

TITLE ONE PLANNING

CHAPTER 1101. TITLE, PURPOSE, AND APPLICABILITY

1101.01. Title.

The rules, regulations, procedures, and accompanying maps in Part 11 of the City of Delaware Codified Ordinances shall be known, cited and referred to as the Delaware Zoning Ordinance. This Ordinance includes standards for planning, subdividing, and developing land within the City.

1101.02. Authority and scope.

This Zoning Ordinance is adopted by the City pursuant to its authority under the Ohio Revised Code and the City of Delaware Charter. Nothing in this Zoning Ordinance shall be construed to limit City Council in the exercise of all of the powers to zone or redistrict now or hereafter as authorized by the Ohio Revised Code or the City Charter.

1101.03. Purpose.

The purpose of this Zoning Ordinance is to promote and uphold the public health, safety, and general welfare of the City through regulation of the use of land and of the type, size, and use of structures. More specific purposes are to:

- (a) Establish districts of such classification and number to implement any applicable plans, including the City's Comprehensive Plan and Thoroughfare Plan, that encourages the most appropriate uses of the land and guides the future development of the City.
- (b) Ensure and encourage the most appropriate use of land to stabilize and preserve property values, to provide safety from hazards such as fire, flood, water, and air contamination, and to guarantee adequate light, air, and open space to all residents of the City.
- (c) Encourage compatibility between different land uses and protect the scale and character of existing development from the encroachment of incompatible uses.
- (d) Preserve unique historical and/or natural features of structures or land within the City.
- (e) Regulate and restrict the location, bulk, height, design, and land coverage of buildings to protect the character and value of the City's residential, business, industrial, institutional, and recreational areas.
- (f) Regulate the area and dimension of lots, yards, and other open spaces.
- (g) Ensure efficient traffic circulation, manage congestion on the streets and improve public safety by locating buildings and uses adjacent to streets in such a manner that they will cause the least interference with, and be damaged least by, traffic movements.
- (h) Facilitate development of land uses according to a comprehensive design that ensures the availability of and provision for adequate traffic capacity, water and sewer service, schools, public parklands, and other such public facilities.
- (i) Provide regulations, standards and procedures for the administration, amendment, and enforcement of this Zoning Ordinance.

1101.04. Applicability.

- (a) After the effective date of this Zoning Ordinance, no use of a structure or land shall be changed, and no structure or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with, the regulations specified in this Zoning Ordinance. Existing buildings, structures, and uses of land that do not comply with the regulations of this Zoning Ordinance are non-conforming and subject to the regulations set forth in this Ordinance.
- (b) No trees shall be removed from land within the City of Delaware except in conformity with the regulations specified in this Ordinance.
- (c) No lot, yard, parking area, or other space shall be reduced in area or dimensions so as to make such area or dimension less than the minimum required by this Zoning Ordinance. No part of a yard, parking area, or other space provided about or for any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard, parking area, or other space required under this Ordinance for another building or structure.
- (d) Nothing in this Zoning Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.
- (e) Essential services shall be permitted as authorized and regulated by law and other ordinances of the City, it being the intention hereof to exempt such essential services from the application of this Zoning Ordinance.

1101.05. Interpretation.

The interpretation and application of the provisions of this Ordinance shall be held to be minimum requirements, unless otherwise specified within this text. The provisions of this Zoning Ordinance shall be liberally construed to further the purposes and objectives set forth herein and the purposes and intent of each district as set forth in each district chapter.

1101.06. Conflicting laws.

- (a) Except as specifically provided herein, the provisions of this Zoning Ordinance shall not repeal, abrogate, annul, or in any way impair or interfere with any existing ordinances, laws, rules, or permits previously adopted or issued.
- (b) Where provisions of this Ordinance impose greater restrictions than other existing laws, regulations, or ordinances, the provisions of this Zoning Ordinance shall govern. Conversely, other regulations shall govern where they are more restrictive in nature than this Zoning Ordinance.
- (c) These regulations shall not change any approved final site plan or subdivision. Any preliminary approval prior to the effective date of these regulations or any amendment thereto shall continue under the previous zoning code until final approval.

1101.07. Severability.

It is the legislative intent that, in adopting Part 11 of the City of Delaware Codified Ordinances, all of its provisions shall be liberally construed to protect and preserve the peace, health, safety, and general welfare of the City of Delaware. It is the further legislative intent of the Council that Part 11 shall stand, notwithstanding the invalidity of any part, and that, should any provision be held to be unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions.