

Darby Township Zoning Code
January 3, 2024

ZONING RESOLUTION
DARBY TOWNSHIP
PICKAWAY COUNTY, OHIO
January 2024

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PART ONE
GENERAL PROVISIONS

ARTICLE I (1) AUTHORIZATION AND PURPOSE

A. Title

This Resolution shall be known and may be cited as the Zoning Resolution of Darby Township, Pickaway County, Ohio. Unless otherwise provided herein or by the law or implication required, the same rules of construction, definition, and application shall govern the interpretation of the Resolution as those governing the interpretation of the Ohio Revised Code.

B. Purpose

The Board of Township Trustees hereby find it necessary, advisable, and beneficial to the residents of Darby Township to provide for the-division of the unincorporated area of the Township into districts or zones. This Zoning Resolution is adopted to promote and protect the public health, safety, comfort, prosperity and general welfare by regulating and limiting the use of land areas and the construction, restoration and/or alteration of buildings and uses therein, for residential, business and industrial purposes; to regulate the area dimensions of land, yards and open spaces to secure adequate light, air and safety from fire and other dangers; to regulate and restrict the bulk, height, density, and location of buildings; to protect the character of the existing agricultural, residential, business, industrial, and institutional areas and unique environmental resources; and to assure the orderly growth and development of lands, and for the purpose of dividing the municipality into various districts

C. Applicability and Limitations

Subject to the limitations specified in Section 519.211 of the Ohio Revised Code, the regulations set forth in this Zoning Resolution shall be applicable to all buildings, structures, uses and lands of any private individual or entity, or any political subdivision, district taxing unit or bond-issuing authority, located within the unincorporated area of Darby Township, Pickaway County, Ohio.

D. Interpretation and Consistency

The provisions of this Resolution shall be held to be as the minimum requirements and shall apply uniformly to each class or kind of building, structure, or land. Where the provisions of this Resolution impose greater restrictions upon buildings, structures, uses or land, than required by other codes, laws, ordinances, or restrictive covenants running with the land, the regulations of this Resolution shall govern. Conversely, these regulations shall not be deemed or construed to repeal, amend, modify, alter, or change any other law, resolution or regulation of Darby Township, or part thereof, not specifically repealed, amended, modified, altered, or changed herein.

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- E. Pursuant to Section 519.21 of the Ohio Revised Code (ORC), the zoning authority of Darby Township shall be limited as follows:
1. Except as otherwise provided in Article XL of this Resolution and ORC 519.21, nothing contained herein 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, and no zoning certificate shall be required for any such use, building or structure. However, the Township may allow the conversion of an agricultural use to another use permissible in the respective district.
 2. Nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change alteration, maintenance, removal, use or enlargement of any building or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for operation of its business. For purposes of this code, cellular towers are not considered to be a public utility.
 3. Nothing contained in this Resolution shall be interpreted to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, or restaurant is permitted.
 4. Nothing contained in this Resolution shall be interpreted to 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 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.
- F. Section 519.21(B) of the Ohio Revised Code allows a township zoning resolution, or an amendment thereof, to regulate agricultural use within any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or any area consisting of fifteen (15) or more lots approved under Section 711.131 (711.13.1) of the Ohio Revised Code, that are contiguous to one another and adjacent to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same public road.
1. Pursuant to Section 519.21(B) of the Ohio Revised Code, animal and/or poultry husbandry, including the raising, boarding, housing, or grazing of horses, cattle, sheep, goats, swine, poultry, or similar animals shall not be permitted on lots meeting the standards of ORC 519.21(B) above, and which are also one (1) acre or less in size. The processing of any such animals or their products shall also not be permitted.
 2. Animal and/or poultry husbandry shall not be permitted on lots greater than one (1) acre but not greater than five (5) acres if such lots meet the standards of ORC 519.21(B) above, and if at least thirty-five percent (35%) of the lots in the subdivision are developed with at least one (1) building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes pursuant to Section 4503.06 of the Ohio Revised Code. After thirty-five percent (35%) of the lots are so developed, any existing animal and/or poultry husbandry operation shall be considered a non-conforming use pursuant to Article V of this Resolution.

3. Permanently sited manufactured homes, as defined in Article II of this Resolution, shall be considered a permitted use in any district that permits single-family dwellings.

G. Relationship to Private Covenants and/or Restrictions

1. The standards and requirements of this Code are separate and independent from any private covenants, deed restrictions, or other private contractual arrangements relating to the development of land within Darby Township. Darby ownership is not responsible for the enforcement of such private covenants or restrictions, and nothing in this code shall be interpreted to imply any such responsibility.
2. Notwithstanding Section 1.G.1, the officials of the Township may make the owners or developers of property aware of the existence of such restrictions to the degree they are aware of said restrictions.

H. Severability

The invalidation of any clause, sentence, paragraph, or section of this Resolution by a court of competent jurisdiction shall not affect the validity of the remainder of this Resolution either in whole or in part.

Section 2.01 Interpretation

For this Zoning Resolution, certain terms and words are defined in this Article. Words and terms not specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include plural and plural shall include singular. The word "shall" is intended to be mandatory. "Occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".

Terms directly related to certain topics may be defined within the specific sections of the Resolution where those general requirements are found.

Section 2.02 Definitions

ACCESSORY USE, BUILDING, OR STRUCTURE - A use or structure subordinate to the principal use of a building on the lot or tract and serving a purpose customarily incidental to the use of the principal building. Accessory structures are located on the same lot as the primary structure and are not designed for human occupancy as a dwelling or commercial use. Examples of accessory structures are detached private garages, storage or garden sheds, pool houses, metal storage buildings, hot tubs, and other similar type buildings. This definition does not include gardens, patios, uncovered porches, and decks that are less than three and one half (3 ½) feet above the average finished Grade. Private swimming pools are regulated by Section 23(J).

ACCESSORY DWELLING UNIT (ADU) - A smaller, secondary dwelling unit on the same lot or within a primary dwelling unit. An ADU is an independent dwelling unit that provides for the basic requirements of shelter, heating, cooking, and sanitation.

ADU, ACCESSORY SUITE - An ADU that is adjacent and connected to or located completely within the primary dwelling unit, including but not limited to the basement, attic, attached garages, or an addition to primary structure.

ADU, DETACHED - An ADU located in a structure that is detached from primary dwelling unit, including but not limited to a detached garage or a newly constructed structure.

ADMINISTRATIVE AND BUSINESS OFFICE - An office which carry on no retail trade with the public and maintains no stock of goods for sale to customers.

ADULT BOOKSTORE - A commercial establishment where at least fifty-one percent (51%) of its interior floor area or retail merchandise is devoted to the sale, rent, lease, inspection, or viewing of books, films, video cassettes, DVDs, magazines, other periodicals, or digital presentations whose dominant theme is the actual or simulated Specified Sexual Activities, display or exhibition of specified anatomical areas, removal of articles of clothing, or total nudity.

ADULT BUSINESS - A means any adult bookstore, adult cabaret, adult mini-theater, or adult motion picture theater.

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ADULT CABARET - A restaurant, bar, or similar venue which features dancers, strippers, impersonators, or similar entertainers who provide live adult entertainment for commercial purposes.

ADULT ENTERTAINMENT - Any motion picture or video, live performance, display, dance, or venue whose dominant theme is actual or simulated "Specified Sexual Activities," display or exhibition of anatomical areas, removal of articles of clothing, or total nudity offered for commercial purposes.

ADULT FAMILY HOME - A residence or facility that provides accommodations to three (3) to five (5) unrelated adults and provides supervision and personal care services to at least three (3) of those adults.

ADULT GROUP HOME - A residence or facility that provides accommodations to six (6) to sixteen (16) unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

ADULT MINI-THEATER - An enclosed building with a capacity of less than fifty (50) persons used for displaying adult entertainment through films, video, or other motion pictures for commercial purposes.

ADULT MOTION PICTURE THEATER - An enclosed building with a capacity of fifty (50) or more persons used for displaying adult entertainment through films, video, or other motion pictures for commercial purposes.

ADVANCED MANUFACTURING - A use that involves computer technology, robotics, or other innovation to improve a product or process.

AGRICULTURAL USE or AGRICULTURE - The use of land for farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production (ORC 519.01).

AGRITOURISM or AGRICULTURAL TOURISM - An additional use for agricultural that brings visitors to the land for entertainment such as food, drink, games, and similar activities.

AIRPORT - A complex of runways and buildings for the takeoff, landing, and maintenance of civil aircraft that is approved and/or properly licensed by the Federal Aviation Authority or applicable agency.

ALLEY - A secondary access way that is a public right-of-way dedicated to public use for travel or transportation and affording vehicular access to abutting property.

ANIMAL SERVICE FACILITY - Any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases, and where the animals are not boarded or kept overnight except as necessary in the medical treatment of the animal. Animal care facilities may also include animal grooming establishments.

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APPEAL - A request by an aggrieved party for a review of any adverse decision by a Choose an item, official, board or commission.

ASSISTED LIVING FACILITY - A residential facility designed to meet housing and care needs of older persons and individuals with disabilities in a residential rather than institutional environment, while maximizing independence, choice, and privacy. Assisted living programs provide personal care for persons with needs for assistance in the activities of daily living and can respond to unscheduled needs for assistance. Services typically provided include meals, housekeeping, laundry and linen service, medication monitoring, transportation, and activities. Assisted living settings also typically provide features that enhance resident autonomy, such as lockable doors, full bathrooms, temperature control, and single occupancy, and may provide limited cooking facilities in individual units. Assisted Living Centers exclude nursing homes and other special housing facilities as elsewhere defined.

AUTOMOBILE-ORIENTED USE - A use where a service is rendered or a sales transaction is made while the patron is typically not required to exit their vehicle, or a facility that includes services rendered directly on, to, or for vehicles. Auto-oriented commercial facilities include, but are not limited to drive-thru restaurants, drive-in restaurants, automated teller machines (ATMs), drive-thru banks, drive-in movie theaters, car washes (all types), gas stations (including convenience market), facilities specializing in oil changes, car repair, other similar auto service facilities, and stand-alone parking lots. The sale of vehicles (new and used) in addition to any facility that provides a fixed parcel pickup location is not included within this definition.

AUTOMOBILE OIL CHANGING FACILITY - A facility where oil is removed from a vehicle and new oil is placed into the vehicle without any repair services to the vehicle being provided.

AUTOMOBILE REPAIR - Any building or portion of a building used for the servicing and minor repair of automobile including but not limited to shall include the installation of exhaust systems, repair of the electrical system, transmission repair, brake repair, radiator repair, and tire repair.

AWNING - A hood or cover that projects from the wall of a building and which can be retracted, folded, or collapsed against the face of the supporting Building.

BANK - A financial institution licensed to receive deposits and make loans. Such use may also include financial services including but not limited to wealth management, currency exchange, and safe deposit boxes.

BASE FLOOD - A flood that has an one percent (1%) chance of being equaled or exceeded in any given year.

BASEMENT - The portion of a building where the floor is not less than two (2) feet below and the ceiling is not more than four (4) feet, six (6) inches above the average grade.

BED AND BREAKFAST - A residential use consisting of one dwelling unit with no more than eight (8) rooms or suites that are rented to the public for overnight or weekly accommodation for a fee. Only the breakfast meal may be prepared for the guests by the proprietor and no other meals are provided by the proprietor. The rented rooms do not contain cooking facilities and do not constitute separate dwelling units.

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BEVERAGE SALES, ALCOHOLIC or BAR - A facility that is primarily devoted to the serving of alcoholic beverages. Food can be served but is incidental to the sale of beverages.

BEVERAGE SALES, PRODUCTION or MICROBREWERY - A limited production brewery, typically producing beers and selling them on-site or for local distribution. Can also include distilleries and other alcohol production facilities, except for vineyards, which are agritourism use.

BIO-TECHNOLOGY - A facility designed to manipulate living organisms or their components to produce useful, common commercial products such as but not limited to pest resistant crops, new bacterial strains, and novel pharmaceuticals. This type of use is typically fully enclosed by four solid walls and a roof.

BODY ARTS ESTABLISHMENT - A building or portion of a building in which a practitioner performs body piercing, tattooing, branding, or application of permanent cosmetics.

BUILDING - A combination of materials to form a construction that is safe and stable and adapted to permanent or continuous occupancy for public, institutional, residential, business, or industrial purposes.

BUSINESS - A profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

BUSINESS RETAIL - A use primarily engaged in the selling of merchandise including but not limited to clothes, food, furniture, guns, household goods, gifts, specialty items, and other similar goods, and the rendering of services that is incidental to the sale of the goods.

BUSINESS, LARGE RETAIL - A Retail or Wholesale business that is up to 20,000 square feet or larger.

BUSINESS, MEDIUM RETAIL - A Retail or Wholesale business that is up to 20,000 square feet.

BUSINESS, SMALL RETAIL - A Retail or Wholesale business that is less than 5,000 square feet and typically services nearby neighborhoods.

BUSINESS, WHOLESALE - A use that generally sells commodities in large quantities or by the piece to the general public, business members, retailers, or other wholesale establishments.

CEMETERY - means land used for or intended to be used for the burial of human or animal remains and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of the cemetery.

COMMENCEMENT OF WORK - The time at which physical improvements begin to be made to a property or structure so that it may be utilized for its intended purpose stated in the zoning permit.

COMMERCIAL RECREATIONAL FACILITY, LARGE - A facility that is full enclosed by four solid walls and a roof for the provision of athletic and amusement facilities involving the active participation of the user – public in a sports related activity and includes but is not limited to racquet courts, billiards, bowling alleys, ax throwing, miniature golf courses and arcades. “Large Commercial Recreational Facilities” are greater than 5,000 square feet.

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COMMERCIAL RECREATIONAL FACILITY, OUTDOOR - A facility that is not fully enclosed by four solid walls for the provision of athletic and amusement facilities involving the active participation of the user – public in a sports related activity and includes but is not limited to fields for soccer fields, football, baseball, lacrosse or other related sports, racquet courts, billiards, bowling alleys, ax throwing, miniature golf courses and arcades.

SMALL, OUTDOOR RECREATIONAL FACILITY - Less than 5,000 square feet.

