

ZONING RESOLUTION

DELHI TOWNSHIP, OHIO



DEPARTMENT OF COMMUNITY DEVELOPMENT

697 Neeb Road, Delhi Township (Hamilton County), Ohio 45233

April 12, 2021



DELHI
TOWNSHIP

THE FLORAL PARADISE OF OHIO

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TEXT AMENDMENTS

Resolution Number	Effective Date	Description of Revisions
2-75	8-9-1975	Sec. 194
3-75	10-10-1975	Amend Sec. 62.14-8, 92.17-6, 112.72, 138.5, 171.9, 171.17, 195, 197; Add Sec. 102.24.1, 102.24.2, 102.24.3, 102.24.4, 102.24.5 (Signs)
10-76	12-17-1976	Sec. 137.5 #1
4-77	9-3-1977	Sec. 141 and Article XIV
6-78	8-26-1978	Sec. 41 and Article XIII-E
2-79	8-24-1979	Add Sec. 31.5-1, 31.15-1, 31.20-1, 31.38-2, 84.2-1; Amend Sec. 31.1, 31.3, 51.1, 94.3-1, 102.24, 135.4, 144#1, 144#4, 171.15, 221
5-79	2-8-1980	Sec. 31.2
2-81	5-29-1981	Sec. 31.2 and 53
4-81	8-7-1981	Amend Sec. 161 and 162 (Community Unit Plan)
1-82	10-29-1982	Amend Sec. 197 #1-18 (Fee Schedule); Amend Sec. 161 & 161.3 (Community Unit Plan); Amend Sec. 31, 31.46, 31.46- 1 (Acc. Uses); Add Sec. 31.6-1, 31.22-1, 31.29-1, 21.29-2, 31.29-3, 31.29-4, 31.29-5, 31.50-1, 51.1-1, 51.1-2, 66, 102. 18-1, and Add Article XVII-A (Flood Plain Management Overlay District)
3-84	3-15-1985	Amend Article XXIII (Amendment Procedures)
1-85	9-28-1985	Add Article XXXI; Amend 22 Previously Existing Sections Pertaining to Signs (Relocation of Sign Regulations to New Article XXXI)
1-86	11-28-1986	Amend Sec. 31.1, 31.1-1, 171.7; Add Sec. 171.7-1, 171.17 (Satellite Dishes)
2-86	7-25-1986	Amend Sec. 197; Add Sec. 197.1 (Double Fee for Violation Requiring Zoning Certificate)
5-86	1-28-1987	Amend Sec. 92.17-7, 135.5 #3, 312.7, 313.2, 314.2, 314.3, 314.4, 315.2, 315.3, 316.6, 317.2, 318.2, 318.3, 319.2, 319.3 (Ground & Pole Signs)
4-87	10-9-1987	Add Sec. 57 (Oil & Gas Well Drilling, etc.)
7-88	3-22-1989	Amend Sec. 31.46, 51.1-1, 51.1-2; Add Sec. 51.1-3 (Definition and Storage Regulations for Trailers)
2-89	10-27-1989	Amend Sec. 140.0, 140.1, 231, 232, 233, 234, 235, 236, 237, 238 (Amendment notification deadlines; Final Development Plan Review Procedures)
4-89	9-28-1990	Add Sec. 31.13-2; Amend Article XVI (Community Unit Plan definition/regulations)
1-94	5-13-1994	Amend Sec. 54, 171.3, 184.8-5-1, Add Sec. 31.11-1, 54.1, 62.15, 184.8-5-2 (Cellular Telephone Communications Towers definitions/regulations)

TEXT AMENDMENTS

Resolution Number	Effective Date	Description of Revisions
7-94	2-24-1995	Amend Sec. 139.11, 197, 197.1, Add Sec. 31.33-1, 171.18, 171.18-1, 171.18-1-1, 171.19 (Panhandle lot yard designations, removal of Zoning Fee Schedule from text of Resolution, reformat fee schedule, modify zoning fees).
97-1	5-9-1997	Add Article XXXII (Delhi Pike Business Corridor Overlay District regulations)
97-5	9-12-1997	Amend Sec. 151, 152, 153, 154, 155, 184.8-7, 184.8-8, 184.9, Add Sec 31.35-1, 184.8-7-1, 184.8-7-2 (Improvements to nonconforming uses)
01-2	9-7-2001	Amend Sec. 312.6, 313.8, 314.14, 315.9, 316.5, 317.6, 318.8, 319.8 (Political sign regulations)
04-1	8-27-2004	Amend various Sections correcting typographical & grammatical errors and redundant regulations
09-1	6-26-2009	Amend Sec. 135.6, 136.6, 137.6, 138.6 (timeframe for commencement of development in planned district, extension of timeframe, reversion process); amend Sec. 166, 238 (Trustees' vote on Zoning Commission amendment recommendations); amend Sec. 231 (amendment fee justification); add Sec. 239 (procedure to record amendment approvals with County Auditor)
09-4	4-9-2010	Add Sec. 171.7-1, amend Sec. 31.1, 31.22, 171.7, 171.7-1, delete Sec. 31.23, 92.17-2 (accessory structure size); Add Sec. 144 #4, amend Sec. 144, 144 #3, 144 #4, 145 #3 (paving materials)
11-1	4-27-2012	Amend Article XXXII (Delhi Pike Business Corridor Overlay District regulations), and Sec. 41 (list of zone districts); add Sec. 31.11-2, 31.13-3, 31.14-1, 31.19-1, 31.28-2, 31.34-1, 31.37-1, 31.38-1, 31.46-2, 31.46-3, 31.46-4 and 31.47-1 (definitions)
12-1	8-24-2012	Add Sec. 171.9-1, 171.9-2, 171.9-3, amend Sec. 31.44, 171.9, 184.8-5-2-6 (fence regulations)
14-2	7-11-2014	Amend Sec. 31.35, 31.35-1, 154, 155, 184.8-7 and 184.8-7-1 (Improvements to nonconforming uses)
15-2	4-24-2015	Amend Sec. 31.38-2, 327.1-6 and Articles XIV and XXXI (Parking and sign regulations)
16-1	1-13-2017	Delete Article XXXII (Delhi Pike Business Corridor Overlay District regulations); add Article XXXIII (Delhi Pike Business Corridor District regulations); add Sec. 31.1-2 thru 31.1-2.16, 31.2-1.1, 31.5-2 thru 31.5-4, 31.13-4, 31.16-1, 31.17-1, 31.18- 1, 31.19-2, 31.20-2, 31.23, 31.25-1, 31.25-2, 31.34-2 thru 31.34-5, 31.35-2, 31.35-3, 31.37-2, 31.37-3, 31.38-5, 31.38-6, 31.45-1 (Definitions) and Addendum "1" (Sexually Oriented Businesses and Adult Entertainment Establishments); amend Sec. 142-7, Table 143-1 and Table 143-2 (Parking regulations)

TEXT AMENDMENTS

Resolution Number	Effective Date	Description of Revisions
18-1	7-13-2018	Add Article XXXIII (“MFR” Mixed Family Residential District regulations; Add Article XXXIV (“NB” Neighborhood Business District regulations)
18-2	7-13-2018	Amend Sec. 31.26, 62.14-4, 92.17-2, 322.2; add Sec. 31.34-2, 31.34-3, 31.34-3, 31.34-4, 31.34-5, 31.34-6, 62.15-1, 112.43-1, 112.43-2, 112.43-3, 112.43-4, 112.43-5 (medical marijuana prohibition)
18-3	11-29-2018	Amend Sec. 31.1, 31.11, 31.13-1, 31.25-1, 31.19-2, 31.26, 31.34-2, 31.34-3, 31.34-4, 31.34-5, 54.1, 62.3, 62.4, 62.8, 62.12, 62.14-1, 62.14-8, 92.2, 92.6, 92.7, 92.9, 92.11, 92.12, 92.13, 92.14, 92.15, 92.16, 92.17-3, 92.17-4, 92.17-6, 92.17-7, 140.1, 142, 143, 171.1, 171.2, 171.7, 171.8, 171.9-1, 171.9-2, 184.8-5-2, 197, 282, 312, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341 & 342 (updating various references and existing regulations); add Sec. 31.19-1, 31.24-5, 31.53, 31.54, 198, 32.06 & Article XXXV (Sec. 35.01 thru 35.09 et seq.) (alternative energy devices)
19-1	2-7-2020	Amend Sec. 54. 54.1, 162, 167.1, 184.8-5-2, 235, 238, 239; add Sec. 58, 59, 235.1, 235.2 and 235.3 (Option to use Hamilton County Regional Planning Commission, storage of residential trash/recycling receptacles, keeping of chickens, installation of small cell facilities or wireless structures)
19-3	2-28-2020	Amend Sec. 184.8-8; add Sec. 31.46-5 and 184.8-9 (add variance definition and factors for determining area and use variances)
21-24	4-12-2021	Comprehensive update to the zoning resolution including a new document template and a re-organization of the content, update to uses and use-standards, creation of a Planned Unit Development process and conditional uses, revised parking, signage, fencing, and lighting standards, new landscaping and buffering standards, and updated definitions.

Introduction

1. INTRODUCTION

1.1 Purpose

The purpose of the Delhi Township Zoning Resolution is to promote the public health, safety, morals, comfort or general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements, all in accordance with the provisions of Section 519.01 et seq. of the Ohio Revised Code.

1.2 Title

This Resolution shall be known and may be cited and referred to as the “Delhi Township Zoning Resolution”, “Zoning Resolution”, “Resolution”, or a similar effect.

1.3 Effective Date

- A. This Resolution shall be in full force and effect from and after the earliest period allowed by law. Adopted this April 12, 2021, Resolution 2021-024, Delhi Township Board of Trustees, Hamilton County, Ohio.
- B. Nothing contained in this Resolution shall require any change in the plans, construction, size or designated use of a building, for which a valid permit has been issued or lawful approval given before the effective date of this Resolution; provided, however, construction under such permit or approval shall have been started within six months and the ground story framework including structural parts of the second floor shall have been completed within one year and the entire building completed within two years after the effective date of this Resolution.

1.4 Enforcement

It shall be the duty of the Delhi Township Administrator or their designee to enforce this Resolution.

1.5 Applicable Provisions

This Resolution has been passed under the authority of Section 519.01 et seq. of the Ohio Revised Code and embraces the provisions thereof regarding enforcement and penalties for violation.

INTRODUCTION

ARTICLE 1: INTRODUCTION

1.6 Interpretation, Purpose, and Conflict

1.6 Interpretation, Purpose, and Conflict

In interpreting and applying the provisions of this Resolution and any amendments thereto, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, and general welfare. Wherever the regulations of this Resolution require a greater width or size of yards or other open spaces or require a lower height of building or a smaller number of stories or require greater percentage of lot to be left unoccupied or require a lower density of population, or require a more restricted use of land, or impose other higher standards than are required in any other resolution or regulation, private deed restrictions or private covenants, these regulations shall govern.

1.7 Validity

If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected thereby. All resolutions or parts of resolutions of Delhi Township, in conflict with any regulations, provisions, amendment, or supplement of this resolution, are to the extent of such conflict hereby repealed.

1.8 Violations and Penalties

- A. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or to use any land in violation of any regulation in or any provision of this Resolution or any amendment or supplement.
- B. Any person, firm or corporation violating any regulation, provision, amendment, or supplement to this Resolution, or failing to obey any lawful order of the Delhi Township Community Development Director issued in pursuance thereof, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than an amount greater than prescribed in the Ohio Revised Code. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.

1.9 Remedies

In the case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of any regulation, provision, amendment, or supplement of this Resolution, the Trustees, the Township Law Director, the Delhi Township Community Development Director, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunctive, mandamus, abatement, or any other appropriate action, actions, proceeding, or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

1.10 Repeal

The Zoning Resolution may be repealed in the following manner: the Trustees (a) may adopt a resolution upon its own initiative, and (b) shall adopt a resolution if there is presented to it a petition signed by a number of qualified voters residing in the unincorporated area of the Township included in the zoning plan equal to not less than eight percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the question of whether or not the plan of zoning in effect in the Township shall be repealed to be submitted to the electors residing in the unincorporated area of the Township included in the zoning plan, at the next primary or general election. In the event a majority of the vote cast on said question in the Township is in favor of repeal of zoning, then said regulations shall no longer be of any force or effect in the Township. No more than one such election shall be held in any two calendar years.

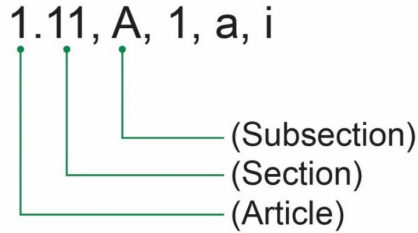
1.11 Use of Graphics, Illustrations, Figures, and Cross-References

- A.** Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and the graphic, illustration, or figure, the text shall control.
- B.** In some instances, cross-references between sections and subsections are provided that include the section or subsection number along with the name of the reference. Where a conflict may occur between the given cross reference number and name, the name shall control.

2. ORGANIZATION

2.1 Document Structure

The structure of the text of this ordinance is as follows: Title (not indicated by a number), Article (indicated by a 1, etc.), Section (indicated by a 1.1., etc.), and subsequent Subsections (indicated by A, 1, a, etc.). Below is an example of this format.



Chapter Title

- 1..... (Article)
- 1.1..... (Section)
- A..... (Subsection)
- 1..... (Subsection)
- a..... (Subsection)
- i..... (Subsection)

Zoning Districts and Uses

3. GENERAL REGULATIONS

3.1 Purpose

The purpose of this Article is to establish land use regulations for lots within Delhi Township, Hamilton County, Ohio.

3.2 Use Regulations

- A. **General Provisions.** The Use Tables contained within this Resolution list the uses allowed within the designated zoning districts.
- B. **Permitted Uses.** A “P” in a cell indicates that a use is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this Resolution.
- C. **Permitted Uses with Standards.** A “PS” in a cell indicates that a use is allowed by-right in the respective zoning district if it meets the additional standards set forth in the numerically referenced section(s). Permitted uses with standards are subject to all other applicable regulations of this Resolution.
- D. **Conditional Uses.** A “C” in a cell indicates that a use may be permitted if approved through Conditional Use Permit review. Conditional uses may be subject to use-specific standards as identified in the last column of the use table. Conditional uses are subject to all other applicable regulations of this Resolution.
- E. **Prohibited Uses.** A blank and/or shaded cell indicates a use that is prohibited in the respective zoning district.
- F. **Numerical Reference.** The number contained in the “Additional Standards” column in the use tables are references to additional standards and requirements that apply to the use type listed. Standards referenced in the “Additional Standards” column apply in all zoning district unless otherwise expressly stated.

3.3 Zoning Map and District Boundaries

- A. The boundaries of the Township’s zoning districts are hereby established as shown on the official Delhi Township Zoning Map, of which map, and all notations thereon are made part of this Zoning Resolution. The zoning map shall be on file in the office of the Delhi Township Department of Community Development.

ZONING DISTRICTS AND USES

ARTICLE 3: GENERAL REGULATIONS

3.4 Unreasonable Zoning Regulations

- B.** Whenever any street, alley or other public way is vacated by official action of the Board of Trustees of Delhi Township or the Board of County Commissioners of Hamilton County, Ohio, the zoning Districts adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all regulations of the extended Districts.
- C.** When uncertainty exists with respect to the boundaries of the various Districts as shown on the Zoning Map, the following rules apply:

 - 1.** The District boundaries are the center line of streets or alleys, unless otherwise shown, and where the Districts designated on the Zoning Map are bounded approximately by street or alley center lines, such center lines shall be construed to be the boundary of the District.
 - 2.** Where the District boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the District boundaries shall be construed to be the lot lines, and where the Districts designated on the Zoning Map are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the Districts unless the boundaries are otherwise indicated on the Zoning Map.
 - 3.** In un-subdivided property, the District boundary lines on the Zoning Map shall be determined by dimensions or the use of the scale appearing on the Map.

3.4 Unreasonable Zoning Regulations

Whenever a court declares by a judgment or decree that is final (whether because no appeal is taken or no further appeal can be taken from such judgment or decree), that the zoning of a specific lot or tract is unconstitutional or unreasonable because it is too restrictive, the property affected shall thereupon be subject to the next less restrictive District; provided, however, that where the court in such judgment or decree, declares that the property may be used for a particular use or uses because the Trustees have no right to prohibit such use or uses on the property, then such property shall be subject to the regulations applicable to the most restrictive District in which the particular use or uses, declared proper by the court, are permitted.

3.5 Compliance with District Standards

Except as otherwise provided in this Article, the following requirements shall be met:

- A.** No building or premises shall be erected, reconstructed, structurally altered, or used for any use or purpose that is not in compliance with the zoning code, except as permitted by Section [23](#).
- B.** Every building erected after the date of adoption of this code shall be erected on a lot.

3.6 Existing Uses

Uses that are existing on the day of this Resolution's adoption are permitted to continue and are considered conforming to this code, even if the use or the building type is not otherwise permitted in the district in which the use is located, provided that the following requirements are met:

- A. All uses that were permitted under the zoning of a property immediately prior to the adoption of this Resolution shall continue to be allowed as permitted on the property. However, if an existing use is voluntarily discontinued for two or more years, any future use of the property shall be in conformity with this Article. Expansions of uses within existing structures, as permitted by Section [23.2](#), shall be permitted on the property provided that at least one of the permitted uses under the prior zoning has been operated continuously in an existing structure and/or associated use areas on the property within the 12 months prior to date of this Resolution's adoption.
- B. Once a use that complies with this Resolution is established on a lot or parcel and all existing uses have been abandoned or voluntarily discontinued, no unpermitted use may be re-established.
 1. For parcels with a single existing structure configured as a multi-tenant building, once the entire multi-tenant building is abandoned, demolished and/or all tenant spaces have established uses that are permitted in the zone in which they are located, no unpermitted use may be re-established.
 2. For parcels with multiple existing structures, only after all buildings have been abandoned, demolished and/or all buildings have established uses that are permitted in the zone in which they are located, no unpermitted use may be re-established.

3.7 Similar Use Determination

When a proposed use is not explicitly listed in Tables: [Table 4.1](#), [Table 5.1](#), [Table 6.1](#), [Table 7.1](#), or [Table 10.1](#) the Delhi Township Community Development Director shall determine whether it is reasonably included in the definition of a listed use, or that the proposed use meets the following criteria to the extent that it should be treated as a permitted use in the district. The Director's written determination shall be provided to the applicant and may be appealed to the Board of Zoning Appeals and shall be based on the following:

- A. The use is not a permitted use in any zoning district.
- B. The use is generally consistent with the intent of the Zoning Ordinance.
- C. The use will not materially impair the present or potential use of other properties.
- D. The use has no greater potential impact on surrounding properties than those listed in the district in terms of aesthetics, traffic generated, noise, potential nuisances, and other impacts related to health, safety, and welfare.

ZONING DISTRICTS AND USES

ARTICLE 3: GENERAL REGULATIONS

3.8 Established Zoning Districts

3.8 Established Zoning Districts

In order to classify, regulate, and restrict location of trades, industries, residences, recreation, and other land uses and the location of buildings designed for specified uses; to regulate and limit the height, number of stories and size of buildings, and other structures hereafter erected or altered; to regulate and limit the percentage of lot areas which may be occupied, setback building lines, sizes of yards, and other open spaces within and surrounding such buildings, the density of population; the unincorporated area of Delhi Township, Hamilton County, Ohio, is hereby divided into 19 zoning districts and one overlay district. All such regulations are uniform for each class or kind of building or structure or use throughout each class of District, and said Districts shall be known as:

Table 3.1: Zoning Districts	
District Abbrev.	District Name
“A-A”	Residence District
“A”	Residence District
“A-2”	Residence District
“B”	Residence District
“B-2”	Residence District
“C”	Residence District
“D”	Multiple Family Residence District
“MFR”	Mixed Family Residence District
“E”	Retail Business District
“NB”	Neighborhood Business District
“DPBC”	Delhi Pike Business Corridor District
“O”	Office District
“F”	Light Industrial District
“PUD”	Planned Unit Development
“DD”	Planned Multiple Residence District
“OO”	Planned Office District
“EE”	Planned Business District
“FF”	Planned Light Industrial District
“HD”	Hillside Development District
“CUP”	Community Unit Plan Overlay

4. SINGLE FAMILY RESIDENCE DISTRICTS

4.1 Districts Identified

The Delhi Township Zoning Districts that are considered Single Family Residence Districts include the “A-A”, “A”, “A-2”, “B”, “B-2”, and “C” Zoning Districts.

4.2 Districts Intent

The intent of the Single Family Residence Zoning Districts is to encourage the orderly development of low to medium density single-family residential homes and customary supporting facilities, such as schools, places of worship, public facilities, and parks.

4.3 Permitted Uses

A building or premises in the Residence Zoning Districts shall only be used for the following purposes:

Table 4.1: Single Family Residence District Use Table

Use	A-A	A	A-2	B	B-2	C	Use-Specific Standards
Residential Uses							
Dwelling, Single Family Detached	P	P	P	P	P	P	
Group Homes	P	P	P	P	P	P	
Residential Facilities	PS	PS	PS	PS	PS	PS	Section 4.4, I
Public/Institutional Uses							
Cemeteries, Crematoriums, and Mausoleums	C	C	C	C	C	C	Section 4.4, C
Churches, Sunday Schools, and Other Places of Worship	PS	PS	PS	PS	PS	PS	Section 4.4, D
Educational Facilities, Primary and Secondary	PS	PS	PS	PS	PS	PS	Section 4.4, F
Government and Public Facilities	P	P	P	P	P	P	
Institutions of Education, Religious, Charitable, or Philanthropic Nature	PS	PS	PS	PS	PS	PS	Section 4.4, H
Parks and Open Spaces, Passive and Active	P	P	P	P	P	P	
Public and Private Forests and Wildlife Reservations or Similar Conservation Projects	P	P	P	P	P	P	

ZONING DISTRICTS AND USES

ARTICLE 4: SINGLE FAMILY RESIDENCE DISTRICTS

4.3 Permitted Uses

Table 4.1: Single Family Residence District Use Table

Use	A-A	A	A-2	B	B-2	C	Use-Specific Standards
Commercial Uses							
Agricultural Uses - Raising of Crops	P	P	P	P			
Agricultural Uses – Raising of Livestock	P	P	P	P			
Assisted Living, Skilled Nursing Care, and Similar Senior Living Facilities	C	C	C	C	C	C	Section 4.4 , A
Bed and Breakfast Establishment	C	C	C	C	C	C	Section 4.4 , B
Cellular and Wireless Telecommunication Facilities	PS	PS	PS	PS	PS	PS	Section 8.2 , A
Country Clubs, Swimming, and Tennis Facilities	PS	PS	PS	PS	PS	PS	Section 4.4 , E
Golf Courses and Driving Ranges	PS	PS	PS	PS	PS	PS	Section 4.4 , G
Accessory Uses							
Accessory Buildings and Uses	PS	PS	PS	PS	PS	PS	Section 4.5 , A
Home Occupations	PS/C	PS/C	PS/C	PS/C	PS/C	PS/C	Section 8.2 , B
Keeping of Agricultural Animals and Fowls as Pets	PS	PS	PS	PS	PS	PS	Section 8.2 , C
Private Stables	PS	PS	PS	PS			Section 4.5 , B
Recreational Vehicle and Equipment Storage	PS	PS	PS	PS	PS	PS	Section 15.3 , F
Satellite Dishes	PS	PS	PS	PS	PS	PS	Section 8.2 , D
Signs	PS	PS	PS	PS	PS	PS	Article 17
Solar Energy Projects	PS	PS	PS	PS	PS	PS	Section 20.3
Wind Energy Projects	PS	PS	PS	PS	PS	PS	Section 20.2
Temporary Uses							
Community Events and Festivals	PS	PS	PS	PS	PS	PS	Section 8.3 , A
Garage Sales	PS	PS	PS	PS	PS	PS	Section 8.3 , C
Portable Storage Containers	PS	PS	PS	PS	PS	PS	Section 8.3 , E
Seasonal Roadside Stands	PS	PS	PS	PS	PS	PS	Section 8.3 , F
Temporary Structures, Trailers, Equipment, and Materials	PS	PS	PS	PS	PS	PS	Section 8.3 , G

4.4 Use-Specific Standards

- A. Assisted Living, Skilled Nursing Care, and Similar Senior Living Facilities.** Such uses are conditionally permitted in the Residence Districts subject to the approval of a Conditional Use Permit and subject to the use having a minimum lot area of one acre.
- B. Bed and Breakfast Establishments.** Bed and breakfast establishments are conditionally permitted in the Residence Districts subject to the approval of a Conditional Use Permit and the following provisions:
1. The owner of the bed and breakfast shall reside on the premises.
 2. There shall be no more than three guest rooms on the premises.
 3. One off-street parking space shall be provided for each guest room.
 4. Conferences, weddings, fund raisers, and other similar gatherings of non-lodgers are prohibited.
- C. Cemeteries, Crematoriums, and Mausoleums.** Cemeteries, crematoriums, and mausoleums are conditionally permitted in the Residence Districts subject to the approval of a Conditional Use Permit and the following provisions:
1. Any mausoleum shall be at least 100 feet from every property line.
 2. Any new cemetery shall have a minimum lot area of 20 acres.
- D. Churches, Sunday Schools, and Other Places of Worship.** Such uses are permitted in the Residence Districts subject to the use being located on property that is at least two acres in size and includes a minimum of 25 percent green space.
- E. Country Clubs, Swimming, and Tennis Facilities.** Such uses are permitted in the Residence Districts subject to the following:
1. Any structure, including but not limited to concessions, dumpsters, dumpster enclosures, locker rooms, and any parking areas necessary to the operation shall be at least 100 feet from every property line.
 2. Fences are exempt from the 100-foot setback requirement.
- F. Educational Facilities, Primary and Secondary.** Such uses are permitted in the Residence Districts subject to the use having a minimum lot area of two acres in size and includes a minimum of 25 percent green space.
- G. Golf Courses and Driving Ranges.** Such uses are permitted in the Residence Districts subject to the use having a minimum lot area of 50 acres.
- H. Institutions of an Educational, Religious, Charitable, or Philanthropic Nature.** Such uses are permitted in the Residence Districts subject to the use being located on a property that is at least two acres in size and includes a minimum of 25 percent green space.

ZONING DISTRICTS AND USES

ARTICLE 4: SINGLE FAMILY RESIDENCE DISTRICTS

4.5 Accessory Use-Specific Standards

- I. Residential Facilities.** Such uses are permitted subject to regulations set forth in the Ohio Revised Code Section 5119.34 and as amended.

4.5 Accessory Use-Specific Standards

- A. Accessory Buildings and Uses.** Accessory buildings and/or uses which are not part of the main building shall be:
1. Required to obtain a zoning certificate, unless otherwise noted.
 2. Located on the same parcel as the primary structure.
 3. Situated and/or constructed in the rear yard, unless specifically exempted herein. For corner lots, accessory buildings and uses may be located in the side yard.
 4. Front decks or porches, handicap accessible ramps, and fences per Section [16](#) are permitted in the front yard as long as they meet all other applicable regulations contained herein.
 5. Playsets, trampolines, children swing sets, sand boxes, hot tubs, fire pits, grills, smokers, sports equipment (except as noted in “6”), and clothes lines are required to be located in the rear yard. These items do not require a zoning certificate.
 6. Basketball hoops that are freestanding or are attached to a structure may be located in any yard and do not require a zoning certificate.
 7. Shall be situated not less than three feet from the rear and side lot lines, except for swimming pools, coops, and pens, which shall be no less than 10 feet from any rear and side lot lines.
 8. Shall not exceed 1.5 stories and 25 feet in height.
 9. Exterior façade materials and colors shall be complimentary to the principal building.
 10. Accessory buildings and/or uses cumulatively shall not exceed or occupy more than 30 percent of the rear yard of the premises upon which they are located and shall not exceed a total of one detached garage and two additional occupiable structures.
 11. Private detached garages shall not exceed one garage per lot and have a maximum building footprint of 1,032 square feet.
 12. Accessory buildings for non-residential uses in the Single Family Residence Districts shall be subject to the regulations in Section [6.5, A](#).
 13. Satellite dishes are regulated in Section [8.2, D](#).

14. Trash and recycling containers are regulated in Section [8.2, E](#).

B. Private Stable. Private stables are permitted as accessory uses in the Single Family Residence District. Such uses shall be located in the rear yard and shall be located a minimum of 10 feet from all property lines.

4.6 Dimensional Standards

The following dimensional standards shall apply to the Single Family Residence Zoning Districts.

Table 4.2: Single Family Residence Districts Dimensional Standards						
Dimensional Standard	A-A	A	A-2	B	B-2	C
Maximum Building Height	2.5 stories or 35'	2.5 stories or 35'	2.5 stories or 35'	2.5 stories or 35'	2.5 stories or 35'	2.5 stories or 35'
Minimum Front Yard Setback	50'	50'	40'	35'	35'	30'
Minimum Side Yard Setback	25'	15'	10'	8'	5' each side, 13' combined	5'
Minimum Rear Yard Setback	60'	35'	35'	35'	30'	30'
Minimum Lot Width	150'	100'	80'	70'	60'	50'
Minimum Lot Area	43,560 sq. ft. (1 acre)	20,000 sq. ft.	14,000 sq. ft.	10,500 sq. ft.	7,500 sq. ft.	6,000 sq. ft.
Maximum Lot Coverage	n/a	n/a	n/a	n/a	n/a	n/a

4.7 Additional Development Standards That Apply

The following table provides a reference to other development standards within this Resolution that may apply to development within the Single Family Residence Districts.

Table 4.3: Additional Development Standards			
Zoning Use Provisions	Article 8	Signs	Article 17
Dimensional Standards	Article 14	Lighting	Article 18
Parking and Loading	Article 15	Landscaping	Article 19
Fences	Article 16	Alternative Energy	Article 20

ZONING DISTRICTS AND USES

ARTICLE 5: MULTIPLE FAMILY RESIDENCE DISTRICTS

5.1 Districts Identified

5. MULTIPLE FAMILY RESIDENCE DISTRICTS

5.1 Districts Identified

The Delhi Township Zoning Districts that are considered Multiple Family Residence Districts include the “D” Zoning District and the “MFR” Mixed Family Residence Zoning District.

5.2 Districts Intent

The intent of the “D” and the “MFR”, Zoning Districts is to promote the development of a variety of housing types, including single family residences, townhomes, and multiple family buildings, while still maintaining housing projects that are appropriate and in-scale with established residential neighborhoods.

5.3 Permitted Uses

A building or premises in the Multiple Family Residence Districts shall only be used for the following purposes:

Table 5.1: Multiple Family Residence District Use Table			
Use	D	MFR	Use-Specific Standards
Residential Uses			
Dwelling, Single Family Attached	P	P	
Dwelling, Single Family Detached	P	P	
Dwelling, Multiple Family	PS	PS	Table 5.2
Dwelling, Two Family	P	P	
Group Homes	P	P	
Residential Facilities	PS	PS	Section 5.4, I
Public/Institutional Uses			
Cemeteries, Crematoriums, and Mausoleums	C	C	Section 5.4, C
Churches, Sunday Schools, and Other Places of Worship	PS	PS	Section 5.4, D
Educational Facilities, Primary and Secondary	PS	PS	Section 5.4, F
Government and Public Facilities	P	P	
Institutions of Education, Religious, Charitable, or Philanthropic Nature	PS	PS	Section 5.4, H
Parks and Open Spaces, Passive and Active	P	P	
Public and Private Forests and Wildlife Reservations or Similar Conservation Projects	P	P	
Commercial Uses			

Table 5.1: Multiple Family Residence District Use Table			
Use	D	MFR	Use-Specific Standards
Assisted Living, Skilled Nursing Care, and Similar Senior Living Facility	C	C	Section 5.4, A
Bed and Breakfast Establishment	C	C	Section 5.4, B
Cellular and Wireless Telecommunication Facilities	PS	PS	Section 8.2, A
Country Clubs, Swimming, and Tennis Facilities	PS	PS	Section 5.4, E
Golf Courses and Driving Ranges	PS	PS	Section 5.4, G
Accessory Uses			
Accessory Buildings and Uses	PS	PS	Section 5.5, A
Home Occupations	PS	PS	Section 8.2, B
Keeping of Agricultural Animals and Fowls as Pets	PS	PS	Section 8.2, C
Recreational Vehicles and Equipment Storage	PS	PS	Section 15.3, F
Satellite Dishes	PS	PS	Section 8.2, D
Signs	PS	PS	Article 17
Solar Energy Projects	PS	PS	Section 20.3
Wind Energy Projects	PS	PS	Section 20.2
Temporary Uses			
Community Events and Festivals	PS	PS	Section 8.3, A
Garage Sales	PS	PS	Section 8.3, C
Portable Storage Containers	PS	PS	Section 8.3, E
Seasonal Roadside Stands	PS	PS	Section 8.3, F
Temporary Structures, Trailers, Equipment, and Materials	PS	PS	Section 8.3, G

5.4 Use-Specific Standards

- A. Assisted Living, Skilled Nursing Care, and Similar Senior Living Facility.** Such uses are conditionally permitted in the Multiple Family Residence Districts subject to the approval of a Conditional Use Permit and subject to the use having a minimum lot area of one acre.
- B. Bed and Breakfast Establishments.** Bed and breakfast establishments are conditionally permitted in the Multiple Family Residence Districts subject to the approval of a Conditional Use Permit and the following provisions:
 1. The owner of the bed and breakfast must reside on the premises.
 2. There shall be no more than three guest rooms on the premises.
 3. One off-street parking space shall be provided for each guest room.

4. Conferences, weddings, fund raisers, and other similar gatherings of non-lodgers are prohibited.
- C. **Cemeteries, Crematoriums, and Mausoleums.** Cemeteries, crematoriums, and mausoleums are conditionally permitted in the Multiple Family Residence Districts subject to the approval of a Conditional Use Permit and the following provisions:
 1. Any mausoleum shall be at least 100 feet from every property line.
 2. Any new cemetery shall have a minimum lot area of 20 acres.
- D. **Churches, Sunday Schools, and Other Places of Worship.** Such uses are permitted in the Multiple Family Residence Districts subject to the use being located on property that is at least two acres in size and includes a minimum of 25 percent green space.
- E. **Country Clubs, Swimming, and Tennis Facilities.** Such uses are permitted in the Multiple Family Residence Districts subject to the following:
 1. Any structure, including but not limited to concessions, dumpsters, dumpster enclosures, locker rooms, and any parking areas necessary to the operation shall be at least 100 feet from every property line.
 2. Fences are exempt from the 100-foot setback requirement.
- F. **Educational Facilities, Primary and Secondary.** Such uses are permitted in the Multiple Family Residence Districts subject to the use having a minimum lot area of two acres in size and includes a minimum of 25 percent green space.
- G. **Golf Courses and Driving Ranges.** Such uses are permitted in the Multiple Family Residence Districts subject to the use having a minimum lot area of 50 acres.
- H. **Institutions of an Educational, Religious, Charitable, or Philanthropic Nature.** Such uses are permitted in the Multiple Family Residence Districts subject to the use being located on a property that is at least two acres in size and includes a minimum of 25 percent green space.
- I. **Residential Facilities.** Such uses are permitted subject to regulations set forth in the Ohio Revised Code Section 5119.34 and as amended.

5.5 Accessory Use-Specific Standards

A. Accessory Buildings and Uses

1. Accessory buildings and/or uses for multiple family residential uses, which are not part of the main building shall be:
 - a. Required to obtain a zoning certificate, unless otherwise noted.
 - b. Located within the same development as the multiple family residential use.
 - c. Situated and/or constructed in the rear yard, unless specifically exempted herein. For corner lots, accessory buildings and uses may be located in the side yard.
 - d. Front decks or porches, handicap accessible ramps, and fences per Section [16](#) are permitted in the front yard as long as they meet all other applicable regulations contained herein.
 - e. Playsets, trampolines, children swing sets, sand boxes, hot tubs, fire pits, grills, smokers, sports equipment, and clothes lines are required to be located in the rear yard. These items do not require a zoning certificate.
 - f. Basketball hoops that are freestanding or are attached to a structure may be located in any yard and do not require a zoning certificate.
 - g. Shall be situated not less than three feet from the rear and side lot lines, except for swimming pools, coops, and pens, which shall be no less than 10 feet from any rear and side lot lines.
 - h. Shall not exceed 1.5 stories and 25 feet in height.
 - i. Exterior façade materials and colors shall be complimentary to the principal building.
 - j. Accessory buildings and/or uses cumulatively shall not exceed or occupy more than 30 percent of the rear yard of the premises upon which they are located and shall not exceed a total of one detached garage and two additional occupiable structures.
 - k. Private detached garages shall not exceed one garage per residence and have a maximum building footprint of 1,032 square feet.
2. Accessory buildings for single family residential uses in the Multiple Family Residence Districts shall be subject to the regulations in Section [4.5, A](#).
3. Accessory buildings for non-residential uses in the Multiple Family Residence Districts shall be subject to the regulations in Section [6.5, A](#).

