**2024 PLANNING & ZONING CODE UPDATE**

SUMMARY OF CHANGES & NEW CHAPTERS

DRAFTS OF EACH CHAPTER CAN BE FOUND AT DELAWAREOHIO.NET/ZONINGCODE



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| **Chapter** | **Title** | **Proposed Changes** | **Reasoning** |
| **1101** | **Title, Purpose, & Applicability** | New title page, no major changes | Severability clause expanded |
| **1102** | **Definitions** | Consolidate all definitions in one chapter. Currently under review by staff. | Adding definitions from new chapters, clarifying definitions |
| **1103** | **Administration, Power, & Duties** | Added HPC to chapter | Conformance with Charter, consolidation of boards and commissions in one chapter |
| **1104** | **Comp Plan & Thoroughfare Plan** | Simplification, no major changes | Combined comprehensive plan and throughfare plan chapters. Updated procedures for comp. plan amendments to align with existing zoning amendment procedures outlined in the code. |
| **1105** | **Procedures** | Consolidated all zoning procedures into a single chapter | Procedures are currently scattered throughout Code. This change allows for easy reference |
| **1106** | **Subdivision Regulations** | Removed Council approval from Subdivision Regs.  Require platting of all property as it develops or new lots are created.  Updated parkland dedication section. | Proposed charter changes will only require Planning Commission Approval for plats. Requiring that all new lots be platter will allow for opportunities to dedicate right-of-way and easements. New parkland dedication requirements will reflect current policy in providing several options for dedication of parks and open space. |
| **1110-1112** | **Districts Established/Residential Districts/Commercial Districts** | Simplifying the code and making it more approachable for staff, applicants, and residents  Aligning zoning designations with both the Comprehensive Plan and the existing conditions of sites around the city. | In the current zoning code, there are thirteen residential zoning districts, nine commercial zoning districts, two industrial zoning districts, and several overlay districts. In Staff’s proposal, there would be five residential districts, five commercial districts, two industrial districts, and overlay and planned districts as outlined elsewhere in the code. In addition, staff is proposing an overhaul of the zoning map to align with these new zoning districts. |
| **1113** | **Industrial Districts** | Clarification, simplification, and more allowed uses | Expanded the types of uses permitted in industrial districts. Established design requirements. Removed sections that are better suited in other chapters. |
| **1114** | **Planned Unit Developments** | Chapter simplification with no change in content. | Consolidated PUD rezoning and development plan procedures with procedures in Chapter 1105 (which are the same) |
| **1115** | **Southwest Overlay District** | No substantive changes. Better corresponding with industrial zoning chapter. | The Southwest is primarily industrial, and the uses and design requirements should be harmonious with Industrial District chapter |
| **1116** | **Historic District Overlay** | Relocated the powers and duties of the Historical Preservation Commission to Chapter 1103 | Consolidation of all boards and commission duties in one chapter allows for easy reference. |
| **1120** | **Site and Building Design Requirements** | Chapter is more readable and aligns the requirements with the newly proposed zoning district designations | Overhauled to reflect the design standards Delaware residents have come to expect from new development and construction and make the chapter easier to comprehend. The chapter currently improperly houses a variety of regulations not directly related to design including landscaping, platting requirements, and open space regulations. |
| **1121** | **Landscaping and Screening** | Updated requirements for street trees, buffers, and landscaping in and around parking lots. Added screening requirements for mechanical equipment | City Forester proposed updates to street tree requirements. Buffer and landscape requirements no allow for raingardens and bioswales. |
| **1122** | **Tree Preservation** | Minor updates to verbiage and procedures. | Updates reflect procedural changes to ensure intent of regulations is maintained. |
| **1123** | **Parking & Loading** | Provide a more flexible and less prescriptive parking code for motorized vehicles, while introducing minimum parking requirements for non-motorized transportation options such as bicycle parking. Vehicular parking minimums have been reduced across all land-uses to adjust to changing lifestyles, remote working, demand for new housing and their increasing costs, and environmental considerations. While vehicular parking minimum requirements will be reduced, a baseline of required parking will remain to ensure an appropriate amount of parking facilities are available while reducing the possibility that an excess amount of parking is mandated, which can result in unproductive use of land and unnecessary costs for new development. | Parking minimums based on number of employees and net floor areas as opposed to gross floor areas for commercial, retail, and industrial uses. Land uses and community facilities with more intermittent and unpredictable parking demand will now be required to develop an individualized parking and circulation plan that assesses site specific needs and varying demands. Recognizing that parking mandates can increase the cost of housing, residential uses have been reduced from 2 spaces per dwelling unit to one space per dwelling unit for single, two, three, and four family dwellings, and from 2 spaces to 1.5 spaces per unit for multi-family dwellings. Reductions in parking minimums encourages a more market-oriented approach for new development rather than a one-size fits all approach, while allowing for new development to establish more parking facilities if they deem it appropriate. A new addition to the parking code includes the establishment of minimum bicycle parking requirements for all land uses. |