LARGE, OUTDOOR RECREATIONAL FACILITY - 5,000 square feet or larger.

COMMERCIAL RECREATIONAL FACILITY, SMALL - A facility that is fully enclosed by four solid walls and a roof for the provision of athletic and amusement facilities involving the active participation of the user – public in a sports related activity and includes but is not limited to racquet courts, billiards, bowling alleys, ax throwing, miniature golf courses and arcades. Small Commercial Recreational Facilities are smaller than 5,000 square feet.

COMMUNICATION FACILITIES - See Telecommunications.

CONDITIONAL USE - A permissible use in specific zoning districts subject to compliance with supplement conditions and safeguards and the granting of a conditional use permit as specified in Article IX of this Resolution.

CONGREGATE or GROUP HOME - A residential care facility in which not less than nine (9) but not more than sixteen (16) persons are provided with room, board, specialized care, rehabilitative services, and supervision in a family environment.

CONTRACTOR OFFICE - A facility or area for the storage of materials, equipment, and commercial vehicles utilized by building and construction contractors, craftsmen, and tradesmen, and may include accessory offices related to such activities.

DATA PROCESSING CENTER - A facility that houses computer systems and associated data and is focused on the mass storage of data.

DAY-CARE CENTER - Any place in which child day care or publicly funded child day care is provided for thirteen (13) or more children at one time or any place that is not the permanent residence of the licensee or administrator. In counting children for purposes of this code, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted.

DAY-CARE HOME, FAMILY LARGE - A permanent residence of the administrator in which childcare or publicly funded childcare is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which childcare is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. In counting children for the purposes of this division, any children under six (6) 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 (ORC Section 5104.01(RR)). This definition does not include a residence in which the needs of children are administered to if all of the children whose needs are being administered to are siblings of the same

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immediate family and the residence is the home of the siblings. This definition shall not be construed to include child day camps.

DAY-CARE HOME, FAMILY SMALL - A permanent residence of the provider in which childcare is provided for one (1) to six (6) children at one time and in which no more than three (3) children under two (2) years of age at one time. In counting children for the purposes of this division, any children under six (6) years of age who are related to the provider and who are on the premises of the Type B home shall be counted. "Type B Family Day-Care Home" and "Type B home" do not include any child day camp (ORC Section 5104.01(SS)). This definition does not include a residence in which the needs of children are administered to if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is home of the siblings. This definition shall not be construed to include child day camps.

DENSITY, NET - The number of dwelling units permitted to be developed on a net acre of land. A net acre of land is the total acreage minus any wetlands, water bodies, public parks, open spaces, roads, or other public rights-of-way.

DEVELOPMENT - Any human-made 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 or storage of equipment or materials.

DISTRICT - A geographic section within Darby Township where certain, uniformed development standards, as delineated by this Resolution, apply.

DRIVEWAY (ACCESS-POINT) - A private drive giving access from a public way to a detached single-family dwelling on abutting ground or to a group of multifamily, commercial, or industrial buildings.

DWELLING, CONTAINER - A Residential unit built from one or more standard shipping container(s) which meets the requirements of this resolution and the current Ohio building codes.

DWELLING, DUPLEX - A building designed for two dwelling units where each dwelling shares one common wall and the remaining sides of the building are surrounded by open areas or street lines.

DWELLING, MULTI-UNIT - A building designed or used primarily as a residence with four (4) or more dwellings units.

DWELLING, ONE BEDROOM UNIT - A dwelling unit that is contained within a Multi-Unit Dwelling or mixed-used building as defined herein that contains only one bedroom.

DWELLING, STUDIO - A dwelling unit that is contained within a Multi-Unit Dwelling or mixed-use building as defined herein that combines a number of different types of rooms, such as living room, bedroom, and kitchen, into a single room.

DWELLING, THREE BEDROOM UNIT - A dwelling unit that is contained within a Multi-Unit Dwelling or Mixed-Use Building as defined herein that contains three bedrooms.

DWELLING, TWO BEDROOM UNIT - A dwelling unit that is contained within a Multi-Unit Dwelling or Mixed-Use Building as defined herein that contains two bedrooms.

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DWELLING, ONE UNIT - A building designed exclusively for one detached dwelling unit that is situated on a parcel with no other principal structures and having a "Front, Side, and Rear Yard."

DWELLING, TOWNHOME - A building designed exclusively for four (4) or more dwelling units that are structurally attached to one another, side by side, above one another, or in a quad formation, and erected as a single building.

DWELLING, TRI-PLEX - A building containing three (3) dwelling units.

DWELLING UNIT - Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking, and eating, which is designed or used for residential purposes. This definition does not include a cabin, hotel, or motel.

DWELLING UNIT, ACCESSORY - See "Accessory Dwelling Unit."

ELDERLY/RETIREMENT HOUSING - A residential complex containing multifamily dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area but exclude institutional care such as medical or nursing care and are distinguished from life care retirement centers as elsewhere defined. Also known as a nursing home.

EMERGENCY AND PROTECTIVE SHELTER - A residential facility which provides room and board for a temporary (30 days or less) period, protection, counseling, and pre-placement screening for abused, displaced, or transient children or adults.

ENCROACHMENT - The intrusion on another person's property or public right-of-way, intentional or unintentional

EQUIPMENT REPAIR, LARGE - A facility that is fully enclosed by four solid walls and a roof that is used for the repair of contactor's equipment, heavy machinery, repair equipment, motor vehicles or trucks.

EQUIPMENT REPAIR, SMALL - A facility that is fully enclosed by four solid walls and a roof that is used to repair small tools and equipment such as lawn mowers, small tractors, and other small equipment.

FAÇADE - The face of a building, especially the principal front that looks onto a street or open-space.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) - The agency with the overall responsibility for administering the National Flood Insurance Program, including the local Pickaway County Flood Plain Administrator.

FENCE - Any structure composed of wood, metal, stone, plastic or other natural or permanent material erected in such a manner and positioned as to enclose or partially enclose any portion of a lot.

FLEX-OFFICE LABORATORIES - A space for a combination of office and laboratory uses that has built out capabilities to meet individual needs.

FLEX-OFFICE, RETAIL - A space with store fronts with small rear warehousing that has built out capabilities to meet individual needs.

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FLEX-OFFICE, WAREHOUSES - A space for a combination of office and warehouse uses that has built out capabilities to meet individual needs.

FLOOD or FLOODING - A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - An official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazards within Darby Township and/or Pickaway County.

FLOODWAY - The channel of a creek, stream or other watercourse and the adjacent lands that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

FLOOR AREA - The sum of the gross horizontal areas of a building, measured from the exterior faces of the exterior walls or from the centerline of common walls separating two buildings. Floor area for the purpose of these regulations will not include basement, elevator and stair bulkheads, attic space, terraces, breezeways, open porches, and uncovered steps.

FOOD TRUCK - A vehicle from which food for human consumption is sold and dispensed. Said food can be prepackaged or prepared within the vehicle. Such vehicle may be self-propelled or towed by another vehicle and must be licensed in the state of Ohio.

FRONTAGE or LOT FRONTAGE - The portion of a lot that directly abuts a public street or street right-of-way and provides primary access to the property. If a lot has two (2) or more segments that abut a public street or street right-of-way that are not continuous or abuts two (2) or more separate and distinct rights-of-way, the segments shall not be totaled together when calculating lot frontage. Rather each side of the lot abutting a public right-of-way shall be considered to the front of a lot and both must comply with the minimum frontage and front setback requirements (see Section 14.B). Property lines that abut limited access roads shall not be construed to be included within any calculation of lot frontage.

FUNERAL SERVICES FACILITIES - A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming, and the performance of other services used in the preparation of the dead for burial; (b) the storage of caskets, funeral urns, and other related funeral supplies; and (c) the storage of funeral vehicles. Funeral services facilities exclude crematoriums.

GARAGE, PRIVATE - An accessory building or an accessory portion of the main building enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling for which it is accessory.

GARAGE, PUBLIC - A building or portion of a building in which more than two motor vehicles are or are intended to be housed under arrangements made with patrons for renting or leasing such space and accommodation in which no repair work is carried on.

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GOVERNMENTAL SERVICES - Any service provided by a governmental agency including but not limited to road and maintenance services and related infrastructure, water and wastewater facilities, fire and safety protection services, and other administrative services associated with a governmental agency.

GRADE - The elevation of the ground at any given point.

GRADE, FINISHED - The elevation of the finished surface of the ground adjoining the base of all exterior walls of a building or the elevation of the finished surface of the ground at the base of a structure, exclusive of any artificial embankment at the base of such building or structure. If the ground is not entirely level, the finished grade shall be determined by averaging the grade of the ground at each corner of the building or structure.

HEALTH CARE FACILITY - General and specialized hospitals and associated clinics, rehabilitation centers, senior and assisting living, nursing homes, or other similar facilities providing health related services and involving the overnight or long term stay of patients.

HEIGHT, BUILDING - The vertical distance between the finished grade of the building and the highest point of the roof.

HEIGHT, FENCE - The vertical distance between the highest point of the fence and the finished grade.

HEIGHT, SIGN - See Article XXXV.

HOME DAY-CARE FAMILY, SMALL AND LARGE - See "Day-Care Home, Family Small and Large."

HOME OCCUPATION - An accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby conducted by a person on the same premises as his principal place of residence which is clearly subordinate and incidental to the use of the premises for residential purposes. Home Occupations" may include, but are not limited to, home offices for insurance agents, financial planners, real estate agents, consultants, lawyers, architects, engineers, accountants, or other similar professional services, sewing, tailoring, teaching of music, dance lessons, or tutoring, or other similar uses that do not change the character of the residential neighborhood. "Family Day Care Homes, Types A and B" shall not be considered to be home occupations and shall be treated as permitted and conditional uses as listed in the applicable zoning district.

HOTEL - An establishment consisting of a group of attached or detached living or sleeping units with bathroom and closet space, located on a single lot, and designed for use by travelers.

INSTITUTIONAL USES - Those uses organized, established, used, or intended to be used for the promotion of public, civic, educational, charitable, cultural, or social or philanthropic activity and include but are not limited to art galleries, art studios, libraries, etc.

JUNK YARDS AND SCRAP METAL PROCESSING FACILITIES - An establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, selling, or exchanging old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, iron, steel, or other old or scrap materials and where such business or operation is not completely conducted within an enclosed building.

KENNEL - Any enclosure, premises, building, structure, lot, area of one ownership where six (6)

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or more dogs, cats, or other animals are kept. These facilities also consist of services open to the public that includes, but are not limited to boarding, training, and sale of animals.

LANDMARK - Any property identified and listed individually, and protected under the terms of this ordinance, but not located within a "Historical Overlay District."

LANDSCAPE/HARDSCAPE BUSINESS - A place where employees are housed and/or vehicles, machinery, and materials such as trees, shrubs, flowers, or other living vegetation, as well as irrigation systems, stone, brick pavers or other non-living components of a landscape design are stored. Typically, workers are dispatched from this site and said materials are transported to another location for installation.

LANDSCAPING - The improvements of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects.

LEGAL DESCRIPTION - The geographical description of real estate that identifies the precise location, boundaries and may easements for the purpose of a legal transaction, such as a transfer of ownership. A legal description can include either a metes and bounds description or a subdivision plat.

LIFE CARE RETIREMENT CENTER - A residential facility containing dwellings designed for and principally occupied by senior citizens in a planned retirement community which includes a residential complex, an activity or community center, and a medical or nursing facility which is licensed by the State of Ohio as an "Intermediate Care Facility" or a "Skilled Nursing Center."

LOADING SPACE, OFF-STREET - An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

LOGISTICS - A large building where material, products, or other manufactured goods are acquired, stored, and transported to their final destination. There is no production, processing, assembling, or packaging of products or materials in these buildings.

LOT - A division of land separated from other divisions for purposes of sale, lease, or separate use described on a recorded subdivision plat, recorded map or by metes and bounds.

LOT, CORNER - A lot situated at the intersection of two (2) streets, or which fronts a street on two (2) or more sides forming an interior angle of less than 135 degrees (Also see LOT LINE, FRONT).

LOT, COVERAGE - The total area of those portions of a lot that are covered by a building or structures, paved areas, and other impervious surfaces.

LOT, INTERIOR - A lot that abuts no more than one street and that fronts a street on not more than one side.

LOT LINE - A line bounding or demarcating a plot of land or ground. May also be referred to as a Property Line.

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LOT LINE, FRONT - The property line fronting a public roadway right-of-way. For purposes of a corner lot, both property lines abutting a public right-of-way shall be considered a front lot line.

LOT LINE, REAR - The lot line that is opposite the front lot line and farthest from it.

LOT LINE, SIDE - The lot line running from the front lot line to the rear lot line. This line is also the line dividing two interior lots.

LOT, MINIMUM AREA - The area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.

LOT OF RECORD - Any lot or parcel of land that was lawfully created by a subdivision plat of record or by a metes and bounds description and recorded in the County Recorder's Office prior to the effective date of this Resolution.

LOT WIDTH - The width of a lot at the building line measured at right angles to its depth.

LUMBER YARD - A building where bulk supplies of lumber and other building materials are stored, offered, or kept for retail sale and may include storage inside of the building. Any components of this use that include the outdoor storage of said materials shall all within the definition of an outdoor service facility.

MACHINE SHOP - A facility performing cutting, grinding, turning, honing, milling, deburring, lapping, electrochemical machining, etching, or other similar operations.

MAKER SPACE, LARGE - A facility that is 5,000 square feet or larger and serves as shared co-working space for independent craftsmen to produce woodwork, furniture, pottery, glass, or other related items. The facility can also have shared office space.

MAKER SPACE, SMALL - A facility that does not exceed 5,000 square feet that is utilized for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, glass, or other related items. No odor, fumes or excess noise may be produced at the facility.

MANUFACTURED HOME, PERMANENTLY SITED - A manufactured home, as defined herein, that meets all of the following criteria:

1. The structure is affixed to a permanent foundation such as masonry or concrete and is connected to appropriate facilities.
2. The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area of at least 900 square feet, excluding garages, porches, or attachments.
3. The structure has a minimum 3:12 roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering.
4. The structure was manufactured after January 1, 1995.
5. The structure is not located within a manufactured home park.