ZONING DISTRICTS AND USES

ARTICLE 5: MULTIPLE FAMILY RESIDENCE DISTRICTS

5.6 Dimensional Standards

5.6 Dimensional Standards

- A. The following dimensional standards shall apply to the Multiple Family Residence Zoning Districts.

Table 5.2: Multiple Family Residence Districts Dimensional Standards		
Standard	D	MFR
Maximum Building Height	3 stories or 45'	35' for single family and two family dwellings
		40' for multiple family dwellings and non-residential uses
Minimum Front Yard Setback	30'	20' for dwellings with front garage access and non-residential uses
Maximum Front Yard Setback	n/a	20' for dwellings with rear garage access
Minimum Side Yard Setback	5' for buildings not exceeding 2.5 stories	0' for single family attached dwellings
	10' for buildings 3+ stories in height	5' for single family detached dwellings and two family dwellings
		10' for multiple family dwellings and non-residential uses
Minimum Rear Yard Setback	30' for buildings not exceeding 2.5 stories	30'
	40' for buildings 3+ stories in height	
Minimum Lot Width	50' for single family dwellings, two family dwellings, and multiple family dwellings	50' for single family detached dwellings
		35' for single family attached dwellings with front garage access
		20' for single family attached dwellings with rear garage access
	60' for all other uses	70' for two family dwellings
		100' for multiple family dwellings and non-residential uses
Minimum Lot Area	5,000 sq. ft. for single family dwellings	5,000 sq. ft. for single family detached
	3,000 sq. ft. for two family and multiple family dwellings	3,500 sq. ft. for single family attached dwellings with front garage access
		2,000 sq. ft. single family attached dwellings with rear garage access
	10,000 sq. ft. for all other uses	7,000 sq. ft. for two family dwellings
		10,000 sq. ft. for multiple family dwellings and non-residential uses
Maximum Lot Coverage	n/a	n/a

B. Additional MFR Dimensional Standards

1. Single family attached dwellings may be built to the side property line, as long as 10 feet is maintained between each separated group of dwelling units. See Figure 1.

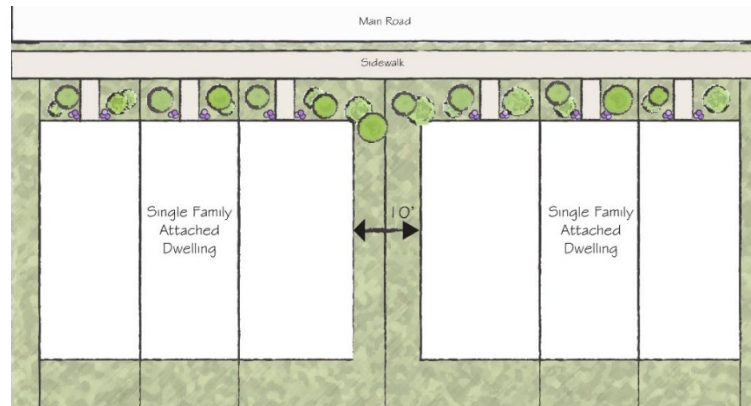


Figure 1: Building Separation Requirement

2. Dwellings (including single family detached, single family attached, two family, and multiple family) that have front garage access shall be setback a minimum of 20 feet from the front property line. Dwellings that have rear garage access or other parking facilities located to the side of or behind the principal building shall have a maximum setback of 20 feet from the front property line. Dwellings are encouraged to be set close to the street with rear parking and garage access. See Figure 2.

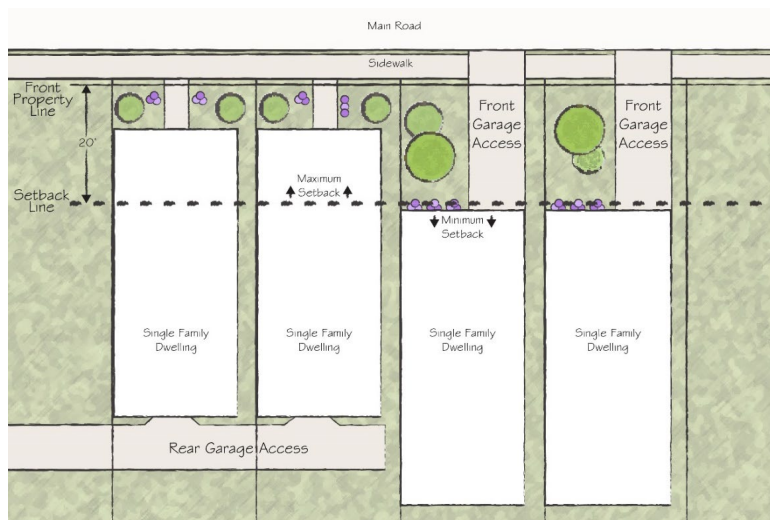


Figure 2: Maximum vs. Minimum Front Setbacks

3. Panhandle lots (otherwise known as flag lots) are not permitted within the “MFR” District.

ZONING DISTRICTS AND USES

ARTICLE 5: MULTIPLE FAMILY RESIDENCE DISTRICTS

5.7 Mixed Family Residential “MFR” Building Design Standards

The following building design standards apply to all new buildings constructed in the “MFR” zoning district.

- A. For non-single family and two-family dwellings, mechanical equipment or other utility hardware on the roof, ground, or elevations shall, wherever possible, be located so as not to be visible from any public ways or adjacent residential areas. Where this is not possible, the facilities shall be screened from public view with landscaping and/or materials harmonious with the building.
- B. Monotony of building design shall be avoided. Variation in design elements and materials shall be used to provide visual interest.
- C. For non-residential buildings and multiple family dwellings that exceed 2 units, the primary building façade shall include a clearly defined entrance, an assortment of architectural treatments, and a variety of materials. The non-primary building facades shall be similar in character to the primary façade with a continuation of building materials and design. No blank facades shall be permitted.

5.8 Additional Development Standards

The following table provides a reference to other development standards within this Resolution that may apply to development within the Multiple Family Residence Districts.

Zoning Use Provisions	Article 8	Signs	Article 17
Dimensional Standards	Article 14	Lighting	Article 18
Parking and Loading	Article 15	Landscaping	Article 19
Fences	Article 16	Alternative Energy	Article 20

6. BUSINESS DISTRICTS

6.1 Districts Identified

The Delhi Township Zoning Districts that are considered Business Districts include the “E” Zoning District, the “NB” Neighborhood Business Zoning District, and the “DPBC” Delhi Pike Business Corridor Zoning District.

6.2 Districts Intent

- A. **“E” District Intent.** The intent of the “E” Zoning District is to promote the development of a variety of commercial and service uses throughout the Township.
- B. **Neighborhood Business Intent.** The purpose of the Neighborhood Business District is to promote the development of small-scale office, retail, personal service, live/work, and mixed-use developments that complement adjacent residential neighborhoods.
- C. **Delhi Pike Business Corridor Intent.** The Delhi Pike Business Corridor District is intended to provide flexible development standards that will achieve the recommendations of the Delhi Township Strategic Redevelopment Plan “the Plan”. These recommendations are centered on the vision that Delhi Pike will transform into a thriving center of life with a variety of housing options, shopping and dining destinations, and public open spaces connected by a walkable environment.

6.3 Permitted Uses

A building or premises in the Business Districts shall only be used for the following purposes:

Table 6.1: Business Districts Use Table				
Use	E	NB	DPBC	Use-Specific Standards
Residential Uses				
Dwelling, As Part of a Mixed Used Development	P	P	P	
Dwelling, Single Family Attached		P	P	
Dwelling, Multiple Family		P	P	
Dwelling, Two Family		P	P	
Group Homes	P	P	P	
Residential Facilities	PS	PS	PS	Section 6.4, P
Public/Institutional Uses				
Churches, Sunday Schools, and Other Places of Worship	PS	PS	PS	Section 6.4, F
Educational Facilities, Primary and Secondary	PS	PS	PS	Section 6.4, I
Government and Public Facilities	P	P	P	

ZONING DISTRICTS AND USES

ARTICLE 6: BUSINESS DISTRICTS

6.3 Permitted Uses

Table 6.1: Business Districts Use Table				
Use	E	NB	DPBC	Use-Specific Standards
Hospitals	P	P	P	
Institutions of Education, Religious, Charitable, or Philanthropic Nature	P	P	P	
Non-Profit Organizations	P	P	P	
Parks and Open Spaces, Passive and Active	P	P	P	
Public and Private Forests and Wildlife Reservations or Similar Conservation Projects	P	P	P	
Commercial Uses				
Animal Hospital and Veterinarian Office	PS	PS	PS	Section 6.4, A
Animal Training, Boarding, Kennels, and Pet Day Cares	PS	PS	PS	Section 6.4, B
Art and Dance Studios, Galleries, and Museums	P	P	P	
Assisted Living, Skilled Nursing Care, and Similar Senior Living Facility	PS		C	Section 6.4, C
Auto Related Retail	P	P	P	
Auto Repair Service	P	P	C	
Auto Sales and Leasing	P	P		
Banks and Financial Institutions, including freestanding ATMs	P	P	P	
Banquet Facility	P		P	
Brewpubs, Nano-Breweries, Micro-Breweries, Micro-Distilleries, and Bars/Taverns	PS	PS	PS	Section 6.4, D
Car Wash	P	P	C	Section 6.4, E
Cellular and Wireless Telecommunication Facilities	PS	PS	PS	Section 8.2, A
Club, Lodge, or Meeting Places	P	P	P	
Commercial Greenhouses	PS	PS		Section 6.4, G
Community Social Service Facilities	P	P	P	
Construction and Large Equipment Rental, Sales, and Service	C			Section 6.4, H
Day Care Facilities and Preschools	P	P	P	
Entertainment, Indoor and Outdoor	P		P	
Equipment Rental	P			
Fuel/Convenience Store	PS	PS	C	Section 6.4, J
Funeral Homes including Crematorium	P	P	C	
Garden, Landscape Supply, or Home Improvement Centers	P		P	
High-Tech Light Industrial			C	Section 6.4, K
Hotels and Motels, with or without a Restaurant	PS		PS	Section 6.4, L

Table 6.1: Business Districts Use Table

Use	E	NB	DPBC	Use-Specific Standards
Medical Marijuana Retail Dispensary, Medical Marijuana Cultivation, Medical Marijuana Related Business or Home Occupation, and Medical Marijuana Processing				
Medical Offices and Surgery Centers	P	P	PS	Section 6.4, M
Miniature Golf Courses (Indoor and Outdoor)	P	C	P	
Mixed Use Developments	PS	PS	PS	Section 6.4, N
Offices	P	P	P	
Parking Lots and Garages	PS	PS	PS	Section 6.4, O
Personal Service	P	P	P	
Restaurants	P	PS	PS	Section 6.4, Q
Retail Sales	P	PS	PS	Section 6.4, R
Studios for the Broadcasting of Radio, Facsimile, and Television	P	P	P	
Wholesale Commercial Sales	P		PS	Section 6.4, S
Accessory Uses				
Accessory Structures and Buildings	PS	PS	PS	Section 6.5, A
Home Occupations	PS/C	PS/C	PS/C	Section 8.2, B
Keeping of Agricultural Animals and Fowls as Pets	PS	PS	PS	Section 8.2, C
Outdoor Dining and Eating Areas	PS	PS	PS	Section 6.5, B
Recreational Vehicle and Equipment Storage	PS	PS	PS	Section 15.3, F
Satellite Dishes	PS	PS	PS	Section 8.2, D
Signs	PS	PS	PS	Article 17
Solar Energy Projects	PS	PS	PS	Section 20.3
Wind Energy Projects	PS	PS	PS	Section 20.2
Temporary Uses				
Community Events and Festivals	PS	PS	PS	Section 8.3, A
Farmers and other Outdoor Markets	PS	PS	PS	Section 8.3, B
Garage Sales	PS	PS	PS	Section 8.3, C
Mobile Food or Medical Use	PS	PS	PS	Section 8.3, D
Portable Storage Containers	PS	PS	PS	Section 8.3, E
Seasonal Roadside Stands	PS	PS	PS	Section 8.3, F
Temporary Structures, Trailers, Equipment, and Materials	PS	PS	PS	Section 8.3, G

6.4 Use-Specific Standards

- A. Animal Hospital and Veterinarian Office.** Such uses are permitted as long as the use does not have any outdoor play yards for animals. There shall be no lodging or boarding of animals except for overnight stays for the purpose of medical recovery and/or examination.
- B. Animal Training, Boarding, Kennels, and Pet Day Cares.** Such uses shall be setback a minimum of 100 feet from any Residence District. Outdoor runs for animals shall be screened from view from any adjacent Residence District and any adjacent right-of-way with a minimum six-foot tall opaque fence, wall, landscaping, mound, or combination thereof.
- C. Assisted Living, Skilled Nursing Care, and Similar Senior Living Facility**

 - 1. Such uses are conditionally permitted in “DPBC” District subject to the approval of a Conditional Use Permit and subject to the use having a minimum lot area of one acre.
 - 2. Such uses are permitted in the “E” District subject to the use having a minimum lot area of one acre.
- D. Brewpubs, Nano-Breweries, Micro-Breweries, Micro-Distilleries, and Bars/Taverns.** Such uses are permitted in the Business Districts subject to the following:

 - 1. Nano-breweries, micro-breweries, and micro-distilleries shall include on-site sales in the form of taprooms that may or may not have food service. If such facility includes distribution, it shall only be for small-scale, regional distribution to limit the number of commercial trucks that come to and from the facility.
 - 2. Exterior storage tanks are permitted but shall be subject to review and approval by the Zoning Commission. The Zoning Commission shall determine if the proposed tanks are appropriate and compatible with surrounding land uses in regard to their size, location, and design.
- E. Car Wash.** Car washes are conditionally permitted in the “DPBC” District subject to the following:

 - 1. All washing facilities shall be located entirely within an enclosed building, except that entrance and exit doors may be left open during the hours of operation.
 - 2. Vacuuming and/or steam cleaning equipment may be located outside a building but shall not be placed in the front yard or any yard adjoining a residential property.

- F. Churches, Sunday Schools, and Other Places of Worship.** Such uses are permitted subject to the use being located on property that is at least two acres in size and includes a minimum of 25 percent green space.
- G. Commercial Green Houses.** Such uses are permitted in the “E” and “NB” Districts subject to the following:
1. All structures, operations, and materials shall be kept a minimum of 100 feet from any Residence District.
 2. Such uses shall be screened from view from any Residence District and any adjacent right-of-way with a minimum six-foot tall opaque fence, wall, landscaping, mound, or combination thereof.
 3. A lighting plan for the greenhouse shall be submitted and is subject to approval by the Delhi Township Community Development Director.
- H. Construction and Large Equipment Rental, Sales, and Service.** Such uses are conditionally permitted in the “E” District subject to the approval of a Conditional Use Permit and subject to the use being setback a minimum of 100 feet from any Residence District. Such uses shall be screened from view from any Residence District and any adjacent right-of-way with a minimum six-foot tall opaque fence, wall, landscaping, mound, or combination thereof.
- I. Educational Facilities, Primary and Secondary.** Such uses are permitted subject to the use having a minimum lot area of two acres in size and includes a minimum of 25 percent green space.
- J. Fuel/Convenience Store.** Such uses are subject to the following:
1. Outdoor storage or display of merchandise shall be subject to the approval of the Delhi Township Community Development Director.
 2. Fueling stations do not include facilities designed for the fueling of semi-trailer trucks.
 3. Fueling stations may have an accessory washing facility as long as it located completely within a building and is incidental to the principal use.
 4. Fuel canopies and fuel pumps are permitted in the front yard.
 5. Signage and advertising located only on fuel pumps are exempt from the signage regulations of Article [17](#).

- K. High-Tech Light Industrial.** High-tech light industrial uses are conditionally permitted in the “DPBC” Zoning District subject to the following:

 - 1. All uses and operations, including storage, loading, and unloading shall be conducted entirely within an enclosed building.
 - 2. Loading and unloading activities shall satisfy the provisions of this paragraph if:

 - a. A vehicle or trailer is located sufficiently close to the exterior wall or loading dock of the building so that all loading and unloading occurs between the confines of the building and the interior of the vehicle or trailer; and
 - b. Such vehicle or trailer is located on the rear of the building and is sufficiently screened from view from the roadway and any adjoining properties.
- L. Hotels and Motels.** Hotels and motels in the “E” and “DPBC” Zoning Districts are permitted provided that if the use includes a restaurant, that such restaurant is subordinate and incident to the hotel or motel and provided further that the floor area of the restaurant does not exceed 25 percent of the floor area of the hotel or motel.
- M. Medical Offices and Surgery Centers.** Medical offices and surgery centers are permitted in the “DPBC” Zoning District with a maximum building size of 40,000 square feet.
- N. Mixed Use Developments.** Mixed use developments are permitted in the Business Districts subject to the uses within the development being comprised of uses that are permitted in the district in which the development is located.
- O. Parking Garages or Parking Lots.** Parking garages and lots may be permitted as principally permitted uses in the Business Districts if their purpose is to serve adjacent land uses that do not have sufficient parking.
- P. Residential Facilities.** Such uses are permitted subject to regulations set forth in the Ohio Revised Code Section 5119.34 and as amended.

Q. Restaurants

1. Restaurants that include drive-through facilities in the “DPBC” District shall be subject to the approval of the Zoning Commission and shall adhere to the following standards:
 - a. Drive-through restaurants are encouraged to locate in mixed-use buildings as shown in the example below. New stand-alone drive-through restaurants are discouraged within the District. See Figure 3.
 - b. The placement of the drive-through points of service (window and order points) shall be oriented toward the rear and side of the building and away from Delhi Pike.
 - c. Vehicle queuing and exit lanes shall not interfere with primary pedestrian access to the building.
 - d. All structures, including drive-through windows and lanes, shall be set back at least 100 feet from any residential property.
 - e. Menu board signs shall conform to Section [17.8.B.7](#).

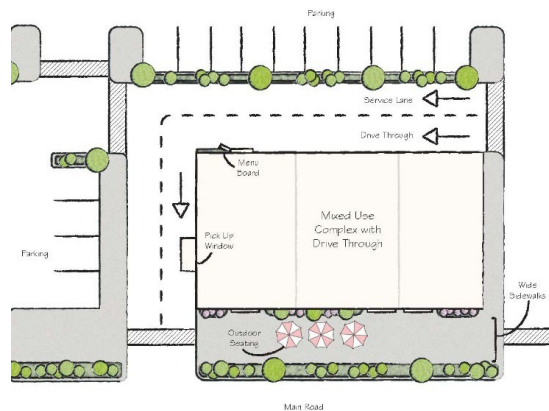


Figure 3: Mixed-Use Development with a Drive-Through Incorporated

2. Restaurants that include a drive-through facilities in the “NB” District shall adhere to the following standards:
 - a. Drive-throughs shall not cause negative impact to the right-of-way or any adjacent property.
 - b. The placement of drive-through points of service (window and order points) shall be oriented towards the rear and side of the building and away from the street frontage.
 - c. Menu board signs shall conform to Section [17.8.B.7](#) of this Resolution.

ZONING DISTRICTS AND USES

ARTICLE 6: BUSINESS DISTRICTS

6.5 Accessory Use-Specific Standards

R. Retail

1. Retail uses are permitted in the “DPBC” District that are 40,000 square feet or less per use. Within a multi-tenant or mixed-use building, the overall building may be more than 40,000 square feet as long as each tenant does not exceed the square footage threshold.
2. Retail uses are permitted in the “NB” District that are 10,000 square feet or less in size per use. Within a multi-tenant or mixed-use building, the overall building may be more than 10,000 square feet as long as each tenant does not exceed the square footage threshold.

- S. Wholesale Commercial Sales.** Wholesale commercial sales are permitted in the “DPBC” District that are 40,000 square feet or less per use. Within a multi-tenant or mixed-use building, the overall building may be more than 40,000 square feet as long as each tenant does not exceed the square footage threshold.

6.5 Accessory Use-Specific Standards

- A. Accessory Buildings and Uses.** Accessory buildings and/or uses which are not part of the main building shall be:

1. Required to obtain a zoning certificate unless otherwise noted.
2. Situated and/or constructed in the rear yard. For corner lots, accessory buildings and uses may be located in the side yard.
3. Located on the same parcel as the primary structure.
4. Situated not less than three feet from the rear and side lot lines, except for swimming pools which shall be no less than 10 feet from any rear and side lot lines.
5. Not exceed 1.5 stories and 25 feet in height.
6. Exterior façade materials and colors shall be complimentary to the principal building.
7. Accessory buildings and/or uses cumulatively shall not exceed or occupy more than 30 percent of the rear yard of the premises upon which they are located.
8. Accessory buildings located in the “DPBC” District shall also adhere to the following:
 - a. Accessory structures and buildings shall be constructed out of materials complimentary to the materials of the principal building.
 - b. Accessory structure shall not exceed 10 percent of the principal building or 750 square feet, whichever is less.

- 9. Accessory buildings for single family residential uses in the Business Districts shall be subject to the regulations in Section [4.5, A](#).
- 10. Accessory buildings for multiple family residential uses in the Business Districts shall be subject to the regulations in Section [5.5, A](#).

B. Outdoor Dining and Eating Areas. Outdoor dining and eating areas may be permitted as an accessory use in the Business Districts to a restaurant or similar use, as approved by the Delhi Township Community Development Director, and are subject to the following standards:

- 1. Outdoor dining/seating areas shall be regulated as follows:
 - a. Permanent railings, landscaped buffer areas, or fencing shall be provided around the dining/seating area.
 - b. The location of the outdoor dining/seating area is subject to review by the Delhi Township Community Development Director to ensure that access to the building and pedestrian walkways are not obstructed.

6.6 Dimensional Standards

A. The following dimensional standards shall apply to the Business Zoning Districts.

Table 6.2: Business Districts Dimensional Standards

Standard	E	NB	DPBC
Maximum Building Height	3 stories or 45'	40'	60'
			See Section 6.7.B.7.b for height regulations for lots adjacent to a Residence District
Minimum Front Yard Setback	30'	30' with front parking	0', except 15' if abutting a Residence District
Maximum Front Yard Setback	n/a	30' with side or rear parking	n/a
Minimum Side Yard Setback	5' for dwellings not exceeding 2.5 stories	5', except 10' is required when located adjacent to a Residence District	0', except 15' if abutting a Residence District
	10' for dwellings 3+ stories in height		
	0' for non-residential uses, except 5' is required when located adjacent to a Residence District		

ZONING DISTRICTS AND USES

ARTICLE 6: BUSINESS DISTRICTS

6.6 Dimensional Standards

Table 6.2: Business Districts Dimensional Standards

Standard	E	NB	DPBC
Minimum Rear Yard Setback	35' for dwellings	30'	0', except 15' if abutting a Residence District
	0' for non-residential uses, except 15' is required when located adjacent to a Residence District		
Minimum Lot Width	50' for single family dwellings, two family dwellings, and multiple family dwellings	50'	50'
	60' for all other uses		
Minimum Lot Area	5,000 sq. ft. for single family dwellings	5,000 sq. ft.	5,000 sq. ft.
	3,000 sq. ft. for two family and multiple family dwellings		
	10,000 sq. ft. for all other uses		
Maximum Lot Coverage	n/a	n/a	n/a

B. Additional “NB” Dimensional Standards

1. Uses within the “NB” District that have front parking areas shall have a front building setback of at least 30 feet from the front property line. Uses that have parking at the side and/or rear of the building shall have a maximum setback of 30 feet from the front property line.

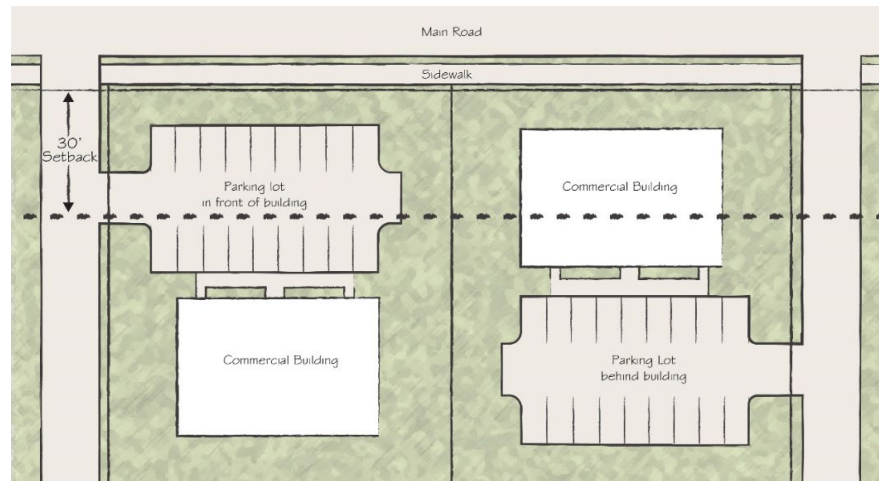


Figure 4: Example of Front Yard Setback Requirements Based on the Location of the Parking Lot

2. For corner lots and double frontage lots, the front yard setback for the primary frontage (the frontage that contains the front entrance for the principal building) shall be as stipulated in [Table 6.2: Business Districts Dimensional Standards](#). Any additional frontages shall have a minimum 20 feet building setback and shall comply with Section [15.4](#) for parking setbacks.
3. Parking areas shall be setback a minimum of 10 feet from all rights-of-way and 5 feet from side and rear property lines unless parking or access is shared between adjacent properties. In those such cases there shall be no minimum setback for parking areas. Where a parking area abuts a residential zoning district, such parking area shall be setback a minimum of 20 feet from any side or rear property line.
4. Panhandle lots (otherwise known as flag lots) are not permitted within the “NB” District.

6.7 Building Design Standards

A. Neighborhood Business Building Design Standards

1. For non-single family and two-family dwellings, mechanical equipment or other utility hardware on the roof, ground, or elevations shall, wherever possible, be located so as not to be visible from any public ways or adjacent residential areas. Where this is not possible, the facilities shall be screened from public view with landscaping and/or materials harmonious with the building.
2. Monotony of building design shall be avoided. Variation in design elements and materials shall be used to provide visual interest.
3. For non-residential buildings and multiple family dwellings that exceed two units, the primary building façade shall include a clearly defined entrance, an assortment of architectural treatments, and a variety of materials. The non-primary building facades shall be similar in character to the primary façade with a continuation of building materials and design. No blank facades shall be permitted.

B. Delhi Pike Business Corridor Building Design Standards. The following building design elements provide a framework for development and redevelopment projects within the district. These elements shall be required whenever feasible but may be waived by the Delhi Township Community Development Director if appropriate justification is provided by the applicant.

1. The primary entrance of the building shall be oriented to a public street or public gathering area rather than a parking lot.
2. Buildings shall be designed to the human scale and should promote an active street frontage and high-quality streetscape design.
3. Loading and service areas shall be not visible from the public right-of-way.
4. Mechanical equipment or other utility hardware on the roof, ground, or elevations shall, wherever possible, be located so as not to be visible from any public ways or adjacent residential areas. Where this is not possible, the facilities shall be screened from public view with landscaping and/or materials harmonious with the building.

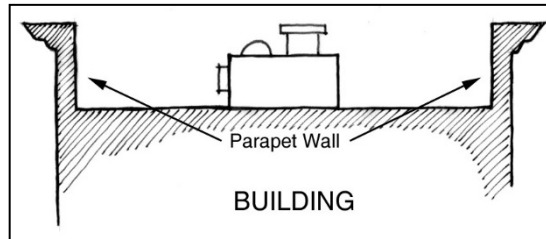


Figure 5: How Parapet Walls are Utilized to Screen Roof Mounted Mechanical Equipment.

5. Monotony of building design shall be avoided. Variation in design elements and materials shall be used to provide visual interest.
6. The primary building façade shall include a clearly defined entrance, an assortment of architectural treatments, a variety of materials, and a clear distinction between the building base, body, and cap. The non-primary building façades shall be similar in character to the primary façade with a continuation of building materials and design. No blank façades shall be permitted.



Figure 6: Well-Designed Mixed-Use Buildings and Developments



Figure 7: Primary Building Façade with Window Openings

7. Height Regulations

- a. No building shall exceed 60 feet in height, except as provided in Section [14.2](#).
- b. For buildings located within 60 feet of a residential zoning district or use property line, the maximum height is 45 feet. Buildings may be designed to “step down” in height so as to be a maximum of 45 feet in height within 60 feet of the residential property line, and to increase to 60 feet in height where the building is greater than 60 feet from the property line. See Figure 8.



Figure 8: Building “Step-Down” when Adjacent to Residential Use

6.8 Site Design Standards

- A. Delhi Pike Business Corridor Site Design Standards.** The following site design elements provide a framework for development and redevelopment projects within the DPBC district. These elements shall be required whenever feasible but may be waived by the Delhi Township Community Development Director if appropriate justification is provided by the applicant.
1. Redevelopment projects and new development projects shall be constructed in a campus-style format, where feasible, with a mixture of uses in a walkable and attractive development. Ideally these uses shall be mixed vertically (i.e., office and commercial uses on ground level and office or multi-family residential uses above), but also may be mixed horizontally in an overall development or area.
 2. All buildings within the DPBC shall be designed for the pedestrian, with sidewalks leading from the building entrance(s) to parking areas, adjacent buildings, and neighboring developments (if applicable). Buildings that are designed to front on Delhi Pike shall include a wide private sidewalk (minimum 10 feet wide) located in front of the building, that may include outdoor eating areas, entrance areas, landscaping, or similar design elements.
 3. Parking spaces shall be located to the side and/or rear of the principal structure. If, due to site constraints, existing development features, and/or other similar circumstances this is not possible, the developer may locate parking spaces in front of the building subject to the parking being sufficiently screened from view with landscaping, mounding, and/or a decorative wall per Section [17.8 .B. .3. .h](#). Vehicular areas should not dominate the design of the site.
 4. Dumpster enclosures shall be consistent with the regulations in Section [16.5](#).
 5. Safe, convenient, and comfortable internal and external circulation patterns for pedestrians, bicycles, and vehicles should be integrated into the overall plan for development.
 6. There is no prescribed front, side, or rear yard setbacks within the DPBC. When feasible, buildings should be set to the sidewalk/right-of-way.

ZONING DISTRICTS AND USES

ARTICLE 6: BUSINESS DISTRICTS

6.9 DPBC Additional Development Requirements

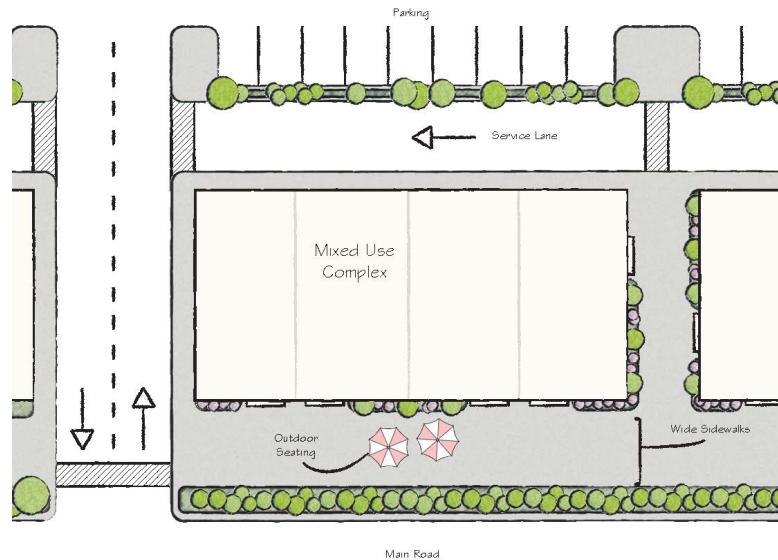


Figure 9: Example of a Mixed-Use Development

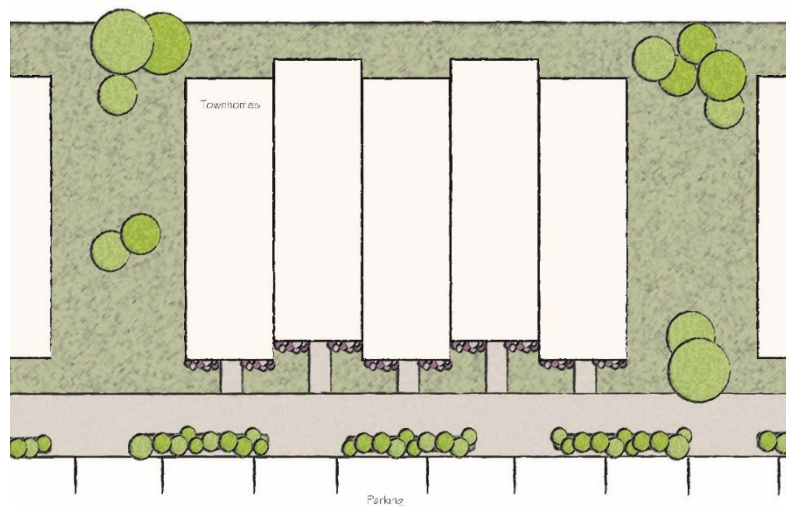


Figure 10: Example of a Townhome Development

6.9 DPBC Additional Development Requirements

Each new development or redevelopment project shall include additional site or building design elements that are listed in [Table 6.3: DPBC Additional Development Requirements](#). The applicant shall choose which two standards to incorporate into the development.

Table 6.3: DPBC Additional Development Requirements

Choose a Minimum of TWO of these
Seventy-five (75) percent of each building comprised of quality building materials including brick, stone, cultured stone, architectural CMU block, and glass. The remaining portions of the building may be comprised of architectural grade metal panels, precast concrete, stucco, fiber cement siding, E.I.F.S, and wood. Use of vinyl siding is not encouraged. Each building should include a minimum of three different materials
Window openings on at least three of the buildings’ facades. Approximately 50 percent of the first story of the primary building façade being comprised of glass window openings. The other two facades may utilize spandrel glass or faux windows if glass window openings are not appropriate due to the nature of the use, the interior finish of the building, or other similar issue
The use of pervious pavement that comprises a minimum of 25 percent of the parking area
Removal of existing parking spaces that exceed the number of required parking spaces and the installation of landscaping in their place
The use of structured parking to satisfy parking requirements
Installation of wayfinding signs that improve access to and within a development
Removal of light poles that are taller than 24 feet and the installation of compliant light poles that conform to the regulations within this section
Removal of existing curb cuts
Residential dwelling units on the second or higher floor of an office or commercial use
Pedestrian amenities (fountains, plazas, benches, flowerpots, etc.)
Landscaping that exceeds the minimum landscaping required by at least 15 percent
The use of green building methods or materials or LEED certified building

6.10 Additional Development Standards

The following table provides a reference to other development standards within this Resolution that may apply to development within the Business Districts.

Table 6.4: Additional Development Standards

Zoning Use Provisions	Article 8	Signs	Article 17
Dimensional Standards	Article 14	Lighting	Article 18
Parking and Loading	Article 15	Landscaping	Article 19
Fences	Article 16	Alternative Energy	Article 20

ZONING DISTRICTS AND USES

ARTICLE 7: OFFICE AND INDUSTRIAL DISTRICTS

7.1 Districts Identified

7. OFFICE AND INDUSTRIAL DISTRICTS

7.1 Districts Identified

The Delhi Township Zoning Districts that are considered Office and Industrial Districts include the “O” and “F” Zoning Districts.

