

City of Delaware –Zoning Code Effective 8/13/01  
Chapter 1146  
Planned Business Overlay District Regulations

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**SECTION 1146.01 PURPOSE.**

The Planned Business Overlay District (PBO) and its regulations are established in order to achieve the following purposes: (a) (b) (c) (d)

To encourage the design and development of non-residential uses in a manner which enhances the City's image through the application of urban design and architectural principles, high-quality construction techniques and the provision of aesthetic amenities.

To give the City the ability to permit a broad range of non-residential uses in a manner that ensures that such uses are compatible with the surrounding environment, specifically residential uses.

To prevent the broad application of rezoning from either Residential Districts to Office and/or Business Districts, or Office Districts to Business Districts which may result in unacceptable impacts to surrounding uses.

To ensure that the review of non-residential development exceeds the level of review required for Office or Business Districts by requiring comprehensive and overall development plan review and approval according to the conditional use and development plan review procedures of Chapter 1129.

(a) (b)

**SECTION 1146.02 ESTABLISHMENT AND APPLICATION OF A PLANNED BUSINESS OVERLAY DISTRICT.**

A Planned Business Overlay (PBO) District shall be established in accordance with the required procedures for a Zoning Map amendment pursuant to Chapter 1130, provided that at the time such zoning amendment is being considered, a general development plan depicting the overall development of the proposed PBO District has been submitted. Such general development plan shall comply with the Development Plan Review criteria set forth in Section 1146.05.

The boundaries of the Planned Business Overlay District shall be indicated in the Official Zoning Map with the symbol PBO. The Planned Business Overlay District shall be in addition to and shall overlay all other zoning districts where the PBO district is established. Therefore, any parcel of land lying in the PBO district shall also lie

in one or more of the other zoning districts provided for in this Zoning Ordinance.  
The district

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designation of PBO shall be superimposed over the existing zoning designations on the  
Zoning Map.

#### SECTION 1146.03 PERMITTED USES.

Permitted uses in a PBO District shall include those listed as a Permitted Use in the  
underlying district and those listed as a Permitted Use for the B-3 District set forth in  
Section 1143.02.

#### SECTION 1146.04 GENERAL DEVELOPMENT STANDARDS.

General development standards for a PBO District shall comply with all applicable  
requirements for the B-3 District as set forth in Chapter 1143. However, the Planning  
Commission may waive those requirements it deems appropriate when an alternative  
standard(s) would meet or exceed the purposes of this Chapter and are consistent with the  
overall objectives of the City 's Comprehensive Plan.

#### SECTION 1146.05 DEVELOPMENT PLAN REVIEW CRITERIA.

The following development and design criteria are established to ensure that all  
proposed development or redevelopment complies with the purposes of this Chapter as  
set forth in Section 1146.01. In addition to the design criteria set forth in Chapter 1171,  
the Planning Commission shall review plans for a proposed use in a Planned Business  
Overlay District as required in Chapter 1129 according to the criteria established below.  
The application is intended to be the basis and standard for the eventual and complete  
development of the site and should ensure appropriate and compatible future  
development by others and therefore shall include the following information: (a) (b) (c)  
(d) (e) (f)

Accommodation for utility easements including fire hydrants, sanitary sewers, and  
preliminary grading, drainage and stormwater management.

Roadway systems (public and private), service areas, parking areas, entrance, exits, and  
pedestrian walkways within the development and access to public streets which  
minimize traffic hazards or congestion.

The general location of buildings depicting the bulk, height and spatial relationships of  
proposed building masses with adjacent development.

The number and location of access drives limited to reduce curb-cuts, cut-through traffic,  
incidence of left turns, and adverse impact upon adjacent uses.

The location of parking areas, including circulation routes designed to service front  
parcels and main, rear or additional parking areas and to permit travel between all  
parking areas.

Internal directional traffic signage required to assure safe and orderly vehicular and pedestrian traffic.

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Parking lot lighting, including style and height, which directs lighting to access drives, pedestrian walkways, parking lots and buildings and not to adjacent residential areas.

(h) (i) (j) (k) (l) (m) (n) (o) (p) Evidence that the character and materials of the buildings shall be compatible with one another throughout the entire development. Final architectural plans for each individual building will be subject to review and approval by the City.

A signage plan indicating consistent use of materials, colors, letter etc., in compliance with Chapter 1165.

Intended measures to screen rooftop mechanical equipment from view from the public right-of-way and adjoining residential properties. Where necessary because of sight lines, such screening may be accomplished through the use of parapet walls, roof mounted screens or other devices approved by the City.

Accommodation and access for emergency and fire fighting apparatus.

Screening and enclosure of trash and recycling containers as required by Chapter 1166, so as not to be visible from the public right-of-way or adjoining properties.

Location of landscaped or screened buffer areas as required within front, side and rear setbacks and significant buffers with adequate landscaping and screening between the proposed development and adjacent residential areas.

Preservation of significant natural features to the maximum extent possible, such as, but not limited to, stream beds, mature stands of trees, individual trees of substantial age or size, and rock outcroppings.

A management plan or mechanism to provide for the perpetual maintenance of all landscape, buffer and shared parking areas by the ultimate land buyer.

Intended measures that will be taken to convey the terms of the design criteria to future purchasers and/or tenants.

#### SECTION 1146.06 DEVELOPMENT PLAN REVIEW.

All development within a PBO District shall be subject to the conditional use approval process set forth in Chapter 1129 and the development plan review criteria and performance standards set forth in Chapter 1171.  
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