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6. Otherwise complies with the Manufactured Housing Construction and Safety Standards Act of 1974 and has a label or tag permanently affixed to it, certifying compliance with all applicable federal construction and safety standards.

Manufactured Home Park - A development constructed primarily for manufactured homes, with continuing local general management and facilities for common use by occupants, such as recreational buildings and open space.

MANUFACTURING - Any industry that makes products from raw materials using manual labor or machinery. This definition also includes the compounding, processing, assembling, and packaging of goods.

MEDICAL MARIJUANA - As defined in ORC Section 3769.01(A), effective September 8, 2016.

MIXED USE BUILDING - A building that contains retail, office or entertainment uses on the ground floor and residential units on the upper floors.

MOBILE HOME - A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length, or, when erected on site, is 320 or more square feet, which is built on a permanent chassis and is transportable in one (1) or more sections and does not qualify as a permanently sited manufactured home or industrialized unit as defined in this Ordinance. A mobile home shall not be considered to be a single-family detached dwelling for the purposes of this code.

MOTEL - An establishment consisting of a group of attached or detached living or sleeping units with bathroom and closet space, located on a single lot, and designed for use by transient automobile travelers. A motel furnishes customary services such as maid service and laundering of linens, telephone, secretarial or desk service and the use of furniture.

MOTOR VEHICLE - A passenger vehicle, truck, tractor, tractor-trailer, trailer, boat recreation vehicle, semi-trailer, or any other vehicle propelled or drawn by mechanical power.

MUNICIPAL SERVICES - Any building, area and appurtenances owned and operated by a city for the purposes of providing water, wastewater, or transportation services.

MURAL - See Sign, Wall Display, Mural.

MURAL, GHOST - A type of sign that has a primary purpose of displaying an historical advertisement painted directly on the exterior of a structure.

MURAL, ORIGINAL ART - A type of wall display that has a primary purpose of displaying an original work of visual art produced by hand that is tiled or painted directly upon directly to an exterior wall of a structure. Original Art Mural does not include:

- a) Mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl; or
- b) Murals containing electronical or mechanical components; or

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c) Changing mural images.

MURAL, VINTAGE ART - A type of wall display that has a primary purpose of displaying an original work of visual art produced by hand that was tiled, painted directly upon, or affixed directly to an exterior wall of a structure prior to the date of adoption of this Ordinance.

NON-CONFORMING STRUCTURE - Any building or structure lawfully existing on the effective date of these regulations or amendment thereto, which does not conform to the development standards of the district in which it is located.

NON-CONFORMING USE - Any use that was lawfully being conducted within any building or on any land on the effective date of these regulations or amendment thereto but is not listed as a permitted use of the district in which it is located.

NURSERY SCHOOL - A facility that provide an education suitable for children who have not attained compulsory school age.

NURSING HOME - A residential health care facility, licensed by the State of Ohio, which provides institutional lodging, nursing care, personal care, and supervision to aged, chronically ill, physically infirm. or convalescent patients who are not related to the owner or administrator of the facility.

OFFICE, ADMINISTRATIVE, BUSINESS, MEDICAL OR PROFESSION, LARGE - A building that is 5,000 gross square feet or larger in area and includes a set of rooms or tenant spaces used for commercial, professional, medical, or bureaucratic work.

OFFICE, ADMINISTRATIVE, BUSINESS, MEDICAL OR PROFESSION, SMALL - A building that is less than 5,000 gross square feet and includes a set of rooms or tenant spaces used for commercial, professional, medical, or bureaucratic work.

OFF-STREET PARKING GARAGE - A public or private structure that is principally utilized for the parking or storage of motor vehicles to meet the minimum parking requirements in this zoning code.

OPEN SPACE - That part of a zoned property, including courts or yards, which are open and unobstructed from its lowest level to the sky, accessible to all tenants upon the zoning property.

OUTDOOR RECREATION FACILITY - An area that is not fully enclosed by walls and a roof which includes, but are not limited to, uses such as athletic fields, parks, (excluding neighborhood parks) court sports, tracks, swimming pools, golf related activities, and similar outdoor recreation uses.

OUTDOOR SEASONAL BUSINESS - A use that is conducted on a temporary basis and is outside of a fully enclosed building. Such uses shall include, but are not limited to, holiday tree sales, pumpkin sales, sidewalk sales, etc.

OUTDOOR SERVICE FACILITY - An area that is not fully enclosed by solid walls and a roof and where services are rendered or goods are permanently displayed, sold, or stored. For the purposes of this Ordinance, outdoor service facilities include, but are not limited to, restaurant patios, outdoor storage areas, and garden stores. This definition shall not include any use classified as an outdoor seasonal business as defined herein.

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OWNER - Owner of record according to records contained in the County Recorder's Offices.

PARK, COMMUNITY OR REGIONAL - A park that is twenty (20) acres or larger and designed to service a larger region beyond a specific neighborhood and may include playground apparatus and other space for active recreational purposes, along with some areas for passive use.

PARK, NEIGHBORHOOD - A park that is up to twenty (20) acres in size, serving an area one to two miles in diameter and serving a population of less than 5,000 persons. Neighborhood parks are typically designed to service a specific neighborhood area and may include playground apparatus and other space for active recreational purposes, along with some areas for passive use.

PARKING AREA - An open area other than a street or other public way that is used for the parking of motor vehicles.

PARKING SPACE, OFF-STREET - Any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in this Ordinance.

PERMANENT FOUNDATION - A permanent masonry, concrete or locally approved footing or foundation that adequately transfers horizontal and vertical loads of the structure to the undisturbed ground below the frost line.

PERSON - Any individual, corporation, company, business, partnership, association, or legal entity.

PERSONAL SERVICES - Uses that primarily provide services to a person or provide for the care and maintenance of personal goods. Such Uses include, but are not limited to, beauty shops, barber shops, salons, shoe repair shops, tailoring services, or garment repair services. This includes laundry or dry cleaning drop off/pick up services, but the process of dry cleaning is not included in this definition.

PLACES OF ASSEMBLY, LARGE - Any facility or business where 300 or more individuals gather to participate or observe programs or services or assemble for social purposes. This includes public halls, theatres, churches, worship facilities, and other similar meeting facilities.

PLACES OF ASSEMBLY, SMALL - Any facility or business where less than 300 individuals gather to participate or observe programs or services or assemble for social purposes. This includes public halls, theatres, churches, worship facilities, and other similar meeting facilities.

PLANTS, ASPHALT - A stationary source that manufactures asphalt concrete by heating and drying aggregate and mixing asphalt cements. This includes any combination of dryers, systems for screening, handling, storing, and weighing dried aggregate, systems for loading, transferring, and storing mineral filler, systems for mixing, transferring, and storing asphalt concrete, and emission control systems within a stationary source.

PLANTS, CONCRETE - The production of concrete that uses a manufacturing process involving the mixing of a number of aggregates, sand, water, cement and/or other components. This use also includes the stockpiling of bulk materials required for the process and storage of the required equipment used in the operation.

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PORTABLE HOME STORAGE UNIT - Any assembly of materials which is designed, constructed, or reconstructed to make it portable and capable of movement from one site to another and designed to be Used without a permanent foundation. Such Structures are typically utilized for temporarily storing household goods or other such materials on a residential property.

PRACTICAL DIFFICULTY - A standard utilized to determine whether an area variance should be granted. It is based on several criteria that are weighed against one another to determine if granting the variance will provide a reasonable use of the land without altering the essential character of the area.

PRESERVE OR PRESERVATION - The process, including maintenance, of treating an existing building to arrest or slow future deterioration, stabilize the structure and provide structural safety without changing or adversely affecting the character or appearance of the structure.

PRIVATE SWIMMING POOL - Any constructed pool which is used, or intended to be used, as a swimming pool in connection with a one-unit dwelling and available only to those living in said unit and private guests.

PROPERTY LINE - A line bounding or demarcating a plot of land or ground. May also be referred to as a "Lot Line."

PUBLIC UTILITY - An organizational service provided to maintain infrastructure and serve the public good. Examples include water and electricity. Telecommunications towers (also known as cellular towers) are not a public utility.

QUARRY - A place, such as a pit, from where stone or other materials are extracted.

RECONSTRUCTION - The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period and in its historic location.

RESEARCH AND DEVELOPMENT - A use where individuals are employed to search for knowledge and test processes that might be used to create new technologies, products, services, or systems.

RESIDENTIAL FACILITY - A publicly or privately operated home or facility that is further categorized as:

RESIDENTIAL FACILITY CLASS 1 - A facility that provides accommodations, supervision, personal care services, and mental health services for one or more unrelated adults within mental illness or one or more unrelated children with adolescents with severe emotional disturbances.

RESIDENTIAL FACILITY CLASS 2 - A facility that provides accommodations, supervision, and personal care services to any of the following:

- One or two unrelated persons with mental illness.
- One or two unrelated adults who are receiving payments under the residential state supplement program.
- Three to sixteen unrelated adults.

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Residential facilities exclude hospitals, facilities licensed under ORC 5123.19, an institution subject to certification under ORC 5103.03, hospice care programs, nursing homes, residential care facilities, homes for the aging, a facility operating an opioid treatment program, a terminal care facility for the homeless, a facility approved exclusively for the placement and care of the veterans per Section 104(a) of the Veterans Health Care Amendments of 1983, or the residence of a relative or guardian of a person with mental illness.

RESIDENTIAL FACILITY, LARGE - Any facility licensed as a Class 2 Residential Facility per ORC 5119.34 and provides accommodations and personal care services to six to sixteen unrelated persons (See ORC 5119.341).

RESIDENTIAL FACILITY, SMALL - Any facility licensed as a Class 2 Residential Facility per ORC 5119.34 and provides accommodations and personal care services to one to five unrelated persons. (See ORC 5119.341)

RESIDENTIAL-OFFICE, ADMINISTRATION, BUSINESS, AND MEDICAL - A small office for administrative, business, or medical services as defined in this section but located within a structure that was existing at the time of the effective date of this code.

RESIDENTIAL-RETAIL - A small business retail as defined in this section but located within a structure that was existing at the time of the effective date of this code.

RESIDENTIAL TREATMENT FACILITY - A Residential Facility, Class 1 or Class 3 (ORC 5119.34), providing diagnostic or therapeutic services, counseling, or treatment and long-term (more than 120 days) room and board in a highly structured environment for its residents for alcoholism, drug abuse, or behavioral or mental disorders.

RESPONSIBLE PARTY - The owner of the property as determined by the County Auditor's Tax List, the agent of the property owner authorized to be responsible for the premises, or the occupant of the property.

RESTAURANT - An establishment that prepares food and beverages to the public for consumption on or off the premises.

RIGHT-OF-WAY LINE - The boundary of the strip of land occupied or intended to be occupied by a road, street, or alley and associated sidewalk or multi-use path.

SATELLITE DISH ANTENNA, LARGE - Any antenna greater than one meter in diameter that is designed to receive or transmit signals, either directly or indirectly, to or from satellites. This definition does not include any antenna used for AM/FM radio, amateur ("ham") radio, Citizen's Band ("CB") radio, Digital Audio Radio Services ("DARS") or short-wave listeners.

SATELLITE DISH ANTENNA, SMALL - Any antenna that is one meter or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite. It further means any antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via MMDS (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.

SCHOOL, HIGH SCHOOL - A public or private institution providing secondary education prior to students starting college or obtaining a job. It typically includes grades 9-12.

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SCHOOL, POST-SECONDARY - A public or private institution providing educational or training services to individuals who have completed high school.

SCHOOL, PRIMARY, INTERMEDIATE, OR MIDDLE - A public or private institution providing educational services to children in kindergarten through the eighth grade.

SCHOOL, TECHNICAL - A secondary or post-secondary school that provides designed training to students for a specific job or skilled trade.

SELF SERVICE STORAGE FACILITY - An individual compartment or stall used for the storage of customer's goods or wares.

SETBACK - A required distance between a lot line and a principal structure established by the zoning district in which the principal structure is located.

SETBACK, AVERAGE FRONT - The distance between a front lot line and principal building that is established by averaging the front setbacks of two existing structures on adjacent lots. In no case shall an average front setback exceed any applicable maximum setback requirement.

SETBACK, FRONT YARD - The horizontal distance between the right-of-way line and the nearest foundation or structural appurtenance of the principal structure.

SETBACK, MAXIMUM - The largest distance permitted between a lot line and a principal structure. The Planning Director shall not administratively approve the location of a principal structure that is more than this required distance.

SETBACK, MINIMUM - The smallest distance permitted between a lot line and a principal structure established by the zoning district in which the principal structure is located. The Planning Director may not administratively approve the location of a principal structure that is less than this required distance but may administratively approve the location of a principal structure that is more than this required distance. In such cases, the area between the required minimum setback and the principal structure is considered to be "yard" space as defined in this code.

SETBACK, REAR YARD - The horizontal distance between the rear lot line and the nearest foundation or structural appurtenance of the principal structure.

SETBACK, SIDE YARD - The horizontal distance between the side lot line and the nearest foundation or structural appurtenance of the principal Building.

SEXUAL CONDUCT - Acts of sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight. Any penetration of the vagina or anus, however slight, by an object. Any contact between persons involving the sex organs of one person and the mouth or anus of another. Masturbation, manual or instrumental, of oneself or of one person by another. Touching of the sex organs or anus, whether clothed or unclothed, of oneself or of one person by another.

SHORT TERM RENTAL - Renting a home, or a space in a home, with five guestrooms or less that is reserved/rented wholly or partly for compensatory fee for less than thirty (30) consecutive days.

SIGN - Any device for visual communication which is designed, intended, or used to convey a message, advertise, inform, or otherwise direct attention to a person, institution, organization, activity, business, place, object, or product. Signs erected by the local, state, or federal government for the purposes of discharging in any normal governmental function, such as traffic control or safety, are likewise excluded

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from the regulations of this Article. This definition includes all signs visible from any public right-of-way or adjacent property, including interior signs oriented towards the exterior façade of any Building or structure that includes any name, number, symbol identification, description, display, illustration, object, graphic, sign structure, or part thereof, which directs attention to any object, product, place, activity, person, institution, organization, or business.

SIGN, ANIMATED - Any sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene.