7.2 Districts Intent

- A. **“O” District Intent.** The intent of the “O” Zoning District is to promote the development of professional office areas within the Township that will not adversely affect adjacent residential neighborhoods.
- B. **“F” District Intent.** The intent of the “F” Zoning District is to create industrial areas within Delhi Township that will not adversely affect adjacent businesses or residential neighborhoods.

7.3 Permitted Uses

A building or premises in an Office or Industrial District shall only be used for the following purposes:

Table 7.1: Office and Industrial District Use Table			
Use	O	F	Use-Specific Standards
Public/Institutional Uses			
Cemeteries, Crematoriums, and Mausoleums		PS	Section 7.4, C
Churches, Sunday Schools, and Other Places of Worship	PS		Section 7.4, D
Educational Facilities, Primary and Secondary	PS		Section 7.4, E
Government and Public Facilities	P	P	
Hospitals	P		
Institutions of Education, Religious, Charitable, or Philanthropic Nature	P		
Non-Profit Organizations	P	P	
Parks and Open Spaces, Passive and Active	P	P	
Public and Private Forests and Wildlife Reservations or Similar Conservation Projects	P	P	
Commercial Uses			
Animal Hospital and Veterinarian Office	P	P	
Animal Training, Boarding, Kennels, and Pet Day Cares	PS	P	Section 7.4, A
Art and Dance Studios, Galleries, and Museums	P		
Assisted Living, Skilled Nursing Care, and Similar Senior Living Facility	PS		Section 7.4, B
Auto Related Retail		P	
Auto Repair Service		P	
Auto Sales and Leasing		P	

Table 7.1: Office and Industrial District Use Table

Use	O	F	Use-Specific Standards
Banks and Financial Institutions, including freestanding ATMs	P		
Banquet Facility	P		
Brewpubs, Nano-Breweries, Micro-Breweries, Micro-Distilleries, and Bars/Taverns		P	
Car Wash		P	
Cellular and Wireless Telecommunication Facilities	PS	PS	Section 8.2, A
Club, Lodge, or Meeting Places	P		
Commercial Greenhouses		P	
Community Social Service Facilities	P		
Construction and Large Equipment Rental, Sales, and Service		P	
Day Care Facilities and Preschools	P		
Entertainment, Indoor and Outdoor		P	
Equipment Rental		P	
Fuel/Convenience Store		PS	Section 7.4, F
Funeral Homes including Crematorium	P		
Golf Courses and Driving Ranges		PS	Section 7.4, G
Medical Marijuana Retail Dispensary, Medical Marijuana Cultivation, Medical Marijuana Related Business or Home Occupation, and Medical Marijuana Processing			
Medical Offices and Surgery Centers	P		
Miniature Golf Courses (Indoor and Outdoor)		P	
Mixed Use Developments	PS	PS	Section 7.4, I
Offices	P	P	
Parking Lots and Garages	PS	PS	Section 7.4, J
Personal Service	P	P	
Sexually Oriented Businesses		PS	Article 25
Studios for the Broadcasting of Radio, Facsimile, and Television	P	P	
Industrial Uses			
Bulk Storage (Indoor and Outdoor)		P	
Flex Space (Warehouse)		P	
Food Manufacturing, with the exception of Animal Slaughtering and Processing		P	
Heavy Industrial Use		PS	Section 7.4, H
Laboratory		P	
Landscaping Services		P	
Light Industrial		P	
Research and Development		P	
Storage Facility (Indoor and Outdoor)		P	
Truck Transportation		P	
Vehicle Storage		P	

ZONING DISTRICTS AND USES

ARTICLE 7: OFFICE AND INDUSTRIAL DISTRICTS

7.4 Use-Specific Standards

Table 7.1: Office and Industrial District Use Table			
Use	O	F	Use-Specific Standards
Warehousing		P	
Accessory Uses			
Accessory Buildings and Uses	PS	PS	Section 7.5, A
Manufacturing or Sale of Commodities	PS		Section 7.5, B
Recreational Vehicle and Equipment Storage	PS	PS	Section 15.3, F
Restaurants, Pharmacies, and other Accessory Services	PS	PS	Section 7.5, C
Satellite Dishes	PS	PS	Section 8.2, D
Signs	PS	PS	Article 17
Solar Energy Projects	PS	PS	Section 20.3
Wind Energy Projects	PS	PS	Section 20.2
Temporary Uses			
Community Events and Festivals	PS		Section 8.3, A
Farmers and other Outdoor Markets	PS		Section 8.3, B
Mobile Food or Medical Use	PS	PS	Section 8.3, D
Portable Storage Containers	PS	PS	Section 8.3, E
Seasonal Roadside Stands		PS	Section 8.3, F
Temporary Structures, Trailers, Equipment, and Materials	PS	PS	Section 8.3, G

7.4 Use-Specific Standards

- A. Animal Training, Boarding, Kennels, and Pet Day Cares.** Such uses shall be setback a minimum of 100 feet from any Residence District. Outdoor runs for animals shall be screened from view from any adjacent Residence District and any adjacent right-of-way with a minimum six-foot tall opaque fence, wall, landscaping, mound, or combination thereof.
- B. Assisted Living, Skilled Nursing Care, and Similar Senior Living Facility.** Such uses are permitted in the “O” District subject to the use having a minimum lot area of one acre.
- C. Cemeteries, Crematoriums, and Mausoleums.** Cemeteries, crematoriums, and mausoleums are permitted in the “F” Zoning District subject to the following provisions:
 - 1. Any mausoleum shall be at least 100 feet from every property line.
 - 2. Any new cemetery shall have a minimum lot area of 20 acres.
- D. Churches, Sunday Schools, and Other Places of Worship.** Such uses are permitted in the “O” District subject to the use being located on property that is at least two acres in size and includes a minimum of 25 percent green space.

- E. Educational Facilities, Primary and Secondary.** Such uses are permitted in the “O” District subject to the use having a minimum lot area of two acres in size and includes a minimum of 25 percent green space.
- F. Fuel/Convenience Store.** Such uses are subject to the following:
1. Outdoor storage or display of merchandise shall be subject to the approval of the Delhi Township Community Development Director.
 2. Fueling stations do not include facilities designed for the fueling of semi-trailer trucks.
 3. Fueling stations may have an accessory washing facility as long as it located completely within a building and is incidental to the principal use.
 4. Fuel canopies and fuel pumps are permitted in the front yard.
 5. Signage and advertising located on fuel pumps are exempt from the signage regulations of Article [17](#).
- G. Golf Courses and Driving Ranges.** Such uses are permitted in the “F” District subject to such use having a minimum lot area of 50 acres.
- H. Heavy Industrial.** Such uses shall be setback a minimum of 100 feet from any Residence District.
- I. Mixed Use Developments.** Mixed use developments are permitted in the “O” and “F” Districts subject to the uses within the development being comprised of uses that are permitted in the district in which the development is located.
- J. Parking Garages or Parking Lots.** Parking garages and lots may be permitted as principally permitted uses in the “O” and “F” Districts if their purpose is to serve adjacent land uses that do not have sufficient parking.

7.5 Accessory Use-Specific Standards

- A. Accessory Buildings and Uses.** Accessory buildings and/or uses which are not part of the main building shall be:

 - 1. Required to obtain a zoning certificate unless otherwise noted.
 - 2. Situated and/or constructed in the rear yard. For corner lots, accessory buildings and uses may be located in the side yard.
 - 3. Located on the same parcel as the primary structure.
 - 4. Situated not less than three feet from the rear and side lot lines, except for swimming pools, coops, and pens which shall be no less than 10 feet from any rear and side lot lines.
 - 5. Not exceed 1.5 stories and 25 feet in height.
 - 6. Exterior façade materials and colors shall be complimentary to the principal building.
 - 7. Accessory buildings and/or uses cumulatively shall not exceed or occupy more than 30 percent of the rear yard of the premises upon which they are located.
 - 8. Accessory buildings for single family residential uses in the Office and Industrial Districts shall be subject to the regulations in Section [4.5, A.](#)
 - 9. Accessory buildings for multiple family residential uses in the Office and Industrial Districts shall be subject to the regulations in Section [5.5, A.](#)
- B. Manufacturing or Sale of Commodities.** Office uses may only include manufacturing or the sale of commodities if such use complies with the following:

 - 1. Such use is incidental and subsidiary to the principal service rendered.
 - 2. Such use may include the display or storage of commodities incidental to the principal use provided that the gross floor area of any one tenant or occupant devoted to such use shall not exceed 10 percent of the total floor area occupied by such tenant or occupant.
 - 3. No display of commodities shall be visible from the exterior of the building.
- C. Restaurants, Pharmacies, and Other Accessory Services.** Such uses are permitted provided that:

 - 1. Such uses are subordinate and incident to the principal use.
 - 2. Such uses are conducted and entered only from within the principal building, and where there is no display or advertising pertaining to such accessory service visible from the exterior of the building.

7.6 Dimensional Standards

Table 7.2: Office and Industrial Districts Dimensional Standards

Standard	O	F
Maximum Building Height	3 stories or 45'	6 stories or 75'
		3 stories or 45' when adjacent to a Residence District or a publicly owned area other than an alley or a street. Height may be increased if the building is set back one additional foot from all required yard lines for each two feet of additional height above 45'.
Minimum Front Yard Setback	30'	30'
Maximum Front Yard Setback	n/a	n/a
Minimum Side Yard Setback	5' for buildings not exceeding 2.5 stories 10' for buildings 3+ stories in height	5' for dwellings not exceeding 2.5 stories
		10' for dwellings 3+ stories in height
Minimum Rear Yard Setback	30' for buildings not exceeding 2.5 stories	35' for dwellings
	40' for buildings 3+ stories in height	0' for non-residential uses, except 5' is required when located adjacent to a Residence District
Minimum Lot Width	50' for single family dwellings, two family dwellings, and multiple family dwellings	50' for single family dwellings, two family dwellings, and multiple family dwellings
	60' for all other uses	60' for all other uses
Minimum Lot Area	5,000 sq. ft. for single family dwellings	5,000 sq. ft. for single family dwellings
	3,000 sq. ft. for two family and multiple family dwellings	3,000 sq. ft. for two family and multiple family dwellings
	10,000 sq. ft. for all other uses	10,000 sq. ft. for all other uses
Maximum Lot Coverage	n/a	n/a

ZONING DISTRICTS AND USES

ARTICLE 7: OFFICE AND INDUSTRIAL DISTRICTS

7.7 Additional Development Standards

7.7 Additional Development Standards

The following table provides a reference to other development standards within this Resolution that may apply to development within the Office and Industrial Districts.

Zoning Use Provisions	Article 8	Signs	Article 17
Dimensional Standards	Article 14	Lighting	Article 18
Parking and Loading	Article 15	Landscaping	Article 19
Fences	Article 16	Alternative Energy	Article 20

8. ZONING USE PROVISIONS

8.1 General Regulations

A. General Use Regulations

1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used which does not comply with all of the district regulations established by this Resolution for the district in which the building or land is located except that single family dwellings located in any single-family residence district may be enlarged (added on to) and structurally altered even though the existing side yards, and the lot width of said premises may not be in compliance with the district regulations. Provided, however, that the square foot lot area requirements shall be complied with. In no case, however, shall such enlargement be closer to any side lot line than the existing structure.
2. Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one main building on a lot, unless specified herein. When a lot is used for institutional, commercial, or industrial purposes, or where a site plan is specifically approved by the Delhi Township Zoning Commission, for multiple dwelling purposes, more than one building may be located on the lot, but only when such buildings conform to all open space requirements around the lot for the district in which the lot is located.

B. Agricultural Exemptions. Nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, and no zoning certificate shall be required for any such use, building or structure.

C. Alcohol Sales. Nothing contained in this Resolution shall prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

D. Oil and Gas Drilling. Nothing contained in this Resolution shall prohibit the use of any land owned or leased by an industrial firm for the conduct of oil or natural gas well drilling or production activities or the location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm is used for the operation of its own plants.

- E. **Outdoor Advertising Devices.** Outdoor advertising shall be classified as a business use and shall be permitted in all districts zoned for Business, Office, Industrial, or land used for agriculture.

8.2 Accessory Uses

- A. **Cellular and Wireless Telecommunication Facilities.** Except as provided in Ohio Revised Code Section 519.211, Section [8.2, A., 3](#), and Section [14.2](#) of this Resolution with respect to any tower greater than 40 feet in height and located outside of the public right-of-way that is owned or used by a public utility, used in the provision of cellular telephone communications service, and proposed to be located in an area zoned for residential use, nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any building or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business.
 - 1. In the case of a public utility that plans to construct, locate, erect, reconstruct, change, alter, use, or enlarge a tower in the township in an area zoned for residential use that is to be used in the provision of cellular telephone communication service, the public utility shall:
 - a. Provide evidence satisfactory to the Delhi Township Board of Trustees concerning compliance with the notice provisions of Ohio Revised Code Section 519.211(B).
 - b. Comply with all application and submission requirements to obtain a conditional use permit pursuant to Section [22.4](#) of this Resolution in the event the Delhi Township Board of Trustees shall receive a timely notice from any person entitled to object to the location under Ohio Revised Code Section 519.211(B), or if a Township Trustee has an objection as provided in Ohio Revised Code Section 519.211(B), following receipt of the required notice from the Township Fiscal Officer.
 - 2. In the case any other person or entity plans to construct, locate, erect, reconstruct, change, alter, use, or enlarge a tower in the township in an area zoned for residential use that is to be used in the provision of cellular telephone communications service, such person or entity shall fully comply with and satisfy all requirements herein made binding on a public utility applicant.

- 3. Small Cell Facility or Wireless Support Structures.** Except as provided in Ohio Revised Code Section 4939.0314, any Small Cell Facility or Wireless Support Structures, less than or equal to 40 feet in height and to be installed within any Hamilton County or township right-of-way in Delhi Township, shall follow the following guidelines:
- a.** Any such application shall be assessed a permit fee by Delhi Township and must be in an area subject to a lease or approved by the State of Ohio or Hamilton County if located within their respective right-of-way.
 - b.** Above ground equipment shall only be located within 100 feet of an existing overhead utility line.
 - c.** The preferred locations shall be along Principal Arterials, Minor Arterials and Major Collector Roads, as defined by the Hamilton County Thoroughfare Plan, and shall not be located in residentially zoned areas if not in the public right of way or in a public utility easement.
 - d.** Equipment shall be located on existing utility poles where practical. If a new utility pole is required, it should, to the extent reasonably practicable, be located on the same side of the road as existing utility poles. If the new utility pole is required on the opposite side of the road as the existing utility poles, but there are no other overhead wires crossing the road within 200 feet of the proposed pole location, the crossover wires related to any small cell facility or wireless support structure shall be located underground. If the requirements of this paragraph are determined not to be practical, documentation shall be provided with the reasons stated.
 - e.** If a new utility pole is required, it shall be designed to accommodate the primary user's antenna and a comparable antenna for at least one additional user. Design approved must be obtained from Delhi Township and the material and/or color of the poles shall be comparable with other poles existing or planned for the roadway.
 - f.** If the proposed small cell facility or wireless support structure exceeds 40 feet, the applicant shall submit documentation proving that the proposed height is needed for desired service distribution.

- g.** Any ground mounted equipment shall be completely screened with landscaping providing year-round screening, based on the applicable right-of-way standards, and subject to design approval by Delhi Township and the Hamilton County Engineers Office or Ohio Department of Transportation. If required landscaping cannot be installed, then the equipment shall be underground. Maintenance of all landscaping shall be the responsibility of the utility provider. and associated landscaping shall not obstruct adequate sight distance at intersections.
- h.** Lighting shall not be permitted on any small cell facility or wireless support structures, unless it is integrated as a light pole that matches other light poles in the vicinity.
- i.** The owner/agent/controlling party for the utility pole shall provide Delhi Township with contact information (name, phone number, email address, etc.) of the individual responsible for its maintenance and leasing.

B. Home Occupations. Home occupations are subject to the following requirements:

- 1.** Home occupations shall be conducted within the dwelling, or within an attached or detached occupiable accessory structure or garage, of the person conducting the business.
- 2.** There shall not be any employees that are not a resident of the premises.
- 3.** The occupation is conducted wholly within a building and not more than 25 percent of the floor area of one story is devoted to that use.
- 4.** Any signage shall conform to Section [17.8, A., 1.](#)
- 5.** No additional parking spaces or off-street parking areas shall be constructed for the home occupation use.
- 6.** No mechanical equipment shall be used except that which is customarily used for domestic or household purposes and including machinery which is reasonably used in a hobby.
- 7.** No merchandise or commodity shall be sold on the premises.
- 8.** There shall be no outside storage, including machinery, equipment, or vehicle, of any kind related to the home occupation unless specifically permitted.
- 9.** The number of vehicles attracted to the premises as a result of the home occupation shall not exceed two at any one time, excluding delivery vehicles temporarily stopped for purposes of pick-up or delivery.
- 10.** Medical marijuana related businesses are prohibited.

11. The following are examples of permitted home occupations:
 - a. In-home day cares, type B (six or less children);
 - b. Adult day cares of six adults or less;
 - c. Clerical and other small business services;
 - d. Instruction in music, dance, or other type of teaching with a maximum of two students at one time;
 - e. The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office-oriented occupations;
 - f. Artists, sculptors, photographers, home crafts;
 - g. Barber shops and beauty shops with a maximum of one chair;
 - h. A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
 - i. Any similar use as determined by the Delhi Township Community Development Director.

12. The following are examples of conditionally permitted home occupations. Such uses are subject to the conditional use procedures and regulations set forth in Section [22.4](#).
 - a. In-home day cares, type A (more than six children);
 - b. Adult day cares of more than six adults;
 - c. Pet day cares;
 - d. Barber shops and beauty shops with more than one chair;
 - e. Auto repair or restoration services;
 - f. Instruction in music, dance, or other type of teaching with more than two students at one time;
 - g. Tailors, seamstresses, hat repair, shoe repair, or other pick-up type of commercial activity;
 - h. Any home occupation that employs an individual that is not a residence of the premises; or
 - i. Other similar uses that are more intense than the home occupations listed above in [8.2, B., 11](#) as determined by the Delhi Township Community Development Director.

C. Keeping of Agricultural Animals and Fowl as Pets

1. The section does not apply to properties that keep agricultural animals and/or fowl and qualify for an agricultural exemption per Section [8.1, B](#).
2. The keeping of fowl as pets is subject to the general requirements regarding zoning certificates and the following regulations:
 - a. The sole purpose of keeping fowl is for the private consumption of their eggs by members of the household, and not for commercial purposes. In no case shall any product produced or made as a result of the keeping of fowl as provided in this section be offered for sale on any property zoned for residential use.
 - b. A maximum of 10 fowl is permitted. The keeping of roosters is prohibited.
 - c. All fowl shall be housed in a coop with a maximum of five square feet per animal, and an enclosed run area no larger than 100 square feet. The maximum allowable height of the coop shall be six feet above the elevation of the surface of the ground. The coop and the run shall be located in the rear yard and at least 10 feet from all property lines. The coop is also subject to the requirements of Section [16.4, E](#). The fowl shall be kept in the coop from sunset to sunrise.
 - d. All food and waste material shall be stored in tight fitting containers and located a minimum of 10 feet from all property lines.
 - e. The slaughtering of fowl in residential districts is prohibited.
 - f. The coop and run shall be kept in neat, clean, and sanitary condition, free from offensive odors, excessive noise, or any other condition that would constitute a nuisance.
3. The keeping of agricultural animals, other than fowl, as pets is permitted in all Residence Districts, but only as an accessory use to a single-family dwelling, subject to the general requirements regarding zoning certificates and further provided:
 - a. All agricultural animals shall be enclosed in a pen or perimeter fence that meets the regulations set forth in Section [16.4, E](#).
 - b. All animals, and their enclosures, shall be kept in neat, clean, and sanitary condition, free from offensive odors, excessive noise, or any other condition that would constitute a nuisance.
 - c. All food and waste material shall be stored in tight fitting containers and located a minimum of 10 feet from all property lines.

- d. The slaughtering of agricultural animals in residential districts is prohibited.
 - e. In no case shall any product produced or made as a result of the keeping of agricultural animals be offered for sale on any property zoned for residential use
- D. Satellite Dishes.** To assure public safety and to reduce visual impact from surrounding properties at street level and public streets satellite dishes shall be situated and constructed in accordance with the following regulations:
1. Satellite dishes shall be constructed and installed in conformance with the Hamilton County Building and Electric Code regulations and requirements.
 2. Notwithstanding this section, any satellite dish situated and/or constructed prior to October 29, 1986 shall be exempt from these regulations provided, however, any modifications to an existing satellite dish must comply with these regulations.
 3. Ground mounted satellite dishes shall not exceed 20 feet in height from grade.
 4. **Roof mounted satellite dishes.** A site analysis, prepared by a satellite dish installation company, shall be submitted indicating that a rear yard location would result in less than 100 percent reception of those satellites in planetary orbit located in an arc ranging from a point 175 degrees southeast westerly to a point 243 degrees southwest (also described as lying between the Satcom 1 and Satcom II satellites) and shall adhere to the following:
 - a. Be perforated (mesh);
 - b. If located on a building having a “hip”, “mansard”, “gable”, or “gambrel” roof be situated on the rear slope of the roof, and not exceed five feet in height above the roof’s crest;
 - c. If located on a building have a flat roof, not exceed 16 feet in height from the roof; and
 - d. Not overhang the roof upon which it is situated into any yard except the rear yard.
 5. **Exemptions.** This section does not apply to the following:
 - a. Dish-type antennas that are one meter (39.37 inches) or less in diameter and that are designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite.

ZONING DISTRICTS AND USES

ARTICLE 8: ZONING USE PROVISIONS

8.3 Temporary Uses and Events

- b. Antennas that are one meter (39.37 inches) or less in diameter or diagonal measurement and is designed to receive video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellites.
 - c. Antennas that are designed to receive local television broadcast signals.
 - E. **Trash and Recycling Containers.** With the exception of collection day, all trash receptacles, recycling containers, or any other container intended for the temporary holding of trash, refuse, garbage, or any other discarded materials, shall be stored in an opaque enclosed structure in the front, side, or rear yard. If stored in the front yard, the receptacle and/or container shall be stored adjacent to the primary structure.

8.3 Temporary Uses and Events

- A. **Community Events and Festivals.** The applicant shall be responsible for obtaining all permits and approvals that may be necessary for a community event or festival including, but not limited to, health, fire, police, zoning, and building department approvals.
- B. **Farmers and Other Outdoor Markets.** Such uses are subject to the following:
 1. Farmers markets and other outdoor markets, such as antique or vintage sales, are permitted only as a temporary event.
 2. Outdoor markets shall submit a plan of action, not less than 14 days prior to the start of the event, that outlines the location of the event, the time frame and schedule, designated parking areas, booth areas, circulation networks, and other such relevant information as requested by the Delhi Township Community Development Director.
 3. The applicant shall be responsible for obtaining all permits and approvals that may be necessary for a farmer’s market or other outdoor market including, but not limited to, health, fire, police, zoning, and building department approvals.
- C. **Garage Sales.** Property owners shall not have more than one garage sale per 90 days; each sale lasting for not more than two consecutive days. Signs shall be in conformance to Section [17.9](#).

- D. Mobile Food and Medical Uses.** Mobile Food and Medical Uses are permitted as a temporary use with the following conditions:
1. Mobile food and medical uses may be located on private property, and with the permission of the property owner.
 2. Such uses are not allowed in a Residence District or on property used for a residential purpose.
 3. Such uses may be allowed at events located on public property with the approval of the Township.
 4. Such uses may be allowed in the public right-of-way if the right-of-way is closed in accordance with an approved road closure permit and the use is approved by the Township.
 5. Waste shall be contained and disposed of in a manner required by law.
 6. The applicant shall be responsible for obtaining all permits and approvals that may be necessary for a farmer's market or other outdoor market including, but not limited to, health, fire, police, zoning, and building department approvals.
- E. Portable Storage Containers.** Portable Storage Containers that currently are or are going to be loaded with materials and placed on any property. Portable Storage Containers are permitted with the following regulations:
1. Shall not be located on any parcel for a period exceeding 14 days from date of delivery. At the end of 14 days, an extension for a maximum 14 additional days may be granted by the Delhi Township Community Development Director based on just cause.
 2. Shall not be located on any parcel for a period to exceed 28 days per calendar year.
 3. Shall be kept in the driveway of the property at the furthest accessible point from the street. The location of the Portable Storage Container on a driveway shall not obstruct visibility nor block any public sidewalk. If no driveway is present, approval from the Township Public Works Department and/or the County Engineers Office for the placement of the Portable Storage Container within a public right-of-way prior to its delivery is required.
 4. Only one Portable Storage Container shall be placed on any property at once. Additional containers may be approved by the Delhi Township Community Development Director based on just cause and after approval of a zoning certificate.

- F. Seasonal Roadside Stands.** Seasonal roadside stands that offer for sale agricultural products are permitted subject to the following:

 - 1. Stands may have a sign advertising their products. Such sign may not exceed 12 square feet in area.
 - 2. The applicant shall be responsible for obtaining all permits and approvals that may be necessary for a seasonal roadside stand including, but not limited to, health, fire, police, zoning, and building department approvals.

- G. Temporary Structures, Trailers, Equipment, and Materials.** The temporary use of temporary structures, construction trailers, equipment, and materials used in conjunction with construction work and/or removal of items shall be subject to the following regulations:

 - 1. Permission for such storage be granted by the Delhi Township Community Development Director.
 - 2. It is not located on the lot for more than 30 days. At the end of the 30 days, additional 30-day extensions may be granted by the Delhi Township Community Development Director based on just cause and completion and approval of a zoning certificate. In no instance should a trailer be stored on the property for more than 90 days in a calendar year.
 - 3. It is situated so as to be not less than five feet from any lot line.
 - 4. No occupancy for human habitation shall be maintained.
 - 5. Not be placed on a permanent foundation.
 - 6. It is removed upon the completion or abandonment of the construction work.

Special Districts

9. PLANNED UNIT DEVELOPMENT

9.1 Purpose

The purpose of the Planned Unit Development “PUD” District is to:

- A. Promote the mixture of land uses in a creative, economical, and aesthetically pleasing manner.
- B. Encourage flexibility in the design of developments specifically in the preservation of open space, in the protection of natural features, in the utilization of site amenities, and in the creation of designs that are compatible with surrounding uses.
- C. Provide harmonious transitions between uses by utilizing land uses, landscape buffers, or other similar techniques.
- D. Allow for the development of infill sites and the redevelopment of existing sites in creative manners that respect existing circumstances, adjacent land uses, topography, lot size, and other similar elements.
- E. Allow for safe and efficient transportation networks that accommodate automobiles, bicycles, and pedestrians.

9.2 Planned Unit Development Regulations

- A. **Principally Permitted Buildings and Uses.** Any use shall be allowed within a PUD District subject to the approval of the Township Trustees.
- B. **Minimum Development Area.** There is no minimum development area to qualify as a PUD.
- C. **Multiple Buildings on a Lot.** More than one building is permitted on a lot within a PUD.
- D. **Ownership.** Evidence shall be provided that the applicant has control over the land contained within the PUD application or a signed acknowledgement from the owner of the land granting permission for the proposed development at the time that the application is submitted.
- E. **Setbacks.** Peripheral and internal setbacks shall be defined on the PUD plan as approved by the Township Trustees.

SPECIAL DISTRICTS

ARTICLE 9: PLANNED UNIT DEVELOPMENT

9.3 Establishment of PUD District

- F. Transitions.** PUD developments shall be considerate of adjacent developments and shall be designed in a way to mitigate undesirable audible and visual land impacts to the adjacent land uses. Installation of facilities/features required to protect and preserve the character and value of surrounding properties shall be completed before occupancy permits will be issued.
- G. Circulation.** The vehicular and pedestrian circulation system shall be designed to fully accommodate vehicular and pedestrian traffic with safety and efficiency within a development.
- H. Signage.** The design of signage should coordinate with the colors and materials of the principal structures. Freestanding signs should be low-profile in nature. Pole signs are not permitted within a PUD.

9.3 Establishment of PUD District

Planned Unit Development Districts, when approved by the Township Trustees, shall be identified on the Township's Zoning Map with the notation "PUD".

9.4 PUD Process

- A. Pre-Submittal Meeting.** Prior to submitting the Concept Development Plan the property owner or owner's agent is encouraged to meet with the Delhi Township Community Development Director, and other Township staff as deemed necessary, to discuss the development informally. The purpose being to discuss the intent of the development and the PUD process and to identify any preliminary concerns with the proposed development.
- B. PUD Zone Map Amendment and Concept Development Plan Submittal**
 - 1.** The owner or owner's agent shall apply to the Delhi Township Community Development Director for a PUD Zone Map Amendment and Concept Development Plan approval in accordance with the provisions of this Article.
 - 2.** The Delhi Township Community Development Director shall determine if the application is complete or if additional information is needed. Upon determination that the application is complete, it shall be referred to the Zoning Commission for review.
 - 3.** The Zoning Commission shall hold a public hearing on the PUD Zone Map Amendment and Concept Development Plan in accordance with Section [22.2C](#) and shall furnish to Township Trustees its recommendation with respect to the submitted plans.

4. After receiving the Zoning Commission's recommendation, the Township Trustees shall hold a public hearing on the PUD Zone Map Amendment and Concept Development Plan and shall review and act on the application. The Township Trustees may approve, modify, conditionally approve, or disapprove the PUD Zone Map Amendment and Concept Development Plan.
5. In the case of an adverse recommendation by the Zoning Commission, such application shall require the affirmative vote of all the Township Trustees to reverse Zoning Commission's recommendation.
6. If the PUD Zone Map Amendment and Concept Development Plan is approved by the Township Trustees, the Delhi Township Community Development Director shall update the Official Zoning Map to identify the subject property as being zoned "PUD" and the owner or owner's agent may submit the Final Development Plan.

C. Final Development Plan Submittal

1. The Final Development Plan, together, with an application, shall be filed with the Delhi Township Community Development Director.
2. The Delhi Township Community Development Director shall determine if the application is complete or if additional information is needed. Upon determination that the application is complete, it shall be referred to the Zoning Commission.
3. The Zoning Commission shall hold a public hearing on the Final Development Plan in accordance with Section [22.2 , C](#) and shall act on the Final Development Plan. The Zoning Commission may approve, conditionally approve, or disapprove the Final Development Plan based on the plan's consistency with the Concept Development Plan and the Final Development Plan requirements.

- D. Permits.** Following the approval of the Final Development Plan, the owner or owner's agent may submit for a zoning certificate. Following the approval of the zoning certificate, the owner or owner's agent may submit for any necessary building permits or other permits required for the project.

9.5 Combined Concept and Final Development Plans

The owner or owner's agent may request to combine the applications for the Concept and Final Development Plans. The Delhi Township Community Development Director may approve or deny this request based on the type of application, completeness of plans, and timing requirements of the project. All requirements of both the Concept and Final Development Plans shall be met for a combined plan submittal. If approved by the Delhi Township Community Development Director, the owner or owner's agent shall submit the PUD Zone Map Amendment with the Final Development Plan and any additional information that is required for the Concept Development Plan. The application shall follow the process established for the Concept Development Plan including a public hearing and recommendation by Zoning Commission and a public hearing and action by the Township Trustees.

9.6 Concept Development Plan Requirements

The Concept Development Plan shall include the following:

- A.** Survey or engineering drawings of the property to be rezoned to PUD.
- B.** Vicinity map.
- C.** North arrow.
- D.** Scale bar.
- E.** Narrative description of the proposed development.
- F.** Proposed parcels contained within the development.
- G.** Existing property lines of adjacent properties noting the owners of record and existing zoning designations of the adjacent properties.
- H.** The location of proposed buildings and land uses within the development. The amount of land area dedicated for each land use shall be indicated.
- I.** For developments that include residential uses, the type of dwelling units, dwelling unit density, minimum lot sizes, frontages, and setbacks shall be specified.
- J.** Preliminary interior open space system and landscape concepts.
- K.** Location of existing and proposed public and private streets, parking areas, and pedestrian network.
- L.** Minimum peripheral setbacks around the perimeter of the development.
- M.** Proposed locations for dumpster enclosures.
- N.** Traffic impact study, if deemed required by the Delhi Township Community Development Director.

- O. Additional information as requested by the Delhi Township Community Development Director, the Zoning Commission, or the Township Trustees.

9.7 Final Development Plan Requirements

The Final Development Plan shall include the applicable information from the Concept Plan and the following:

- A. Plat prepared by a registered surveyor for entire development area identifying parcel numbers, lines, dimensions, and areas.
- B. The existing topography with contour intervals of not less than five feet, and final contours at two feet maximum.
- C. The location of all existing trees with a caliper of four inches or more.
- D. The proposed size, location, use, and arrangement of buildings, parking areas (with proposed arrangement of stalls and number of cars), entrance and exit driveways and their relation to existing and proposed streets, proposed landscaping, signage, and all other significant features of the proposed development.
- E. Building elevations that indicate proposed architectural character. Building materials and colors shall be identified. Material boards may be required upon request by of the Delhi Township Community Development Director.
- F. Design and location of all existing landscaping to be preserved and all proposed landscaping areas, open space, buffering plans, retention areas, and yards including the common and scientific names of all proposed plant species and the quantity and sizes of each.
- G. Existing and proposed storm and sanitary sewers, water mains, culverts, and other underground structures.
- H. Lighting, including fixture types, size, and a photometric plan.
- I. Trash facilities, including dumpster pads and enclosure details.
- J. Notation of any right-of-way dedication that may be necessary for the widening or extension of any major streets.
- K. Sign plan indicating locations, sizes, and designs for all proposed signs.
- L. A phasing plan for the development, if any.
- M. Professional engineers and/or architect's stamp and signature.
- N. Additional information as requested by the Zoning Commission or Township Trustees to supplement the above information when special conditions occur.

SPECIAL DISTRICTS

ARTICLE 9: PLANNED UNIT DEVELOPMENT

9.8 Compliance with the Plan

9.8 Compliance with the Plan

Structures, improvements, and landscaping shall be built, installed, and maintained according to the plan as approved by the Township. This shall include, but is not limited to, the location of the structures, location and layout of all streets and sidewalks including public right-of-way, layout and improvements of off-street parking and loading areas, location and width of driveways, ingress and egress to and from the site, grading, location, and planting of landscaped areas and fencing, and location and design of lighting and signs. Once such structures, improvements, and landscaping have been built or installed, it shall be the duty of the owner or the owner's representative to maintain the premises and structures in accordance with the approved plans. All roadways and sidewalks within proposed public right-of-way shall be maintained by the owner until accepted by the County or Township.

9.9 Amendments to the PUD

The Zoning Commission has jurisdiction to administratively approve appropriate variations from either the Concept or Final Development Plan provided that the variations shall remain in harmony with the general purpose and intent of the development. Any application for a substantial variation, as determined by the Zoning Commission, shall be considered a new Concept Development Plan that shall be administratively reviewed for action by the Township Trustees.

9.10 Enforcement and Penalties

This section is subject to the violations and penalties as specified in Section [1.8](#).

10. PLANNED DISTRICTS

10.1 Districts Identified

The Delhi Township Zoning Districts that are considered Planned Districts include the “DD” Planned Multiple Residence District, “OO” Planned Office District, “EE” Planned Business District, and “FF” Planned Industrial District.

10.2 Regulations

Existing Planned Districts approved by Delhi Township will remain in existence and their development plans continued to be enforced. New Planned Districts shall not be approved by the Township following the date of approval of this Resolution due to the creation of a Planned Unit Development process as described in Section [9.4](#).

10.3 Districts Intent

- A. **“DD” District Intent.** To provide sites for the residential uses permitted herein at appropriate locations in relation to the existing and potential development of their surroundings to afford an attractive setting for such uses and to harmonize with the surroundings.
- B. **“OO” District Intent.** To provide sites for the office uses permitted herein at appropriate locations in relation to the existing and potential development of their surroundings to afford an attractive setting for such uses and to harmonize with the surroundings.
- C. **“EE” District Intent.** To provide sites for retail businesses at appropriate locations for service and in appropriate relation to their surroundings to afford an attractive setting in harmony with the environs.
- D. **“FF” District Intent.** To provide space at appropriate locations for types of business and industry free of conflict with their surroundings so as to provide more attractive locations for such uses and to afford opportunities for employment closer to residencies with a corresponding reduction of travel time between home and work.

