gates shall always remain closed, except while being serviced by the refuse company.
- (3) Residential Design Requirements. New residential buildings and major redevelopment shall comply with Chapter 1171 Design Criteria and Performance Standards and any supplemental design requirements contained herein.

A. Multi-Family Residential Supplemental Design Guidelines. Structures shall include a minimum of 40 percent of brick and/or stone on public facing elevations.

- (e) The above requirements are not all encompassing and additional requirements during review may be necessary to meet the intent of 1117.03(d) of this section.
- (f) Landscaping, Tree Removal, and Replacement. Any new development activity shall comply with all tree removal, landscaping, and screening requirements per Chapter 1121 and Chapter 1122 of this code.
- (g) Parking and Lighting. Development shall conform to Chapter 1123 Parking and Loading and Chapter 1124 Lighting of this code.

#### **1115.04 Procedures.**

- (a) Commercial and Industrial Development that conforms to the requirements of 1117.02 Uses and 1117.03 Site Development Standards require administrative development plan review.
  - (1) The applicant shall submit all items set forth in the checklist for administrative review on file with the Planning and Community Development Department.

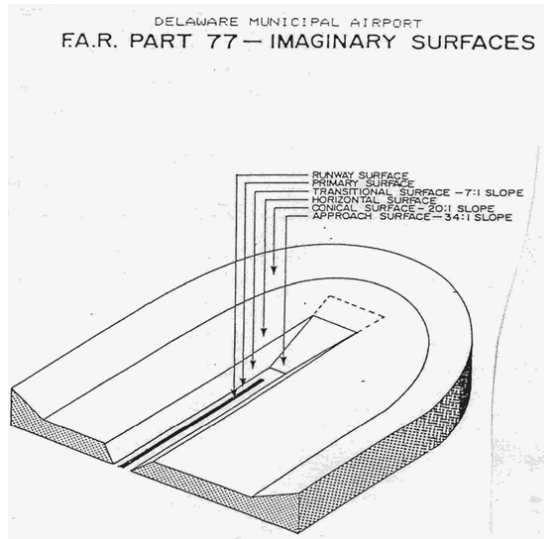
- (2) Once the review is completed by all departments and all plans have been approved, a certificate of building and zoning compliance shall be issued to the applicant.
- (b) Any residential development, or mixed-use development with a residential component, that conforms to the requirements of 1117.02 Uses 1117.03 Site Development Standards, must apply for a development plan approval as set forth in Chapter 1105 Procedures of this code.
- (c) Any conditional use that conforms to the requirements of 1117.02 Uses and 1117.03 Site Development Standards, shall be required to apply for a Conditional Use approval from Planning Commission as outlined in Chapter 1105 Procedures of this code, prior to obtaining permits.
- (d) Should an applicant propose a development that does not conform to the requirements of 1117.02 Uses and 1117.03 Site Development, they may choose to make application to rezone the property and proceed through standard rezoning and development plan procedures outlined within this code.
- (e) The Planning and Community Development Director reserves the right to require any development to proceed through development plan review should there be discrepancy between the applicant and staff concerning conformance to the requirements of this chapter.

**1115.05 Airport vicinity.**

- (a) Development within proximity to the airport, as outlined in the Airport Operations Map in the Airport Master Plan as approved by City Council, shall adhere to the following requirements:

- (1) The following height restrictions shall apply to all buildings and structures, whether permanent or temporary, as described herein and on the accompanying illustration:

- A. Transitional Surface. The Transitional Surface is an imaginary inclined surface that extends seven (7) feet outward for each one (1) foot upward (7:1) beginning on each side of the Primary Surface and from the sides of the Approach Surface thence extending upward to the Horizontal Surface.
- B. Conical Surface. The Conical Surface is an imaginary inclined surface that extends twenty (20) feet outward for each one (1) foot upward (20:1) for four thousand (4,000) feet beginning at the edge of the horizontal surface and upward extending to a height of three hundred and fifty (350) feet above the airport elevation.



- C. Horizontal Surface. The Horizontal Surface is an imaginary horizontal plane one hundred and fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs, whose length depends on runway properties, from the center of each end of the Primary Surface and connecting the adjacent arcs by lines tangent to those arcs.

- (2) Notice. If any object of proposed construction located within 20,000 feet of the Delaware Airport runway surface will penetrate and exceed the slope of 100:1 horizontal (100 feet horizontally for each one foot vertically) from the nearest point of the runway, then the applicant must show proof of filing an FAA Form 7460-1, Notice of Proposed Construction or Alteration of an Object that may Affect the Navigable Airspace, in accordance with FAA Advisory Circular 70/7460-2k, as amended



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(3) Determination Report. A copy of a FAA determination report as a result of filing the FAA Form 7460-1, Notice of Proposed Construction or Alteration of an Object that may Affect the Navigable Airspace, shall be submitted with a Development Plan or Administrative Review.

(b) Avigation Easements. Avigation easements shall be conveyed to the City of Delaware by all new land uses and/or buildings or structures permitting the right of flight in the airspace above all properties located within the Airport Operations Map. Such easements shall be supplied in a form prescribed by the City Manager and shall be recorded on the title of the subject property.