SIGN, BILLBOARD - A type of free-standing sign that is mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl and/or 3-D printed elements, that are typically attached or affixed to a pole or other type of free-standing support. Said signs are greater than 200 square feet.

SIGN, ENTRY FEATURE - A sign intended to provide the identity a residential development or commercial development with more than one lot or tenant.

SIGN, FLASHING - A sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.

SIGN, FREESTANDING - A sign erected on a pole, poles, pillars, or posts (pylon sign) or any monument type sign (sign with a base) which is wholly independent of any building or support.

SIGN, GAS INFLATABLE - Any device which is capable of being expanded by any gas and is typically tethered or otherwise anchored to the ground or structure and used on a permanent or temporary basis to attract attention to a product, event, or business.

SIGN, GROUND MOUNTED - A type of free-standing sign that is supported by a monument style base and does not include any poles, pillars, or posts.

SIGN, PERMANENT - A sign intended to be erected, displayed, or used, or in fact which is used for time period in excess of thirty (30) days within any 180-day period.

SIGN, PROJECTING - A sign which extends outward perpendicular to the building face.

SIGN, PYLON - A type of free-standing sign that is supported by pole(s), pillars, posts, or other free-standing support and is less than 200 square feet.

SIGN, ROOF - Any sign erected upon or completely over the roof of any building.

SIGN, TEMPORARY - A display, banner, or other advertising device constructed of cloth, canvas, fabric, wood, or other temporary material, with or without a structural frame, including, but not limited to, portable signs, feathered flags, development signs, community event signs, garage sale signs, real estate signs, sandwich type signs, sidewalk or curb signs, and balloon or other air or gas filled figures.

SIGN, TRAILER - A sign that is constructed on a chassis intended for the mounting of wheels, thereby permitting the sign to be moved forward.

SIGN, WALL - A wall display that is less than 125 square feet.

SIGN, WALL DISPLAY - A sign attached to a building face, with the exposed face thereof in a plane parallel to the plane of the wall. Wall signs include, messages, graphics, and other designs painted along with any letters or numerals mounted directly on buildings or awnings.

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SIGN, WAY FINDING - Any sign which provides direction or guidance to help navigate a person to a specific location of an institution, organization or business, or property.

SIGN, WINDOW - A sign, graphic, poster, symbol or other identification which is physically affixed to or painted on the glass or other structural component of the window.

SIMILAR USE - A use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the classification, according to the procedures and requirements of Section 12(E) of this Resolution.

SOLAR, ARRAY - A mechanically integrated assembly of modules or panels with a support structure and foundation, tracker and other components as required to form a direct-current power producing unit.

SOLAR ENERGY - Radiant energy (direct, diffused, or reflected) received from the sun at wavelengths suitable for conversion into thermal, mechanical, chemical, or electrical energy.

SOLAR, ARRAY - A mechanically integrated assembly of modules or panels with a support structure and foundation, tracker and other components as required to form a direct-current power producing unit.

SOLAR ENERGY - Radiant energy (direct, diffused, or reflected) received from the sun at wavelengths suitable for conversion into thermal, mechanical, chemical, or electrical energy.

SOLAR FACILITY, SMALL - Solar panels and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty megawatts.

SOLAR FACILITY SMALL, GROUND-MOUNTED - A small solar facility where an array is mounted on a rack or pole that is ballasted on, or is attached to, the ground.

SOLAR FACILITY SMALL, ROOF MOUNTED - A small solar facility mounted to the roof of a building or structure. Roof-mount systems are accessory to the primary use of a property.

SOLAR FACILITY, INDUSTRIAL - Solar panels and associated facilities connected to the electrical grid and designed for, or capable of, operation of an aggregate capacity of fifty (50) megawatts or more.

SOLAR FACILITY, INDIVIDUAL - A small solar facility where an array is mounted on a rack or pole that is ballasted on, or is attached to, the ground and is designed for, or capable of, operation at an aggregate capacity of up to five (5) megawatts of energy and it's intended to primarily reduce on-site consumption of utility power.

SPECIFIED SEXUAL ACTIVITIES - Simulated or actual display of human genitals in a state of sexual stimulation or arousal.

START OF CONSTRUCTION - The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a

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mobile home park or mobile home subdivision, “start of construction” means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, “start of construction” is the date on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

STREET - A paved, public vehicular right-of-way which provides access to abutting properties from the front.

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 a building.

STRUCTURE - Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground, including outdoor advertising signs, (billboards), and farmers’ street-side stands.

SUBSTANTIAL IMPROVEMENT/ALTERATION - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or the first other structural part of the building commences, whether that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places provided the alteration will not preclude the structure’s designation as a historic structure.

SUBSTANTIALLY COMPLETE - The stage in which the work, described in the zoning clearance permit, is finished to a point that the applicant/owner can occupy or utilize the land or building for its intended purpose.

SWIMMING POOL, COMMERCIAL - A body of water in an artificial or natural receptacle or another container, whether located indoors or outdoors, used, or intended to be used for public, semi-public, or private swimming by adults and/or children whether any charge or fee is imposed, operated by an owner, lessee, operator, licensee, or concessionaires, exclusive of a family pool as defined herein, and shall include all structures, appurtenances, equipment, appliances, and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels, apartments and condominiums, and community associations.

SWIMMING POOL, PRIVATE FAMILY - A temporary or permanent swimming pool used or intended to be used solely by the owner or lessee thereof and family, and by friends invited to use it without payment of any fee, and normally capable of containing water to a depth at any point greater than three (3) feet.

TELECOMMUNICATION TOWER - A structure situated on a site used to support antennas and radio or cellular communications equipment. Antennas used by amateur radio operators are excluded from this definition. See Communications Facility. Also known as a “Cellular Tower.”

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TELECOMMUNICATION TOWER, ATTACHED - Any structure that will be attached to a building or other structure that meets the criteria for a telecommunication tower, as defined herein.

TELECOMMUNICATIONS TOWER, FREE STANDING - Any free-standing structure that meets the criteria for a telecommunication tower, as defined herein.

TEMPORARY STRUCTURE, CONSTRUCTION TRAILER/OFFICE - Any structure that is not permanent and is located on a construction site for purposes of storing materials and tools or for offices for construction management.

TRANSITIONAL LIVING CENTER - A Residential Facility, Class 1 or Class 3 (ORC 5119.34), that provides short-term (120 days or less) room and board in a supervised living environment utilizing counseling and rehabilitation services for persons with a history of juvenile delinquency, behavioral disorders, alcoholism, or drug abuse.

TREE, LARGE - Any tree species which normally attains a full-grown height above sixty (60) feet.

TREE, MEDIUM - Any tree species which normally attains a full-grown height between thirty (30) and sixty (60) feet.

TREE, SMALL – Any tree species which normally attains a full-grown height of under thirty (30) feet.

TRUCK AND TRAVEL CENTER - A commercial facility which provides refueling, parking, and often ready-made food for motorists and truck drivers. These facilities sometimes also include showers for truck drivers.

TOWNSHIP - Darby Township, Pickaway County, Ohio.

UNDUE HARDSHIP - A standard utilized to determine whether a use variance should be granted. It is based on the deprivation of an owner's right to the beneficial use of property that is caused by the strict enforcement of this Ordinance. It must involve unique characteristics of the property itself and does not include economic difficulties of the owner/applicant. Also known as an "Unnecessary Hardship."

USE - The purpose for which a Building or land may be arranged, designed, or intended to be occupied or maintained.

VARIANCE - A modification of the strict terms of this Ordinance due to the strict enforcement of these regulations resulting in a practical difficulty or Unnecessary Hardship and where such modification will not be contrary to the public interest.

VARIANCE, AREA - A type of variance that is from a regulation based on the dimensions or physical requirements of applicable zoning regulations such as setbacks, height, or another similar requirement. This type of variance is typically reviewed using a Practical Difficulty standard.

VARIANCE, USE - A type of variance to allow a use that is otherwise prohibited within the district. This type of variance is typically reviewed using an Unnecessary Hardship standard.

VEHICLE, CHARGING STATION - The design and construction of a parking space with Electric Vehicle Supply Equipment that supplies electric energy for the recharging of electric vehicles.

VEHICLE, RECREATIONAL - Any motorized or non-motorized vehicle that is used for recreational purposes including, but not limited to all-terrain vehicles, dune buggies, motor bikes, recreational vehicle trailers, snowmobiles, trail bikes, and various watercraft including canoes, kayaks, boats, and jet skis.

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VEHICULAR SALES, EQUIPMENT - An open area or building used for the display, sale or rental of farm, construction, or other similar machinery.

VEHICULAR SALES, MOTORCYCLES - An open area or building used for the display, sale, or rental of new or used motorcycles and where only incidental repair work is done.

VEHICULAR SALES, NEW AND USED CARS - An open area other than a street, used for the display, sale, or rental of new or used motor vehicles in operable condition and where only incidental repair work is done.

VEHICULAR SALES, RECREATIONAL - An open area or building used for the display, sale, or rental of new or used recreational vehicles and where only incidental repair work is done.

VINEYARD - An agritourism use that grows grapes or other fruit for the purpose of producing wine and selling the product on-site or for local distribution.

WALL, DECORATIVE - An architecturally designed wall that is intended to prohibit public view and provide seclusion, has more than fifty percent (50%) of its vertical surface area closed to light and air, and is not designed for purposes of retaining soil.

WALL, RETAINING - An engineered wall that is designed and intended to support soil laterally so that it can be retained at different levels on the two sides.

WALLSCAPE - A type of wall display that is greater than 125 square feet and mechanically produced or computer generate prints or images, including but not limited to digitally printed vinyl and/or 3-D printed elements, which are typically attached to the side of a building.

WIND ENERGY CONVERSION SYSTEM - An energy system consisting of a wind turbine, a tower, and associated control or conversion electronics.

WIND ENERGY CONVERSION SYSTEM, INDIVIDUAL - A Wind Energy Conversion System consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a single interconnection to the electrical grid, an aggregate rated capacity of not more than one hundred (100) kilowatts, and is intended to primarily reduce on-site consumption of utility power.

WIND ENERGY CONVERSION SYSTEM, TOWER - The support structure to which the nacelle and the rotor are attached.

WIND ENERGY CONVERSION SYSTEM, TOWER HEIGHT OF - The distance from the rotor blade at its highest point to the top surface of the tower foundation.

WIND FARM, SMALL - A Wind Energy Conversion System consisting of wind turbine(s), tower(s) and associated control or conversion electronics, which have an aggregate rated capacity of one hundred (100) kW or more, but less than fifty (50) megawatts and has a single interconnection to the electrical grid. Any Wind Energy Conversion System that is fifty (50) megawatts or larger shall be reviewed by the Ohio Power Siting Board and shall not be subject to the regulations within this Zoning Resolution.

WIND FARM, INDUSTRIAL - Wind turbines and associated facilities that are subject to the jurisdiction of the power siting board under sections [4906.20](#) and [4906.201](#) of the Revised Code.

WORK FROM HOME - An occupation where an employee works remotely from their home. Not to be confused with "Home Occupation."

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YARD - An open space on a lot with a building that is unoccupied and unobstructed by any portion of a principal structure. Fences and other accessory structures may be permitted within a yard as regulated in this code.

ZONING CERTIFICATE - A certificate issued by the Zoning Administrator confirming that the requirements of this Resolution have been met and the building can be occupied.

ZONING CLEARANCE PERMIT - A document issued by the zoning administrator authorizing the construction or alteration of a building, structure, or use consistent with this Ordinance.

ZONING DISTRICT - A portion of the Township within which certain regulations and requirements, or various combinations thereof apply under the provisions of this Zoning Resolution.

ZONING DISTRICT MAP or ZONING MAP - A map of the City of Lancaster that legally denotes the boundaries of the zoning districts as they apply to the properties within the Choose an item. The official zoning map shall be kept on file in the administrative offices.

ZONING INSPECTOR - The enforcement officer, hired by the Board of Township Trustees, who is charged with issuing zoning clearance permits and performing other duties as specified in this Resolution.

PART TWO

ADMINISTRATION AND ENFORCEMENT

ARTICLE III (3) ADMINISTRATIVE BODIES AND THEIR DUTIES

A. Zoning Inspector

1. Zoning Inspector - Office of Zoning Inspector Established

The Zoning Inspector, appointed by the Board of Township Trustees, shall enforce the Zoning Resolution. All officials and/or employees of the Township shall assist the Zoning Inspector by reporting any new construction, reconstruction, or apparent violations to this Resolution.

2. Removal from Office

The Zoning Inspector may be removed by the Township Trustees for nonperformance of duty, misconduct in office or other just cause, upon written charges being filed with the Trustees, after public hearing has been held regarding such charges. In such case, a copy of such charges shall be served on the Zoning Inspector at least ten (10) days prior to the hearing, either personally or by registered mail. The Zoning Inspector shall be given an opportunity to be heard and answer all such charges.

3. Relief From Personal Liability

The Zoning Inspector, acting in good faith and without malice in the discharge of his/her duties during enforcement of this Resolution is relieved of all personal liability for any damage that may accrue to persons or property because of such acts of alleged failure to act. Further, they shall not be held liable for any costs in any action, suit or proceeding that may be instituted against him/her because of the enforcement of this Resolution. In any of these actions, the Zoning Inspector shall be defended or represented by the jurisdiction's attorney-at-law until the final termination of the proceedings.

B. Duties of Zoning Inspector

For the purposes of this Resolution, the Zoning Inspector shall have the following duties:

- A. Issue zoning certificate(s) when the provisions of the Zoning Resolution have been met or refuse to issue same in the event of noncompliance.
- B. Collect the designated fees as established for zoning certificates, applications for appeals, variances, and conditional uses, as established by separate resolution.
- C. Take and keep all records necessary and appropriate to the office including records of issuance and denial of zoning certificates and receipt of complaints of violation of the Zoning Resolution and action taken on same.
- D. Inspect any buildings or lands to determine whether any violations of the Zoning Resolution have been committed or exist.
- E. Enforce the Zoning Resolution and take all necessary steps to remedy conditions found in violation by ordering, in writing, the discontinuance of illegal uses or work in progress,

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and the noncompliance to the Board of Zoning Appeals or other appropriate entity for action.