10.4 Permitted Uses

- A. **General Use Regulations.** Any permitted use identified in the following use table may be permitted in the Planned Districts provided, however, that the district shall be laid out and developed as a unit according to an approved development plan as defined in Section [10.7](#), in order for the specific use or uses may be properly integrated with the surrounding area.

SPECIAL DISTRICTS

ARTICLE 10: PLANNED DISTRICTS

10.4 Permitted Uses

- B. Use Table.** A building or premises in the Planned Districts shall only be used for the following purposes:

Table 10.1: Planned District Use Table					
Use	DD	EE	OO	FF	Use-Specific Standards
Residential Uses					
Dwelling, As Part of a Mixed Use Development		P			
Dwelling, Single Family Attached	P				
Dwelling, Single Family Detached	P				
Dwelling, Multiple Family	P				
Dwelling, Two Family	P				
Group Homes	P	P			
Public/Institutional Uses					
Cemeteries, Crematoriums, and Mausoleums	P				
Churches, Sunday Schools, and Other Places of Worship	P	P	P		
Educational Facilities, Primary and Secondary	P	P	P		
Government and Public Facilities	P	P	P		
Hospitals		P	P		
Institutions of Education, Religious, Charitable, or Philanthropic Nature	P	P	P		
Non-Profit Organizations		P	P		
Parks and Open Spaces, Passive and Active	P	P	P		
Public and Private Forests and Wildlife Reservations or Similar Conservation Projects	P	P	P		
Commercial Uses					
Animal Hospital and Veterinarian Office		P	P		
Animal Training, Boarding, Kennels, and Pet Day Cares		P	P		
Art and Dance Studios, Galleries, and Museums	P	P			
Assisted Living, Skilled Nursing Care, and Similar Senior Living Facility		P	P		
Auto Related Retail		P		P	
Auto Repair Service		P		P	
Auto Sales and Leasing		P		P	
Banks and Financial Institutions, including freestanding ATMs		P	P		
Banquet Facility		P			

Table 10.1: Planned District Use Table					
Use	DD	EE	OO	FF	Use-Specific Standards
Brewpubs, Nano-Breweries, Micro-Breweries, Micro-Distilleries, and Bars/Taverns		P		P	
Car Wash		P		P	
Cellular and Wireless Telecommunication Facilities	P	P	P	P	
Club, Lodge, or Meeting Places		P	P		
Commercial Greenhouses				P	
Community Social Service Facilities		P	P		
Construction and Large Equipment Rental, Sales, and Service		P		P	
Country Clubs, Swimming, and Tennis Clubs	P				
Day Care Facilities and Preschools		P	P		
Entertainment, Indoor and Outdoor		P		P	
Equipment Rental		P			
Fuel/Convenience Store		P		P	
Funeral Homes including Crematorium		P	P		
Garden, Landscape Supply, or Home Improvement Centers		P			
Golf Courses/Driving Ranges	P			P	
High-Tech Light Industrial				P	
Hotels and Motels, with or without a Restaurant		P			
Medical Marijuana Retail Dispensary, Medical Marijuana Cultivation, Medical Marijuana Related Business or Home Occupation, and Medical Marijuana Processing					
Medical Offices and Surgery Centers		P	P		
Miniature Golf Courses (Indoor and Outdoor)		P		P	
Mixed Use Developments		P			
Offices		P	P	P	
Parking Lots and Garages	P	P	P	P	
Personal Service	PS	P	P	P	Section 10.4.C.,1
Restaurants		P			
Retail Sales		P			
Studios for the Broadcasting of Radio, Facsimile, and Television		P	P	P	
Wholesale Commercial Sales		P			
Industrial Uses					
Bulk Storage (Indoor and Outdoor)				P	
Flex Space (Warehouse)				P	

SPECIAL DISTRICTS

ARTICLE 10: PLANNED DISTRICTS

10.4 Permitted Uses

Table 10.1: Planned District Use Table					
Use	DD	EE	OO	FF	Use-Specific Standards
Food Manufacturing, with the exception of Animal Slaughtering and Processing				P	
Heavy Industrial Use				P	
Laboratory				P	
Landscaping Services				P	
Light Industrial				P	
Research and Development				P	
Storage Facility (Indoor and Outdoor)				P	
Truck Transportation				P	
Vehicle Storage				P	
Warehousing				P	
Accessory Uses					
Accessory Structures and Buildings	P	P	P	P	
Day Care Home, Type A (7 or more)	P				
Day Care Home, Type B (6 and less)	P				
Home Occupations	P	P	P		
Keeping of Agricultural Animals and Fowls as Pets	P			P	
Outdoor Dining and Eating Areas		P	P	P	
Signs	P	P	P	P	
Solar Energy Projects	P	P	P	P	
Wind Energy Projects	P	P	P	P	
Temporary Uses					
Community Events and Festivals		P			
Construction Trailers	P	P	P	P	
Farmers and other Outdoor Markets		P			
Mobile Food or Medical Use		P	P	P	
Roadside Stands	P	P	P	P	
Storage Trailers	P	P	P	P	
Temporary Structures					

C. Use-Specific Standards

1. **Personal Service Uses in the “DD” District.** A personal service establishment such as a bar, barber shop, beauty shop, and the like, principally serving the residents and having no entrance except from within the building may be permitted after review by the Delhi Township Zoning Commission and if found to be warranted by the size of the development.

10.5 Dimensional Standards

A. Minimum Development Area.

1. **“DD” and “OO” Minimum Development Area.** The owner(s) of a tract of land comprising an area of two acres or more or adjoining a similarly or less restricted district, may submit a plan for the use and development of such tract for the purpose of, and meeting the requirements set forth in this Article.
2. **“EE” Minimum Development Area.** The owner(s) of a tract of land comprising an area of three acres or more, or adjoining a similarly or less restricted district, may submit a plan for the use and development of such tract for the purpose of, and meeting the requirements set forth, in this Article.
3. **“FF” Minimum Development Area.** The owner(s) of a tract of land comprising an area of 20 acres or more or adjoining an existing Industrial District, may submit a plan for the use and development of such tract for the purpose of, and meeting the requirements set forth, in this Article.

B. Dimensional Standards Table

Table 10.2: Planned District Dimensional Standards				
Standard	DD	OO	EE	FF
Maximum Building Height	3 Stories or 40 feet	35'	35'	35'
Minimum Front Yard Setback	40'	40'	50'	50'
Maximum Front Yard Setback	n/a	n/a	n/a	50'
Minimum Side Yard Setback	15' for one and two-story buildings	10'	35'	50' or 100' to Residence District
	30' for three-story buildings			
Minimum Rear Yard Setback	40'	40'	35'	50' or 100' to Residence District
Minimum Lot Width	n/a	n/a	n/a	n/a
Minimum Lot Area	2,500 square feet per apartment of two bedrooms or more	n/a	n/a	n/a
	2,000 square feet for one-bedroom apartment			
	1,500 square feet for an efficiency apartment.			
Maximum Lot Coverage	n/a	n/a	25%	35%

C. Dimensional Exemptions

1. **Site Condition Exemptions.** In a case where the topography or other physical features of the tract or its relation to surrounding property may make complete compliance with the yard requirements, as prescribed in this section, unnecessary or undesirable, the Delhi Township Zoning Commission may modify such requirements to the extent warranted by such physical conditions provided the surrounding property and public welfare are adequately protected.
2. **“DD” Dimensional Exemptions.** In the “DD” Planned District the following exemptions shall apply:
 - a. Building height can be increased if such building is set back from the street line a distance of not less than its height and is set back from all property lines a distance of 30 feet plus two feet for each foot of height in excess of 40 feet.
 - b. Where part or all of the off-street parking spaces required for a multi-family dwelling are provided within the principal building or buildings, the minimum lot area per dwelling unit specified herein may be reduced by a maximum of 20 percent in accordance with the following formula: $a/b \times 20\%$, where a = the number of spaces provided within the building, b = the number of spaces required for the multi-family dwelling.
3. **“OO” Dimensional Exemptions.** Building height can be increased if such building is set back from the street line a distance of not less than one-half its height and is set back from all other property lines a distance of 10 feet plus two feet for each foot of height in excess of 35 feet.
4. **“EE” Dimensional Exemptions.** Building height can be increased if such building is located at a distance of not less than its height from all side and rear lot lines and occupies no more than 10 percent of the total area of the tract.
5. **“FF” Dimensional Exemptions.** Building height can be increased if such building is set back from all property lines a distance of not less than 2 times the building height.

10.6 Development Requirements

A. General Requirements

1. The size and location of the tract in relation to surrounding property shall be such that the proposed development, including landscaping and screening and other adjustments to the abutting land uses, can be made to harmonize with the neighborhood.
2. The location and arrangement of buildings, parking structures and areas, walks, lighting, ingress and egress, and appurtenant facilities shall be adjusted to the surrounding land uses. Any part of the site not used for buildings or other structures, or for parking, loading, or accessways, shall be landscaped with grass, trees, shrubs, or pedestrian walks.
3. Reasonable additional requirements such as landscaping, lighting, screening, accessways, and building setbacks may be imposed by the Delhi Township Zoning Commission for the protection of adjacent property.

B. Parking. Off-street parking spaces shall be provided based on the requirements of Section [15.3](#) of this resolution.

C. Signage. Signs shall be regulated based on the requirements of Article [17](#), except as stated herein.

D. “DD” Additional Requirements. No signs or displays of advertising of merchandise or services offered in the shops shall be visible from outside the building.

E. “EE” Additional Requirements

1. Adequate provision shall be made for traffic circulation into and out of the development, in addition to the provision for through traffic movements on the access street or streets, and to this end, the means of location of all ingress and egress and the provisions for traffic movement and circulation, including additional traffic lanes, where needed, shall be subjected to approval of the County Engineer. The installation of additional lanes for deceleration or turning movements may be required, and traffic controls, as needed, may be imposed to provide for safe and efficient traffic circulation by and within the development.
2. Service drives or other areas shall be provided for off-street loading, in such a way that trucks will not block the passage of other vehicles or impede circulation on any other public or private drive or street.
3. All drives, parking areas, loading areas, and walks shall be paved with hard surface material meeting the approval of the County Engineer and/or Township Public Works Director.

4. No part of any area for parking shall be located within 20 feet of any side lot line of a residential lot, either existing or to be created in the future.
5. All mechanical equipment for heating, cooling, air conditioning, or similar purposes, which may create either noise or fumes, if not within the main building shall be located at least 100 feet from all property lines within or adjacent to a Residence District.

F. “FF” Additional Requirements

1. Development plans within the “FF” Planned District shall be accompanied by a description of the proposed operations in sufficient detail to indicate the effect of the operations with respect to traffic congestion, noise, glare, air or water pollution, and fire or safety hazards.
2. In general, the development shall be related to major or secondary highways or to other industrial or business districts to avoid access over residential uses, and to this end, no “FF” District shall be located where the main vehicular approach thereto is over a residential district or through a residential district, unless the character and operation of the use area such, and it can be clearly demonstrated, that no more than 50 vehicles in both directions combined would travel to and from the use daily.
3. No part of any parking and loading areas and access drives thereto shall be located within 50 feet of any Residence District or street line. All drives, parking areas, loading areas, and walks shall be paved with hard surface material.
4. No open storage of materials or equipment shall be permitted on the tract.
5. Provisions shall be made, subject to approval of the County Sanitary Engineer, for satisfactory disposal of all liquid and solid waste concomitant with the development.

10.7 Development Plan Provisions

- A.** In any planned district, for purposes of flexibility, the plan for the use and development of the tract may be illustrated by a plat showing the areas within which buildings, structures, and parking spaces may be located and the use and maximum size and height of the building, rather than the exact location, shape, size, height, and arrangement thereof. The Amendment or Supplement of this resolution may be adopted on the basis of such initial plan; provided, however, that said plan is otherwise in compliance with the development plan, with respect to location of vehicular and pedestrian access, landscaping, and other specifications, conditions, and limitations; and provided, further, that no zoning certificates shall be issued for actual construction until and unless a final Development Plan, shall have been reviewed and approved by the Delhi Township Zoning Commission, with a determination that the plan is consistent with the intent of this resolution and that property adjacent to the area will not be adversely affected.
- B.** If the final development plan is found to comply with the foregoing conditions and with the specifications of the appropriate Planned District Regulations, the plan shall be approved and incorporated in the Amendment or Supplement to the Zoning Resolution as an integral part of the zoning regulations applicable to the real estate. Every such development plan shall comply with the following procedures and provisions.
- 1.** The owner of the real estate shall execute a Deed of Acceptance of the development plan and the Amendment or Supplement and shall attach same to the Amendment or Supplement following approval of the final development plan by the Delhi Township Zoning Commission.
 - 2.** Following adoption of the Amendment or Supplement and approval of the final development plan, the Fiscal Officer of the Board of Trustees shall cause such Amendment or Supplement to be recorded in the land records applicable to the real estate in the office of the Recorder of Hamilton County.
 - 3.** The Delhi Township Zoning Commission may approve variations from the development plan not in violation of any of the standards and requirements prescribed in the article, provided that the variations remain completely in harmony with the general purpose and intent of the development plan and of this resolution.
 - 4.** Any application for a substantial variation from the development plan shall be treated as an Amendment or Supplement to this Resolution and shall be governed by the provisions of law and this Resolution applicable thereto.

SPECIAL DISTRICTS

ARTICLE 10: PLANNED DISTRICTS

10.8 Delay in Construction

10.8 Delay in Construction

Construction of the development in accordance with the approved plan shall commence within three years after the date of approval by the Trustees becomes effective; provided, however, that the Delhi Township Zoning Commission may extend the construction commencement timeframe for one or more additional year(s) upon request by the owner or on its own motion. In the event that construction is not begun as prescribed in this Section, the Township Zoning Commission or Board of Trustees may initiate an amendment procedure in accordance with ORC Section 519.12 to void the approved plan and revert the zoning classification of the subject property to the district in which it was classified before the approved plan.

10.9 Violation of Plan

The development plan approved in accordance with this Article shall be an integral part of the Zoning Resolution and any departure from this plan or any modification thereof, except when specifically approved in accordance with Section [10.7](#), shall be a violation of said Zoning Resolution and shall be subject to the provisions and penalties prescribed therefor in Section [1.8](#).

11. COMMUNITY UNIT PLANS OVERLAY DISTRICT

11.1 Purpose

The purpose of the CUP Overlay District is to encourage the efficient use of land and resources, promoting greater efficiency in providing public and utility services, and encouraging innovation in the planning and building of all types of development and renewal by accommodating developments which are planned so as to integrate residential use with collateral uses, and in which lot size, setback lines, yard areas, and dwelling types may be varied and modified to achieve particular design objectives and make provision for open space, common areas, utilities, public improvements, and collateral uses.

11.2 Regulations

Existing Community Unit Plans approved by Delhi Township will remain in existence and their development plans continued to be enforced. New Community Unit Plans shall not be approved by the Township following the date of approval of this Resolution due to the creation of a Planned Unit Development process as described in Section [9.4](#).

11.3 Revisions to Existing Community Unit Plans

Existing approved Community Unit Development Plans may be amended, altered, or expanded if the revised plan is approved by the Township. Applications to revise an approved Community Unit Development Plan are subject to the Township's Zone Map amendment procedure set forth in Section [22.3](#).

12. FLOOD PLAIN MANAGEMENT OVERLAY DISTRICT

12.1 General

The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the District Regulations for the Flood Plain Management "FPM" Overlay District.

12.2 District Map Boundaries and Elevations

- A.** The boundaries of the "FPM" Flood Plain Management Overlay District shall include all that territory within the jurisdiction of this Resolution, which is defined as being within the Special Flood Hazard Areas of Unincorporated Hamilton County, Ohio by Section [24.2](#) of this Resolution, as are indicated upon the District Maps of the unincorporated area of Delhi Township, Ohio.
- B.** Applicable storm drainage and flood-related studies and plans adopted by Hamilton County, and accompanying maps and profiles, identifying, in whole or in part, Special Flood Hazard Areas within the Township, shall be used to determine the elevation and planar extent of the "FPM" Flood Plain Management Overlay District.
- C.** Where the Flood Insurance Study and the Storm Drainage and Open Space Master Plan provide information for the same reaches of streams, the information which is most restrictive as to elevation and planar extent shall be used.

12.3 Use Regulations

A structure or premises shall only be used for the purposes permitted by the applicable underlying Zone District, except that when a proposed use, structure or premises is also located within the "FPM" Flood Plain Management Overlay District, Article [12](#) of this Resolution shall take precedence.

12.4 General Conditions

It shall be unlawful to use any land or structure, or to locate, extend, convert, substantially improve, structurally alter, or otherwise develop any land or structure within the "FPM" Flood Plain Management Overlay District unless such development meets all the applicable conditions and standards set forth in regulations governing the National Flood Insurance Program (44 CFR Section 591 et seq.).

13. HILLSIDE DEVELOPMENT DISTRICT

13.1 Purpose

- A. The purpose of the Hillside Development “HD” District is to ensure that the development of land and construction of buildings is compatible with the environment and protects the quality of the environment in those locations where the characteristics of the environment are vulnerable to damage by development permitted under conventional zoning and land use regulations.
- B. The following “HD” District regulations are required to protect the public and property owners in the district from:
 - 1. Blighting influences caused by the application of conventional land use regulations to properties and areas of sensitive environmental qualities.
 - 2. Significant damage to areas of high public investments which have added substantial value to the area.
 - 3. Unstable land and landslides caused by uncontrolled development.
 - 4. Significant damage or destruction of prominent hillsides and/or valleys caused by improper development thereof.
 - 5. Significant damage to the economic value and efficiency of operations of existing properties and/or new developments due to the inter-dependence of their visual and functional relationship.
 - 6. Soil erosion and stream siltation.
 - 7. The destruction of mature and/or valuable trees and other vegetation.
 - 8. Preserving the existing hillsides.
 - 9. Encouraging innovative approaches to the delivery of housing units in hillside areas utilizing the PUD concept where applicable.

13.2 Hillside Development Characteristics

- A. Hillside Development District Defined.** An “HD” district is defined as a geographic area of the township exhibiting special and distinctive environmental characteristics of significant value to the public, including natural phenomena such as unique geologic strata, soil formations, slopes, vegetation, water flow, significant scenic views, or other similar natural features and man-made qualities such as public investment including structures, parks, landscaping, streets, or other public investments.
- B. District Characteristics.** A “HD” District shall contain the following characteristics:
 - 1. Slopes of 20 percent or greater.
 - 2. Existence of the Kope Geological Formation. This definition is based on the finding that steep slopes in combination with the Kope Formation create a susceptibility to land sliding and that development under conventional regulations may precipitate excessive soil erosion or unstable hillsides. Additional regulations are needed to preserve prominent views to and/or from the hillside and the natural vegetation and contours thereof.

13.3 “HD” District Designation

- A.** The location of all Hillside Development Districts shall be shown on the zoning maps of Delhi Township, Ohio as an overlay zone superimposed in specific areas over existing zoning districts.
- B.** Except as otherwise provided herein and in all other parts of this Zoning Resolution, all regulations of the underlying zoning districts shall apply to and control the use of property, buildings, and structures in an “HD” district; provided, however, that in case of conflict between the provisions of an underlying zoning district and an “HD” District, the provisions of the “HD” district shall prevail.
- C.** Whenever applicable by the provisions of this Article, the “HD” District Regulations shall supersede and supplant the administrative procedures pertaining to the issuance of zoning certificates within underlying zoning districts which require the authorization of the Community Development Director for Delhi Township, Hamilton County, Ohio as provided in the Zoning Resolution for Delhi Township, Ohio.

13.4 Development Permissions/Exemptions

- A.** No building or addition to any building shall be erected on any land nor shall any changes be made in the existing contours of any land within the “HD” District until development approval is granted according to the procedures specified in Section [13.5](#), **B** of this Article. Development permission shall be required for excavations, fills, removal of placement of any soil, foundation placement, or construction of any structures except as exempted by Section [13.4](#).

- B.** The following are exempt from the provisions of this Article:
1. All permits for plumbing, heating, air conditioning, elevators, fire alarms and extinguishing equipment, and all other mechanical and electrical equipment not involving a change of use or occupancy.
 2. Any permit necessary for compliance with a lawful order of the Building Commissioner for Hamilton County, Ohio.
 3. All permits for interior alternations and repairs.
 4. All permits for demolition or wrecking.
 5. All permits for construction of public utilities.
 6. All permits for fences.
 7. All permits for refacing, rewording, or replacement of existing signs.
 8. All permits for exterior alterations and repairs of dwelling structures not resulting in increase in floor area.
 9. Temporary excavations for wells, tanks, vaults, tunnels, sign foundations, and trenches for sewers, water lines, gas lines, electric lines, and other underground utilities.
 10. Exploratory excavation under the direction of a registered professional engineer, soil engineer, engineering geologist, soil scientist, or architect where incidental to the practice of architecture, and exploratory excavations by a contractor or builder provided such exploratory excavations are made for the purposes of determining onsite geologic conditions and degree of slope and soil type existent on the property and also provided that such exploratory excavations are properly and immediately filled after the completion of such necessary work to provide required data.
 11. Additions to structures that do not exceed 300 square feet in floor area.
 12. Accessory buildings not greater than 100 square feet in floor area.
 13. Porches, decks, patios, and porch and patio covers.
 14. Normal cemetery operations of opening or closing graves.
 15. Public work performed by Delhi Township Maintenance Personnel, the State of Ohio Maintenance Personnel, or Hamilton County maintenance personnel.
 16. All permits for the construction or use of buildings or structures incident to the use for agriculture purposes of the land on which such buildings or structures are located.

17. No excavating or filling pursuant to this section shall cause any slope to become unstable, impose loads which may affect the safety of structures or slopes, interfere with adequate drainage of the site area and drainage area of land tributary to the site, obstruct, damage or adversely affect lawfully existing sewerage or drainage, public or private, cause a stagnant pond of water to form, or cause erosion or sedimentation.

13.5 Development Review and Procedures

- A. Application for development permission in “HD” Districts shall be made by application for a zoning certificate to the Delhi Township Community Development Director. Said applications shall be made on such forms as provided. The applicant shall submit eight copies of development plans, with the “HD” District application, which shall include maps or combinations of maps showing the following:
 1. All existing property lines, zoning district boundaries, streets, and structures within 300 feet of the proposed development.
 2. The proposed plan for development of the site identifying all structures, streets, parking lots, open spaces, etc.
 3. Existing contours at five-foot intervals or less.
 4. Slopes of zero to 10 percent, 10 to 15 percent, 15 to 20 percent, and greater.
 5. Areas of excavation and fill and the estimated number of cubic yards displaced.
 6. The pattern and extent of existing tree coverage and proposed areas to be cleared.
 7. The major soils types on the site; their pattern and extent, accompanied by a description of their limitation for development.
 8. Existing drainage on the site, the proposed method of storage and disposal of water generated by development of the tract, and calculated surface water run-off from the site before and after construction, measure in cubic feet per second.
 9. The proposed methods and materials to be used to temporarily revegetate and permanently restore vegetation to land areas exposed during construction.
 10. If it is determined by the Delhi Township Community Development Director that more detailed information is required for review, the applicant shall submit an engineering report outlining the following:
 - a. The existing geologic conditions on the site.
 - b. The means of avoiding or correcting any hazards on the site filed by a registered engineer proficient in the field of geotechnical investigations.

- B. Review Process.** When it is found by the Delhi Township Community Development Director that an application for an “HD” zoning certificate meets the required filing requirements, the application shall be subject to the following process:
1. At the determination of the Delhi Township Community Development Director shall transmit the application to the following agencies (where applicable) for their review and recommendation (sufficient numbers of copies of the application and required data shall be furnished by the applicant):
 - a. The Hamilton County Regional Planning Commission
 - b. The Hamilton County Soil and Water Conservation District
 - c. The Metropolitan Sewer District of Greater Cincinnati
 - d. The Hamilton County Engineer
 - e. Any other agency deemed appropriate by the Delhi Township Community Development Director
 2. After these agencies have reviewed the development plan to determine whether the application meets the intent of the regulations and the development standards listed in Section [13.5, C](#), their reports and recommendations shall be presented by the Delhi Township Community Development Director to the Zoning Commission.
 3. The Delhi Township Zoning Commission shall review the application, plans, and recommendations of agencies and recommend approval or denial of the application to the Delhi Township Community Development Director, stating the reasons for such recommendation.
 - a. The following findings must be reached by the Delhi Township Zoning Commission for a recommendation of approval:
 - i. The development conforms to the intent, purpose, and development standards of the regulations governing hillside development.
 - ii. The application has adequately demonstrated that the development will not aggravate or create hillside slippage.
 4. Upon review of the recommendation of the Delhi Township Zoning Commission and recommending agencies and the subsequent denial of the zoning certificate by the Delhi Township Community Development Director the applicant may:

ARTICLE 13: HILLSIDE DEVELOPMENT DISTRICT

13.5 Development Review and Procedures

- a. Appeal the decision of the Delhi Township Community Development Director to the Delhi Township Board of Zoning Appeals as prescribed by Section [21.6, C](#) of this Resolution and the rules for submittal of appeals adopted by said Board, or;
 - b. Correct the deficiencies and resubmit an application for a zoning certificate.
- C. **Development Standards.** The development plans and reports submitted with the application shall be subject to review based on the following standards for hillside development.
 - 1. Streets shall be designed to follow the natural contours of the land and provide the least disruption to the hillside environment.
 - 2. Wherever possible, parking areas shall be placed within structures to limit the amount of paved land.
 - 3. Areas not well-suited to development, as indicated by slope, soil, geologic, and engineering studies, shall be retained as open space or recreational use.
 - 4. The design and location of buildings shall relate to the natural slope and contours of the land and minimize grading, excavation, and placement of fill. Construction on slopes greater than 20 percent is discouraged.
 - 5. Wherever feasible, trees and natural vegetation shall be retained in order to minimize erosion, sedimentation, and the disruption of views to and/or from the hillsides.
 - 6. Any grading performed shall be in keeping with the best engineering and soil conservation practices to avoid erosion and land sliding and to have as minimal an effect on the environment as possible.
 - 7. All areas of land exposed during construction shall be temporarily re-vegetated and restored as soon as possible to blend with the surrounding terrain. All excavations shall have stable side slopes and be constructed so that re-vegetation can readily occur.
- D. **Maximum Review Period.** The Commission shall render a recommendation of approval or denial of the HD District application within 30 days of the date of the receipt of the application and recommendations of the agencies listed in Section [13.5, B., 1](#). Within 10 days of the receipt of the recommendation of the Zoning Commission the Delhi Township Community Development Director shall either approve or deny the issuance of a zoning certificate.

- E. Concurrent Review.** When an application for a zoning amendment located within the “HD” District is made to the Township, such amendment shall be reviewed for compliance with this Article as concurrently as possible with the amendment procedure described in Section [22.3](#) of this Resolution.
- F. Subdivision Review.** When an application for a subdivision improvement plan located in the “HD” District is submitted to the Hamilton County Regional Planning Commission the provisions of this Article shall be called to the attention of the Regional Planning Commission by the subdivider or his agent; and the subdivider or his agent shall be responsible for securing the written statement of the Regional Planning Commission that the improvement plan meets the provisions of this Article.
- G. Waiver or Modification of Submission of Plans and Specifications.** The Delhi Township Community Development Director may waive or modify the requirements of this article for plans and specifications and field supervision and summary reports if the application for a zoning certificate contains a statement in writing of a registered professional engineer or architect, where incidental to the practice of architecture, states, to the satisfaction of the Delhi Township Community Development Director that the proposed development will not do the following if his recommended procedures are followed:
1. Interfere with adequate drainage for the site area and the drainage area of land tributary to the site.
 2. Obstruct, damage, or adversely affect existing sewerage or drainage, public or private.
 3. Cause a stagnant pond of water to form.
 4. Create slope stability problems on subject and adjacent property.
 5. Cause detrimental erosion or sedimentation.
 6. That the proposed excavation or fill is in an isolated, self-contained area and that there is no apparent danger to adjacent public or private property.
- H. Supervision by Registered Professional Engineer or Architect.** Excavation and fill in the field shall be supervised by a registered professional engineer, or architect where the excavation or fill is incidental to the practice of architecture, or their representatives. The registered professional engineer or architect shall submit a summary report to the Delhi Township Community Development Director upon completion of operations.
- I. Notification by “HD” Zoning Certificate Holder.** The person to whom an “HD” zoning certificate is issued shall notify the Delhi Township Community Development Director of the following:

SPECIAL DISTRICTS

ARTICLE 13: HILLSIDE DEVELOPMENT DISTRICT

13.5 Development Review and Procedures

1. Commencement of operations under such zoning certificate, 24 hours in advance.
 2. When the excavation and fill operation is completed.
 3. Locations of any borrow sites or any disposal sites for excess materials, prior to commencement of excavation and fill operations.
- J. Schedule of Fees.** A non-refundable fee shall be paid with the submission of an application for an “HD” certificate.
- K. Expiration of “HD” Zoning Certificate.** Hillside Development District zoning certificates shall be valid for only two years.
- L. Liability.** Issuance of an “HD” certificate or any action by the Delhi Township Community Development Director or the Delhi Township Zoning Commission under this Article shall not create in Delhi Township, its officers, agents, or employees any liability or responsibility for injury to persons or property caused by operations or conditions created pursuant to such certificates. Nothing in this Article shall be construed to relieve the owner or person in control of property from liability from injury to persons or property.

Development Standards

14. DIMENSIONAL STANDARDS

14.1 Purpose

The purpose of this section is to establish dimensional standards for lots within Delhi Township.

14.2 Measurements, Computations, and Exceptions

A. Measurement Regulations

1. Minimum lot width is measured at the building line.

B. Setbacks and Yards

1. For the purpose of the yard requirements, a two-family or multiple family dwelling shall be considered as one building occupying a single lot.
2. Where 40 percent or more of the frontage is occupied by buildings, the minimum front yard on any lot shall not be less than the average depths of the front yards of the two buildings on each side and within 100 feet of such lot, or where there is a building within 100 feet of the lot on one side only, the minimum front yard shall be the same as that of such adjacent building, provided, however, that no yard shall be required to exceed 75 feet in the “AA” or “A” Residence Districts or to exceed 50 feet in any other district requiring a front yard.
3. Where lots have a double frontage, the required front yard shall be provided on both streets.
4. In computing the depth of a rear yard or the width of a side yard where the rear or side yard opens on an alley, one half of the alley width may be included as a portion of the rear or side yard as the case may be.
5. Terraces, covered and uncovered porches, platforms, and ornamental features which do not extend more than three feet above the floor level of the ground (first) story may project into a required front or rear yard but shall not be closer to any side lot lines than the side yard requirements. Covered and uncovered porches may project into the required front yard for a distance not to exceed 10 feet. In no instance shall the structure project into the right-of-way.

DEVELOPMENT STANDARDS

ARTICLE 14: DIMENSIONAL STANDARDS

14.2 Measurements, Computations, and Exceptions

6. Open or lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five feet and the ordinary projections of flues may be permitted by the Delhi Township Community Development Director or upon the recommendation of the Hamilton County Building Inspector to the Delhi Township Community Development Director when placed so as not to obstruct light and ventilation but not be closer than two feet to any lot line in any case.
7. Handicap accessible ramps may be located in any yard if such ramp is constructed out of materials and is of a color that is consistent with the principal structure on the property. Additionally, such ramps shall not be located in the right-of-way and shall be removed from the property if no longer needed.
8. Skylights, sills, belt courses, cornices, and ornamental features may project into the required yards an amount not to exceed 30 inches in the Residence Districts and not to exceed 12 inches in all other Districts. This requirement shall not prevent the construction of any sign which meets or exceeds those regulations for signs as set forth in Article [17](#) of this Resolution.
9. Every part of a required yard shall be open to the sky unobstructed, except as permitted herein.

C. Panhandle Lots

1. Private drives providing access to two or more panhandle lots shall be considered as streets for purposes of establishing yard requirements and setbacks. Non-panhandle lots adjacent to such a private drive at its intersection with a public street shall not be included in the calculation for determining the number of lots served by same.
 - a. The front yard setback on such lots shall be the minimum horizontal distance between the pavement of the private drive and the main building. Such setback shall not be less than the minimum front yard setback of the zone district the lot is located in. Further, such setback from the property line shall not be less than the minimum side yard setback of the zone district the lot is located in.
 - b. In the event that the private drive, or easement, therefore, does not extend into such a lot, the front yard will be the yard nearest and most parallel to the private drive serving the lot, unless such would result in incompatible alignment and spacing between buildings as determined by the Delhi Township Community Development Director.

- D. Irregular Shaped Lots.** All plats of proposed lot splits, subdivisions, and consolidations shall indicate the developers' proposed front, rear and side yard designations for each panhandle, pie shaped, or other irregularly shaped lots where the front of the lot is not apparent within the definitions of this Resolution. Determinations of yard designations shall be made by the Delhi Township Community Development Director based upon a compatible alignment and spacing between buildings. Such yard designations shall be indicated on the improvement and record plats of the lot split, subdivision, consolidation.
- E. Corner Lot Regulations**
1. Where a lot is located at the intersection of two or more streets there shall be a front yard on each side of a corner lot.
 2. Corner lots shall be platted to be larger than a standard interior lot in order to accommodate the front yard setback that is required from both front property lines.
 3. No accessory building shall project beyond the front yard line on either street, unless provided herein.
- F. Height Exceptions**
1. Government facilities, public facilities, hospitals (except as otherwise provided), institutions, or educational facilities (primary and secondary), when permitted in a District, may be erected to a height not exceeding 60 feet, and churches and temples may be erected to a height not exceeding 75 feet if the building is set back from each required yard line at least one foot for each foot of additional building height above the height limit otherwise provided in the District in which the building is built.
 2. Single-family dwellings in the Residence Districts may be increased in height by not more than 10 feet when the side and rear yards are increased over the yard requirements of the District in which they are located by not less than 10 feet, but they shall not exceed three stories in height.
 3. Church spires, domes, cupolas, flagpoles, aerials, antennas, private radio transmitters and towers, cellular telephone communications towers, telephone transmitters and towers, television transmitters and towers, windmills, chimneys, cooling towers, elevator bulkheads, fire towers, belfries, monuments, stacks, derricks, conveyors, stage towers for scenery, lofts, tanks, water towers, silos, farm buildings, or necessary mechanical appurtenances, may be erected to any lawful and safe height.

ARTICLE 14: DIMENSIONAL STANDARDS

14.2 Measurements, Computations, and Exceptions

- G. Existing Lot Exceptions.** Any lot of record on the effective date of this Resolution may be used for any single-family dwelling irrespective of the width or area of said lot; the width of the side yard of any such lot need not exceed 10 percent of the width of the lot; the depth of the rear yard of any such lot need not exceed 20 percent of the depth of the lot, provided, however, that in no instance shall the minimum dimensions of the side and rear yards be less than three feet and 10 feet respectively.
- H. Lot Size Exceptions.** Where part or all of the off-street parking spaces required for a multi-family dwelling are provided within the principal building or buildings, the minimum lot area per dwelling unit may be reduced by a maximum of 20 percent in accordance with the following formula:

A/B x 20 percent, where A=the number of spaces provided within the building, and B=the number of spaces required for the multi-family dwelling.

15. PARKING AND LOADING

15.1 Applicability

All vehicular use areas (e.g., parking spaces, loading spaces, driveways, etc.) shall be provided in conformance with the provisions of this Article prior to occupying or using any building, structure, land, or portion thereof.

- A. New and Expanded Uses.** The requirements of this Article shall apply to all buildings or uses constructed or established after the effective date of this Resolution.
- B. Existing Uses.** Whenever an existing building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase in parking, the applicant shall submit a parking plan, as established in section 15.2, to be reviewed and approved by the Delhi Township Community Development Director.
- C. Maintenance.** The duty to provide and maintain all parking, loading, or other vehicular use areas shall be the responsibility of the property owner where the vehicular use areas are required.
- D. Plan Review.** For any off-street parking, loading, or vehicular use area required under this Article with five or more parking spaces, a parking and loading plan shall be submitted with the application for a zoning certificate. The required contents of the plan shall be established by the Delhi Township Community Development Director.