| **1124** | **Lighting** | Reduced pole height requirements in residential | More consideration for light pollution in residential neighborhoods and in commercial development that abuts residentially used properties. |
| **1125** | **Signage** | TBD | The chapter is being reviewed externally and proposed changes will be provided by an outside consultant. There are many first amendment implications in sign codes that require additional consideration. |
| **1130** | **Accessory Structures & Usage** | Combine parts of four different chapters: Fence and Wall Regulations, Accessory Structures, Commercial Regulations, and Industrial Regulations.  Making structures under 100 square feet exempt from requiring a building permit in the residential zoning districts. | More concrete design and material requirements to align with the rest of the design requirements in the Zoning Code. The most substantive change is in the way maximum size of accessory structures is measured. By tying the size of accessory structures to the footprint of a primary structure, we are ensuring that accessory structures are truly accessory in all respects to the principal structure on a lot, avoiding large accessory buildings which overpower the primary structure. |
| **1131** | **Accessory Dwelling Units**  **(NEW CHAPTER)** | This is a new addition to the Zoning Code, and a housing option that has not been permitted by right in the City of Delaware in the current zoning code. ADUs, commonly referred to as “granny-flats”, are defined as smaller internal, attached, or detached independent residential dwellings located on the same lot as an owner-occupied single-family or two-family dwelling. ADUs include their own entrance and space for living, eating, sleeping, and cooking.  To ensure that ADUs are established in an orderly manner, the bulk and location regulations of ADUs, including height, building footprint, and setbacks from property lines, will mirror those of Accessory Buildings, such as an attached garage or detached garage for example. ADUs will only be permitted on lots that are owner-occupied. The exterior design of ADUs shall be of similar style, color, and materials, of the primary residence on the lot. | To fulfill the City of Delaware’s “Delaware Together” Comprehensive Plan’s goals to ensure a broad spectrum of housing options are available in the city to meet the current and future needs of the growing population of Delaware, Accessory Dwelling Units (ADUs) will be permitted in all single-family and two-family zoning districts. |
| **1132** | **Home Occupations** | As discussed with the previous round of code updates, this code would not allow “major home occupations”. In addition, this chapter has been updated to reflect current trends and to clarify requirements and regulations. | “Major Home Occupations” as previously included in this code essentially allow for a specific parcel to be spot-zoned, something that is generally understood not to align with municipal zoning best practices. Home Occupations should be permitted so long as they do not affect the residential character of the home or surrounding neighborhood. These concepts are outlined more clearly in this draft. |
| **1133** | **Short Term Rental Regulations**  **(NEW CHAPTER)** | The City of Delaware does not currently address short-term rentals (including AirBNBs, VRBO, etc.) in the zoning code.  When the city’s zoning code was last updated, short-term rentals were not an issue to consider. Now, they are extremely common, and we have no way to regulate them. | This chapter establishes regulations which define hosted versus non-hosted short-term rentals, limit the number of STRs individuals may operate, and require registration and yearly inspections by city staff prior to operation. The proposed code also outlines the ways in which a registration could be rescinded.  Adding this chapter gives Staff means to regulate and track short-term rentals and to limit them so that they do not create a further strain on the limited housing stock in the region. |
| **1134** | **Alternative Energy**  **(NEW CHAPTER)** | New regulations on ground and roof mounted solar and wind power | Code does not currently address alternative energy in any form. This chapter will allow for some regulations in regard to placement and height. |
| **1135** | **Wireless Telecommunications** | Adding “small cell” technology to the chapter | “Small cell” towers are not currently addressed but are common. The addition to this chapter will allow the City to regulate location and design. |
| **1136** | **Age Restricted Retail Businesses** | Recently approved at Council. No change with the exception of the chapter number. | N/A |
| **1137** | **Adult Entertainment** | TBD | Under review by City Attorney. No major changes expected. |
| **1138** | **Temporary Uses** | Refined regulations for model homes, outdoor sales and events. Relocated regulations that are not relevant to temporary uses. Added regulations for donation drop off containers. | Currently Chapter 1149 of the Code called’ Supplemental Regulations for all districts’ will be renamed “Temporary Uses” and will only address temporary uses such as construction trailers, food trucks, the keeping of animals, and temporary sales and events. |
| **1139** | **Nonconforming Lots, Uses & Structures** | Refined language for lots, uses, and structures that are considered legal, but nonconforming. | Made changes to reflect specific situations the department has encountered in regard to nonconforming structures. |
| **1199** | **Enforcement & Penalties** | Ensure consistency of penalties | Currently under review by Staff. |