- F. Advise the Zoning Commission and the Board of Zoning Appeals of all matters, other than routine duties, pertaining to the enforcement of and amendments to the Zoning Resolution.

C. Township Rural Zoning Commission

1. Establishment of Zoning Commission

Pursuant to Ohio Revised Code Chapter 519, there is hereby established a Rural Township Zoning Commission in and for the Township. Such Commission shall consist of five (5) residents of the unincorporated area of the Township as appointed by the Board of Township Trustees. The terms and conditions of tenure of the members shall be as managed by the Trustees.

2. Removal from Office

Members of the Zoning Commission shall be subject to removal conditions as specified in Section 3(A)(2) above.

3. Powers and Duties

The Commission shall adopt rules necessary for the conduct of its affairs consistent with the provisions of this Resolution. Meetings shall be held at the call of the Chairman. and at such other times as deemed appropriate by the Commission. as determined by majority vote. All meetings shall be open to the public. The Commission 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. Such minutes shall be public record and shall be immediately filed in the office of the Commission. For the purpose of taking action, the concurring vote of three (3) members of the Commission shall be required.

For the purposes of this Resolution. the Rural Township Zoning Commission shall have the following powers and duties:

- A. Initiate amendments to this Resolution, pursuant to Article VI.
- B. Review proposed amendments to this Zoning Resolution and make recommendations to the Board of Township Trustees.

D. Board of Zoning Appeals Establishment

- 1. There is hereby established a Board of Zoning Appeals, which shall have the authority as specified in Sections 519.13 through 519.15 of the Ohio Revised Code, subject to such rules of a procedural nature as said Board may adopt and promulgate for the purposes of expeditiously acting on matters properly before it.

The Board of Zoning Appeals shall consist of five (5) members appointed by the Board of Township Trustees. Every member shall be a resident of the unincorporated territory of Darby Township, Pickaway County, Ohio. The terms of members shall be of such length and so arranged

that the term of one member shall expire each year; however, each member shall serve until his/her successor is appointed. Vacancies shall be filled by resolution of the Board of Township Trustees for the unexpired term of the member affected.

2. Removal of Members

Members of the Board of Zoning Appeals shall be removable for non-performance of duty, misconduct in office, or other cause by the Board of Township Trustees, after public hearing and notification, following the procedures specified in Section 3(A)(2) above.

3. Proceedings

The Board shall organize annually and elect a Chairman, and Secretary. Meetings of the Board shall be held at the call of the Chairman, and at other such times as the Board shall determine. The Board shall adopt from time to time, such rules, and regulations as it may deem necessary to implement the provisions of this Zoning Resolution All meetings of the Board shall be open to the public.

The Secretary of 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 action, all of which shall be a public record and immediately filed in the Township offices.

The Board shall have the power to subpoena witnesses, administer oaths and may require the production of documents, under such rules as it may establish.

4. Powers and Duties

In exercising its duties, the Board may, as long as, such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to affect any variation in the application of this Resolution. For this Resolution, the Board has the following specific responsibilities:

- a. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector in accordance with Article VII of this Resolution.
- b. Authorize such variances from the terms of this Resolution as will not be contrary to the public interest, were, owing to special conditions of the land. a literal enforcement of this Resolution will result in unnecessary hardship in accordance with the provisions of Article VIII of the Resolution.
- c. Interpret the boundaries of the Official Zoning Map, in accordance with the provisions of this Resolution.

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- d. Permit conditional uses as specified in the Official Schedule of District Regulations and under the conditions specified in Article IX of this Resolution, and such additional safeguards as will uphold the intent of the Resolution.
 - e. Authorize the substitution or extension of nonconforming uses as specified in Article V of this Resolution.
 - f. Authorize extensions of time for completion of work specified in Zoning Certificate, in accordance with Section 4.D.1(b).
 - g. Declare zoning permits void, pursuant to Section 4.N of this Resolution.
- E. Powers of Zoning Inspector, Board of Zoning Appeals, and Board of Township Trustees on Matters of Appeal

It is the intent of this Resolution that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector. Such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and recourse from the decisions of the Board of Zoning Appeals shall be only to the courts as provided by law. It is further the intent of this Resolution that the powers of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The Board of Township Trustees shall not have the authority to override the decisions of the Board of Zoning Appeals and/or the Building and Zoning Inspector on matters of appeal or variance. Nonetheless, nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board of Zoning Appeals to the courts pursuant to Chapters 2505 and 2506 of the Ohio Revised Code. Such appeal shall be made within ten (10) days of the Board's written decision.

ARTICLE IV (4) ENFORCEMENT AND PENALTY

A. Zoning Certificate Required

It shall be unlawful for any owner or other person to use or to permit the use of any non-agricultural structure, building or land, or part thereof, hereafter constructed, created, erected, changed, structurally altered, converted, or enlarged until a zoning certificate shall have been issued by the Zoning Inspector. Such zoning certificate shall show that such building or premises or a part thereof, and the property use thereof, are in conformity with the provisions of this Resolution. No such certificate shall be issued by the Zoning Inspector until the requirements of this Resolution have been met.

A zoning certificate is required for any of the following subject to the limitations of section 519.211 of the Ohio Revised Code:

1. Construction, structural alteration or enlargement of any non-agricultural building or structure, including accessory buildings.
2. Change in use of an existing building or accessory building, except agricultural uses, to a use not listed as a permitted use in the zoning district where the building is located.
3. Occupancy and use, excepting agricultural use, of vacant land.
4. Change in the use of land to a use not listed as a permitted use in the zoning district where the land is located.
5. Any alteration, expansion, or other change of a lawful nonconforming use as regulated by Article V.

B. Application for Zoning Certificate

The responsible party or applicant shall submit three (3) copies of an application for a zoning certificate to the zoning inspector and shall include the following information:

1. Name, address, phone number and email address of the applicant.
2. Address and parcel number of the property subject to the application.
3. Legal description of the property as recorded in the County Recorder's office. If there is not a complete and accurate survey readily available from existing records, the Zoning Inspector may require the applicant to supply a survey of the property by a Registered Surveyor in the State of Ohio.
4. Existing and proposed uses.
5. The Zoning District in which the property is located.
6. Plans and/or drawings to approximate scale showing:
 - a. The dimensions of the property.
 - b. The dimensions of existing and proposed buildings or structures on the property.
 - c. The distance between the property lines and the existing and proposed structures.
 - d. The dimensions and number of existing and proposed parking spaces.
 - e. Any existing or proposed signage (not required for single-unit dwelling permit).

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- h. Any existing or proposed landscaping (not required for single-unit dwelling permit)
 - i. The height of existing and proposed buildings.
 - j. Number of proposed dwelling units, if applicable.
 - k. The property owner is required to sign the application, or an affidavit authorizing a representative to sign and serve as the contact on behalf of the owner must be submitted.
 - l. Any other information as determined by the Zoning Inspector to determine compliance with this Code.
 - m. A copy of any required approvals including but not limited to any necessary variances or conditional use permits.
- C. The Zoning Inspector may increase or decrease the requirements for the application when the scope and scale of the proposed request warrants. Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor. In particular cases, the Zoning Inspector may reduce the submittal requirements for an application, when the proposed action warrants.
- D. Approval of Zoning Certificates

The Zoning Inspector shall approve or disapprove the Zoning Certificate application within thirty (30) days after the receipt unless the provisions of Section 4.E are applicable.

1. If a Zoning Certificate is approved:
 - a. The Zoning Inspector shall mark the permit as approved, sign, date and return the approved permit to the applicant.
 - b. The applicant shall Commence Work within one (1) year of the date of Zoning Permit approval unless an extension is granted by the Zoning Inspector. The Zoning Inspector may grant a one-time extension of up to six (6) months due to unexpected delays that are not a result of any action of the applicant and provided there are no changes in area conditions, as determined by the Zoning Inspector. Otherwise, the permit shall be considered null, and void and a new Zoning Permit must be obtained.
 - c. The work described in the permit must be completed and a Certificate of Zoning Compliance must be issued within two (2) years of the date of Zoning Permit approval. Any work described in the permit that has not been completed within this two (2) year period or as extended by the Zoning Inspector shall not proceed unless and until a new Zoning Permit is obtained.
2. If a Zoning Certificate is Denied
 - a. The Zoning Inspector shall mark the permit as denied, sign and date it, provide a list of reasons for denying the permit, and return it to the applicant.
 - b. The applicant shall have thirty (30) days from the date that the Zoning Inspector denied the Permit to file an Appeal application to the Board of Zoning Appeals.

E. Submission to the Director of the Department of Transportation

1. Before any zoning certificate is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation, or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail to the Director of the Department of Transportation.
2. The Zoning Inspector shall not issue a zoning certificate for 120 days from the date the notice is delivered to the Director of the Department of Transportation.
3. If the Director of the Department of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the Zoning Certificate.
4. If the Director of the Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or if notification of action is not received by the Zoning Inspector, the Zoning Inspector shall, if the application is in conformance with all provision of this Resolution, issue the zoning certificate.

F. Record of Zoning Certificates

A record of all zoning certificates shall be kept on file in the Office of the Zoning Inspector, or their designated agent, and copies shall be furnished upon request to any persons having proprietary or tenancy interest in the building or land affected.

G. Expiration of Zoning Certificates

If the work described in any zoning certificate has not begun within one (1) year from the date of issuance thereof, or has not been completed within two (2) years from the date of issuance thereof, said certificate shall expire. For the purposes of these regulations, a building or structure shall be considered complete when a Certificate of Zoning Compliance, pursuant to Section 4.H below, has been issued. In cases where a zoning certificate has expired, it shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the expired permit shall not proceed unless and until a new zoning certificate has been obtained or extension granted by the Board of Zoning Appeals.

H. Certificate of Zoning Compliance

It shall be unlawful to use or occupy, or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefore by the Zoning Inspector, stating that the proposed use of the building or land, as completed, conforms to the requirements of this Resolution. Such certificate of occupancy may be a part of the zoning certificate.

I. Application for Certificate of Zoning Compliance

An applicant shall apply for a Certificate of Zoning Compliance after completing the Work described in an approved Zoning Permit. The application shall be submitted to the Zoning Inspector.

No building or structure shall be occupied or utilized in any manner until such time a Certificate of Zoning Compliance has been issued by the Zoning Inspector. The Certificate of Zoning Compliance shall state:

1. The proposed use is in conformance with the approved Zoning Permit; and
 2. The buildings and/or structures have been constructed in accordance with the approved Zoning Permit.
 3. If there are any non-conforming uses or structures located on said property, the Certificate of Zoning Compliance shall note the existing non-conforming status on the Certificate of Zoning Compliance.
- J. A Certificate of Zoning Compliance shall not be issued until a signed letter from the applicable water and sewer authority has been provided stating that water and sanitary sewer systems (on-site or central) have been installed and approved by said authority.
- K. The Zoning Inspector shall maintain a record of all Certificates of Zoning Compliance.
- L. The Zoning Inspector is authorized to issue a Temporary Certificate of Zoning Compliance that does not exceed six (6) months provided:
1. All completed work at the time the Temporary Certificate of Zoning compliance is issued complies with the approved Zoning Permit.
 2. The reason the unfinished work has not been completed is due to circumstances beyond the applicant's control, such as the weather.
 3. That the temporary occupancy of a building does not impair public health and safety.
- M. Schedule of Fees, Charges and Expenses

The Board of Township Trustees shall establish, by separate Resolution, a schedule of fees, charges, and expenses and a collection procedure for zoning permits, certificates of occupancy, appeals, and other matters pertaining to this Resolution. The schedule of fees shall be retained by the Zoning Inspector and posted in the Township Offices and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

N. Void Zoning Certificate

A zoning certificate shall be void if any of the following conditions exist:

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1. The zoning certificate was issued contrary to the provisions of this Resolution by the Zoning Inspector.
2. The zoning certificate was issued based upon a false statement by the applicant.
3. The zoning certificate has been assigned or transferred.

When a zoning certificate has been declared void for any of the above reasons by the Board of Zoning Appeals pursuant to this Section, written notice of its revocation shall be given by certified mail to applicant and sent to the address as it appears on the application. Such notices shall also include a statement that all work upon or use of the building, structure, or land cease unless, and until, a new zoning certificate has been issued.

O. Violation and Penalty

Zoning certificates or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto. Any use, arrangement, or construction not in conformance with that authorized shall be deemed a violation of this Resolution, and punishable as provided in Section 4.Q.

P. Complaints Regarding Violations

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take such appropriate action thereon as may be necessary and provided for by this Resolution.

Q. Penalties for Violation

Violation of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Resolution) shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues, after receipt of violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township, the County Prosecutor, or any adjacent property owner from taking such other lawful action as is necessary to prevent or remedy any violations.

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ARTICLE V (5) NONCONFORMITIES

A. Intent

The purpose of this Article is to allow for the continuation of uses and structures that were lawfully permitted prior to the enactment of this Code or amendments thereto but do not conform to the currently adopted regulations.

B. Grace Period

The construction, change, or remodeling of a use, structure, or building that was legally commenced prior to the effective date of this Zoning Code or amendment thereto but does not conform to these regulations may be continued as long as the following criteria are met:

1. The property was purchased or otherwise legally acquired prior to the effective date of this Zoning Code or amendment thereto making it non-conforming.
2. Said work has been completed within two (2) years of the effective date of this Zoning Code or amendment making it non-conforming.

C. Conformance Required

Unless otherwise specifically permitted by this Article, all buildings, structures and uses shall comply with the regulations for the zoning district in which they are located.

D. Lots of Record

1. A Lot of Record is any lot or parcel of land that was lawfully created by a subdivision plat of record or by a metes and bounds description and recorded in the County Recorder's Office prior to the effective date of this Resolution.
2. Any lot of record existing on the initial effective date of this Resolution may be used for any single-family dwelling when such use is permitted in the district, regardless of the width or area of said lot, provided all the following criteria are met:
 - a. The side setback for any lot of record shall not exceed ten (10%) percent of the width of the lot, but in no case shall a side yard be less than three (3) feet.
 - b. The rear setback for any lot of record shall not exceed twenty (20%) percent of the depth of the lot, but in no case shall the rear yard be less than ten (10) feet.
 - c. Accessory structures shall comply with all side and rear setback requirements in the applicable district regulations.
3. In any district where dwellings are not listed as a permitted use, a lot of record may be used for any permitted use in the district in which it is located, provided the following criteria are met:
 - a. The side setback shall be a minimum of ten (10%) percent of the lot width.
 - b. The rear setback shall be a minimum of twenty (20%) percent of the lot width.