15.2 Parking Plan

- A. Parking Plan.** A parking plan is required for any new or expanded off-street parking area within the Township. The parking plan shall be reviewed against the provisions of this Article and any other applicable regulations and shall include the following:
 - 1. Number of parking spaces;
 - 2. Arrangement of parking aisles;
 - 3. Location of driveway entrances;
 - 4. Provisions for vehicular and pedestrian circulation;
 - 5. Location or typical location of sidewalks, curbs, lighting, and other similar site amenities;
 - 6. Location of utilities, barriers, shelters, and signs;
 - 7. Location of landscaped areas. The type and location of vegetation to be planted shall be shown on the site landscape plan as described in Section [19.3](#).
 - 8. Typical cross-section of pavement;

DEVELOPMENT STANDARDS

ARTICLE 15: PARKING AND LOADING

15.3 Parking Requirements

9. Stormwater drainage facilities;
 10. An analysis of the required parking spaces according to Section [15.3, A](#) and
 11. Any other relevant information requested by the Delhi Township Community Development Director.
- B. Exemptions.** Attached and detached single-family and two-family dwellings are exempt from the provisions of this Article, except as required in Sections [15.3, E](#) and [15.3, F](#).

15.3 Parking Requirements

- A. Parking Analysis.** Each applicant is required to provide an adequate number of parking spaces for the proposed use or expansion of uses. The applicant shall provide a written analysis of parking requirements based on the following information, as applicable:
1. Building square footage for each specific use to be served by off-street parking;
 2. Hours of operation of all uses;
 3. Estimated number of patrons/customers at peak hours;
 4. Maximum number of employees on the largest shift;
 5. Availability of joint or shared parking areas;
 6. Availability of on-street parking within 300 feet of the building that is not located within a Residence District or allocated for residential use;
 7. Building occupancy loads;
 8. Any additional information as requested by the Delhi Township Community Development Director.
- B. Bicycle Parking Requirements**
1. All nonresidential uses shall provide bicycle racks or other accommodations to allow for the storage of bicycles within 50 feet of the main entrance. The Community Development Director may grant a waiver of this requirement if the applicant can provide adequate justification of why this standard is not applicable for a specific site or development.
 2. The location of bicycle racks should not obstruct access to building entrances or vehicular use areas.

- C. Shared Parking.** Subject to approval by the Delhi Township Community Development Director, up to 50 percent of required off-street parking spaces for two or more uses located on the same parcel or adjacent parcels may be shared provided the developer and/or landowner can demonstrate that the uses will not substantially overlap in hours of operation or in demand for the shared spaces. This shall be guaranteed by a written agreement that is properly drawn and executed by the parties concerned, approved as to form by the Township Law Director and shall be filed with the application for a zoning certificate.
- D. Parking Requirements for Physically Disabled.** Applicants shall provide parking spaces for the physically disabled as required by the Ohio Basic Building Code and shall include all necessary markings, striping, and signage.
- E. Parking Requirements for Residential Uses.** The following requirements apply to all residential uses within the Township:
1. Single-family residential dwellings (attached and detached) shall provide a minimum of two parking spaces and two-family residential dwellings shall provide a minimum of three parking spaces unless an alternate parking plan is approved by the Township.
 2. The required parking spaces for residences shall be located in the side and rear yard, in an enclosed garage, or in the front driveway. Driveways in the front yard may be widened to accommodate an additional parking area or turn around space if the driveway is widened towards the closest side property to the greatest extent feasible. Exemptions to this can be made for horseshoe or loop driveways that have two curb cuts onto the right-of-way.
 3. Driveway surfacing shall be subject to Section [15.5, B](#).
 4. The impervious surface ratio of the required front yard shall not exceed 50 percent. The impervious surface ratio shall include porches, sidewalks, driveways, and/or other impervious surfaces that project into the required front yard (excluding the public right-of-way).
 5. **Commercial Vehicles in Residential Areas.** Commercial vehicles may not be parked or stored upon any driveway, side yard, front yard, or rear yard of a residential use or district. However, one commercial vehicle shall be permitted to be parked or stored on a driveway in a residential zoning district provided it does not exceed eight feet in height and/or 20 feet in length, does not provide occupancy for human habitation, no business is conducted therein, and is not a bus, cement truck, box truck, box van, semi-tractor, semi-trailer, or any non-recreational trailer used for commercial purposes, stake bed truck, step van, tank truck, tar truck, dump truck, tow truck, or wrecker.

DEVELOPMENT STANDARDS

ARTICLE 15: PARKING AND LOADING

15.4 General Standards Applicable to all Vehicular Use Areas

- F. Recreational Vehicles and Equipment Storage.** As permitted in this Resolution, one recreational vehicle may be stored on a lot subject to the following:
1. It is not located in the Flood Plain Management (FPM) Overlay District.
 2. It is located permanently in the rear yard (not less than three feet from a property line) at any time during the year. Any recreational vehicle or equipment that is stored completely within an enclosed garage or accessory structure is exempt from the regulations contained herein.
 3. It is located temporarily on any paved (concrete or asphalt) driveway, provided that:
 - a. Permission for such storage be granted by the Delhi Township Community Development Director.
 - b. The recreational vehicle be stored for not more than 48 consecutive hours within any seven-day period (excluding those used or owned by a not-for-profit organization).
 - c. The recreational vehicle does not overhang any sidewalk or street right-of-way.
 - d. No occupancy for human habitation shall be maintained, or business or storage conducted therein.
 - e. The recreational vehicle is not connected to water, gas, or sanitary sewer facilities.
 - f. No wheels or any similar transporting devices be removed therefrom.
 - g. The recreational vehicle does not exceed 1.5-ton capacity.
- G. Appeals.** The Delhi Township Community Development Director has the authority to reject a plan if he/she deems that an adequate amount of parking has not been provided. The applicant may appeal the decision of the Delhi Township Community Development Director to the Board of Zoning Appeals.

15.4 General Standards Applicable to all Vehicular Use Areas

A. Location and Setback Requirements

1. Parking lots shall be located, to the maximum extent feasible, to the rear and side of buildings.
2. Off-street parking spaces shall be prohibited in the required front yard of the "O" Office District but may be permitted in the side or rear yard subject to the provisions of this section.

3. Parking areas and other paved areas and/or structures adjacent to principal buildings shall be set back from the edge of such buildings to provide for sidewalks and landscape treatments.
 4. No part of a parking area for five or more vehicles shall be closer than 10 feet from the property line adjacent to any Residence District or property devoted to a residential use.
 5. No entrance to or exit from any parking area for five vehicles or more shall be closer than 50 feet to any street intersection unless approved by the County Engineer or the Delhi Township Public Works Department.
- B. Storage.** Vehicular use areas for nonresidential uses shall not be used for the continuous storage of a vehicle for more than 48 hours, except where expressly permitted in this Resolution as an accessory use to the principal use on the lot.
- C. Fire Code.** It is the responsibility of the applicant to ensure that all parking and loading conforms to the requirements as adopted by the Delhi Township Fire Department.
- D. Drainage.** All vehicular use areas shall provide for the proper drainage of surface water in accordance with all applicable federal, state, and county runoff control and sediment abatement regulations, to prevent the drainage of such water onto adjacent properties and onto sidewalks.
- E. Other Uses within Required Vehicular Use Areas**
1. No vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or associated with any vehicular use area.
 2. Temporary outdoor display, seating, sales, or storage of any merchandise within any required vehicular use area shall not be permitted, except where located in areas determined not to impact site safety and circulation as approved by the Delhi Township Community Development Director.
 3. Drive-thru uses shall be designed to allow for efficient, non-conflicting movement throughout the site, without impacting sidewalks or other established pedestrian movements, and the public right-of-way.
- F. Striping**
1. Individual parking and loading spaces shall be striped according to the approved layout of the vehicular use area.
 2. All non-handicap off-street parking spaces shall be striped with yellow or white paint to identify the location of the space. Handicap parking spaces may be striped with any color that conforms with ADA accessibility standards.

DEVELOPMENT STANDARDS

ARTICLE 15: PARKING AND LOADING

15.5 Parking Space and Aisle Dimensions

G. Maintenance

1. All vehicular use areas shall be maintained and kept free from debris, litter, excessive vegetation, junk, or rubbish.
2. All signs, markers, or any methods used to indicate direction of traffic movement and location of parking and/or loading spaces shall be maintained in neat and legible condition.
3. The owner shall, at his own expense, maintain all paved surfaces and repair any disintegration of the surface by patching or resealing when such disintegration takes place.

15.5 Parking Space and Aisle Dimensions

- A. Parking Area Dimensions.** Parking stalls shall conform to the minimum standards set forth in [Table 15.1: Parking Area Dimensions](#) and [Figure 11: Parking Area](#).

Table 15.1: Parking Area Dimensions

Parking Angle	Stall Width "B"	Length of Stall "C"	Aisle Width		Width of Access Drive	Curb to Curb (Single Bay) "D"	Bay Width (Center to Center) "E"
			One Way "A"	Two Way "A"			
0 degrees	9 feet	22 feet	12 feet	18 feet	20 feet	38 feet	36 feet
45 degrees	9 feet	18 feet	13 feet	20 feet	20 feet	55 feet	51 feet 10 inches
60 degrees	9 feet	18 feet	18 feet	22 feet	20 feet	59 feet 11 inches	57 feet 8 inches
90 degrees	9 feet	18 feet	22 feet	24 feet	20 feet	60 feet	60 feet

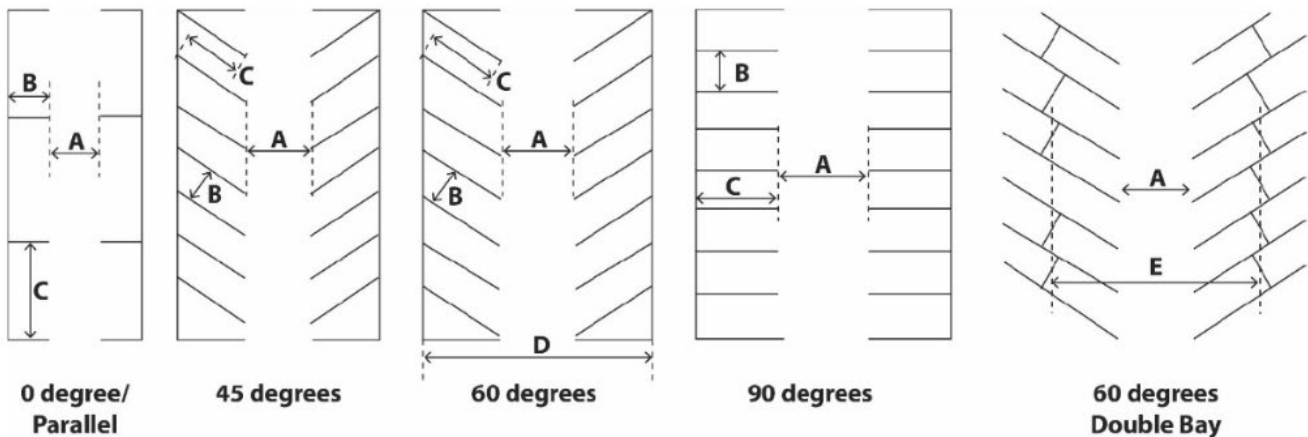


Figure 11: Parking Area

- B. Surfacing.** All off-street parking areas, driveways and aisles shall be graded and permanently surfaced with impervious paving materials (including asphaltic or Portland cement binder, paver stones, or other like materials, but shall not include gravel) so to provide a durable and dustless surface and proper disposal of surface water. Paver stones must be designed and constructed in a manner so that they appear to have a solid continual surface. Pervious paving materials may be considered if accompanied with a design and maintenance plan and approved by the Delhi Township Community Development Director.
- C. Parking Structures.** Above-ground parking structures shall comply with the following standards:
1. Parking structures shall meet the minimum setback requirements for principal buildings in the district where they are located, and when possible, shall be located in the rear of the building.
 2. Parking structures shall be designed to architecturally screen the view of parked cars and shall be visually similar in character and scale to adjacent buildings, as applicable.
 3. Vehicle entries to parking structures shall be integrated into the placement and design of adjacent buildings or oriented away from the primary street frontage.
 4. One-half of the area occupied by supporting columns may be included in determining the width and area of each adjacent parking space. The minimum height of each parking space shall be seven feet.
- D. Access**
1. Cross access easements to adjacent parcels shall be provided in order to achieve better circulation throughout the Township and to minimize driveway cuts along public roads. If only one of the adjacent parcels is subject to review, this cross-access easement requirement shall be established during development review, prohibiting the applicant from denying cross access from adjacent parcels. At the establishment of the easement, shared maintenance agreements shall be filed with the Hamilton County Recorder and provided to the Delhi Township Community Development Director for Township files. All cross-access easements shall comply with Hamilton County's access management requirements.
 2. All parking spaces shall be entered and exited along parking aisles arranged perpendicular to access drives or aisles to the maximum extent feasible. Parking spaces shall not be located along entry drives within 30 feet of the right-of-way. See [Figure 12](#).

DEVELOPMENT STANDARDS

ARTICLE 15: PARKING AND LOADING

15.6 Off-Street Loading Requirements

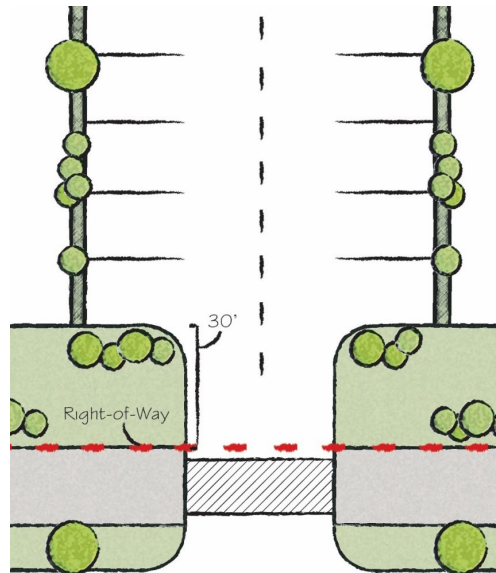


Figure 12: Parking Spaces Adjacent to Access Drives

3. Driveways shall be located so loading and unloading activities will not hinder vehicular ingress and egress.
4. To the maximum extent feasible, primary access along secondary streets shall be provided to minimize traffic congestion on primary arterial streets.
5. The Township, and/or the applicable governing agency, may require the owner to provide acceleration and/or deceleration lanes where traffic volumes indicate the need for such improvements.

15.6 Off-Street Loading Requirements

- A. Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the same premises loading space in accordance with [Table 15.2: Loading Space Requirements](#).

Table 15.2: Loading Space Requirements

Uses	Loading Space Requirements
Public buildings, educational, religious, and philanthropic institutions, hospitals or other institutions, places of assembly or for sports or athletics, clubs, lodges, multiple dwellings, and similar uses	1 loading space, plus 1 loading space per 100,000 square feet, or major fraction thereof, of floor area in excess of 100,000 square feet
Commercial uses including banks, financial institutions, medical office, business or professional offices, dancing, or other commercial schools, theaters, bowling alleys, skating rinks, or other similar uses	
High intensity commercial uses including retail and wholesale stores, restaurants, and other similar uses	1 loading space; plus 1 loading space per each 20,000 square feet of floor area in excess of 10,000 square feet, up to 50,000 square feet; plus 1 loading space per 100,000 square feet in excess of 50,000 square feet
Industrial uses including manufacturing, processing, research and development, and other similar uses	1 loading space; plus 1 loading space per each 20,000 square feet of floor area in excess of 20,000 square feet up to 60,000 square feet; plus 1 loading space for each 100,000 square feet in excess of 60,000 square feet

- B.** All required loading spaces shall be located on the same lot as the use served.
- C.** Each loading space shall be at least 10 feet in width, 25 feet in length, and 14 feet in height.
- D.** All loading spaces shall be permanently surfaced with impervious paving materials (including asphaltic or Portland cement binder, paver stones, or other like materials, but not including gravel) so to provide a durable and dustless surface and proper disposal of surface water and shall be located so as to be accessible from a street or alley without interfering with traffic. Paver stones must be designed and constructed in a manner so that they appear to have a solid continual surface. Pervious paving materials may be considered if accompanied with a design and maintenance plan and approved by the Delhi Township Community Development Director.
- E.** Loading spaces are not required within the DPBC. When a developer decides to include loading spaces within a proposed development, such spaces shall conform to the requirements of this section.

16. FENCES AND ENCLOSURES

16.1 Residence District Fence Regulations

The restrictions set forth below shall apply to all fences, excluding dumpster/trash handling enclosures, for all Residence Districts:

A. Non-Corner Lots

1. **Rear Yards.** Fences shall not exceed six feet in height and may be solid or open in nature.
2. **Side Yards.** Fences shall not exceed four feet in height, and not less than 50 percent open.
3. **Front Yards.** Fences shall be used for decorative or accent purposes only and shall not confine or enclose any portion of the front yard. Fences shall not exceed four feet in height, and not less than 75 percent open.

B. Corner Lots

1. **Rear Yards.** Fences shall not exceed six feet in height and may be solid or open in nature.
2. **Side Yards.** Fences shall not exceed four feet in height, and not less than 50 percent open.
3. **Front Yards**
 - a. For the front yard that includes the façade of the residence with the front door and/or other significant or distinguishing architectural features, as determined by the Delhi Township Community Development Director, fences shall be used for decorative or accent purposes only and shall not confine or enclose any portion of the front yard. Fences shall not exceed four feet in height and be not less than 75 percent open.
 - b. For the front yard that does not include the façade of the residence with the front door and/or other significant or distinguishing architectural features, as determined by the Delhi Township Community Development Director, fences shall not exceed four feet in height, be not less than 50 percent open, and shall not extend more than half of the distance into the required front yard.

16.2 Office and Business District Fence Regulations

The restrictions set forth below shall apply to all fences, excluding dumpster/trash handling enclosures, for all Office and Business Districts:

- A. **Rear Yards.** Fences shall not exceed six feet in height and may be solid or open in nature.
- B. **Side Yards.** Fences shall not exceed four feet in height, and not less than 50 percent open.
- C. **Front Yards.** Fences shall be used for decorative or accent purposes only and shall not confine or enclose any portion of the front yard. Fences shall not exceed four feet in height, and not less than 75 percent open.
 - 1. **Exceptions.** Fences may be used to enclose outdoor dining areas.

16.3 Industrial District Fence Regulations

The restrictions set forth below shall apply to all fences, excluding dumpster/trash handling enclosures, for all Industrial Districts.

- A. **Rear and Side Yards.** Fences shall not exceed eight feet in height and may be solid or open in nature.
 - 1. Barbed wire or razor barbed wire is permitted on top of fences in the side and rear yards, and it shall not be included in the height calculation.
- B. **Front Yards.** Fences shall be used for decorative or accent purposes only and shall not confine or enclose any portion of the front yard. Fences shall not exceed four feet in height, and not less than 75 percent open.

16.4 Fence Materials and Design

- A. **Approved Fence Materials.** Approved fence materials include stone, brick, wood, chain-link, aluminum, vinyl, and iron. Synthetic products or other materials as approved by the Delhi Township Community Development Director may also be used.
- B. **Razor and Barbed Wire Fences.** Razor and barbed wire fencing are prohibited except as follows or unless provided herein. Razor and barbed wire fencing may be utilized to enclose radio, television, or microwave transmission or relay towers provided that the razor/barbed wire strands are not less than eight feet above grade and be a minimum of 30 feet from any residential property line.
- C. **Fence Design.** Fences shall be designed and installed with the most finished side out, away from the subject lot, so the most finished side faces the adjacent lots and any right-of-way, or so that both sides are equally finished.
- D. **Maintenance.** Fences shall be maintained in good repair, be structurally sound, and be attractively finished at all times by the owners and/or occupant of the lot on which they are located as well as the space between such fence and the lot line of any adjoining property.

DEVELOPMENT STANDARDS

ARTICLE 16: FENCES AND ENCLOSURES

16.5 Dumpster, Trash Handling, and Service Area Enclosures

- E. Animal Enclosure Fences.** Kennels, pens, hutches, coops, dog runs, etc., constructed solely for the purpose of confining animals, including household pets shall be located in the rear yard and at least 10 feet from every property line.

16.5 Dumpster, Trash Handling, and Service Area Enclosures

- A.** All ground mounted dumpster, trash handling, and service area enclosures shall be screened from public right-of-way and adjoining properties.
1. Screening shall be by way of a three-walled enclosure constructed of materials complimentary to the materials of the principal structure.
 2. Gates shall be installed where access is provided. Gates shall be solid, utilizing a steel reinforced frame, so to shield from view the interior of the service area. Gate materials shall be complimentary to the enclosure. The use of slates or a similar type of material for shielding is prohibited. Gates shall remain closed at all times other than during servicing.
 3. Plant materials used for buffering and screening purposes around enclosures shall be of an evergreen variety.
 4. The height of the enclosure shall be at least six feet in height or one foot taller than the largest receptacle, whichever is taller.

16.6 Nonconforming Fences

Notwithstanding the provisions of Article [23](#), whenever any fence or dumpster/trash handling area enclosure becomes non-conforming through an amendment to this Resolution or Maps, such use may be continued provided that such fence or enclosure is maintained so as not to become functionally obsolete, a hazard or an eyesore.

17. SIGNS

17.1 Purpose

This Article establishes the minimum regulations for the display of signs in order to encourage an attractive visual environment for businesses to inform and direct the general public, protect and enhance the physical appearance of the Township, ensure public safety along major streets, and provide businesses with a format for on-premises advertising.

17.2 Applicability

- A. The regulations contained within this Article shall apply to all signs and to all zoning districts.
- B. No sign shall be erected, established, modified, created, or maintained in the Township without the issuance of a zoning certificate and the payment of fees unless otherwise exempted in this Article.
- C. No zoning certificate is required for the maintenance of a sign or for a change of copy on billboards or changeable copy signs, unless specified herein.
- D. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the applicable electrical code in effect.
- E. No sign of any classification shall be installed, erected, or attached to a structure in any form, shape, or manner that is in violation of any applicable building or fire codes in effect.
- F. Changes of sign panels require the issuance of a zoning certificate.

17.3 Computations and Rules of Measurement

The following shall control the computation of sign area and sign height.

- A. **Sign Face or Area**
 - 1. The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that shall encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color that is an integral part of the background of the display or used to differentiate the sign from backdrop or structure against which it is placed.

2. The calculation for the sign face area does not include any supporting framework, bracing, or decorative fence or wall unless such structural support is determined by the Delhi Township Community Development Director to constitute an integral part of the sign design or is determined to be designed to attract attention.

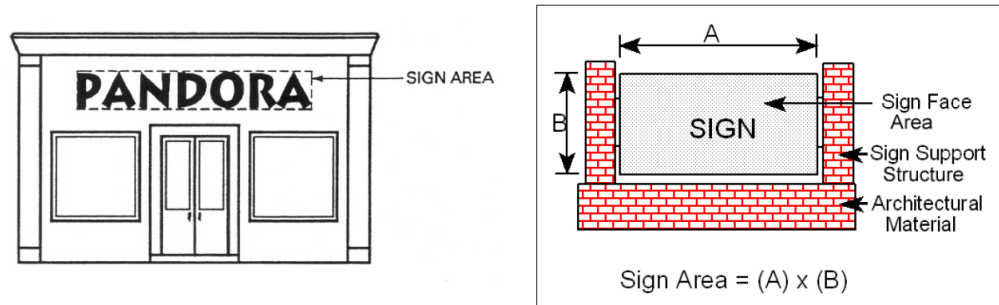


Figure 13: Sign Area

3. The sign area for each side of a sign shall not exceed the maximum square footage permitted for that associated sign type. No sign shall contain more than two sides.
4. In the case of irregularly shaped three-dimensional signs, the area of the display surface shall be measured on the plane of the largest vertical cross section.
5. When calculating sign area, fractional amounts may be rounded to the nearest whole number.

B. Street and Building Frontage

1. When calculating street frontage, only the street frontage that lies in the unincorporated area of Delhi Township shall be used in the calculation.
2. For multi-occupant buildings and structures, the portion of a building or structure that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.
3. The building frontage is the length of an outside building wall which fronts a dedicated street right-of-way or access drive.

C. Sign Height

1. The height of a sign shall be computed as the distance from the average natural grade at the base of the sign or support structure to the top of the highest attached component of the sign.

2. The height of a freestanding sign on a man-made base, including a graded earth mound, shall be measured from the average natural grade, where the sign is to be located, prior to the addition of the sign. If mounding is installed solely for the purpose to increase sign height, the sign height measurement shall be taken from the average natural grade, prior to the addition of the mounding.

D. Sign Setbacks

1. The required setbacks for a sign shall apply to all elements of the sign including its frame and base.
2. The setback of a freestanding sign shall be measured horizontally from the nearest edge of any part of the sign structure to the street right-of-way or lot line, as applicable.

17.4 Signs Not Requiring a Zoning Certificate

The following signs do not require a zoning certificate from the Delhi Township Community Development Director. Each sign exempt from the permit process shall still comply with any applicable height, area, and locational standards established in this Article.

- A. Flags of reasonable, customary size and color that contain emblems and insignia of any governmental agency or political subdivision.
- B. Commemorative plaques placed by a local, state, or federally recognized historical agency, or a government entity.
- C. Interior signs within a stadium, open-air theater, shopping center, parks, arena, or other use, which signs are intended to be viewed only by persons within such stadium, open-air theater, shopping center, parks, arena, or other use.
- D. Temporary signs as established in Section [17.9](#).

17.5 Signs Exempt from this Article

The following signs and messages are exempt from the regulations of this Article.

- A. Signs installed by employees or officials of a township, city, county, state or federal agency in the course of their governmental duties.
- B. Signs conforming to the Manual of Uniform Traffic Control Devices.
- C. Reflectors and safety signs or devices used to mark driveways, towers, and potentially dangerous structures or situations.
- D. Signs required by a state or federal statute.
- E. Signs required by an order of a court of competent jurisdiction.

DEVELOPMENT STANDARDS

ARTICLE 17: SIGNS

17.6 Prohibited Signs

- F. Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message necessary to identify the use.
- G. Signs that are not visible from the public right-of-way as determined by the Delhi Township Community Development Director.

17.6 Prohibited Signs

The following signs are specifically prohibited in the Township:

- A. Signs in the right-of way other than those specifically permitted in this Article (See also Section [17.5](#)).
- B. Pennants, banners (except under Section [17.9](#)), streamers, flags intending to attract the attention of drivers or pedestrians.
- C. Roof signs and signs that extend above or beyond the building façade, except as otherwise specifically permitted in this Article.
- D. Signs emitting sounds.
- E. All portable advertising signs (mobile signs either on wheels or designed to be on wheels, etc.) and signs mounted, attached, painted, etc. on trailers, boats, or motor vehicles except those on licensed commercial, delivery and service vehicles.
- F. Billboards as permitted per the Ohio Revised Code.
- G. Flashing, moving, blinking, racer type, rotating, moving, or revolving signs, whirligig devices, inflatable signs and tethered balloons, ribbons, spinners, exposed light bulbs, strings of lights not permanently mounted to a rigid background, and other similar types of attention-getting devices.
- H. Merchandise, equipment, products, vehicles, or other items not themselves for sale and placed for attention-getting, identification or advertising purposes.
- I. Permanent signs erected or attached to accessory structures.

17.7 General Construction and Design

- A. Signs shall be designed in a professional manner with all copy being clearly legible.
- B. Signs shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic.
- C. Permanent signs shall be constructed and erected to withstand wind pressures and shall be fastened, suspended or supported so that they will not be a menace to persons or property.

- D. No sign shall be erected to project over and obstruct any window, door, fire escape, balcony, platform, stairway, ladder, vent, or other means of ingress of any building or structure.
- E. No sign shall be attached to a utility pole, tree, utility wire or other wires, trash receptacle, bench, or other structure not intended or approved as a sign support.
- F. No sign shall be placed in the sight triangle of any intersection.
- G. No sign and/or outdoor advertising shall be constructed, maintained, or illuminated in such a manner so as to create or allow the obstruction of vision of drivers, pedestrians, or the general public, or a fire or safety hazard.

17.8 Permitted Signs

The following are provisions for permitted, permanent signs that require a zoning certificate:

- A. **Permanent Signs Permitted in Residence Districts.** The following are the permanent signs permitted in the “A-A”, “A”, “A-2”, “B”, “B-2”, “C”, “D”, “DD”, “MFR”, and “PUD” Residence Districts along with all applicable standards.
 - 1. **Wall Signs on Dwellings.** Wall signs in Residence Districts are limited to two square feet in size. Such signs shall not be lit.
 - 2. **Development Signs.** Up to two wall signs or one permanent monument sign may be permitted for any subdivision or multi-family dwelling development provided that the sign meets the following requirements:
 - a. **General Standards**
 - i. Each sign may have a maximum sign area of 24 square feet not including any fencing, wall, supporting brick, stone, or any other material used to frame, brace, or otherwise provide structural support for the sign on which the sign is located.
 - ii. No such sign or any portion of the structure shall exceed six feet in height.
 - iii. The sign may only be illuminated through an external light source unless the lettering on the sign is backlist as determined by the Delhi Township Community Development Director.
 - b. **Monument Sign**
 - i. A maximum of one such permanent sign may be permitted for the primary development or subdivision entrance on a collector or arterial street as determined by the Delhi Township Community Development Director.

- ii. Such signs are permitted to be the principal use of the property if it is associated with the adjacent development or subdivision and located within either an easement or in a common area.
 - iii. Such signs shall be set back five feet from any public right-of-way and 20 feet from any adjacent lot lines.
 - iv. If an applicant proposes to use a monument sign, no wall signs shall be permitted.
 - c. **Wall Signs**
 - i. A maximum of two such signs may be permitted for the primary development or subdivision entrance on a collector or arterial street as determined by the Delhi Township Community Development Director.
 - ii. Such signs may be mounted to a decorative wall or fence, constructed in compliance with the provisions of this Resolution, and shall generally run parallel with the street.
 - iii. Such signs shall be set back five feet from any public right-of-way with no minimum setback from adjacent lot lines.
 - iv. If an applicant proposes to use wall signs, no monument sign shall be permitted.
- 3. **Signs for Agricultural or Nonresidential Uses**
 - a. For information on signage for home occupations, refer to Section [17.8 .A., 1.](#)
 - b. One wall sign may be permitted for any nonresidential use in a residential zoning district provided that the sign meets the following requirements:
 - i. Such signs shall not extend beyond the boundaries of the façade upon which they are attached and shall not project more than 18 inches therefrom in an outward direction.
 - ii. The allowable sign area shall be equal to the building width times 1.5 or 32 square feet, whichever is greater. The maximum size for any one wall sign is 300 square feet.
 - iii. Wall signs may be back lit, internally lit, or indirectly lit.
 - c. One on-site, permanent monument sign may be permitted for any permitted nonresidential use in a residential zoning district provided the sign meets the following requirements:

- i. Such signs shall be set back five feet from any public right-of-way and 10 feet from any adjacent property lines. The sign shall also be set back 20 feet from the property lines of any adjacent residential uses.
 - ii. Such signs may have a maximum sign area of 24 square feet.
 - iii. No such signs or any portion of the structure shall exceed six feet in height.
 - iv. Up to 50 percent of such sign's area may include manual, non-electronic, or digital electronic changeable copy signage.
 - v. Such signs may be back lit, internally lit, or indirectly lit.
 - vi. The light from such signs shall not bleed onto adjacent properties. The signs shall maintain a maximum footcandle of zero at all property lines.
- d. One on-site, permanent monument sign shall be permitted on any lot that is used primarily for an agricultural use provided the lot has a minimum area of five acres and the sign meets the same standards as established in paragraph 17.8(A)(3)(c) above.

B. Permanent Signs Permitted in Non-Residential Districts. All signs in non-residential districts shall be on-premises signs, accessory to the principal use.

1. Permitted Signs

- a. [Table 17.1: Summary Table of Permitted Signs](#) illustrates a summary of sign types permitted within each non-residential zoning district. The symbol "PS" shall mean the specific sign type is permitted within the applicable zoning district subject to all other applicable standards established in this Article, including regulations for the specific sign type defined in this section.

Table 17.1: Summary Table of Permitted Signs						
	O/ OO	E/ EE	F/ FF	DPBC	NB	See Section
Wall Signs	PS	PS	PS	PS	PS	17.8 , B. , 2
Monument Signs	PS	PS	PS	PS	PS	17.8 , B. , 3
Multi-Tenant Development Signs	PS	PS	PS	PS		17.8 , B. , 4
Directional Signs	PS	PS	PS	PS	PS	17.8 , B. , 5
Agricultural Signs	PS	PS	PS	PS		17.8 , B. , 6
Menu Board Signs		PS	PS	PS	PS	17.8 , B. , 7
Information Signs	PS	PS	PS	PS	PS	17.8 , B. , 8
Open/Close Signs	PS	PS	PS	PS	PS	17.8 , B. , 9
Projecting Signs	PS	PS	PS	PS	PS	17.8 , B. , 10
Window Signs	PS	PS	PS	PS	PS	17.8 , B. , 11
Canopy Signs	PS	PS	PS	PS	PS	17.8 , B. , 12
Murals	PS	PS	PS	PS	PS	17.8 , B. , 13
Temporary Signs	PS	PS	PS	PS	PS	17.9

b. For information on signage for home occupations, refer to Section [17.8 , A. , 1](#).

2. **Wall Signs.** Advertising or identification signs may be attached to a building or structure provided that the following requirements are adhered to:

- a. Such signs shall not extend beyond the boundaries of the façade upon which they are attached and shall not project more than 18 inches therefrom in an outward direction.
- b. If illuminated, such signs shall be back lit, internally lit, or indirectly lit.
- c. Two wall signs are permitted per use, per street frontage, with a maximum of three wall signs per use.
- d. The allowable sign area shall be equal to the building unit width, times 1.5 or 32 square feet, whichever is greater. The maximum size for any one wall sign is 300 square feet.

- e. For buildings set back from Delhi Pike at least 250 feet, the allowable sign area shall be equal to the building unit width, times two or 48 square feet, whichever is greater. The maximum size for any one wall sign is 450 square feet.

3. Monument Signs

a. Number of Signs

- i. One monument sign is permitted per street frontage on lots containing single uses in zoning districts where freestanding monument signs are permitted.
- ii. One monument sign is permitted per street frontage on the premises of a shopping center on lots containing multiple uses in zoning districts where freestanding monument signs are permitted.

- b. **Maximum Height.** The maximum sign height for such signs shall be six feet.

- c. **Maximum Sign Area.** The maximum area for such signs shall be 36 square feet for any one side.

- d. **Minimum Setback.** Such signs shall be set back a minimum of five feet from any right-of-way and 20 feet from any adjacent lot lines.

- e. **Sign Base.** All such signs shall be mounted on a base of stone or brick which must be equal or greater than the width of the sign.

- f. **Lighting.** Such signs may be back lit, internally lit, or indirectly lit, and may employ motion or intermittence.

- g. **Changeable Copy.** Up to 50 percent of such sign's area may be digital electronic changeable copy signage.

- h. **Landscaping.** Landscaping shall be installed around the base of the sign in a bed that is equal or greater in size to the square footage of the sign and that includes a mix of grasses, shrubs, perennials, or annuals.

- 4. Multi-Tenant Development Signs.** Multi-tenant development signs are permitted for use in mixed use and non-residential developments that contain multiple users subject to the following:
- a. A Multi-Tenant Development that exceeds a combined 80,000 square feet of gross leasable area shall be permitted one Multi-Tenant Development Sign with a maximum height of 16 feet and a maximum sign area of 100 square feet per side.
 - b. A Multi-Tenant Development that has less than a combined 80,000 square feet of gross leasable area shall be permitted one Multi-Tenant Development Sign with a maximum height of 10 feet and a maximum sign area of 60 square feet per side.
 - c. Multi-Tenant Development Signs shall be constructed out of materials, colors, and design details which match or correlate to one of the principal buildings on the site. The sign shall be mounted on a base of stone or brick that is equal or greater than the width of the sign and shall incorporate architectural features or finishes such as gables, arches, or pediments.



Figure 14: Examples of Multi-Tenant Development Signs

- d. Up to 10 percent of such sign’s area may be digital electronic changeable copy signage.
- e. Landscaping shall be installed around the base of the sign in a bed that is equal or greater in size to the square footage of the sign and that includes a mix of grasses, shrubs, and perennials or annuals.