- c. All other regulations for the district, including but not limited to impervious surface ratio, shall apply as stated in the applicable zoning district.
4. Any lot of record that contains a structure that complies with the regulations in this Section shall be considered to be in compliance with these Zoning Regulations.

E. Non-Conforming Structures

1. A non-conforming structure is any building or structure lawfully existing on the effective date of these regulations or amendment thereto, which does not conform to the development standards of the district in which it is located.
2. A non-conforming structure may continue to exist in accordance with the provisions of this Article.
3. A non-conforming structure may be enlarged, maintained, repaired, or structurally altered, provided, the existing non-conformity is not increased or extended, and no new non-conformities are created.
4. A non-conforming structure shall not be moved in whole or in part for any distance to any other location on the same or any other lot. If such structure is moved, the entire structure shall conform to the regulations of the applicable zoning District in which it is located. A Zoning Permit shall be required prior to moving such Structure.
5. A non-conforming mobile home, as defined in this Code, located in any district, once removed shall not be relocated on such lot, or replaced with another mobile home.

F. Non-Conforming Uses

1. A non-conforming use is any use that was lawfully being conducted within any building or on any land on the effective date of these regulations or amendment thereto but is not listed as a permitted use of the district in which it is located.
2. A non-conforming use may continue to operate in its current location in accordance with the provisions of this Article.
3. The Board of Zoning Appeals may authorize a non-conforming use to be changed to another non-conforming use, provided the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. The Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this Zoning Code, which if violated are punishable under Section 4.Q of this Zoning Code.
4. Unless otherwise permitted by this Article, a non-conforming use shall not be enlarged, extended, or expanded.
5. The Board of Zoning Appeals may permit, on a once-only basis, the expansion of a non-conforming use, provided such expansion does not exceed twenty-five percent (25%) of the ground floor area of the existing building or buildings devoted to a non-

conforming use at the time of enactment of this Zoning Code or at the time of its amendment making a use non-conforming. The Board of Zoning Appeals shall not authorize any enlargement which would:

- a. Result in a violation of the provisions of this Zoning Code with respect to any adjoining premises.
 - b. Occupy ground space required for meeting the setback or other requirements of this Zoning Code.
6. A non-conforming use which has been replaced or abandoned shall not be returned to a non-conforming use. A non-conforming use shall be considered abandoned when there is intent either express or implied to cease the non-conforming use for a period of two (2) years. Abandonment may be evidenced by an overt act or failure to act indicating that the owner or responsible party has not been using the non-conforming use for said time period. A non-conforming use shall be considered replaced when either one of the following conditions exists:
- a. When a non-conforming use has been changed to a permitted use in the applicable district.
 - b. When it has been changed to another non-conforming use under permit from the Board of Zoning Appeals.

G. Damage or Destruction

In the event that any non-conforming building, structure or use is damaged or destroyed by any means, to the extent of more than fifty percent (50%) of its fair market value at the time of damage, such building or other structure shall not be restored unless such building or other structure and the use thereof conform to the regulations of the district in which it is located. If such damage is fifty percent (50%) or less of its current fair market value, it may be restored or reconstructed to its previous size, shape, and dimensional characteristics and the previous Use may be permitted if:

1. A Zoning Permit is obtained;
2. Restoration commences within one year after the date of such destruction; and
3. The restoration is substantially completed within two-and-a-half (2.5) years from when the Zoning Permit is issued.

ARTICLE VI (6) DISTRICT CHANGES AND ZONING AMENDMENTS

A. Intent

This Article describes the procedures to be followed for amendment of the Zoning Resolution. If and to the extent that the provisions of this Article are inconsistent with the provisions of Section 519.12 of the Ohio Revised Code, as may be subsequently amended, the provisions of the Ohio Revised Code shall govern.

B. Initiation of Zoning Amendments

Amendments to this Resolution may be initiated in one of the following ways:

1. By referral of a proposed amendment to the Township Zoning Commission by Board of Township Trustees.
2. By the adoption of a motion by the Township Zoning Commission submitting the proposed amendment to the Board of Township Trustees.
3. By the filing of an application by at least one (1) owner or lessee of property, or his/her designated agent, within the area proposed or affected by the said amendment.

C. Contents of Application

An application for amendment shall be submitted by the applicant to the Zoning Inspector and shall contain, at a minimum, the following information:

1. Name, address, and phone number of the applicant.
2. Proposed amendment to the text or legal description of the property affected.
3. Present use and district.
4. Proposed use and district.
5. A map drawn to scale showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require.
6. A list of all property owners within the 200 feet, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the Pickaway County Auditor's current tax list. The requirement for addresses may be waived when more than ten (10) parcels are proposed to be rezoned.
7. A statement as to how the proposed amendment will impact adjacent and proximate properties.
8. Any other information as may be requested by the Zoning Inspector to determine conformance with and provide for enforcement of this Zoning Resolution.
9. A fee as established by the Board of Township Trustees.

Upon receipt of the application, the Zoning Inspector shall review it for completeness. If the above requirements are met, the Zoning Inspector shall transmit the application to the Zoning Commission. The date of this transmittal is the date of filing. If the application is incomplete, the Zoning Inspector shall return it to the applicant with a list of its deficiencies.

D. Submission to County Planning Commission

Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application pursuant to Section 6.03 above, the Zoning Commission shall transmit a copy of such motion, resolution, or application, together with the text and map pertaining to the case in question, to the Pickaway County Planning Commission. The Pickaway County Planning Commission shall recommend the approval or denial of the proposed amendment, or some modification thereof, and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission, pursuant to Section 6.E below.

E. Public Hearing by Zoning Commission

1. Date of Public Hearing

The Zoning Commission shall schedule a public hearing after adoption of their motion, transmittal of a resolution from the Board of Township Trustees, or the filing of an application pursuant to Section 6.D above. Said hearing shall be held not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.

2. Notice of Public Hearing in Newspaper

Before holding the public hearing as required, notice of such hearing shall be given by the Township Zoning Commission in at least one (1) newspaper of general circulation in the Township at least ten (10) days before the date of such hearing. The notice shall include the following information:

- a. The time and place of the public hearing.
- b. A statement that the hearing is being conducted by the Darby Township Rural Zoning Commission.
- c. A statement indicating that the proposed action is an amendment to the zoning resolution.
- d. A list of the addresses and owners of all properties to be rezoned or redistricted as they appear on the application, if applicable.
- e. The present and proposed zoning classification of the property to be rezoned or redistricted, if applicable.
- f. The time and place where the application will be available for public examination for a period of at least ten (10) days prior to the hearing.
- g. The name of the person responsible for giving notice of the public hearing.
- h. Any other information requested by the zoning commission.
- i. A statement that after the conclusion of such hearing, the matter will be referred to the Board of Township Trustees for further determination.

F. Notice to Property Owners

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of such hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty (20) days before the date of the hearing to all owners of property within 500 feet, contiguous to and directly across the thoroughfare from such area proposed to be rezoned or redistricted.

Such notices shall be mailed to the addresses of the owners appearing on the Pickaway County Auditor's current tax list, as provided by the applicant in Section 6.C.6 above. The failure to deliver such notices shall not invalidate any such amendment. The notices shall contain the same information as required of notices published in newspapers as specified in Section 6.E.2 above.

G. Recommendation by Zoning Commission

Within thirty (30) days after the hearing required in Section 6.E above, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

H. Public Hearing by the Board of Township Trustees

Within thirty (30) days from receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such hearing shall be as specified in Section 6.E.2.

I. Action by the Board of Township Trustees

Within twenty (20) days after the public hearing required in Section 6.H above, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission, or it may adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Zoning Commission, the unanimous vote of the Board of Township Trustees is required.

J. Criteria

In reviewing the proposed amendment and arriving at its decision, the Board of Township Trustees shall consider the following factors:

1. Compatibility of the proposed amendment with the zoning and use of adjacent land, and with any land use or comprehensive plans adopted by the Township.
2. The effect of the adoption of the proposed amendment on motor vehicle access, traffic flow, storm drainage, or public infrastructure in the area.
3. The effect of the adoption of the proposed amendment upon the public health, safety, and general welfare of the adjacent properties and other residents of the Township.

K. Effective Date and Referendum

Any amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of adoption. unless within that thirty (30) days there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan, equal to eight percent (8%) of the total vote cast for all candidates for Governor in such area at the most recent election in which a Governor was elected, requesting the Board of Township Trustees to submit the proposed amendment to the electors of such area, for approval or rejection, at the next primary or general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes 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 effect immediately.

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ARTICLE VII (7) APPEALS

A. Appeals

Any official action of the Zoning Inspector may be appealed by any person aggrieved, or by any officer of the Township affected by the decision of the Zoning Inspector. The procedures to be followed shall be as specified in Sections 519.14 through 519.15 of the Ohio Revised Code, as may be amended.

B. Notice of Appeal

A notice of appeal may be filed with the Clerk of the Township by any person aggrieved including a tenant, or by a governmental officer, department, board, or bureau. Such appeal shall be taken within twenty (20) days after the date of the decision, and shall be in writing, signed by the appellant, specifying the grounds of the appeal. A copy of the action by the Zoning Inspector shall be attached to the notice of appeal. Within five (5) days from the date of receipt of such appeal, the Clerk of the Township shall transmit said notice to the Board of Zoning Appeals.

C. Action by the Board of Zoning Appeals

Upon receipt of the notice of appeal, the Board of Zoning Appeals shall fix a reasonable time for the appeal, give ten (10) days' notice in writing to parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in Pickaway County at least ten (10) days before the date of such hearing, and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney.

A. Powers of the Board of Zoning Appeals

The Board of Zoning Appeals shall have the power to authorize, in specific cases, such variances from the provisions or requirements of the Resolution as will not be contrary to the public interest. Such variances shall be granted only in cases of special conditions, involving physical conditions of the land, whereby strict application of such provisions or requirements would result in practical, difficulty and unnecessary hardship that would deprive the owner of the reasonable use of the land and buildings involved. No variance from strict application of any provision of this Resolution shall be granted by the Board unless it finds that all the following facts and conditions exist:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions specific to the land or building for which the variance is sought, and such conditions do not apply generally to land or buildings in the neighborhood or district in which the property is located.
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Resolution and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That such necessary hardship has not been created by the appellant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
6. Under no circumstance shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district.

B. Application for Variance

Any owner, or his/her agent, may file an application to obtain a variance from the decision of the Zoning Inspector. An application for a variance shall be filed in triplicate with the Zoning Inspector on a form as specified for that purpose. The Zoning Inspector shall forward a copy of the application to the Board of Zoning Appeals within five (5) days from receipt of the completed application. The application for a variance or an appeal shall contain the following information:

1. Name, address, and phone number of the applicant.
2. Legal description of property as recorded in Pickaway County Recorder's office.
3. A map or drawing to approximate scale, showing the dimensions of the lot and any existing or proposed building.

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4. The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Pickaway County Auditor's current tax list.
5. Each application for a variance or appeal shall refer to the specific provisions of this Resolution which apply.
6. A narrative statement explaining the following:
 - a. The use for which variance or appeal is sought.
 - b. Details of the variance or appeal that is applied for and the grounds on which it is claimed that the variance or appeal should be granted, as the case may be.
 - c. The specific reasons why the variance is justified, according to Section 8.A above.

C. Public Hearing by the Board of Zoning Appeals

The Board of Zoning Appeals shall hold a public hearing within forty-five (45) days after receipt of an application for a variance. Notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

D. Action by Board of Zoning Appeals

Within thirty (30) days after the public hearing pursuant to Section 8.C, the Board of Zoning Appeals shall either approve, disapprove, or approve with supplementary conditions the request for variance. In granting any variance, the Board of Zoning Appeals may prescribe appropriate and reasonable conditions. Violation of the conditions and/or safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Resolution under Section 4.I of this Resolution.

If the application is approved, or approved with conditions, the Board of Zoning Appeals shall make a finding that the reasons set forth in the application justify the granting of the variance and will permit a reasonable use of the land, building or structure. The Board of Zoning Appeals shall transmit a written copy of its decision and findings to the Zoning Inspector, who shall forward such copy to the applicant. If the request for appeal or variance is denied, the applicant may seek relief through the Court of Common Pleas.

A. Authority and Purpose

Under some unusual circumstances, a use of property which typically affects a more intensely than those uses permitted in the zoning district in which it is located may nonetheless be desirable and compatible with permitted uses, if that use is properly controlled and regulated. Such uses shall be listed as "conditional uses" within the respective zoning districts.

The Board of Zoning Appeals may grant conditional approval for the use of the land, building, or other structures and may allow such use to be established where unusual circumstances exist and where the conditional use will be consistent with the general purpose and intent of this Zoning Resolution.

B. Application for Conditional Use

Any person owning or having an interest in property may file an application to use such property for one of the conditional uses provided for by this Resolution in the zoning district in which the property is situated. An application for a conditional use shall be filed with the Zoning Inspector who shall forward within five (5) days a copy to the Board of Zoning Appeals. At a minimum the application shall contain the following information:

1. Name, address, and phone number of applicants,
2. Legal description of the property as recorded in the Pickaway County Recorder's office.
3. Present zoning district.
4. Description of proposed conditional use.
5. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area. Traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other Information as the Board may require determining whether the propose conditional use meets the intent and requirements of this Resolution.
6. A narrative statement evaluating the effects on adjoining property; the effect of such element as noise, glare, odor, light, fumes, and vibration on adjoining property; and a discussion of the general compatibility with adjacent and other properties in the district.
7. The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Pickaway County Auditor's current tax list. The applicant shall also provide the addresses of all property within the above referenced boundaries.
8. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Board.

C. General Standards for Conditional Uses

The Board of Zoning Appeals shall not approve a conditional use unless it shall, in each specific case, make specific findings of fact directly based on the evidence presented to it, that support conclusions that such use at the proposed location shall meet all the following requirements:

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1. Will be consistent with the general objectives, or with any specific objective or purpose, of this Zoning Resolution.
2. Will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
3. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers and schools.
4. Will not involve use, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
5. Will have vehicular approaches to the property which shall be so designated as not to create interference with traffic on surrounding public streets or roads.

D. Supplementary Conditions

In granting any conditional use the Board may prescribe appropriate conditions and safeguards in conformance with this Resolution. Specific considerations for the following uses have been established and can be found in:

Agritourism	Article XXIV
Places of Assembly	Article XXXIV
Quarrying or Mining Operations	Article XLI

E. Public Hearing by the Board of Zoning Appeals

The Board shall hold a public hearing within forty-five (45) days from the receipt of the application specified in Section 9.B. The requirements for public notice and notification of parties of interest shall be the same as for a variance, as specified in Section 8.C of this Resolution.

F. Action by the Board of Zoning Appeals

Within thirty (30) days after the public hearing pursuant to Section 9.E, the Board shall either approve with supplementary conditions as specified in Section 9.D, or disapprove the application as presented. If the Board shall direct the Zoning Inspector to issue a zoning certificate listing the specific conditions listed by the Board for approval. If the application is disapproved, the applicant may seek relief through Court of Common Pleas.

G. Expiration and Revocation of Zoning Certificate Issued Under Conditional Use Provisions.

The approval of the zoning certificate issued in accordance with Section 9.F shall become null and void if such use is not carried out within one (1) year after date of approval. The Board may revoke the zoning certificate upon written evidence by any resident or official of the Township of violation of the Zoning Resolution and/or written terms and conditions upon which approval was based.

Planned Suburban Residential (PSR), Planned Business District (PB) and Planned Unit Development (PUD) District.

A. PROCEDURE – PLANNED DISTRICT MAP AMENDMENT – PRELIMINARY DEVELOPMENT PLAN

Review of applications for Planned Development Districts (PSR, PB, and PUD) shall be conducted in compliance with the following general provision.

1. Review for completeness. The Zoning Inspector, or designee, shall review each planned development application for completeness and compliance with the applicable submission requirements, unless the Zoning Inspector, or designee, determines that specific items are inapplicable or unnecessary. If the Zoning Inspector deems an application as insufficient, the Zoning Inspector shall notify the applicant of the deficiencies. Only complete applications shall be placed on the Zoning Commission agenda. When the application is determined complete and all applicable fees are paid, the Zoning Inspector shall officially accept the application for consideration. This shall include either a preliminary development plan as set forth in Section 10.C.2 or a final development plan as set forth in Section 10.C.3.
2. Previously approved Planned Development Districts. Planned Development Districts, including development plans and development standards text adopted prior to the effective date of these Planned Development District regulations, shall continue in effect, and be considered legally conforming under this code. However, the procedures for the implementation of those developments must conform to the regulations indicated in this code.
3. Subdivision plat approval. If the proposed development includes the subdivision of land, the development shall be subject to the requirements of the plat approval process in accordance with the county subdivision regulations,
4. Zoning amendment pre-application meeting with concept plan. The applicant shall meet with the appropriate Township staff for review of a concept plan prior to submitting an application for a Planned Development District zoning amendment. The concept plan is intended to outline the basic scope, character, and nature of a proposed project. The review is to provide input in the formative stages of design.
 - a. The applicant shall submit a concept plan for the Zoning Inspector, or designee, to review. The concept plan shall include the elements indicated in Section 10.C.
 - b. The Zoning Inspector, or designee, may forward complex projects to the Zoning Commission for their review and feedback.
 - c. The applicant may request review and feedback from the Zoning Commission prior to preparing a preliminary development plan.
 - d. No discussions, opinions, or suggestions provided on any aspect of the concept plan shall bind the applicant, or the Township, or be relied upon by the applicant to indicate subsequent approval or disapproval by the Township.

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5. Zoning amendment request. An application for a zoning amendment to the Planned Suburban Residential Development, Planned Business, or Planned Unit Development District shall be submitted in accordance with Article VI. In addition to the submission requirements for zoning amendments, the applicant shall also submit a preliminary development plan, development text, and supporting documentation as required below.
6. Preliminary development plan review procedures. The application, including all submission requirements for preliminary development plans in accordance with Section 10.C.1, shall be reviewed and distributed according to the following procedures.
7. Zoning Inspector, or designee, review, and transmittal to the Zoning Commission. After determining that an application is complete according to Section 6.C, the Zoning Inspector, or designee, shall forward the application to the appropriate Township departments and, if determined necessary, professional consultants for review and comment. The Zoning Inspector, or designee, shall schedule a public hearing of the preliminary plan by the Zoning Commission no less than twenty (20) days and no more than forty (40) days from the date the application is deemed complete and notify all adjacent property owners in accordance with Section 6.F.1.
8. Review and recommendation by Zoning Commission. The Zoning Commission shall review the preliminary application to determine if it complies with the approval criteria set forth in Section 10.D.1. The Zoning Commission shall take into consideration any submitted staff reports, comments, and expert opinions when reviewing the application.
9. Action by Zoning Commission. Within 30 days of the conclusion of its public hearing, the Zoning Commission shall recommend to Township Trustees one of the following:
 - a. That the preliminary development plan, development text and its supporting documentation be approved as submitted;
 - b. That the preliminary development plan, development text, and its supporting documentation be approved with specific conditions set forth by the Planning Zoning Commission, and agreed to by the applicant, to further protect and improve the proposed and surrounding developments; or
 - c. That the preliminary development plan be disapproved.
10. Transmission to Township Trustees. The Zoning Commission shall transmit the zoning amendment application and the preliminary development plan in the form of an Resolution along with all appropriate documentation, including their recommendation to Township Trustees.,
11. Review and action by Township Trustees. Within thirty (30) days of receiving the Zoning Commission's recommendation, Township Trustees shall conduct a public hearing, in accordance with Township Trustees procedures and public notice provisions set forth in Section 6.F.

In reviewing the Resolution(s), the Township Trustees shall consider the approval criteria set forth in Section 10.D.1.

12. Approval of the Planned Development District/Preliminary Development Plan. Adoption of the Resolution shall constitute a rezoning of the property included in the preliminary development plan to a Planned Suburban Residential, Planned Business & Industrial or Planned Unit Development District, and the preliminary development plan and associated commitments become binding on the applicant. The Official Zoning Map shall be amended to reflect the zoning changes. In the event Township Trustees approve the preliminary development plan with modifications, the applicant shall incorporate such modifications into the appropriate documents and file the revised preliminary development plan with the Zoning Inspector, or designee. No final development plan application will be processed until the revised preliminary development plan is submitted and approved.
13. Significance of approved plan. Approval or approval with recommended modifications of the preliminary development plan by the Township Trustees shall:
 - a. Establish the development framework for the project, including the general location of open space, use areas, densities, unit types, recreational facilities, and street alignments;
 - b. Permit the applicant to proceed with detailed planning of the final development plan; and
 - c. Authorize the applicant to apply for all other required regulatory approvals for the project or subsequent phases thereof.
14. Expiration of zoning approval. Given the nature of the Planned District process and the unique standards simultaneously adopted, the Planned Suburban Residential, Planned Business & Industrial or Planned Unit Development District designation, as applicable, shall remain valid for three years from the date of Township Trustees approval. During that time, the applicant shall prepare and submit a final development plan for review in compliance with Section 10.B below. In the event progress on the PUD is discontinued, the Township may begin procedures to rezone the property to the zoning district in place prior to the Planned Unit Development District or to another district as may be determined appropriate. For the purpose of this section, progress shall be considered discontinued when:
 - a. The final development plan for the PUD, or for the first phase of the PUD, is not submitted within three years after approval by Township Trustees of the preliminary development plan;
 - b. A final development plan for the PUD is approved, and construction work is discontinued for a period of 2 years or for a longer period as may be agreed to as part of the PUD zoning amendment.
 - c. At any time, the Zoning Commission may grant an extension to the above stated timeframes for good cause shown.

B. PROCEDURE – FINAL DEVELOPMENT PLAN

1. Final development plans. An application for final development plan review shall include the submission requirements set forth in Section 10.C.3 and shall be submitted for review according to the following. An application for final development plan review shall be required for each phase of development.
2. Area included in Final Development Plan. The area included in an application for final development plan review shall be in substantial compliance with the phasing plan approved as part of the preliminary development plan.
3. Zoning Commission and Trustee Action: After receipt of the completed Application materials and required fees, the Zoning Commission shall schedule a public hearing within thirty (30) days after the filing of the complete Application and shall give the applicant and all owners of property within, contiguous to, and directly across the street from the area proposed for development written notice of the hearing at least ten (10) days before the date of the hearing. Notice shall be sent by regular, first-class mail to the addresses of those owners as they appear on the County Auditor's current tax list. The failure of delivery of that notice shall not invalidate any action the Zoning Commission may take on the Application. The Zoning Commission shall make a recommendation to the Township Trustees on the Application and Development Plan within thirty (30) days after the conclusion of the hearing.

The Darby Township Trustees, shall upon receipt of such application, shall review the Development Plan and the Zoning Commission's recommendation and take action on said Development Plan at its next regularly scheduled meeting. The Trustees can uphold, modify, or overturn the recommendation of the Zoning Commission. A simple majority is required by the Trustees to uphold, modify, or overturn the Zoning Commission's recommendation.

4. Compliance with current Township-wide standards. In the event development standards or construction standards that apply Township-wide are updated, all subsequently approved final development plans shall comply with the updated standards when the Zoning Commission determines that such updated standard(s) will not cause undue hardship.
5. Zoning permits. Following the approval of the final development plan, and recording of the final subdivision plat if applicable, the applicant may proceed with the zoning permit process, consistent with approval as granted, including any conditions and modifications made by the Zoning Commission. A zoning permit shall not be issued until the appropriate final plat has been recorded. All construction and development under any zoning permit shall be in accordance with the approved final development plan, except for modifications permitted in Section 10.B.6. Any unauthorized departure from such plan shall be cause for revocation of the zoning permit. All required covenants, easements and restrictions shall be recorded prior to the approval of any construction permit in a location where such covenants, easements, or restrictions are intended to apply. The Township may require a copy of the recorded document prior to issuing any construction permit.

6. Modifications to approved final development plans. Requested modifications to approved final development plans shall be reviewed according to the following:
 - a. Administrative approval. The Zoning Inspector, in administering the approved final development plan and development text, may authorize minor plan modifications to building layouts, parking arrangements, sign locations, lighting, and other site-related improvements that are required to correct any undetected errors or address changes to the site made necessary during construction, provided the modifications remain consistent with the purpose of the approved final development plan. No modifications shall be made that increase the permitted density of development or add to the list of permitted uses.
 - b. Modifications deemed minor may include such changes as:
 - i. Minor adjustments in lot lines provided no additional lots are created and required setbacks are maintained;
 - ii. Minor adjustments in the location of and layout of parking lots provided the perimeter setbacks, yards and buffers are maintained;
 - iii. Minor adjustments in building footprints up to ten percent (10%) in total floor area of the originally approved building, building height(s) or floor plans, that do not alter the character or intensity of the use;
 - iv. Substitution of landscaping materials specified in the landscape plan with comparable materials of an equal or greater size;
 - v. Redesigning and/or relocating stormwater management facilities provided that general character and stormwater capacities are maintained and approved by the County Engineer.
 - vi. Redesigning and/or relocating landscape mounds, provided that the same level and quality of screening is maintained;
 - vii. Minor modifications to the sign face, landscaping and lighting, provided the other sign requirements of the final development plan are maintained;
 - viii. Minor changes in building material or colors that are similar to and have the same general appearance comparable to or of a higher quality as the material approved on the final development plan;
 - ix. Changes required by outside agencies such as the county, state, or federal departments;
or
 - x. Other minor modifications deemed by the Zoning Inspector that do not alter the basic design or any specific conditions imposed as part of the original approval.
 - c. The Zoning Inspector shall report approved modifications to the Zoning Commission. The Zoning Inspector may submit any modification to the Zoning Commission that would otherwise be considered minor if the Zoning Inspector finds that the overall extent and effect of the proposed modification should be reviewed by the Commission.

d. Board of Zoning Appeals variances.

- i. Any request for a variation to the development standards text that pertains to an individual one-unit dwelling shall be reviewed as a variance according to the procedures set forth in Article VIII.

e. Zoning Commission approval.

- i. Modifications other than those listed in Sections 10.B.6(b) and 10.B.6(d) above not determined by the Zoning Inspector to be minor shall be submitted to the Zoning Commission. Modifications may be approved provided the Commission finds that the requested changes are compatible with the surrounding development and that the modifications remain consistent with the preliminary development plan.
- ii. Any requested changes shall be indicated on an amended final development plan. An application for an amended final development plan shall follow the review procedures for final development plan review set forth in Section 10.D.2 of this section. If approved, those amendments to the final development plan shall supersede the originally approved final development plan.