5. **Directional Signs.** Directional signs may be mounted on a freestanding pole or other such support, provided that the following requirements are adhered to:
 - a. Minimum number determined by the Delhi Township Community Development Director.
 - b. Two square feet maximum.
 - c. Three feet in height maximum.
 - d. Minimum of 10 feet from any residential district line.
 - e. Minimum of one foot from the street right-of-way line.
 - f. Minimum of five feet from any side or rear lot lines.
6. **Agricultural Signs.** Agricultural advertising signs shall be permitted provided that such signs are set back at least five feet from any right-of-way and 10 feet from any adjacent property lines, and 20 feet from the property lines of any adjacent residential uses.
7. **Menu Board Signs**
 - a. Up to two menu board signs for each stacking lane in a drive-through facility shall be allowed provided collectively such signs do not exceed 50 square feet in sign area. Any additional attachments such as pictures or photographs of food and/or other items shall be included within the maximum signage area.
 - b. Such signs shall not exceed seven feet in height measure from the grade of the adjacent driving surface to the top of the sign.
 - c. Such signs may be internally illuminated or digital.
 - d. Such signs shall be reviewed and approved as part of the zoning certificate for the drive-through establishment or, when such signs are to be added, as part of a separate zoning certificate application.
8. **Information Sign (wall/window).** Permitted to be a combined total of three-square feet maximum in sign area.
9. **Open/Closed Signs.** Permitted to be three square feet maximum in sign area.

10. Projecting Signs

- a. One per street frontage, per use.
- b. May be attached to the building wall or canopy and project at an angle of approximately 90 degrees from the building wall or canopy for a distance of not more than six feet.
- c. Shall be at least eight feet above the sidewalk and 15 feet above any drive.
- d. Sign supports shall be made of cut steel, iron, metal, finished wood, and/or a synthetic material that has the appearance of steel, iron, metal, and/or a finished wood.
- e. Eight square feet maximum per sign face.
- f. All projecting signs shall be rigidly fastened to allow no structural movement.
- g. Projecting signs shall not be internally illuminated.

11. Window Signs

- a. Shall be attached or affixed to the interior or exterior surface of windows.
- b. Shall not exceed 20 percent of the area of the windows on the wall on which they are displayed, or 100 square feet, whichever is less.
- c. Shall not be suspended and/or placed against the interior or exterior of windows. If signs are suspended and/or placed against the interior or exterior of windows they shall be classified as temporary signage.
- d. Signs attached to a door shall not be considered window signs.
- e. Shall be static and may not display animations, scrolling, moving, or flashing messages, or video which simulates such.

12. Canopy Signs

- a. One per business unit.
- b. Six square feet maximum for the soffit.
- c. 32 square feet maximum for the fascia.

13. Murals. Murals may be considered by the Township. Murals are subject to a public hearing and approval by the Zoning Commission.

17.9 Temporary Signs

- A. Generally.** Temporary signs include banners, A-Frame type signs, Thomas-type signs, and other temporary signs as permitted herein.
- B. Standards that Apply to All Temporary Signs**
1. Two temporary signs are permitted per use at any one time, and such temporary sign shall conform to the applicable regulations in this Article.
 2. Such signs shall not exceed 16 square feet in area.
 3. Such signs shall not lean or rest against a structure.
 4. Such signs shall be displayed no more than twice per year at 90 days at a time.
 5. Such signs shall be durable, weather-resistant, and able to withstand wind without the aid of additional weighted materials (i.e., blocks, stones, sandbags, etc.) that are not part of the original sign structure.
 6. Such signs shall not be mounted, attached, affixed, installed, or otherwise secured by any means to any permanent sign, accessory structure, light pole, utility pole, utility wire, or tree/landscape material.
 7. Such signs shall not be mounted, attached, affixed, installed, or otherwise secured by any means so as to protrude above the roof of a structure.
 8. Such signs shall not be illuminated by anything other than daylight or ambient lighting.
 9. If a freestanding temporary sign is used (such as an A-frame sign) on any sidewalk, a minimum four-foot pedestrian clearance shall be maintained around the sign. Such signs shall also only be displayed during business hours.
 10. No temporary signs shall be located in any right-of-way or within any sight triangles.
 11. For properties under construction, a maximum of two temporary signs are permitted at any one time that each have a maximum sign area of 36 square feet and a maximum height of six feet. Such signs are permitted for the duration of construction.

17.10 Enforcement, Maintenance, and Removal

A. Maintenance Standards

1. All signs and/or outdoor advertising as herein permitted shall be constructed, maintained, and illuminated in a reasonable, workmanlike manner.
2. Within 90 days upon vacation of a business from a premise any sign face referencing such business shall be blanked out, removed or otherwise modified to obscure or conceal the sign message.

B. Removal of Signs and Sign Structures not in the Public Rights-of-Way. Signs and sign structures which no longer serve the purpose for which they were intended, or which have been abandoned or not maintained in accordance with this Zoning Resolution or other governmental agency with competent jurisdiction for a period of two years, shall be removed by the last sign permit holder or the owner of the premises upon which such sign/sign structure is located.

17.11 Non-Conforming Signs

- A. The lawful use of any sign as existing and lawful at the time of enactment of this Resolution or amendment thereto, may be continued although such sign does not conform to the provisions of this Article.
- B. Whenever a sign becomes non-conforming through an amendment of this Resolution or maps, the use of such sign may be continued as long as it is kept in good repair and safe condition.
- C. It shall be the responsibility of the Township Department of Community Development to register and keep records of all non-conforming signs and advise the owners of such signs of their being so classified. A non-conforming sign shall immediately lose its non-conforming designation and must comply with the regulations of this Article if:
 1. The sign structure is altered in any way;
 2. The sign is relocated;
 3. The sign is replaced;
 4. The sign is part of an establishment which discontinues its operation for a period of two years;
 5. The sign face is enlarged; or
 6. The sign is completely destroyed.

18. LIGHTING

18.1 Purpose

The purpose of this section is to regulate the spillover of light and glare on operations of motor vehicles, pedestrians, and land uses in the proximity of the light source. Regulations take into consideration safety concerns as well as the nuisance and the hazard aspects of glare.

18.2 Lighting Plan

A lighting plan shall be submitted for any building, structure, or use of land that requires the review and approval of a parking plan, as specified in Section [15.2](#). A lighting plan may also be required, at the determination of the Delhi Township Community Development Director, when a zoning certificate is filed. The lighting plan shall be reviewed and approved by the Delhi Township Community Development Director and shall provide the following information:

- A. The locations of all site lighting including on-building, security, flood, parking lot lighting, and other lights that may be proposed.
- B. The proposed intensity levels of the lighting throughout the site, indicating footcandle measurements for the subject site to all property lines at a minimum. The initial output of lamp fixtures, as defined by the manufacturer, is the value to be considered in the intensity analysis.
- C. The minimum and maximum intensity/illumination for the site.
- D. Details of the proposed outdoor lighting fixtures including the manufacturer, model, and style of the fixture.
- E. The proposed height of all freestanding lighting fixtures.

18.3 Outdoor Lighting Regulations

- A. **Application.** The following regulations shall apply to any outdoor lighting located in any district, on parcels where there are parking spaces for five or more vehicles.
- B. **Height.** All outdoor lighting fixtures shall be designed, located, and mounted at heights no greater than 10 feet above grade for non-cutoff lights and 24 feet above grade for cutoff lights.

- C. Lighting Types.** Interior lighting of parking and loading areas shall be accomplished by using cutoff lights, with flat lenses to reduce glare. Non-cutoff lights are to be used for decorative purposes only.

1. Illumination

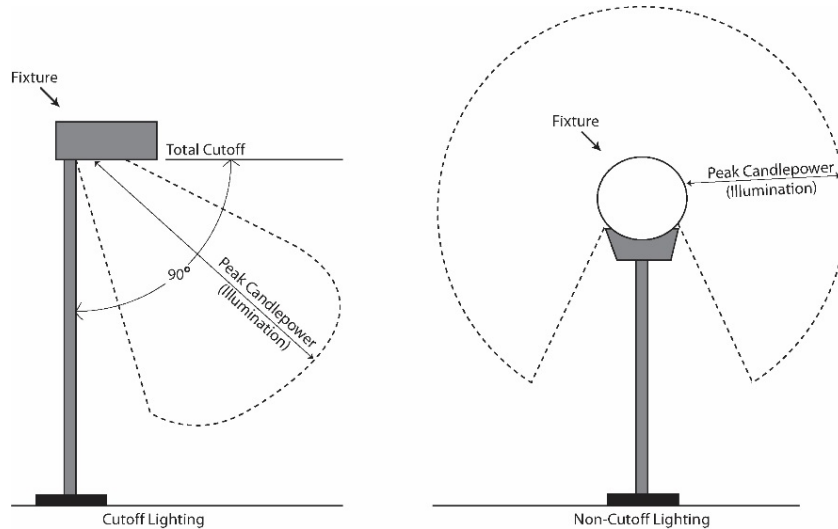


Figure 15: Cutoff and Non-Cutoff Light Fixtures

- a.** The maximum illumination permitted at the property line in each district type and use, as demonstrated by a photometric drawing, shall be shown in [Table 18.1: Illumination Levels](#).

Table 18.1: Illumination Levels		
District Type	Non-Cutoff Lighting	Cutoff Lighting
Residence Districts (Single Family and Two-Family uses)	0.00	0.00
Residence Districts (Multi-Family uses) and Business Districts	0.30	0.50
Office and Industrial Districts	0.30	0.75

- b.** Where a zoning district or use abuts another district or use with a different maximum illumination requirement, the maximum illumination requirement permitted at the property line shall be that of the less intense district.

2. **Shielding.** All outdoor lighting for non-residential uses shall be located, screened, or shielded so that adjacent lots located in Residence Districts are not directly or indirectly illuminated.
3. **Color and Glare**
 - a. No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.
 - b. Uniform lighting shall be provided to prevent various intensities of lighting throughout the parking area.

D. Design

1. Decorative light fixtures are encouraged on all buildings.
2. All exterior light poles and fixtures shall be bronze or black in color.
3. Overhead and ground level pedestrian pathway lighting is encouraged.
4. LED or neon tube lighting is prohibited as building accent lighting and window trimming.

19. LANDSCAPING

19.1 Purpose

The purpose of this Article is to establish regulations to protect and promote the public interest and welfare by requiring buffering between uses of different intensities, screening vehicle headlights from adjacent roads, and providing attractive views from rights-of-ways and adjacent properties.

19.2 Applicability

- A. This Article shall apply to all new property development and substantial expansions of existing parking areas, except for single family (attached and detached) dwellings, two family dwellings.
- B. Parking lots and parking lot expansions of less than 20 spaces are exempt from Section [19.6: Parking and Vehicular Use Area Landscaping Requirements](#).
- C. Substantial expansions of existing parking areas shall be defined as an addition of 20 off-street parking spaces or greater. The landscaping regulations contained within this Article shall apply to the expansion area only. The existing site and parking area will not be required to meet the regulations contained herein.
- D. Parking lot areas and parking spaces contained entirely within a parking garage shall not be subject to the landscaping regulations of this Article.

19.3 Landscape Plan Required

Any new development that requires landscaping per Section [19.2](#) shall submit a landscape plan to the Delhi Township Community Development Director as part of the review process. Landscape plans shall be drawn to a reasonable scale and shall include the following information:

- A. North arrow and scale bar;
- B. Name of applicant, owner, and preparer;
- C. Date the plans are submitted and revised;
- D. Existing and proposed improvements including buildings, structures, roads, parking areas, sidewalks, and other similar permanent improvements;
- E. Existing plant material to be removed or retained;
- F. Property lines and easements;
- G. A table showing the total square footage of the internal parking and vehicular use area, the square footage of the landscape islands, the number of parking spaces provided, and the number and types of trees and shrubs provided with their planting heights provided;

- H. Plan for the location of the planting of trees, shrubs, and ground cover;
- I. Irrigation plan, if applicable; and
- J. Any other information as requested by the Delhi Township Community Development Director.

19.4 Bufferyard Requirements

Table 19.1: Bufferyard Requirements identifies the bufferyard requirements required between land uses of varying intensities.

Table 19.1: Bufferyard Requirements			
When...	Is Proposed to Abut...	A Minimum Bufferyard of...	Plant Material
Any multi-family dwelling use	A detached single-family use, an attached single family, or a two-family use	10' side or rear yard is required with...	<p>Either:</p> <p>1 deciduous tree, minimum 1.5" diameter measured 6" above grade, every 25 lineal feet + a continuous row of min. 6' high evergreen plantings</p> <p>OR</p> <p>6' wall, brick faced on both sides and 8" thick with a top coarse to be row locked, and 1 deciduous tree, minimum 1.5" diameter measured 6" above grade, every 25-35 lineal feet</p>
Any office, commercial, industrial, or mixed-use development	A detached single-family use, an attached single family, or a two-family use	10' side yard and 15' rear yard is required with ...	<p>OR</p> <p>A double row, staggered planting of minimum 6' high evergreen trees every 15 lineal feet</p> <p>OR</p> <p>A 40' wide, 6' tall earthen berm with deciduous trees, minimum 1.5" diameter measured 6" above grade, planted every 25-30 lineal feet</p>
Any off-street parking lot for any multi-family or attached single-family	The public right-of-way, public or private street or a detached single-family use	10' shall be landscaped with...	1 deciduous tree, minimum 1.5" diameter measured 6" above grade, every 25-35 lineal feet and shrubs planted every 3 lineal feet that are a minimum of 24" in height (1 tree minimum)

DEVELOPMENT STANDARDS

ARTICLE 19: LANDSCAPING

19.5 Easements, Rights-of-Way, and Setbacks

Table 19.1: Bufferyard Requirements

When...	Is Proposed to Abut...	A Minimum Bufferyard of...	Plant Material
The off-street parking lot for any office, commercial, industrial, or mixed-use development	The public right-of-way, public or private street	10' shall be landscaped with...	1 deciduous tree, minimum 1.5" diameter measured 6" above grade, every 25-35 lineal feet and shrubs planted every 3 lineal feet that are a minimum of 24" in height (1 tree minimum)

19.5 Easements, Rights-of-Way, and Setbacks

Required landscaping may be placed wholly or partially in utility or other easements provided that all requirements can be fulfilled and the holder of the easement(s) grants approval.

19.6 Parking and Vehicular Use Area Landscaping Requirements

All parking areas, greater than 20 spaces, shall adhere to the following landscaping requirements, which shall be exempt from the vehicular use area landscaping requirements.

- A. All parking areas shall contain landscape areas that equal at least five percent of the internal parking and vehicular circulation area. Each landscape area shall contain a mixture of shrubs and trees. Access drives that go through the development shall not be counted as internal parking areas.
- B. Trees shall be provided at a rate of one tree for each 10 parking spaces. Any fractional number shall be rounded up to the next whole number.
- C. Shrubs shall be provided at a rate of six shrubs for each 10 parking spaces.
- D. Minimum planting size of trees shall be 1.5" diameter measured 6" above grade and minimum planting size of shrubs shall be 24" in height.
- E. Landscape areas shall be distributed throughout the parking area. Rows of parking spaces shall be interrupted, at a minimum, every 15 spaces by a planter island that is a minimum of eight feet wide and 18 feet in length.
- F. All parking spaces shall be within 125 feet of a landscaped area.
- G. No landscaping shall obscure visibility at a vehicular intersection within the parking area or other areas where clear visibility is necessary to assure safe circulation. Where safe visibility is impaired, canopy trees shall have branches removed from the trunk at least eight feet above the ground and shrubs and groundcover shall not exceed three feet in height. Evergreen trees and understory trees that would impair visibility for safe circulation shall not be planted in these areas.

19.7 Street Trees

- A. It shall be required that all developments plant trees along public or private streets of a development in such a manner, type, and location as approved by the Delhi Township Community Development Director and as defined by the following conditions:
1. Large trees with a mature height of over 50 feet shall be planted every 45-50 lineal feet, medium trees with a mature height of between 35 and 50 feet shall be planted every 35-40 lineal feet, and small trees with a mature height of less than 35 feet shall be planted every 25-30 lineal feet.
 2. Minimum planting size of trees shall be one and a half inches diameter measured six inches above grade.
 3. The minimum distance between the tree and the edge of the street shall be two feet. In areas where a sidewalk exists or is proposed, the minimum distance between the tree trunk and both the edge of the street and the sidewalk shall be two feet.
 4. Street trees shall be located at least 20 feet from any street intersection and 10 feet from any fire hydrant or utility pole.
 5. Small trees shall be used when planting under or within 20 lateral feet of overhead utility wires.
 6. Developers shall be required to maintain the trees for one year after the street trees and the road rights-of-ways are dedicated to the Township or Hamilton County. The same developers shall replace any tree which fails to survive or does not exhibit normal growth characteristics of health and vigor within such one-year period.
- B. In lieu of the street tree requirements described in [19.7, A](#), the Delhi Township Community Development Director may approve an alternate landscaping plan.

19.8 Modifications

Modifications may be granted from the policies and requirements of these standards by the Delhi Township Community Development Director if there is an undue hardship or special circumstance that makes the modification request necessary. Such requests shall be submitted in writing to the Delhi Township Community Development Director and shall include justification for the modification that addresses what unusual or extraordinary circumstance exists that necessitates the request, if the modification still meets the intent of the policies and requirements of this Resolution, that the request will not adversely impact other properties in the vicinity. The Delhi Township Community Development Director may approve the modification if they deem it justified based on the written request.

DEVELOPMENT STANDARDS

ARTICLE 19: LANDSCAPING

19.9 Maintenance

19.9 Maintenance

All landscaping, screening materials, and landscape areas shall be maintained in good condition and kept free from debris, litter, junk, rubbish, weeds, overgrowth, and deceased planting materials.

19.10 Enforcement

Violation of these installation and maintenance provisions shall be grounds to issue a zoning citation per Section [1.8](#) and require replacement of the landscape materials.

19.11 Plant Species

The plant species used shall be identified as appropriate for this region by the United States Department of Agriculture's Plant Hardiness Zone Map and approved by the Township. Invasive plant species to this region shall not be used.

20. ALTERNATIVE ENERGY

20.1 Purpose

To establish regulations for alternative energy in order to preserve and protect public health and safety and to permit residents and businesses in Delhi Township to take advantage of alternative energy sources while maintaining the integrity of Delhi Township.

20.2 Wind Energy Projects

A. Permitted. Wind energy projects are permitted in all zoning districts.

B. Standards

1. Setbacks

a. Ground Mounted

- i.** A distance equal to 1.1 times its total height from any overhead utility lines, unless written permission is granted from the affected utility.
- ii.** A distance equal to 1.1 times its total height from all property lines.
- iii.** A distance equal to 1.1 times its total height from all road right-of-way lines.
- iv.** The owner shall provide for a “clear fall zone” that shall be maintained at all times a turbine or tower is standing. The “clear fall zone”, along with the manufacturers recommendations of such a zone must be attached to the engineering report submitted as part of the zoning certificate application.
- v.** May be placed in the side and rear yards but shall not be placed closer to the street than the front building line of the principal building.

b. Roof or Building Mounted

- i.** Total height of the wind energy project plus 10 feet.
- ii.** Shall be located on the rear half of the principal building.

2. **Maximum Height**
 - a. **Ground Mounted**
 - i. In the “A-A”, “A”, “A-2”, “B”, “B-2”, “C”, “D”, “O”, “E”, “DD”, “OO”, “EE”, “NB”, “MFR”, “DPBC”, and “PUD” – 50 feet
 - ii. In the “F” and “FF” zone districts – 150 feet
 - b. **Roof or Building Mounted.** Maximum permitted height of the principal building, plus 15-feet.
3. **Location.** Wind energy projects shall not be located or co-located on existing and/or future public and private utility structures including but not limited to cell towers, radio antennas, television antennas, etc.
4. **Design.** Wind energy projects shall be designed in a manner that makes them as visually unobtrusive as possible, while meeting safety requirements. Towers and poles shall be monopole in design. Turbines, towers, and poles shall be black, white, off-white, or unpainted metal; unless specific colors are required by federal regulations.
5. **Lighting.** Wind energy projects shall not be illuminated except if required by the Federal Aviation Administration, Ohio Department of Transportation, or other applicable authorities.
6. **Signs.** No sign, other than a warning sign or installer, owner, participating landowner, or manufacturer identification sign, may be placed on any component of a wind energy project. Maximum allowable signage shall not exceed six square feet collectively.
7. **Signal Interference.** The owner of a wind energy project must take reasonable steps to prevent and eliminate any interference with transmission and reception of electromagnetic communications, such as microwaves, radios, telephones, or television signals.
8. **Decibel Levels.** Decibel levels shall not exceed those provided by the manufacturer and shall be submitted to the Department of the Delhi Township Community Development.
9. **Wiring and Electrical Apparatuses.** All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground, within the monopole, or within the principal building and meet all applicable local, state, and federal codes including County Building and Township Fire regulations.

10. **Utility Interconnection.** A wind energy project that connects to the electric utility must comply with all pertinent provisions of the Ohio Revised Code.

C. Permits Required

1. A zoning certificate shall be required before construction can commence on any wind energy project.
2. As part of the zoning certificate process, the applicant shall inquire with the County and the Township as to whether or not additional height restrictions are applicable due to the unit's location in relationship with the Cincinnati/Northern Kentucky International Airport.

D. Maintenance

1. Wind energy projects shall be maintained in good working order. A complete inspection of the system shall occur every two years at the cost of the owner. Inspections shall occur no later than September 30th of the required inspection calendar year and a copy of the inspection report shall be submitted to the Township by no later than October 31st of said inspection calendar year.
2. The owner shall within 30 days of permanently ceasing operation of a wind energy project, provide written notice of abandonment to the Delhi Township Community Development Director.
3. A wind energy project that is unused or out-of-service for a continuous six-month period shall be deemed to have been abandoned. The Delhi Township Community Development Director may issue a Notice of Abandonment to the owner of the wind project that the project has been deemed to have been abandoned. The equipment owner shall have the right to respond to the Delhi Township Community Development Director's notice within 30 days from the Notice date. The Delhi Township Community Development Director shall withdraw the Notice of Abandonment and notify the equipment owner that the Notice has been withdrawn if the owner provides verification that demonstrates that the wind project has not been abandoned.
4. If the wind energy project is determined to be abandoned or the Delhi Township Community Development Director receives Notice of Abandonment from the equipment owner, the wind project shall be removed within 90 days of the Notice of Abandonment and the site must be reclaimed. "Reclamation" includes removal of all equipment and apparatuses, supports and/or other hardware associated with the existing wind turbine, including removal of the above-mentioned items to a depth of three feet below grade if ground mounted.

20.3 Solar Energy System

- A. Permitted.** Solar energy systems are permitted in all zoning districts.
- B. Supplemental Source.** It is encouraged that the energy generated by the solar energy system is supplemental to the primary source.
- C. Location and/or Setbacks**
 - 1. System may be ground mounted, roof, or wall mounted. Only one type of system shall be permitted per lot.
 - 2. **Ground Mounted**
 - a. Solar energy systems shall be located in the rear yard only and in accordance with the setbacks established for accessory structures. In no instance shall the system be placed in the front yard of the lot.
 - b. Any portion of the structure shall not exceed a maximum of 6-feet in height.
 - 3. **Roof Mounted.** Shall be installed on the plane of the roof or made party of the roof design and shall not extend above the ridgeline of the roof or extend beyond the existing roof width. In no instance shall the system extend greater than 18-inches from the roofs surface.
 - 4. **Wall Mounted.** Shall be installed on the plane of the wall (flush mounted) or made part of the wall design. In no instance shall the system extend greater than 18-inches from the wall’s surface.
- D. Design**
 - 1. **Ground Mounted**
 - a. All conduits, plumbing lines, and related appurtenances shall be located underground.
 - b. Systems shall not exceed 10 percent of the side and rear yards combined area.
 - 2. **Roof Mounted**
 - a. All exposed conduits, plumbing lines, and related appurtenances shall be painted a color that closely matches the roof materials.
 - b. May be placed on the principal building and/or accessory structures.
 - 3. **Wall Mounted**
 - a. All exposed conduits, plumbing lines, and related appurtenances shall be painted to a color that closely matches the walls material.

- b. May be placed on the principal building and/or accessory structures.
 - c. Shall not be visible from any street right-of-way.
 4. Systems shall comply with all applicable building, plumbing, electrical, and fire codes.
 5. Systems shall be placed so that the concentrated solar radiation glare shall not be directed onto other properties, roadways, or airstrips in the vicinity.
 6. No signs, other than a warning sign or installer, owner, participating landowner, or manufacture identification sign, may be placed on any component of a solar energy system. Maximum allowable signage shall not exceed six square feet collectively.
 7. Systems shall be designed in a manner that makes them as visually unobtrusive as possible, while meeting all safety requirements.
- E. **Permit Requirements.** A zoning certificate shall be required before construction can commence on any solar energy project.
- F. **Maintenance**
 1. A solar energy system that is unused or out-of-service for a contiguous 6-month period shall be deemed to have been abandoned. The Delhi Township Community Development Director may issue a Notice of Abandonment to the owner of the system that the system has been deemed to have been abandoned. The system owner shall have the right to respond to the Delhi Township Community Development Director's Notice of Abandonment within 30 days from the Notice date. The Delhi Township Community Development Director shall withdraw the Notice of Abandonment and notify the equipment owner that the Notice has been withdrawn if the owner provides verification that demonstrates the system has not been abandoned.
 2. If the solar energy system is determined to have been abandoned or the Delhi Township Community Development Director receives a Notice of Abandonment from the system owner, the system shall be removed within 90 days of the Notice of Abandonment and the site must be reclaimed. "Reclamation" includes the removal of all equipment and apparatuses, supports and/or hardware associated with the existing system, including removal of the above-mentioned items to a depth of three feet below grade if ground mounted.
- G. **Exemptions.** Systems used exclusively for public traffic control signals or devices located in road rights-of-way are exempt from Sections [20.3 , D](#) though [20.3 , F](#).

Administration

21. APPROVAL BODIES AND POWERS

21.1 Purpose

The purpose of this Article is to identify the roles and responsibilities of various elected and appointed boards, and the duties of Township Staff, in the administration of this Zoning Resolution.

21.2 Summary Table of Review Bodies

[Table 21.1: Summary Table of Review Bodies](#) summarizes the review and decision-making responsibilities of the entities that have roles in the procedures set forth in Article [22](#).

Table 21.1: Summary Table of Review Bodies						
Application	Section	Court of Common Pleas	Board of Township Trustees	Zoning Commission	Board of Zoning Appeals	Community Development Director
Zoning Resolution Text or Map Amendment	22.3		H-D	H-R		R
PUD – Zone Map Amendment and Concept Development Plan	9.4 , B		H-D	H-R		R
PUD – Final Development Plan	9.4 , C		A	H-D		R
Development Plan			A	H-D		R
Conditional Use	22.4	A			H-D	R
Variance	22.5	A			H-D	R
Zoning Certificate	22.6				A	R-D
H=Public Hearing Required R=Review and/or Recommendation				D=Decision A=Appeal Body Shaded Box=No review or approval authority		

ADMINISTRATION

ARTICLE 21: APPROVAL BODIES AND POWERS

21.3 Court of Common Pleas

For the purpose of this Zoning Resolution, the appeal body from the Board of Zoning Appeal decisions for conditional use and variance applications is the Hamilton County Court of Common Pleas.

21.4 Board of Township Trustees

For the purpose of this Zoning Resolution, the Delhi Township Board of Trustees shall have the following duties:

- A. Initiate proposed amendments to this Resolution text and/or the official zoning map.
- B. Review and decide on all proposed zoning text and map amendments to this Resolution.
- C. Review and decide on Concept Planned Unit Development applications.
- D. Perform all other duties as specified in Chapter 519 of the Ohio Revised Code and as specified in this Resolution.

21.5 Zoning Commission

A Township Zoning Commission is hereby created in accordance with the rules and regulations granted to Township Zoning Commission's per Chapter 519 of the Ohio Revised Code. The Zoning Commission shall have the following duties:

- A. Initiate proposed amendments to this Resolution text and/or the official zoning map.
- B. Review and make recommendations on all proposed zoning text and map amendments to this Resolution.
- C. Review and make recommendations on Concept Planned Unit Development applications.
- D. Review and make decisions on Final Planned Unit Development applications.
- E. Perform all other powers conferred upon township zoning commission in Chapter 519 of the Ohio Revised Code, or as authorized by the Board of Trustees in compliance with this Resolution and state law.

21.6 Board of Zoning Appeals

- A. Board Created.** A Township Board of Zoning Appeals is hereby created. Such Board shall consist of five members to be appointed by the Trustees, who shall be residents of the unincorporated area of Delhi Township, Hamilton County, Ohio. The terms of all new members shall be five years in length and so arranged that the terms are staggered so only one member's term will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Board shall be removable for nonperformance of duty, misconduct in office or other cause by the Trustees upon written charges having been filed with the Trustees and after a public hearing has been held regarding such charges. A copy of the charges must be served upon the member so charged at least 10 days prior to the hearing, either personally, or by registered mail, or by leaving the same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Trustees and shall be for the unexpired term of the member being replaced.
- B. Board Rules.** The Board shall organize and adopt rules in accordance with the provisions of this Resolution. Meetings of the Board shall be held at the call of the Chairperson, and at such other times as the Board may determine. The Chairperson, or in his absence the acting Chairperson, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Trustees and shall be a public record.
- C. Appeals.** Appeals to the Board may be taken by any person aggrieved or by any Officer of Delhi Township affected by any decision of the Administrative Officer. An appeal, specifying the grounds thereof, must be filed with the Administrative Officer within 20 days of the decision that was made on which an appeal is being filed. The appeal shall be transmitted to the Board along with all the papers constituting the record upon which the action appealed from was taken. The Board shall fix a reasonable time for the hearing of the appeal, give at least 10 days' notice in writing to the parties of interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the Township at least ten days before the date of hearing, and decide the same within a reasonable time after it is submitted. Upon the hearing, any party may appear in person or by attorney. Any party adversely affected by a decision of the Board or the Township Trustees may appeal to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful. The court may affirm, reverse, vacate, or modify the decision complained of in the appeal.

- D. Powers.** The Board shall have the following powers:
1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an Administrative Official in the enforcement of this Resolution.
 2. To authorize, upon appeal, in specific cases, such area variances from the terms of the Zoning Resolution, as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done.
 3. To permit the extension of a District where the boundary line of a District divides a tract of not more than one acre in area and held in a single ownership on the effective date of this Resolution, provided such extension shall not exceed 100 feet.
 4. To permit, where the boundary line of a District divides a tract of more than 10 acres under a single ownership, adjustment of such a line to conform with the topography of the ground where such a tract is being subdivided and when a preliminary subdivision plan for such a tract has been approved by the Regional Planning Commission of Hamilton County, provided such a variation does not extend for a distance of more than 500 feet and does not come closer than 300 feet to any boundary of the tract.
 5. To interpret the provisions of this Resolution in a way to carry out the intent and purpose of any adopted Township Comprehensive or Land Use Plans, Corridor Plans, Area Plans, or other similar planning documents.
 6. To permit a variation in the yard requirements of any District where there are practical difficulties or unnecessary hardships in the carrying out of those provisions due to an irregular shape of the lot, topographic or other conditions, provided such variations will not seriously affect any adjoining property or the general welfare.
 7. Improvements to non-conforming uses or structures as permitted in Section [23.2](#).

21.7 Community Development Department

It shall be the duty of the Delhi Township Administrator or their designee, with the aid of other Township departments, to enforce this Resolution in accordance with the administrative provisions herein contained.

22. PROCESSES AND PROCEDURES

22.1 Purpose

The purpose of this Article is to identify the development review procedures used in the administration of this Zoning Resolution.

22.2 Common Review Requirements

The requirements of this section shall apply to all applications and procedures subject to development review under this Resolution, unless otherwise stated.

- A. Authority to File Applications.** Unless otherwise specified in this Resolution, development applications may be initiated by:
 - 1. The owner(s) of the property(ies) that is the subject of the application;
 - 2. The owner's authorized agent; or
 - 3. Delhi Township, Hamilton County, Ohio.
- B. Fees**
 - 1. Fees shall be determined by the Board of Trustees from time to time and presented via an adopted "fee schedule" by resolution, copies of which shall be available from the Community Development Department.
 - 2. No fee shall be required to be paid by any public agency.
 - 3. No application shall be processed, or permit issued, until the established fee has been paid by the applicant.
- C. Public Notification for Public Hearings.** Applications for development approval that require public hearings shall comply with the applicable Ohio Revised Code requirements and the provisions of this Article regarding public notification.

22.3 Zoning Resolution Text or Map Amendments

- A. Initiation**
 - 1. Amendments to the Zoning Resolution may be initiated by motion of the Township Zoning Commission, by the passage of a resolution by the Board of Township Trustees, or by the filing of an application by one or more of the owners of property within the area proposed to be changed or affected by the proposed amendment with the Township Zoning Commission.

2. The Board of Township Trustees shall require that the owner of property filing an application to amend the zoning resolution pay a fee to defray the cost of advertising, mailing, filing with the County Recorder, and other expenses. The Board of Township Trustees shall upon the passage of such fee resolution certify it to the Township Zoning Commission.

B. Zoning Commission Public Hearing

1. Upon the adoption of such motion to amend, or the certification of such resolution or the filing of such application, the Township Zoning Commission shall set a date for a public hearing, which date shall not be less than 20 nor more than 40 days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application.
2. Notice of such hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation in the township at least 10 days before the date of such hearing.
3. If the proposed amendment intends to rezone or redistrict 10 or fewer parcels of land, as listed on the County Auditor's current tax list, the following shall apply:
 - a. Written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least 10 days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from and within 200 feet of such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment.
 - b. Published and mailed notice shall set forth the time, date, and place of the public hearing and it shall include all of the following:
 - i. A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;
 - ii. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current tax list;
 - iii. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;

- b. The Township Zoning Commission shall, within 30 days after such hearing, recommend the approval or denial of the proposed amendment or some modification and submit such recommendation together with such application or resolution, the text and map pertaining and the recommendation of the Hamilton County Regional Planning Commission to the Board of Township Trustees.

7. If not transmitted to the Hamilton County Regional Planning Commission, the Township Zoning Commission shall recommend the approval or the denial of the proposed amendment and submit such recommendation together with such application or resolution, the text and map pertaining thereto thereon to the Board of Township Trustees.

C. Board of Township Trustees Public Hearing

1. The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment which date shall not be more than 30 days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the Board by one publication in one or more newspapers of general circulation in the township at least 10 days before the date of such hearing.

2. If the proposed amendment intends to rezone or redistrict 10 or fewer parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and shall include all of the following:

- a. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
- b. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current tax list;
- c. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
- d. The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least 10 days prior to the public hearing;
- e. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
- f. Any other information requested by the Board.

3. If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than 10 parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:
 - a. A statement indicating that the motion, application, or resolution is an amendment to the Zoning Resolution and what is being proposed;
 - b. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least 10 days prior to the public hearing;
 - c. The name of the person responsible for giving notice of the public hearing by publication;
 - d. Any other information requested by the Board.
4. Within 20 days after such public hearing the Board shall either adopt or deny the recommendations of the Commission or adopt some modification thereof. In the event the Board denies or modifies the recommendation of the Township Zoning Commission a majority vote of the Board shall be required.

D. Effective Date

1. Such amendment adopted by the Board shall become effective in 30 days after the date of such adoption unless within 30 days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in Section 3501.38 of the Revised Code.
2. The form of a petition calling for a zoning referendum and the statement of the circulator shall follow those set forth in the Ohio Revised Code.

3. The petition shall be filed, accompanied by an appropriate map of the area affected by the zoning proposal, with the Board of Township Trustees, which shall then transmit the petition within two weeks of the receipt to the Board of Elections, which shall determine the sufficiency and validity of the petition. The petition shall be certified to the Board of Elections not less than 75 days prior to the election at which the question is to be voted upon.
4. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.
5. Within five working days after an amendments' effective date, the Board of Trustees shall file the text and maps of the amendment in the office of the County Recorder and with the Hamilton County Regional Planning Commission.
6. The failure to file any amendment, or any text and maps, or duplicates of any of these documents, with the office of the County Recorder or the Hamilton County Regional Planning Commission as required by this section does not invalidate the amendment and is not grounds for an appeal of any decision of the Board of Trustees.

22.4 Conditional Use

- A. **Conditional Use Application Requirements.** The owner shall submit to the Board of Zoning Appeals an application for a conditional use application, on a form provided by the Secretary of the Board, and a site plan. The application and site plan shall address applicable site plan features and considerations, including but not limited to:
 1. The location of all adjoining properties;
 2. The lot size of the subject property;
 3. The location and setbacks of existing and proposed structures;
 4. The location and setbacks of all existing and proposed off-street parking and loading areas;
 5. Location of all existing and proposed open spaces;
 6. The location of all existing and proposed landscape areas;
 7. The location of all existing and proposed refuse and service areas;
 8. The location of all existing and proposed utility lines; and
 9. The location and size of all existing and proposed signage.

- B. Review Criteria.** The following factors shall be considered and weighed by the Board of Zoning Appeals when reviewing a conditional use application:
1. The use is a conditional use, permitted with approval by the BZA, in the district where the subject lot is located;
 2. The use is in accordance with the objectives of applicable Delhi Township Plans and Studies and this Zoning Resolution.
 3. The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare.
 4. The BZA shall also consider the following, as applicable, to the application:
 - a. The comparative size, floor area, and mass of the proposed structure(s) in relationship to adjacent structures and building in the surrounding properties and neighborhood;
 - b. The frequency and duration of various indoor and outdoor activities and special events and the impact of these activities on the surrounding area;
 - c. The number of transit movements generated by the proposed use and relationship to the amount of traffic on abutting streets and on minor streets in the surrounding neighborhood;
 - d. The capacity of adjacent streets to handle increased traffic in terms of traffic volume;
 - e. The added noise level created by activities associated with the proposed use and the impact of the ambient noise level of the surrounding area and neighborhood;
 - f. The requirements for public services where the demands of the proposed use are in excess of the individual demand of adjacent land uses in terms of police and fire protection, and the presence of any potential or real fire or other hazards created by the proposed use;
 - g. The general appearance of the neighborhood will not be adversely affected by the location of the proposed use on the parcel;
 - h. The impact of night lighting in terms of intensity and duration and frequency of use as it impacts adjacent properties and in terms of presence in the neighborhood;
 - i. The impact of the landscaping of the proposed use in terms of maintained landscaped areas to remain in a natural state, and the openness of landscape versus the use of buffers and screens;

- j. The impact of significant amount of hard-surfaced areas for building(s), sidewalks, drives, parking areas, and service areas in terms of noise transfer, water runoff and heat generation;
 - k. The potential for the proposed use to remain in existence for a reasonable period of time and not become vacant or unused. Consideration should also be given to unusual single purpose structures or components of a more temporary nature;
 - l. Any other physical or operational feature or characteristic that may affect the public health, safety, and welfare; and
- C. **Special Conditions.** In granting such conditional use applications, the Board of Zoning Appeals may impose such special conditions as it deems necessary, to reduce the adverse effect of the above uses upon and for the preservation of the character of properties neighboring such uses.
- D. **Expiration.** The applicant shall have one year from the date of the conditional use approval by the Board of Zoning Appeals to receive an approved zoning certificate or the conditional use shall be deemed null and void.

22.5 Area Variance

- A. **Area Variance Application Requirements.** The owner shall submit to the Board of Zoning Appeals an application for an area variance, on a form provided by the Secretary of the Board, and a site plan. The application and site plan shall address site plan features and considerations, including but not limited to:
 - 1. The location of all adjoining properties;
 - 2. The size of the subject property;
 - 3. The location and setbacks of existing and proposed structures;
 - 4. The location and setbacks of all existing and proposed off-street parking and loading areas;
 - 5. The location of all existing and proposed open spaces;
 - 6. The location of all existing and proposed landscape areas;
 - 7. The location of all existing and proposed refuse and service areas;
 - 8. The location of all existing and proposed utility lines; and,
 - 9. The location and size of all existing and proposed signage.
- B. **Review Criteria.** The following factors shall be considered and weighed by the Board of Zoning Appeals when determining unnecessary hardships and practical difficulties for area variance requests.

1. **Area Variance Factors of Review**
 - a. Whether the property owner purchased the property with knowledge of the zoning restrictions; and
 - b. Whether the property owner's predicament feasibly can be obviated through some other method than a variance; and
 - c. Whether the variance is substantial; and
 - d. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance; and
 - e. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance; and
 - f. Whether the variance adversely affects the delivery of government services; and
 - g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
2. In granting such variance applications, the Board of Zoning Appeals may impose such special conditions as it deems necessary, to reduce the adverse effect of the above uses upon and for the preservation of the character of properties neighboring such uses.
3. In exercising the above-mentioned powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the Officer from whom the appeal is taken.
4. The Board shall act by resolution, in which three members concur and every variation granted or denied shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason for granting or denying the variance.

22.6 Zoning Certificates

- A.** A non-refundable fee shall be paid with the submission of any requested authorization or application.
- B.** Except as provided in this Zoning Resolution, no building shall hereafter be located, constructed, reconstructed, enlarged or structurally altered nor shall any work be started until a zoning certificate has been issued by the Delhi Township Community Development Director, which certificate shall state that the proposed building and use comply with all the provisions of this Resolution.
- C.** Except as provided in this Zoning Resolution, no land shall be occupied or used and no building hereafter located, constructed, reconstructed, enlarged or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever until a zoning certificate is issued by the Delhi Township Community Development Director, stating that the building and use comply with the provisions of this Resolution.
- D.** No change of use shall be made in any building or part thereof, now, or hereafter located, constructed, reconstructed, enlarged, or structurally altered, except for single-family dwelling purposes, without a zoning certificate being issued by the Delhi Township Community Development Director. No zoning certificate shall be issued to make a change unless the changes are in conformity with the provisions of this Resolution.
- E.** A zoning certificate shall be applied for prior to a construction permit or all work, unless specifically exempted herein. A zoning certificate is not required for the following: re-roofing, re-siding, replacement furnaces, and add on air conditioning. A record of all zoning certificates shall be kept on file in the office of the Delhi Township Community Development Director or designee, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.
- F.** All permanent signs and outdoor advertising, as permitted in this Resolution, shall require the issuance of a zoning certificate prior to the sign being placed, located, erected, constructed, reconstructed, or installed, unless specifically exempted in this Resolution.
- G.** A fee equal to double that required by the fee schedule shall be charged for any requested authorization or applications submitted in response to any written order of the Delhi Township Community Development Director.

- H.** If the work described in any zoning certificate has not begun within six months of issuance, such permit shall expire; it shall be revoked by the Delhi Township Community Development Director, and written notice shall be given to those persons affected. If the work described in the zoning certificate has not been substantially completed within 18 months of the date of issuance, such permit shall expire and be revoked by the Delhi Township Community Development Director, and written notice shall be given to those persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning certificate has been obtained or an extension has been granted.
- I. Temporary Zoning Certificate.** A temporary zoning certificate may be issued by the Delhi Township Community Development Director when portions of a project are delayed in completion due to the weather, the season, or any acceptable reason as determined by the Delhi Township Community Development Director. In no instance shall a temporary zoning certificate exceed six months.
- J. Certificate of Compliance.** A certificate of compliance shall be required upon the completion of any work for which the zoning certificate was issued. The certificate shall only be issued if the work related to the zoning certificate complies with the provisions of this Resolution, has been built or occupied according to plans submitted for a zoning certificate, and has been inspected by the Zoning Inspector who confirms compliance.

22.7 Plats

Each application for a plat shall be accompanied by a plan in quadruplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon or used, the exact size and location on the lot of the buildings, structures, and accessory buildings existing, and the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary for enforcement of the Resolution. Three copies of such plats and plans shall be returned to the applicant when such plats and plans shall have been approved by the Delhi Township Community Development Director. All dimensions shown on these plats and plans relating to the location and size of the lots to be built upon shall be based on an actual survey. The lot and location of the building or structure thereon shall be staked out on the ground before construction is started.

23. NONCONFORMITIES

23.1 Nonconforming Regulations

- A. The lawful use of any building, structure, land, or premises as existing and lawful at the time of enactment of this Resolution or amendment thereto, may be continued although such use does not conform with the provisions of this Resolution or amendment. If no structural alterations are made (other than as provided for in Section [23.1, E](#) or [23.2](#) of this Resolution), a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or a conforming use, such use shall not thereafter be changed to a less restricted use.
- B. Whenever the use of any building, structure, land, or premises becomes non-conforming through an amendment to this Resolution or Maps, such use may be continued and, if no structural alterations are made (other than as provided for in Section [23.1, E](#) or [23.2](#) of this Resolution), it may be changed to another non-conforming use of the same or of a more restricted classification.
- C. In the event that the non-conforming use of any building, structure, land, or premises is voluntarily discontinued for two years or more, any future use thereof shall be in conformity with the regulations of the district in which it is located.
- D. Except as hereinafter provided in Section [23.1, E](#) and Section [23.2](#) no existing building or premises devoted to a non-conforming use, shall be enlarged, extended, reconstructed, or structurally altered, unless the use thereof is changed to a use permitted in the District in which such building or premises is located.
- E. When a building, the use of which is considered a non-conforming use, is damaged by fire, explosion, Act of God, or the public enemy, but is not completely destroyed, it may be restored, but not enlarged or improved unless authorized by the Board of Zoning Appeals in the manner provided in Section [23.2](#).
- F. No lot on which there is located a nonconforming use shall be reduced in area or width so as not to conform with the lot area per family and lot width requirements of the district in which such lot is located, nor shall any existing yard be reduced so as not to conform with the yard requirements thereof.

- G. In permitting such improvements, the Board of Zoning Appeals may require appropriate conditions and safeguards to assure that the nonconformity does not adversely affect orderly development and the value of nearby property including, but not limited to: required improvement of, or modifications to existing improvements on, the property; limitations on hours of operation; and limitations on the nature of operations.
- H. Nothing in this Article shall prevent the continuance of a non-conforming use as authorized unless a discontinuance is necessary for the safety of life or property or constitutes a nuisance.

23.2 Expansions to Nonconforming Uses and Structures

- A. A property owner may apply to the Board of Zoning Appeals to expand or improve a nonconforming structure or use subject to the requirements and criteria of this section.
- B. **Application Requirements.** The property owner shall submit a development plan, in accordance with the below requirements, as applicable.
 - 1. The location and size of the property including setbacks and lot dimensions;
 - 2. The use of the property on the effective date of this Resolution;
 - 3. All uses adjacent to the property and within the surrounding neighborhood;
 - 4. All existing structures, yards, utility easements, rights-of-way, flood plains, and wooded areas on and adjacent to the property;
 - 5. The density (dwelling units per acre) and the intensity (impervious surface ratio or gross square footage) of the nonconforming use/structure;
 - 6. Landscaping;
 - 7. Architectural treatments;
 - 8. Traffic impact;
 - 9. The reasons why the nonconforming use or structure is compatible with, and will have no adverse impact on the land uses permitted in the district in which it is located; and
 - 10. Nature and extent of additional protection from adverse impacts afforded to the adjacent properties.

- C. Review Criteria.** The following factors, as applicable, shall be considered and weighed by the Board of Zoning Appeals when reviewing proposed applications for an expansion to a nonconforming use or structure.
- a.** The proposed improvements will have no adverse impact upon adjacent property owners and other permitted uses in the surrounding neighborhood or can be made compatible with the adjacent properties and uses in the surrounding neighborhood;
 - b.** The comparative size, floor area and mass of the proposed structure(s) in relationship to adjacent structures and building in the surrounding properties and neighborhood;
 - c.** The frequency and duration of various indoor and outdoor activities and special events and the impact of these activities on the surrounding area;
 - d.** The number of transit movements generated by the proposed expansion and relationship to the amount of traffic on abutting streets and on minor streets in the surrounding neighborhood;
 - e.** The capacity of adjacent streets to handle increased traffic in terms of traffic volume;
 - f.** The added noise level created by activities associated with the proposed expansion and the impact of the ambient noise level of the surrounding area and neighborhood;
 - g.** The requirements for public services where the demands of the proposed expansion are in excess of the individual demand of adjacent land uses in terms of police and fire protection, and the presence of any potential or real fire or other hazards created by the proposed expansion;
 - h.** The general appearance of the neighborhood will not be adversely affected by the location of the proposed expansion on the parcel;
 - i.** The impact of the landscaping of the proposed use in terms of maintained landscaped areas to remain in a natural state, and the openness of landscape versus the use of buffers and screens;
 - j.** The impact of additional amounts of hard-surfaced areas for building(s), sidewalks, drives, parking areas, and service areas in terms of noise transfer, water runoff and heat generation;

- k. The potential for the proposed expansion to remain in existence for a reasonable period of time and not become vacant or unused. Consideration should also be given to unusual single purpose structures or components of a more temporary nature; and
 - l. Any other physical or operational feature or characteristic that may affect the public health, safety, and welfare of the community.
- D. Special Conditions.** In granting such requests to expand or improve a nonconforming structure or use, the Board of Zoning Appeals may impose such special conditions as it deems necessary, to reduce the adverse effect of the above uses or structure upon and for the preservation of the character of properties neighboring such uses or structure.

24. DEFINED WORDS

24.1 General Definitions

Unless the context otherwise requires, the following definitions shall be used in the interpretations and construction of this Resolution; and words used in the present tense include the future; the singular number shall include the plural number, and the plural the singular; the word “building” shall include the words “structure”; the word “used” shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used; and the word “shall” is mandatory and not directory. If not defined in this Article, the definition of a word is the commonly accepted definition.

24.2 Defined Words

A

Abutting, Adjacent, or Adjoining. To physically touch or border upon; or to share a common property line or border.

Accessory Buildings and Uses. A building, structure, or use both permanent or temporary which is naturally and normally incidental to the main building, structure, or use and erected at the same time or after the construction of the main building, structure, or use.

Agricultural Animals. Includes horses, cows, mules, llamas, pigs, sheep, goats, bees, and other similar animals.

Agriculture: Raising of Crops. The use of land for field and orchard uses including production of field crops, flowers and seeds, fruits, grains, melons, ornamental crops, sods, trees, tree nuts, and vegetables. Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing, and sales in the field not involving a permanent structure.

Agriculture: Raising of Livestock. The use of land for dairying, small animal raising, breeding, and pasturage of livestock and the necessary accessory uses; provided, however, that such accessory uses shall be secondary to that of normal animal husbandry activities. The raising of livestock shall not include the commercial feeding of garbage or offal to swine or other animals.

Alley. Any public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Anemometer. An instrument that measures the force and direction of wind.

Animal Boarding & Kennels. An establishment used for overnight accommodations of household pets. Use of a kennel shall be incidental to the boarding use. In no instance shall exterior kennels be used for overnight accommodations.

Animal Hospital & Veterinary Office. An establishment where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use of a kennel shall be limited to short-term boarding and shall only be related and incidental to the hospital use.

Animal Training & Pet Day Care. An establishment used for the schooling, exercising, care of, or any other animal husbandry activities for household pets during the day and without overnight stays. Use of a kennel shall be incidental to the training and day care use.

Applicant. Unless otherwise specified, an owner of a property or an agent for the owner, including a sub divider, developer, attorney, or similar representative, who has filed an application for review.

Architect. An architect registered in the State of Ohio to practice in the field of architecture.

Art and Dance Studios, Galleries and Museums. A room, or series of rooms, where artwork, such as paintings, photography, dancing, designer works, and similar practices are displayed or learned.

Assisted Living Facility. A long-term facility that provides housing, personalized support services, and health care designed to meet the individual needs of persons who need help with the activities of daily life such as meals, medication management, or assistance with bathing and dressing, but do not need the degree of medical care provided in a skilled nursing facility.

Auto Repair Service. A facility that performs all customary repair services for automobiles or other motorized equipment owned by the public.

Auto Sales and Leasing. Any building or land used for the display and sale or lease of new or used motor vehicles, motorcycles, recreational vehicles, and trucks in operational condition.

Auto Washing Establishment. Any structure or part thereof used for the washing of automobiles either by manual or assembly line techniques, utilizing employees or an occupant of the automobile or a combination of both.

Automated Teller Machines (ATM). An automated device that performs banking or financial functions as a location remote from the controlling financial institution. ATM's located within a building shall be considered an accessory to the principal use.

B

Banquet Facility. A facility or building available for lease by private parties that may include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption during scheduled events that are not open to the public, and/or outdoor gardens, decks, or reception facilities.

Bar/Tavern. An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may be available for consumption on the premises.

ADMINISTRATION

ARTICLE 24: DEFINED WORDS

24.2 Defined Words

Basement. A story having part but not more than ½ its height below grade that may be used as habitable space. A basement is counted as a story for the purpose of height regulations.

Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Bed and Breakfast Establishment. A private owner-occupied residence with one to three guest rooms contained within the residence and operated so that guests shall reside at the residence for a temporary basis. No kitchen facilities shall be provided for use by guests.

Board of Township Trustees. The Board of Township Trustees of Delhi Township, Hamilton County, Ohio.

Board of Zoning Appeals (BZA). The Delhi Township Board of Zoning Appeals.

Borrow. Earth material acquired from an offsite location for use in grading on a site.

Brewery, Micro. A limited-production brewery that produces less than 15,000 barrels per year and that typically produces specialty beers that are generally only sold locally.

Brewery, Nano. A limited- production brewery that uses a three-barrel or small system.

Brewpub. An establishment selling beer brewed on the premises and including a restaurant.

Buffer. An area of natural vegetation or planted landscaping adjoining or surrounding a land use and unoccupied in its entirety by any building, structure, paving or portion of such land use, for the purposes of screening and softening the effects of the land use, no part of which buffer is used for recreation or parking.

Building. Any permanent or temporary structure having a roof supported by columns or walls, used, or intended to be used for the shelter or enclosure of persons, animals or property.

Building Area. The total floor area of the principal building and all accessory structures and buildings, including unenclosed porches, but excluding terraces and steps, measured from the outside perimeter of the building or structure.

Building, Height of. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height of level between eaves and ridge for gable, hip and gambrel roofs.

Building Line. The line indicating the minimum horizontal distance required between the street line and the building or any projection thereof other than a step or porch.

Building Setback. The closest point at which a building may be constructed in relation to the lot line(s).

Building/Unit Frontage. The maximum horizontal width of the ground floor of a building that approximately parallels and faces an adjacent public right of way. In the case of a building where an individual occupant would have no building frontage, the maximum horizontal width of the portion of the building where that occupant's main entrance is located shall be considered that occupant's separate and distinct building frontage. In the case where the ground floor of a building is occupied by 2 or more different tenants, the portion of the building frontage occupied by each tenant shall be considered a separate and distinct building frontage. Corner lots and through lots shall be considered to have only one distinct and separate building frontage for signage purposes.

C

Caliper. A horticultural method of measuring the diameter of nursery stock. For trees less than four inches in diameter, the measurement shall be taken at six inches above the ground level. For trees greater than four inches in diameter up to and including 12 inches, the caliper measurement shall be taken at 12 inches above the ground level. For trees greater than 12 inches in diameter, the measurement shall be taken at 4.5 feet above the ground.

Cellar. A story having more than ½ of its height below grade that is not used as habitable space. A cellar is counted as a story for the purpose of height regulation only if used for dwelling purposes.

Cellular Telephone Communications Tower. A structure that is intended for transmitting or receiving cellular telephone communications.

Cemetery. An area of land set apart for the sole purpose of the burial of bodies of dead persons or animals, and for the erection of customary markers, monuments, and mausoleums.

Church/Place of Worship. A building or site used principally for religious worship. Use of a Sunday School may be incidental to the Church/Place of Worship.

Clear Fall Zone. Areas surrounding a wind turbine unit into which the turbine, tower and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other conditions causing turbine failure. The area shall remain confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that if the turbine shall fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not intrude onto neighboring properties.

Club, Lodge, or other Meeting Places. Building and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit which insures to any individual and not primarily to render a service which is customarily carried on as a business.

Commission. The Delhi Township Zoning Commission.

ADMINISTRATION

ARTICLE 24: DEFINED WORDS

24.2 Defined Words

Community Development Director. The Delhi Township Community Development Director, and their designees, are those persons designated by the Township Trustees to administer and enforce this Zoning Resolution.

Community Events and Festivals. Any planned gathering, typically a celebration that is open to the public and may be located on public or private property.

Community Social Service Facility. An establishment housing a public or non-profit agency that provides counseling, therapy, or other social or human service to persons needing such services due to physical, mental, emotional, or other disability or hardship. This definition does not include schools, hospitals, clinics, day cares or residential uses.

Community Unit Plan. As used in Article [11](#) a "Community Unit Plan" means a development which is planned to integrate residential use with commercial, industrial, or any other collateral use.

Conditional Use. Means a use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval from the Board of Zoning Appeals.

Construction and Large Equipment Rental, Sales, and Service. A place providing the rental, sales and service of tools and equipment primarily used for the purpose of construction, earthmoving, or similar activity.

Cowling. A streamlined removable cover that encloses a turbines nacelle.

Country Club. A golf course, including a clubhouse and incidental facilities, owned or operated by a club charging a membership fee.

D

Day Care Center, Adult. A place that provides community-based programs designed to meet the health, social, and related needs of functionally impaired adults during daytime hours.

Day Care Center, Child. A place in which child day care is provided, with or without compensation, for 13 or more children at one time or any place that is not the permanent residence of the licensee of administrator in which childcare is provided, with or without compensation, for seven or more children at one time or four or more children under two years of age at one time. Any children under six years of age who are related to a licensee, administrator, or employee who are on the premises shall be counted.

Day Care, Home, Type A. As defined by the Ohio Revised Code Section 5104.01 or as amended, a permanent residence of the administrator in which childcare or publicly funded childcare is provided for seven to twelve children at one time or a permanent residence of the administrator in which childcare is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. "Type A family day-care home" and "type A home" do not include any child day camp. .

Day Care, Home, Type B. As defined by the Ohio Revised Code Section 5104.01 or as amended, a permanent residence of the provider in which care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type family day-care home" and "type B home" do not include any child day.

Density. The number of dwelling units per gross acre constructed or allowed to be constructed.

Development. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Development Plan. A plan for a specific development and specific parcel or tract of real estate, illustrated by a plat showing the boundaries of such parcel or tract, the location, size, height, and use of all structures, all vehicular and pedestrian ways and parking areas, both public and private, and all landscaped areas to be erected and maintained thereon; and further explained by such specifications, conditions and limitations as may be imprinted on the plat, or contained in the Amendment or Supplement to the Resolution incorporating the development plan as an integral part of the zoning regulations applicable to the real estate.

Distillery, Micro. A small, often boutique-style distillery, established to produce beverage grade spirit alcohol in relatively small quantities, usually done in single batches.

District. A section or sections of the unincorporated area of Delhi Township, Hamilton County, Ohio, for which the regulations governing the use of buildings and premises, the height of buildings, size of yards and the areas of lots are uniform.

Driveway. A private road giving access from a private or public street to a building or abutting ground.

Driving Range. An area equipped with distance markers, clubs, balls, and tees for practicing golf shots. Use may include a partially enclosed structure to protect the golfers from weather elements.

Dwelling. Any building or portion thereof designed or intended to be used exclusively for residence purposes, but not including a tent, cabin, trailer or trailer coach.

ADMINISTRATION

ARTICLE 24: DEFINED WORDS

24.2 Defined Words

Dwelling, as Part of a Mixed-Use Development. A dwelling unit, designed in a way that is functionally integrated into the same building or development as other uses, such as office, institutional or commercial.

Dwelling, Attached Single Family. A single-family dwelling unit that is attached to one or more dwelling units that each have their own independent exterior access and each with no less than two exterior walls.

Dwelling, Detached Single Family. A building designed for or occupied exclusively by one family.

Dwelling, Multiple Family. A building or portion thereof designed for or occupied by more than two families.

Dwelling, Two Family. A building designed for or occupied exclusively by two families.

E

Earth Material. Any rock, fill, or natural soil and/or combination thereof.

Easement. Authorization by a property owner for the use of another, for a specified purpose, of the designated part of the property.

Educational Facilities, Primary. Any private, public, or institution having a curriculum equivalent to that ordinarily given in elementary, middle and high schools, provided no rooms are regularly used as housekeeping or sleeping rooms.

Educational Facilities, Secondary. Any private or public secondary educational institution that includes, but is not limited to secretarial schools, colleges and universities, business schools, seminaries, or any other institution providing collegiate level curriculum.

Engineer, Registered Professional. A Civil Engineer registered in the State of Ohio to practice in the field of civil engineering.

Engineering Geologist. A full member in good standing of the Association of Engineering Geologists or the American Institute of Professional Geologists.

Entertainment, Indoor or Outdoor. Predominately spectator or commercial recreational uses conducted within an enclosed building including movie theaters, live theater, concerts, sporting events, arcades, and other similar uses. This use does not include sexually oriented businesses, adult entertainment establishments, and gun shooting ranges.

Equipment Rental. An establishment where property is sold, rented, leased, or licensed to customers to the extent that the item is actually used by the customer for rental, lease, or license. This does not include construction and large equipment rental, sales, and service.

Erosion. The wearing away of the land surface by the action of wind, water, gravity, or other natural process.

Excavating or Excavation. Any artificial or mechanical act by which earth, sand, rock, or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.

F

Façade. Any exterior wall of a building or structure.

Family. A person or a group of persons occupying a premise and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house or hotel, as herein defined.

Farmers Market. An organized seasonal outdoor market containing four or more independent vendors open to the public at which locally grown produce and flowers, value-added agricultural products, and fresh baked goods are sold by persons or their representatives who typically grow, harvest or process such items from their farm or agricultural operation.

Federal Emergency Management Agency (FEMA). The agency with the overall responsibility for administering the National Flood Insurance Program.

Fence. A boundary enclosure, decorative feature or separating barrier made of wire, wood, metal, masonry, or other material which is inanimate.

Fill or Filling. Any artificial or mechanical act by which earth, sand, gravel, rock, or any other material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom; the difference in elevation between a point on the original ground and a designated point of higher elevation on the filled grade; the material used to make a fill.

Flex Space (Warehouse). Space that offers businesses build-out opportunities to tailor the space to their needs.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; the unusual and rapid accumulations or runoff of surface waters from any source.

Flood Plain. Any land area susceptible to being inundated by water from any source.

Flood Plain Management Definitions. Certain terms used in this Resolution are defined as set forth in regulations governing the National Flood Insurance Program (44 CFR Section 59.1), and in Flood Plain Management Definitions (Hamilton County Regional Planning Commission, June 1982).

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floodway Fringe. The area of the base flood plain outside the floodway.

ADMINISTRATION

ARTICLE 24: DEFINED WORDS

24.2 Defined Words

Floor Area. The sum of the gross horizontal areas of all floors measured in square feet, not including the basement or cellar floor, measured from the exterior faces of the exterior walls or from the centerline of walls separating to buildings or units. Floor area includes all areas used for storage, elevator shafts, and mechanical equipment.

Food Manufacturing. The process of taking edible raw materials and transforming them into food products that can be bought and sold. The slaughtering and processing of animals is prohibited.

Foot-candle. A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

Fowl. Includes waterfowl, such as ducks, swans, and geese; game fowl, such as turkeys and pheasants; and domesticated barnyard birds such as chickens.

Frontage. All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead-end street.

Fuel Station. Any establishment or land used for the retail dispensing or sales of vehicular fuels and the services incidental thereto, including a convenience store.

Funeral Home, including Crematorium. An establishment or part thereof used for human funeral services and which may include space for the embalming and other services used in the preparation of the deal for burial, the storage of caskets, funeral urns, and other related supplies, the storage of funeral vehicles, facilities for cremation, chapels and other related uses.

G

Garage. An accessory building or a portion of a principal building, including carports, which are intended for and used for storing motor vehicles and personal property. Such use shall be subordinate in area to the residential living quarters and in which no business, service, or industry is performed.

Garage/Yard Sale. The sale or offering for sale to the general public items or personal property on any portion of a lot in a residential zoning district, whether within or outside of a structure.

Garden Center. An establishment that sells gardening supplies such as seeds, plants, fertilizer, and tools. Use may be incidental to a home improvement or similar type retail establishments.

Golf Course. An area of land laid out for golf with a series of holes (up to 18) each including a tee, fairway, and putting green and often one or more natural or artificial hazards.

Government Facility. Any building or structure or portion thereof, used by a government agency for administrative or service purposes, but not including buildings devoted solely to the storage and maintenance of equipment and materials. "Government facility" includes but is not limited to fire stations, police stations, government offices, and other similar uses.

Grade

1. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.
2. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets.
3. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.
4. Any wall approximately parallel to and not more than five feet from a street line is to be considered as adjoining the street.

Grade Level. A practically horizontal surface of land area around, adjacent to, and upon which a sign or light stanchion rests.

Green Space. An area of property covered with grass, landscaping, vegetation, water areas or courses, or recreational amenities. Such shall not include off-street parking areas, streets, or right-of-way.

Greenhouse, Commercial. A glassed or translucent structure to produce plants in large volume for sale to distributors.

Ground Mounted, Alternative Energy. An alternative energy project which is not attached to a building and which is either attached directly to the ground or elevated on a supporting structure attached to the ground.

Group Home. As defined by the Ohio Revised Code Section 5101:2-1 or as amended, a public or private facility which provides placement services for children and is licensed, regulated, approved, operated under the direction of, or otherwise certified as a group home by ODJES, the Ohio department of education, a location board of education, the Ohio department of youth services, the Ohio department of mental health, a county board of mental health, the Ohio department of development disabilities, a county board of development disabilities, or a political subdivision.

H

Health Department. Hamilton County Public Health.

Highway, Major or Secondary. An officially designated state or federal numbered highway or other road designated as a major street on the official Motorway Plan of Hamilton County.

Home Improvement Center. An establishment that combines the functions of a hardware store and lumber yard. Garden and Landscape Centers are typically an incidental use to the Home Improvement Center.

ADMINISTRATION

ARTICLE 24: DEFINED WORDS

24.2 Defined Words

Home Occupation. Any occupation, profession, use, or activity, which is carried out by a member of the family residing on the premises, and which is incidental to the principal residential use of the property.

Hospital. An institution providing health services and medical or surgical care to persons, primarily temporary in-patients, with illness, disease, injury, deformity, or other physical or mental condition, and including as an integral part of the institution related facilities such as laboratories, out-patient facilities or training facilities. This definition does not include institutions for the permanent care of, or occupation by, the poor, infirm, incurable, or insane.

Hotel or Motel. A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding house or lodging house. Use of a restaurant and/or banquet facility may be incidental to the Hotel or Motel.

I

Impervious Surface. Any hard-surfaced, man-made area that does not readily absorb or retain water, including, but not limited to, building roofs, parking and driveway areas, sidewalks, and paved recreational facilities.

Industrial, High-Tech (Light). A mix of light manufacturing, warehousing, and service uses, when pertaining to advanced technology or methods, and the most modern equipment.

Industrial, Light. The manufacturing of moderate amounts of partially processed material to produce items of relatively high value per unit weight, including but not limited to the manufacturing of clothes, shoes, furniture, consumer electronics, and household items.

Industrial, Heavy. The manufacturing of large, heavy articles and materials in bulk, including, but not limited to, the production of automobiles, coal, steel, and chemicals.

Institutions, Educational, Religious, Charitable, Philanthropic Nature. A non-profit non-governmental entity that utilizes donated assets and income to provide social useful services.

J

Junk Motor Vehicle. A motor vehicle that meets the criteria in ORC Section 505.173.

K

Keeping of Agricultural Animals and Fowls as Pets. The non-commercial raising and caring of agricultural animals and fowls as pets.

L

Laboratory. A place equipped for experimental study in a science or for testing and analysis.

Landscape Supply. See Garden Center.

Landscaping Services. A service which provides lawn care, irrigation set-up, leaf removal, planting, pruning, mowing, mulching, snow removal, and other incidental uses complimentary to the maintenance and care of the exterior of all properties. This does not include the care and maintenance of the exterior of structures.

Lawn. An area of short, mown grass in a yard, garden, or park.

Logo. An identifying statement or image (i.e., motto, trademark, symbol, etc.)

Lot. A parcel of land occupied or intended for occupancy by a use permitted in this Resolution and the open spaces required by this Resolution and having its principal frontage upon a street or place.

Lot, Corner. A lot abutting upon two or more streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of less than 135 degrees.

Lot, Depth of. The mean horizontal distance between the front and rear lot lines.

Lot, Double Frontage. A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

Lot, of Record. A lot which is a part of a subdivision, the map of which has been recorded in the office of the Recorder of Hamilton County; or a parcel of land, the deed to which was of record on or prior to the effective date of this Resolution. For the purpose of these regulations, any preliminary plan of a subdivision which has been approved by official action of the Regional Planning Commission of Hamilton County, Ohio, and prior to the effective date of this Resolution, shall have the same status as if the subdivision plan was officially recorded in the office of the Recorder of Hamilton County.

Lot, Panhandle. A lot utilizing a narrow strip of land or stem to provide access to, or legal frontage on, a public street. Such lots are also commonly referred to as "rear lots" and "flag lots". The panhandle of such lots is not considered a building site, nor is the area of such included in calculating the lot area.

M

Market, Outdoors. An organized temporary outdoor market containing less than four independent vendors open to the public at which products and food for consumption are sold.

Medical Marijuana. Means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose as defined in Ohio Revised Code Section 3796.01.

Medical Marijuana, Cultivation. Means a medical marijuana cultivation facility licensed by the State of Ohio.

Medical Marijuana, Processing. Means medical marijuana processing licensed by the State of Ohio.

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24.2 Defined Words

Medical Marijuana, Related Business or Home Occupation. Means a business or home occupation use involving, in whole or in part, the cultivation, processing, distribution, and/or wholesale or retail sale of medical marijuana on the premises. This definition shall specifically include, but is not limited to, dispensaries of medical marijuana; facilities for the cultivation, packing, transportation, processing, storage, and/or sale of medical marijuana; and bakeries or kitchens producing edible forms of medical marijuana or products containing the same.

Medical Marijuana, Retail Dispensary. Means a medical marijuana retail dispensary licensed by the State of Ohio.

Medical Office. Office or clinic uses concerned with the diagnosis, treatment, and care of human beings related to medicine or dental. This definition does not include hospitals or convalescent homes.

Megawatt. A unit of power equal to one million watts.

Miniature Golf Course (Indoor & Outdoor). A miniature course having tunnels, bridges, sharp corners, and obstacles that is played with a golf putter. Courses may also be called mini-golf, mini-putt, crazy golf, or putt-putt.

Mixed-Use or Mixed-Use Building. Mixed-use or mixed-use building shall mean a combination of residential use with office, institutional, or commercial uses in the same building.

Mobile Food Use. A vehicle or a cart used to prepare and serve food and/or beverages in individual portions in a ready-to-consume state. It does not include the sale of groceries, vegetables, fruits, or other foods not prepared for immediate consumption.

Mobile Home. A manufactured housing unit for permanent human habitation transportable in one or more sections, which is built on a permanent chassis, and designed to be used without a permanent foundation. It does not include recreational vehicles or travel trailers and is not a dwelling or accessory structure for the purpose of this Resolution.

Mobile Medical Use. A vehicle used for the following: blood donations, immunizations, medical evaluation, imaging, diagnostic, or testing procedures. It does not include massage or any type of surgery.

Monopole Tower. A tower constructed of a single, self-supporting metal tube, anchored to a foundation.

Motion or Intermittence. Changing of physical position by any movement or rotation or visual impression of such movement or rotation.

Mural. A hand-produced work of visual art which is tiled or painted by hand directly upon, or affixed directly to, an exterior wall of a building or structure. A Mural that meets the definition of a sign is considered a sign.

N

Nacelle. Sits atop a tower and contains the essential mechanical components of a turbine to which the rotor is attached.

Natural Terrain. Existing ground as shown on the most recent topographical map for Delhi Township, Hamilton County, Ohio.

Non-Conforming Sign. A permanent sign existing on premises which was legal on the effective date of the applicable section or sections of this Resolution and which does not conform with the provisions of this Resolution.

Non-Conforming Use. Any building or land lawfully occupied by a use on the initial effective date of this Resolution or amendment thereto, which is not permitted as-of-right or does not conform to the use regulations in the district in which it is situated.

Non-Profit Organization. A corporation or an association that conducts business for the benefit of the general public without shareholders and a profit motive and is exempt from taxation under Sec. 501 (c) (3), (4), (7), (8), (10), or (19) of the Internal Revenue Code, Title 26, United States Code, and/or incorporated under Chapter 1702 of the Ohio Revised Code pertaining to non-profit corporations. Non-profit organizations do not include religious places of worship.

O

Occupiable. As used in Section [4.5, A., 10](#), a building or structure designed to accommodate a vehicle, lawn mower, recreational vehicle, tools, home goods, or other similar items. Such buildings and structures shall not be used for habitable space.

Offices. A building or portion of a building wherein services are performed involving predominately administrative, professional, or clerical operations.

Official Thoroughfare Plan. The official plan for the major highways and streets in Hamilton County on file in the office of the County Recorder, County Engineer, and the Regional Planning Commission, with all amendments and supplements thereto.

Other Defined Terms. The defined terms in ORC 2907.39 & ORC 2907.40 are incorporated herein by reference to the extent not restated herein.

Outdoor Dining and Eating Areas. Areas on sidewalks (public or private), patios, or other unenclosed areas, excluding vehicular use areas, which are designated for outdoor seating where patrons may be served food and beverage for on-site dining.

Outdoor Markets. An organized outdoor market containing four or more independent vendors open to the public at which arts, crafts, locally grown produce and flowers, value-added agricultural products, and fresh baked goods are sold by persons or their representatives who typically grow, harvest, make, design, or process such items.

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24.2 Defined Words

Owner, Alternative Energy Equipment. The person or entity that owns an alternative energy project.

Owner, Alternative Energy Participant. The owner of the property on which an alternative energy project is built.

P

Park/Open Space, Active. Any park or recreational facility that is a developed piece of land consisting of special facilities, courses, fields, or equipment. Typically, such spaces have playgrounds, organized sporting events and require high levels of maintenance.

Park/Open Space, Passive. Any park or recreational facility that is generally an undeveloped piece of land which requires minimal maintenance. Typically, such spaces are for the health and well-being of the public and for the preservation of wildlife and the environment.

Parking Garage. A structure built that may be above grade, below grade, or a combination thereof, that provides off-street parking for motorized vehicles.

Parking Lot. A parcel of land devoted to unenclosed parking spaces.

Parking Space. A permanently surfaced area of not less than 180 square feet, either within a structure or in the open for the parking of a motor vehicle, having adequate ingress and egress to a public street, alley, or parking aisle.

Personal Services. Activities conducted in an office, store, or other place of business catering to the personal needs of a customer such as, but not limited to those activities normally conducted by a barber, beautician, tailor, or dressmaker.

Pervious Surface. Any hard-surfaced, man-made area that allows water to penetrate to the surface below, such as porous asphalt or concrete, interlocking paving blocks, concrete grid pavers, or perforated brick pavers, but does not include a gravel surface.

Pharmacy. An establishment where medicines are compounded and dispensed. The compounding and dispensing of medical marijuana are prohibited. A pharmacy may be an incidental use to a hospital or other similar medical facilities.

Place. An open unoccupied space at least 30 feet wide, other than a street or alley, permanently reserved as the principal means of access to abutting property.

Planned Unit Development (PUD). A development that is planned for a single use, or to integrate a variety of uses with collateral uses, in which lots, setback lines, yard areas, and building types may be varied and modified to achieve particular design objectives and make provision for open spaces, common areas, utilities, public improvements, and collateral uses.

Plat. A map or other scale drawing of a lot, or other parcel of ground, showing shape and dimensions.

Preschool. A school for children usually younger than those attending elementary school or kindergarten.

R

Recreational Vehicles and Equipment. Recreational vehicles and equipment are defined as, and shall include the following, in addition to other equipment and/or vehicles which meets the same general standards as outlined:

1. **Construction Trailer.** Vehicular type portable structures, without permanent foundations, primarily designed to be used as an on-site construction office and/or to store construction machinery, tools, and equipment.
2. **Fifth Wheel Trailers.** A vehicle that is of such a size and weight as to be movable without a special highway permit, that has a gross trailer area of 400 square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck.
3. **Folding Tent Trailer.** Any vehicle intended to be used, when stationary, as a temporary shelter with living and sleeping facilities.
4. **Motorized Home (Motor Home).** A self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking, and consuming of food and for sleeping.
5. **Park Trailer.** A vehicle that is commonly known as a park model recreational vehicle, meets the American National Standard Institute standard A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of 400 square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities for the operation of installed features and appliance.
6. **Pick-Up Camper (Truck Camper).** A non-self-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle, it does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.
7. **Utility Trailer.** Those designed and intended to carry, haul, or transport materials, goods, boats, motorcycles, objects, animals, equipment, etc.

8. **Watercraft.** Any of the following when used or capable of being used for transportation in the water:
- a. A vehicle or vessel operated by machinery either permanently or temporarily affixed;
 - b. A sailboat other than a sailboard;
 - c. An inflatable, manually propelled boat that is required by Federal law to have a hull identification number meeting the requirements of the United States Coast Guard; or
 - d. A canoe or rowboat.

Regional Planning Commission. The Regional Planning Commission for Hamilton County, Ohio.

Registered Professional Engineer. A Civil Engineer registered in the State of Ohio to practice in the field of civil engineering.

Religious Places of Worship. An institution that a congregation of people regularly attend to participate in or hold religious services, meetings, and other activities, including buildings in which the religious services of any denomination are held.

Research and Development. A building in which scientific research, investigation, testing, or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental to the main purpose of the laboratory or facility.

Residential Facility. As defined by the Ohio Revised Code Section 5119.34 or as amended, a publicly or privately operated home or facility that falls into one of the following categories:

- a. Class One facilities provide accommodations, supervision, personal care services, and mental health services for one or more unrelated adults with mental illness or one or more unrelated children or adolescents with severe emotional disturbances.
- b. Class Two facilities provide accommodations, supervision, and personal care services to any of the following:
 - i. One or two unrelated persons with mental illness,
 - ii. One or two unrelated adults who are receiving payments under the residential state supplement program, or
 - iii. Three to sixteen unrelated adults.
- c. Class Three facilities provide room and board for five or more unrelated adults with mental illness.

Restaurant. An establishment whose principal business is the selling of food and/or beverages to customers in a ready to consume state and in individual servings, and which include coffee shops, cafés, bakeries, and other similar establishments.

Retail Sales. An establishment engaged in the sales of goods, including, but not limited to: clothing and shoes, jewelry, luggage and leather goods, alcoholic beverage sales, furniture and home furnishings, electronic appliances, sporting goods and hobbies, books, periodicals and music, tobacco sales, department stores, flowers, office supply and stationary, gifts and novelties, pets, hardware, and pawn shops. The classification includes the retail sales of merchandise not specifically listed under another use classification.

Roadside Stands. A temporary structure on land adjacent to a street usually for the attraction of motorists for profit-making purposes. Common roadside stands sell local food, produce, firewood, handcrafted items, or imported goods.

Roof/Building Mounted. An alternative energy project which is attached to a building or roof.

Rotor Diameter. The cross-sectional dimension of the circle swept by rotating blades.

S

Satellite Dish. A device capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

Sediment. Solid material both mineral and organic, that is in suspension, is being transported, or has been moved from its original site by origin by air, water, or gravity as a product or erosion.

Self-Storage Facility (Indoor and Outdoor). A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for the storage of personal property.

Senior Living Facility. See “Assisted Living Facility”.

Setback. The required distance between a building and a lot line, street right-of-way, pavement, stream or riverbank, wetland, or another delineated site feature.

Sexually Oriented Business and Related Definitions:

1. **Adult Bookstore, Adult Novelty Store, or Adult Video Store.** A commercial establishment that, for any form of consideration, has as a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental of any of the following:
 - a. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

- b. Instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.
 - c. “Adult bookstore,” “adult novelty store,” or “adult video store” includes a commercial establishment as defined in Section 2907.38 of the Ohio Revised Code. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials exhibiting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store. The existence of other principal business purposes does not exempt an establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, such materials that exhibit or describe specified sexual activities or specified anatomical areas.
- 2. **Adult Cabaret. A night club, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:**
 - a. Persons who appear in a state of nudity or semi-nudity.
 - b. Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities.
 - c. Films, motion pictures, video cassettes, slides, or other photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.
- 3. **Adult Entertainment.** The sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.
- 4. **Adult Entertainment Establishment.** An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theatre, adult theater, nude or seminude model studio, or sexual encounter establishment. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to Section 4731.15 of the Revised Code, is not an “adult entertainment establishment.”

5. **Adult Motion Picture Theater.** A commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions that are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.
6. **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances that are characterized by their emphasis upon the exposure of specified anatomical areas or specific sexual activities.
7. **Distinguished or Characterized by Their Emphasis Upon.** The dominant or principal character and theme of the object description by this phrase. For instance, when the phrase refers to films “that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas,” the films so described are those whose dominant or principal character and theme are the exhibition or description of specified sexual activities or specified anatomical areas.
8. **Nudity, Nude, or State of Nudity.** The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering; or the showing of the female breasts with less than a fully opaque covering of any part of the nipple.
9. **Regularly Features or Regularly Shown.** A consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult entertainment establishment.
10. **Seminude or State of Semi-nudity.** A state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.
11. **Sexual Device Shop.** A commercial establishment that regularly features sexual devices, but not including any pharmacy, drug store, medical clinic, or establishment primarily dedicated to providing medical or healthcare products or services, and not including any commercial establishment that does not restrict access to its premises by reason of age.

12. Sexual Encounter Establishment

- a. A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration a place where either of the following occur:
 - i. Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.
 - ii. Two or more persons appear nude or seminude for the purpose of displaying their nude or seminude bodies for their receipt of consideration or compensation in any type or form.
- b. An establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to Section 4731.15 of the Revised Code, is not a “sexual encounter establishment.”

13. Sexually Oriented Businesses. An adult entertainment establishment, adult bookstore, adult video store, adult cabaret, adult motion picture theater, adult theater, sexual device shop, or sexual encounter establishment, but does not include a business solely by reason of its showing, selling, or renting materials that may depict sex.

14. Specified Anatomical Areas. The cleft of the buttocks, anus, male or female genitals, or the female breast.

15. Specified Sexual Activity. Means any of the following:

- a. Sex acts, normal or perverted, or actual or simulated, including intercourse, oral copulation, masturbation, or sodomy.
- b. Excretory functions as a part of or in connection with any of the activities described in division (1) of this section.

Shopping Center. A group of two or more stores and/or shops primarily for retail sales and services, restaurants, and offices, together with the space for parking, landscaping, pedestrian areas, and services designed and developed as a unit. Outbuildings and/or out lots are considered part of a shopping center if they are integrated into the overall design of the development and contain at least one of the following characteristics:

1. Cross-access or parking agreements
2. Shared signage
3. Common maintenance and/or landscaping

Shrub. A plant that at the time of planting is at least 18 inches tall above the highest root, or of a size requiring a two-gallon pot.

Sight Triangle. The triangular area formed by a diagonal line connecting two points located on intersecting lines of a right-of-way, easement of access, or pavement edge of an access drive, each point being 20 feet from the intersecting lines.

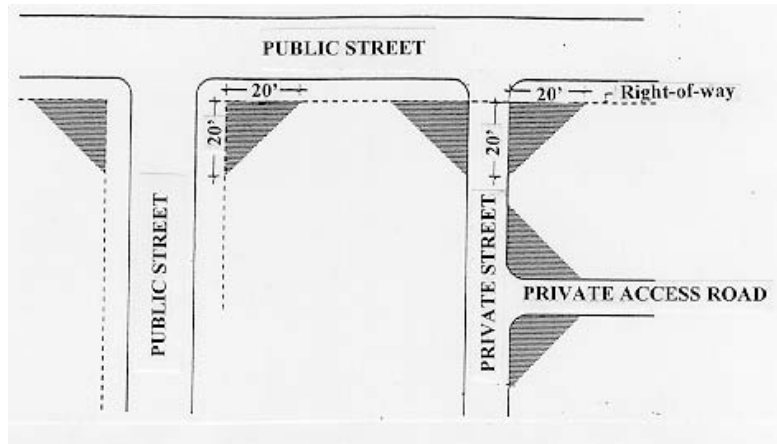


Figure 16: Sight Triangle Location and Measurements

Sign. Means any device designated to inform or attract the attention of person not on the premises on which the sign is located.

Sign, Advertising. A sign, billboard, or sign board which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered.

Sign, A-Frame. A one or two-sided sign which is constructed in the figuration of a capital “A” or an inverted “V”.

Sign, Agricultural. An advertising sign directing attention to a business, commodity, or service conducted, sold, or offered upon the premises where such sign is located, and which premises meets the definition of the term “Agriculture” as defined herein.

Sign, Canopy. A sign attached to or painted on the fascia or hanging from the soffit of a canopy or covered entrance.

Sign, Construction. A temporary sign that is posted on the site of a development project or subdivision that is currently under construction. Such signs may be posted following the approval of the subdivision by the appropriate regulatory agency and may remain posted throughout the duration of construction. Such signs may indicate the name of the project, the architect, engineer, contractor, or other similar information concerning the project. Such signs must be removed upon the completion or abandonment of the construction work.

Sign, Development. A sign which, by symbol or name, identifies a development (a subdivision, neighborhood, shopping center or commercial or industrial park, etc.) and which is located at a primary entrance to the development.

ADMINISTRATION

ARTICLE 24: DEFINED WORDS

24.2 Defined Words

Sign, Face. The surface of the sign upon or against which any message of the sign is exhibited.

Sign, Ground. See “Sign, Monument”.

Sign, Identification. A sign identifying or naming the use of the premises upon which the sign is located. Specifically, such signs may indicate the name, owner, manager and address of an existing building, business or other use, including the general type of goods sold and services rendered, but without a listing of numerous specific goods or services and without reference to brand names, prices, sales, or telephone numbers.

Sign, Illuminated. A sign which is lighted by way of an internal, external, or indirect light source.

Sign, Information. A wall/window sign bearing only information about entry and exit, business hours, authorized service representative information and/or discount, credit systems accepted in that establishment (e.g., American Express, Master Card, Visa, Golden Buckeye, etc.), and business directives (e.g., no soliciting, no firearms, etc.).

Sign, Monument. Any freestanding sign independently supported by and anchored to the ground or mounted on a decorative wall or fence.

Sign, Non-Conforming. A sign in existence prior to the effective date of this Resolution (and any pertinent amendment thereto) which does not conform to the provisions of this Resolution and must also comply with Article [17](#) of this Resolution. (See also Article [23](#))

Sign, Notification. A sign which issues a warning, announcement, attention, or notice.

Sign, Open/Close. A window or wall sign bearing only information indicating if the business is open or closed. This does not include the hours of operation.

Sign, Pole. A sign mounted on a freestanding pole or other similar support.

Sign, Projecting. A sign erected on the outside wall of a building and project out at an angle therefrom.

Sign, Square Footage. The sum of multiplying the height of the surface area times the width of the surface area of a sign. In the event that independent letters, logos, symbols, etc., are utilized, the above formula shall determine such sign’s square footage by computing the minimum area of a polygon which completely encloses the sign face and in which polygon no interior angle is greater than 180 degrees.

Sign, Surface Area. The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, logo, or any figure or similar character together with any frame or other material or color forming an integral part of a display. The area of such sign shall be determined by computing the minimum area of a polygon which completely encloses the sign face and in which polygon no interior angle is greater than 180 degrees.

Sign, Temporary. Any sign which is intended for use for a limited period of time and is not permanently attached to the ground, a structure, or other sign, and is designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

Sign, “Thomas” Type. A one- or two-sided sign constructed so that the sign face is supported by springs, or other similar support, attached to a wood or metal base which prevents said sign from toppling easily, and which may or may not flex when pressure is applied to the sign face.

Sign, Wall. A sign which is affixed to, painted on, or carved into any exterior wall of a premises which carries the name of the business, person, firm, or corporation occupying the premises and the principal goods or services rendered.

Sign, Window. A sign that is attached or affixed to the interior or exterior surface of windows of a building which carries the name of the business, person, firm, or corporation occupying the premises and the principal goods or services offered.

Site. Any lot or parcel of land or contiguous combination thereof, upon which excavation or filling is, has been, or will be performed.

Skilled Nursing Facility. A facility that offers short and long-term care for individuals who need rehabilitation services or who suffer from serious to persistent health issues. Skilled nursing facilities do not include facilities providing surgical or emergency medical services, substance abuse programs, or mental health facilities.

Slope. An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

Soil Engineer. A Civil Engineer experienced and knowledgeable in the practice of soil engineering.

Soil Engineering. The application of the principles of soil mechanics in the investigation, evaluation, and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.

Soil Scientist. A full member in good standing of the Soil Science Society of America and who has special knowledge and training in the physical, chemical, and biological sciences applicable to soil.

Solar Energy System. A solar photovoltaic panel, solar hot air or hot water panel collector device, or other type of energy system which relies upon solar radiation as a source for the generation of electricity or transfer of stored heat.

ADMINISTRATION

ARTICLE 24: DEFINED WORDS

24.2 Defined Words

Special Flood Hazard Area. All that area within A1-A30 and the unnumbered A Zones on the Flood Insurance Rate Map for Unincorporated Hamilton County, Ohio, and all that area within the unincorporated territory of Delhi Township, Ohio, designated as being within the flood plain of various streams in Appendix A of the Storm Drainage and Open Space Master Plan for Hamilton County, Ohio.

Stable, Private. A stable with a capacity of not more than two animals.

Story. That portion of a building, other than a cellar as defined herein, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, Half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than 2/3 of the floor area is finished off for use.

Street Line. A dividing line between a lot, tract or a parcel of land and a contiguous street.

Street, Private. An improved street or roadway which has not been dedicated for public use, or accepted by the Delhi Township Board of Trustees, and is not maintained by the Township.

Street, Public. An improved street or roadway which has been dedicated for public use, and accepted by the Delhi Township Board of Trustees, and is maintained by the Township. Additional public streets may be accepted and maintained by the County Engineer.

Structural Alterations. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical contents of the building.

Structure. Anything constructed, the use of which requires permanent location on the ground, or attachment to something having permanent location on the ground, including but not limited to buildings, additions to buildings, signs, accessory structures, etc.

Structure, Temporary. Any structure that is not designed for long-term use, but merely to serve some function in the short-term. This includes but is not limited to; construction dumpsters, construction trailers, portable, storage containers, and tents.

Studios for the Broadcasting of Radio, Facsimile, and Television. A place for the production and transmission of AM/FM radio or television broadcasts.

Swim Club. An indoor or outdoor pool, including a clubhouse, and incidental facilities, owned or operated by a club charging a fee.

T

Taproom. A room in which alcoholic drinks, especially beer, are available on tap.

Telecommunication Facility. Any free-standing structure, or any structure to be attached to a building or other structure, that meets all of the criteria contained in ORC Section 519.211.

Telecommunication towers may be constructed as: a “monopole”, meaning one cylindrical column in the air; a “lattice tower”, meaning three or more vertical legs trussed together, or a “guyed tower”, meaning a structure that is secured to the ground by wires, cables or similar material.

Tennis Club. An indoor or outdoor tennis facility including incidental facilities, owned, or operated by a club charging a fee.

Township. Delhi Township, Hamilton County, Ohio.

Trailer. See “Recreational Vehicle”

Tree, Canopy. A deciduous tree which at maturity will shed its leaves annually, and provide shade, and with an expected height at maturity of at least 35 feet.

Tree, Deciduous. Generally, a tree that loses all of its leaves for part of the year. Sometimes called a broad-leaf tree or a hardwood tree.

Tree, Evergreen. A coniferous tree with needles or a broadleaf tree which retains its leaves throughout the year.

Tree, Ornamental. A small to medium size tree with an expected maximum height of 20 feet or less at maturity and that is planted for aesthetic purposes such as colorful flowers, interesting bark or fall foliage.

Tree, Understory. A lower growing tree which screens, flowers, defines space and provides seasonal interest, and with a minimum height of five feet in clump form or 1.5 inches caliper in single stem form when installed.

Truck Transportation. A place where large motor vehicles consisting of either a single self-propelled unit or of a trailer vehicle hauled by a tractor unit are based to provide for the distribution of goods and services to the public or other businesses.

Trustees. The Board of Trustees of Delhi Township, Hamilton County, Ohio.

U

Use. The main use of land or buildings as distinguished from a subordinate or accessory use.

ADMINISTRATION

ARTICLE 24: DEFINED WORDS

24.2 Defined Words

V

Variance. A modification of the strict terms of this zoning resolution where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship for the property owner. Use variances shall not be granted as they are not permitted in Delhi Township.

Vehicle, Commercial. A vehicle which displays any commercial activity and which use is primarily for commercial purposes.

Vehicular Storage. The storage of operative or inoperative vehicles, including tow yards, impound yards, and storage lots for automobiles, trucks, buses, and recreational vehicles. Does not include vehicle/equipment repair activities or vehicle dismantling or salvage.

Vehicular Use Area. All areas subject to vehicular traffic including parking lots, access-ways, loading, and services areas.

W

Wall, Dividing. A wall which is common to two or more units of a building, such as a wall separating adjoining townhouses or group houses in a building group.

Warehousing. Any building or structure which is limited to the storage of equipment and material.

Wholesale Commercial Sale. An establishment that engages in the sale of goods, merchandise, and commodities for resale by the purchaser.

Wind Energy Project, Large. Wind energy projects of 5 megawatts or more shall be required to apply with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations.

Wind Energy Project, Small. A wind energy project that has a capacity of more than 2 kilowatts and less than 5 megawatts, including the wind turbine generator or anemometer or any parts thereof and is primarily used to generate energy for use on the property where it is located. Small wind energy projects shall include Horizontal Axis Wind Turbines (HAWTs), Vertical Axis Wind Turbines (VAWTs) and Blade Tip Power System (BTPSs) as shown in [Figure 17](#) and other similar devices if approved by the Delhi Township Community Development Director.

Wind Energy Project, Total Height. For a horizontal and vertical axis turbine; the vertical distance from its base to the tip of the wind generator blade when the tip is at its highest point. For a blade tip power system; the vertical distance from its base to the highest point of the turbine structure.

Wind Generator. The mechanical and electrical conversion components mounted at the top of a tower in a wind energy project.

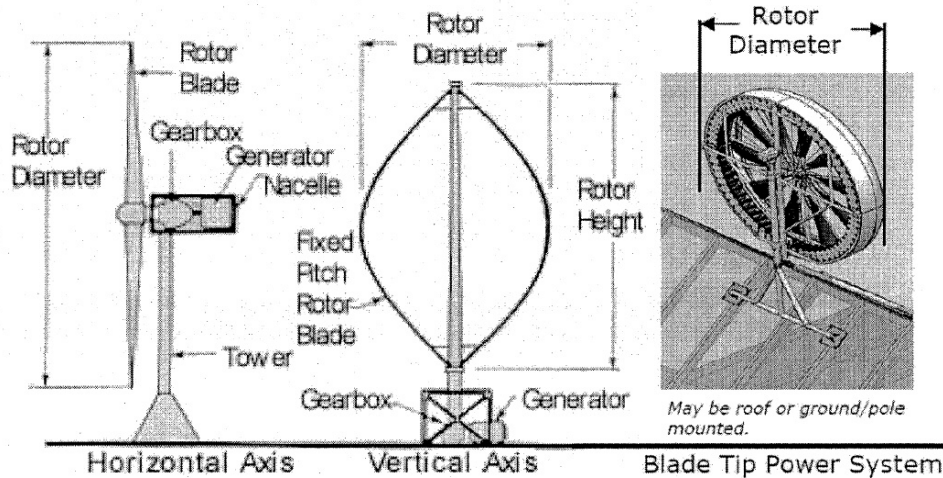


Figure 17: Wind Generator Components

Y

Yard. Any open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the nearest portion of the main building shall be used.

Yard, Front. A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or entranceway.

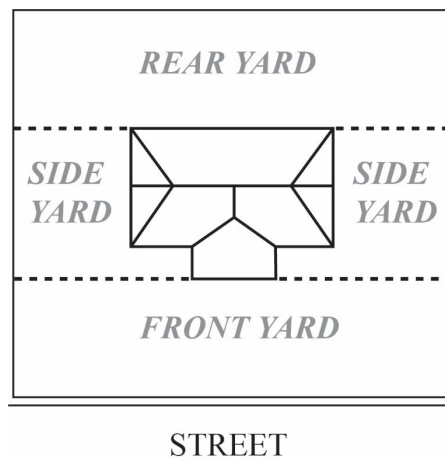


Figure 18: Interior Lot Yard Illustration

ADMINISTRATION

ARTICLE 24: DEFINED WORDS

24.2 Defined Words

Yard, Rear. A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the main building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be the yard that is parallel to the street that has the least lot width, unless the building is arranged so the primary entrance and front door faces the street with the longer lot width. In this case the rear yard shall be the yard that is parallel to the street that has the most lot width as illustrated below in [Figure 19](#).

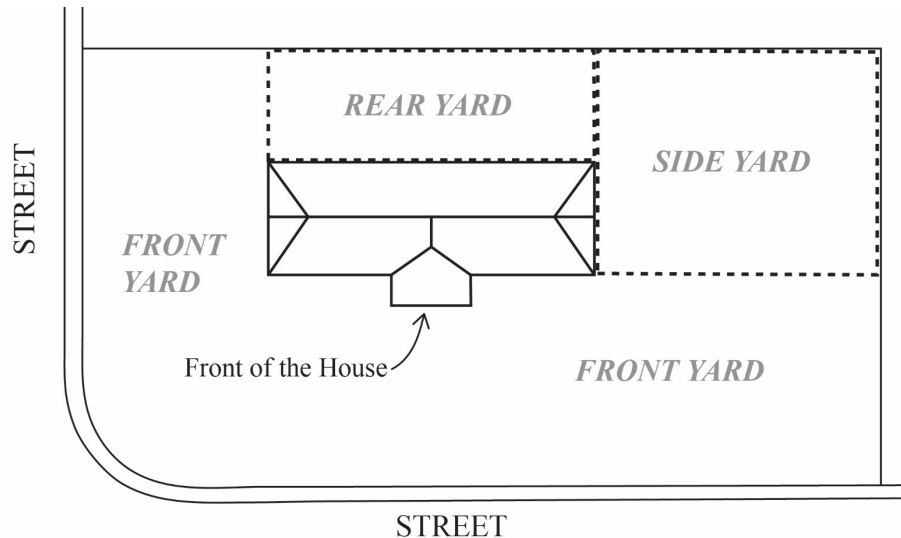


Figure 19: Corner Lot Yard Illustration Exemption with Front Door Facing the Larger Lot Width

Yard, Side. A yard between the main building and the sideline of the lot and from the front yard to the rear yard as illustrated in [Figure 18](#).

Z

Zoning Certificate. A document issued by the Delhi Township Community Development Director or their designee authorizing buildings, structures or uses consistent with the terms of this Zoning Resolution.

Zoning Certificate, Compliance. A document issued by the Delhi Township Community Development Director or their designee confirming that the work completed as part of an issued Zoning Certificate is in compliance with the issued Zoning Certificate and the regulations of this Resolution.

Zoning District. A portion of the unincorporated areas of the Township for which certain uniform regulations governing the location, height, bulk, size of building and other structures; percentages of lot area that may be occupied; the uses of building and structures; and the use of the land for the trade, industry, residence, recreation, or other purposes have been established.

Zoning Map. The approved Zoning Map of Delhi Township, Hamilton County, Ohio.

25. ADDENDUM “1”

25.1 Purpose and Intent

- A. In initiating Amendment ZC2016-1 to the Zoning Resolution, the Zoning Commission makes the following statement of intent and findings:
1. Adult entertainment establishments require special supervision from the public safety agencies of Delhi Township in order to protect and preserve the health, safety, morals, and welfare of the patrons and employees of the businesses as well as the citizens of Delhi Township.
 2. The Zoning Commission finds that adult entertainment establishments are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.
 3. The concern over sexually transmitted diseases is a legitimate health concern of Delhi Township that demands reasonable regulation of adult entertainment establishments by Delhi Township in the specified manner, and expanded authority for reasonable regulation of adult entertainment establishments by local governments, in order to protect the health and well-being of the citizens.
 4. There is convincing documented evidence that adult entertainment establishments, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, cause increased crime, particularly in the overnight hours, and downgrade property values.
 5. The Zoning Commission desires to minimize and control these adverse effects by regulating adult entertainment establishments in the specified manner. And by minimizing and controlling these adverse effects, the Zoning Commission seeks to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight.
 6. The Zoning Commission has determined that current local zoning and other locational criteria do not adequately protect the health, safety, and general welfare of the people of Delhi Township and that expanded regulation of adult entertainment establishments is necessary.
 7. It is not the intent of the Zoning Commission in making its recommendations regarding codification of the Plan to suppress or authorize the suppression of any speech activities protected by the First Amendment, but to enact content-neutral statutes that address the secondary effects of adult entertainment establishments.

8. It is not the intent of the Zoning Commission to condone or legitimize the distribution of obscene material, and the Zoning Commission recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in this state.
- B.** It is the intent of the Zoning Commission in adopting the Motion to regulate in the specified manner adult entertainment establishments in order to promote the health, safety, morals, and general welfare of the citizens of Delhi Township and establish reasonable regulations to prevent the deleterious secondary effects of adult entertainment establishments within Delhi Township. The provisions of this Motion have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent of the Zoning Commission in enacting this Motion to restrict or deny, or authorize the restriction or denial of, access by adults to sexually oriented materials protected by the First Amendment, or to deny, or authorize the denial of, access by the distributors and exhibitors of adult entertainment and adult materials to their intended market. Neither is it the intent nor effect of the Zoning Commission in enacting this Motion to condone or legitimize the distribution or exhibition of obscene material.

- C. Based on evidence concerning the adverse secondary effects of adult uses on communities presented in hearings and in reports made available to the legislature and subsequently adopted by the Ohio General Assembly as findings under Section 3 of House Bill 23 (and on findings incorporated in the cases of *Township of Littleton, Colorado v. Z.J. Gifts D-4, L.L.C.* (2004), 541 U.S. 774; *Township of Erie v. Pap's A.M.* (2000), 529 U.S. 277; *Barnes v. Glen Theatre, Inc.* (1991), 501 U.S. 560; *Township of Renton v. Playtime Theatres, Inc.* (1986), 475 U.S. 41; *Young v. American Mini Theatres* (1976), 426 U.S. 50; *California v. LaRue* (1972), 409 U.S. 109; *DLS, Inc. v. Township of Chattanooga* (6th Cir. 1997), 107 F.3d 403; *East Brooks Books, Inc. v. Township of Memphis* (6th Cir. 1995), 48 F.3d 220; *Harris v. Fitchville Township Trustees* (N.D. Ohio 2000), 99 F. Supp.2d 837; *Bamon Corp. v. Township of Dayton* (S.D. Ohio 1990), 730 F. Supp. 90, *aff'd* (6th Cir. 1991), 923 F.2d 470; *Broadway Books v. Roberts* (E.D. Tenn. 1986), 642 F. Supp. 486; *Bright Lights, Inc. v. Township of Newport* (E.D. Ky. 1993), 830 F. Supp. 378; *Richland Bookmart v. Nichols* (6th Cir. 1998), 137 F.3d 435; *Deja Vu v. Metro Government* (6th Cir. 1999), 1999 U.S. App. LEXIS 535; *Threesome Entertainment v. Strittmather* (N.D. Ohio 1998), 4 F.Supp.2d 710; *J.L. Spoons, Inc. v. Township of Brunswick* (N.D. Ohio 1999), 49 F. Supp.2d 1032; *Triplett Grille, Inc. v. Township of Akron* (6th Cir. 1994), 40 F.3d 129; *Nightclubs, Inc. v. Township of Paducah* (6th Cir. 2000), 202 F.3d 884; *O'Connor v. Township and County of Denver* (10th Cir. 1990), 894 F.2d 1210; *Deja Vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County* (6th Cir. 2001), 2001 U.S. App. LEXIS 26007; *State of Ohio ex rel. Rothal v. Smith* (Ohio C.P. 2002), Summit C.P. No. CV 01094594; *Z.J. Gifts D-2, L.L.C. v. Township of Aurora* (10th Cir. 1998), 136 F.3d 683; *Connection Distrib. Co. v. Reno* (6th Cir. 1998), 154 F.3d 281; *Sundance Assocs. v. Reno* (10th Cir. 1998), 139 F.3d 804; *American Library Association v. Reno* (D.C. Cir. 1994), 33 F.3d 78; *American Target Advertising, Inc. v. Giani* (10th Cir. 2000), 199 F.3d 1241; and other cases and on reports of secondary effects occurring in and around adult entertainment establishments in Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Houston, Texas (1983); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma Township, Oklahoma (1986); Cleveland, Ohio (1977); Dallas, Texas (1997); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Newport News, Virginia (1996); Tucson, Arizona (1990); St. Paul, Minnesota (1988); Oklahoma Township, Oklahoma (1986 and 1992); Beaumont, Texas (1982); New York, New York (1994); Ellicottville, New York (1998); Des Moines, Iowa (1984); Islip, New York (1980); Adams County, Colorado (1987); Manatee County, Florida (1987); New Hanover County, North Carolina (1989); Las Vegas, Nevada (1978); Cattaraugus County, New York (1998); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso, Texas (1986); New York Times Square study (1994); Report to ACLJ on the Secondary Impacts of Sex Oriented Businesses

(1996); findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and on testimony to Congress in 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636, 134 Cong. Rec. E. 3750; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; and from various other police reports, testimony, newspaper reports, and other documentary evidence), and subsequent findings in *Sensations, Inc. v. City of Grand Rapids*, Michigan Decency Action Council (6th Cir. 2008), 526 F.3d 291; 729, *Inc. v. Kenton County Fiscal Court* (6th Cir. 2008), 515 F.3d 485; and *Andy's Rest. & Lounge, Inc. v. City of Gary* (7th Cir. 2006), 466 F.3d 550, and the Zoning Commission's acknowledgement of the same the Zoning Commission finds:

1. Adult entertainment establishments lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments.
2. Certain employees of adult entertainment establishments, as defined in Delhi Zoning Resolution as adult theaters and cabarets, engage in a higher incidence of certain types of illicit sexual behavior than employees of other establishments.
3. Sexual acts, including masturbation and oral and anal sex, occur at adult entertainment establishments, especially those that provide private or semiprivate booths or cubicles for viewing films, videos, or live sex shows. The "couch dances" or "lap dances" that frequently occur in adult entertainment establishments featuring live nude or seminude dancers constitute or may constitute the offense of "engaging in prostitution" under Section 2907.25 of the Revised Code.
4. Offering and providing private or semi-private booths or cubicles encourages such activities, which creates unhealthy conditions.
5. Persons frequent certain adult theaters, adult arcades, and other adult entertainment establishments for the purpose of engaging in sexual activity within the premises of those adult entertainment establishments.
6. Numerous communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis salmonella, campylobacter and shigella infections, chlamydial, myoplasmal and ureoplasmal infections, trichomoniasis, and chancroid.

7. Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States: 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985, and 253,448 through December 31, 1992.
8. A total of 10,255 AIDS cases had been reported in Ohio as of January 1999. Ohio has required HIV case reporting since 1990, and the reported information shows 7,969 people living with (HIV) (4,213) and (AIDS) (3,756) in the state.
9. Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in Ohio.
10. The number of cases of early (less than one year) syphilis in the United States reported annually has risen. 33,613 cases were reported in 1982, and 45,200 cases were reported through November 1990.
11. The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.
12. The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, and exposure to infected blood and blood components, and from an infected mother to her newborn.
13. According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
14. Sanitary conditions in some adult entertainment establishments are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
15. The findings noted in divisions (C)(1) to (14) above raise substantial governmental concerns.
16. Adult entertainment establishments have operational characteristics that require or mandate reasonable government regulation in order to protect those substantial governmental concerns.
17. The enactment of the proposed regulations will promote the general welfare, health, morals, and safety of the citizens of Delhi Township.