C. SUBMITTAL REQUIREMENTS

1. Contents of concept plan application. It is the intent of these regulations that the concept plan shall generally indicate overall design of the proposed project. Information submitted should be comprehensive enough to enable the Zoning Inspector, or designee, to understand the existing site and concept for the proposed development. The applicant shall submit a number of copies as determined by the Zoning Inspector. The information submitted should include the following:
 - a. Completed application form along with the application fee.
 - b. Vicinity map indicating the location of the site in the Township and the general location of principal thoroughfares.
 - c. Regional context map. A map indicating the proposed site and all areas within 2,000 feet in all directions showing both the basics of the proposed layout contained in the application and the property lines of the adjacent areas on a drawing that is eleven (11) inches by seventeen (17) inches.
 - d. Map of existing conditions and features drawn to scale, with accurate boundaries of the entire project and a north arrow, including the property proposed for development, all adjacent rights-of-way and one hundred (100) feet of property immediately adjacent thereto, indicating:
 - i. Existing public improvements, permanent facilities, easements and property boundaries;
 - ii. General indication of existing structures on the site and abutting properties;

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- iii. Physical features and natural conditions of the site including the location of streams, tree masses, open spaces, etc.;
 - iv. General topography;
 - v. Existing zoning district boundaries and jurisdictional boundaries;
 - vi. Surface drainage and areas subject to flooding;
 - vii. Existing public and private utility systems;
 - viii. Regional transportation system.
- e. The concept plan map, drawn to scale with accurate boundaries of the entire project and a north arrow, including the property proposed for development, all adjacent rights-of-way and 100 feet of property immediately adjacent thereto, indicating:
- i. Depiction of proposed land uses, including open space areas, indicating the approximate acreage by land use, density and type of buildings or dwelling units;
 - ii. The location of any lands to be dedicated to any public agency;
 - iii. The general circulation pattern;
 - iv. The relationship of the proposed project to the surrounding area.
2. Contents of preliminary development plan application. The application shall include the maps, plans, and supplementary documentation itemized below. The applicant shall submit a number of copies as determined by the Zoning Inspector. The information submitted should include the following:
- a. Completed application form along with the application fee. The application shall be signed and notarized.
 - b. Vicinity map showing the relationship of the proposed PD to existing development and including existing property lines, easements, utilities, and street rights-of-way of the subject property and property within 500 feet of the site, zoning district boundaries, and existing land uses and structures.
 - c. Regional context map. A map of the proposed site and all areas within 2,000 feet in all directions showing both the basics of the proposed layout contained in the application and the property lines of the adjacent areas on a drawing that is eleven (11) inches by seventeen (17) inches.
 - d. Legal description.
 - e. Map of existing conditions and features drawn to scale, with accurate boundaries of the entire project and a north arrow, including:
 - i. Boundaries of the area proposed for development, dimensions and total acreage;

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- ii. Existing public rights-of-way, buildings, permanent facilities, access points and easements on, and adjacent to, the site;
 - iii. Identification of any existing buildings or structures to be removed or demolished;
 - iv. Existing zoning district boundaries and jurisdictional boundaries;
 - v. Existing utility systems and providers;
 - vi. The location of existing topography showing contour lines at vertical intervals of not more than five feet, highlighting ridges, rock outcroppings and other significant topographical features and identifying any areas with slopes over five percent (5%);
 - vii. Locations of all wooded areas, tree lines, hedgerows, and a description of significant existing vegetation by type of species, health, and quality;
 - viii. Delineation of existing drainage patterns on the property;
 - ix. Location of wetlands (and potential wetlands) the one hundred (100) year floodplain, floodway boundary, twenty (20)-foot buffer area beyond the floodway, and flood elevation as delineated by the Federal Emergency Management Agency maps including rivers and streams and their related river or stream bank, ponds, and water courses and as required by County Flood Damage Reduction.
- f. The preliminary development plan map shall include a plan for the entire area of the proposed project and shall be drawn to an appropriate scale with accurate boundaries of the entire project including a north arrow. The applicant shall submit a number of copies as determined by the Zoning Inspector. The information submitted shall indicate:
- i. The proposed location, use and size of areas of residential, retail, office, industrial or institutional uses, community facilities, parks, playgrounds, school sites and other public areas and open spaces with the suggested ownership and maintenance provisions of such areas, and their related parking areas, and access points;
 - ii. The general layout of the proposed internal road system, indicating the proposed vehicular right-of-way of all proposed public streets, general indication of private streets and pedestrian circulation, bike paths and other trail systems, access drive locations, improvements to existing streets, and traffic control requirements;
 - iii. Any proposed off-site improvements and/or utility lines/extensions needed to serve the site;
 - iv. Natural areas and other natural features to be conserved and any required buffer areas;
 - v. Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.;

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- vi. A summary table showing total acres of the proposed development; the number of acres devoted to each type of use, including streets and common areas; the number of dwelling units by type and density for each residential use area and the building height(s); and square footage as proposed for retail, office, industrial and institutional uses, by use area; and the number of parking spaces provided for each use area;
- vii. Space for signatures of the applicant and the Zoning Inspector, Zoning Commission Chair, and the dates of Planning a Commission and Trustees approvals.
- g. Preliminary plat, if appropriate, designed in compliance with the subdivision requirements set forth in the Pickaway County Subdivision Regulations. The required subdivision information may be included in the preliminary development plan.
- h. Architectural drawings demonstrating the prototypical designs of the proposed buildings, to demonstrate the exterior design, character, and general elements in sufficient detail to indicate the proposed visual character of the development.
- i. A phasing plan and schedule identifying the separate phases of the project, including utilities and any off-site improvements. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets, easements, and natural areas.
- j. Proposed utilities including the proposed provision of water, sanitary sewer, and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness, including verification of availability.
- k. Traffic study indicating the impact of future traffic on the existing and proposed roadway system, as required by the Township Engineer.
- l. Explanation of relationship of proposed development to existing and future land use in the surrounding area, the street system, community facilities and open space system, services, and other public improvements.
- m. PUD Development Text. The PUD development text identifying the requirements that are to govern the design and layout of the PUD.
 - i. The development standards text shall include signature and date lines for the applicant certifying the text.
 - ii. Dimensions and/or acreages illustrated on the development plan shall be described in the development standards text.
 - iii. Any dimensions or other provision that departs from any applicable standards set forth in the Township of Darby Zoning Code, especially addressing signs, landscaping, appearance, and parking, shall be clearly described.
 - iv. Adequate provision shall be made to establish a private organization (i.e., homeowners association) with direct responsibility to provide for the operation and maintenance of all common facilities that are part of the planned development, and, in such instance

legal assurances shall be provided to show that the private organization is self-perpetuating.

3. Contents of final development plan application. The application shall include the maps, plans, designs, and supplementary documents itemized below. Copies of the maps, plans, designs, and supplementary documents shall be submitted. Final development plans are intended to be detailed refinements for development and, as such, shall be accurate, detailed representations of the total aspects of the approved preliminary development plan. The applicant shall submit a number of copies as determined by the Director of Planning. The information submitted shall include the following:
 - a. Completed application form along with the application fee.
 - b. Vicinity map showing the relationship of the area of the final development plan to the entire Planned Unit Development District and including existing structures, property lines, easements, utilities, and street rights-of-way of the subject property and property within 500 feet of the site;
 - c. Regional context map. A map of the proposed site and all areas within 2,000 feet in all directions showing both the basics of the proposed layout contained in the application and the property lines of the adjacent areas on a drawing that is eleven (11) inches by seventeen (17) inches.
 - d. Legal description of the property if a final plat is not submitted. The legal description must include accurate distances and bearings from an established monument on the project to the three nearest established street lines or official monuments; and be stamped or sealed evidence from a surveyor registered in the State of Ohio or engineer that the monuments actually exist, and that all dimensional and geodetic details are correct;
 - e. Final development plan map prepared by a qualified professional such as a licensed architect, surveyor, engineer, or landscape architect, and drawn to an appropriate scale indicating the following items, to the extent that the information is not already shown on the final subdivision plat or construction drawings for a subdivision:
 - i. A bar scale, north arrow, and total acreage of the area that is the subject of the final development plan, and accurate location of all monuments;
 - ii. Radii, arcs, points of tangency, central angles for all curvilinear street, radii for all rounded corners, and length of all straight center line between curves on all public and private street;
 - iii. The right-of-way lines of adjoining streets and alleys with their width and names, and indicating the edge of pavement and centerline;
 - iv. All lot lines and easements with their dimensions;
 - v. The dimensions and locations of proposed structures, buildings, streets, parking areas, yards, playgrounds, school sites and other public or private facilities; the proposed pedestrian and bike path systems; the arrangement of internal and in-out traffic movement including access roads and drives; lane and other pavement markings to

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- direct and control parking and circulation; and the location of signs related to parking and traffic control;
 - vi. Location of existing and proposed structures including fences, walls, signs, and lighting;
 - vii. Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles;
 - viii. Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and storm water management;
 - ix. Delineation and identification of areas to be dedicated or reserved for public use, provided those areas are acceptable to the Township, with the purposes indicated thereon, and of any area to be reserved by deed covenant for the common use of all property owners, listing who will maintain the acreage of such areas, or indicating if it is to be dedicated or reserved and the proposed timing of dedication or reservation;
 - x. Space for signatures of the owner, and applicant if different that the owner, and the Zoning Commission Secretary, and the date of Commission approval;
 - xi. Summary table showing total acres of the proposed development, the number of acres devoted to each type of use including streets and open space, and the number of proposed dwelling units by type, building square footage, number of parking spaces, pavement coverage, impervious surface area and acreage devoted to open space, private streets, and other public facilities.
- f. Proposed utilities. Verification of availability of all utilities, including water, sanitary sewer, gas, electric, cable, etc., and indication of all utility line extensions;
- g. Additional plans for proposed development.
- i. Topographic maps showing existing and proposed grading contours, water courses, wetlands, flood plains and other flood hazard boundaries and information;
 - ii. Landscaping and screening plans as required by Article XXX;
 - iii. A lighting plan, including, but not limited to, light pole heights and locations, building accent lighting, pedestrian lighting, average footcandle calculations minimum foot-candles and maximum foot-candles.
 - iv. A dimensioned sign plan indicating the character, material, dimensions, location, shape, color(s) and type of illumination of signs;
 - v. Architectural plans for the proposed development, showing all exterior elevations, building floor plans, colors, materials, and other details to indicate the type of architectural style proposed for the development and conformity with applicable appearance standards, prepared by a licensed architect;

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- vi. Construction plans for all public improvements, site grading, and required development practices specified by the Township code.
- h. Ownership. The ownership interests of the subject property, including liens and easements, and the nature of the developer's interest if not the owner.
- i. Covenants, easements, and restrictions.
 - i. The substance of covenants, grants of easements, or other restrictions which will be imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities; and proper acknowledgment of owners and/or holders of mortgages accepting such restrictions.
 - ii. For projects that include any area for common use of or to be maintained by multiple property owners, the association's bylaws, or code of regulations, which shall include provisions that comply with the following requirements:
 - i. Membership in the association shall be mandatory for all purchasers of lots in the development or units in a condominium;
 - ii. The association shall be responsible for maintenance, control, and insurance of common areas;
 - iii. The association shall have the power to impose assessments on members for the maintenance, control and insurance of common facilities, and have the power to place liens against individual properties for failure to pay assessments;
 - iv. The association shall have the authority to enforce reasonable rules and regulations governing the use of, and payment of assessments for maintenance, control and insurance of, common facilities by such means as reasonable monetary fines, suspension of the right to vote and the right to use any common recreational facilities, the right to suspend any services provided by the association to any owner, and the right to exercise self-help to cure violations;
 - v. The conditions and timing of transfer of control from the developer to the unit or lot owners shall be specified;
 - vi. The association shall convey to the Township and other appropriate governmental bodies, after proper notice, the right to entrance to any common facilities for emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public health, safety, and welfare. The Township shall have the right, after proper notice, to make improvements and perform maintenance functions. In addition, the Township shall have the right to proceed against the association for reimbursements of said costs, including the right to file liens against individual condominium units, houses, and vacant building lots.
- j. Updated existing conditions. An updated/revised map of existing conditions indicating all changes since the map was submitted with the preliminary development plan.

- k. Table of contents. Table of contents or other index indicating where each of the plan submission requirements is located within the application package (page number of narrative or drawing).

D. PLAN APPROVAL CRITERIA

1. Preliminary development plan. In the review of proposed planned developments, the Zoning Commission and Township Trustees shall determine whether the preliminary development plan complies with the following criteria. In the event the Zoning Commission determines that the proposed preliminary development plan does not comply with a preponderance of these criteria, the Zoning Commission shall disapprove the application.
 - a. The proposed development is consistent with the purpose, intent and applicable standards of the Zoning Code;
 - b. The proposed development advances the general welfare of the Township and immediate vicinity and will not impede the normal and orderly development and improvement of the surrounding areas;
 - c. The proposed uses are appropriately located in the Township so that the use and value of property within and adjacent to the area will be safeguarded;
 - d. Proposed residential development will have sufficient open space areas;
 - e. The proposed development respects the unique characteristic of the natural features and protects the natural resources of the site;
 - f. Adequate utilities, access roads, drainage, retention and/or necessary facilities have been or are being provided;
 - g. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets and to maximize public safety and to accommodate adequate pedestrian and bike circulation systems so that the proposed development provides for a safe, convenient and non-conflicting circulation system for motorists, bicyclists and pedestrians;
 - h. The relationship of buildings and structures to each other and to such other facilities provides for the coordination and integration of this development within the PUD and the larger community;
 - i. The density, building gross floor area, building heights, setbacks, distances between buildings and structures, design and layout of open space systems and parking areas, traffic accessibility and other elements having a bearing on the overall acceptability of the development plans contribute to the orderly development of land within the Township;

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- j. Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, water courses and drainage areas;
 - k. The design, site arrangement, and anticipated benefits of the proposed development justify any deviation from the standard development regulations included in the Zoning Code or Subdivision Regulation, and that any such deviations are consistent with the intent of the Planned Unit Development District regulations;
 - l. The proposed building design meets or exceeds the quality of the building designs in the surrounding area and all applicable appearance standards of the Township;
 - m. The proposed phasing of development is appropriate for the existing and proposed infrastructure and is sufficiently coordinated among the various phases to ultimately yield the intended overall development;
 - n. The proposed development can be adequately serviced by existing or planned public improvements and not impair the existing public service system for the area;
 - o. The applicant's contributions to the public infrastructure are consistent with the Thoroughfare Plan and are sufficient to service the new development.
2. Final development plan. In the review of proposed PUD developments, the Zoning Commission shall determine whether the proposed development, as depicted on the final development plan, complies with the following:
- a. The plan conforms in all pertinent respects to the approved preliminary development plan.
 - b. Adequate provisions are made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
 - c. The development has adequate public services and open spaces;
 - d. The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this code;
 - e. The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas without unnecessarily spilling or emitting light onto adjacent properties or the general vicinity;
 - f. The proposed signs, as indicated on the submitted sign plan, will be coordinated within the PUD and with adjacent development; are of an appropriate size, scale, and design in relationship with the principal building, site, and surroundings; and are located so as to maintain safe and orderly pedestrian and vehicular circulation;
 - g. The landscape plan will adequately enhance the principal building and site; maintain existing trees to the extent possible; buffer adjacent incompatible uses; break up large

- expanses of pavement with natural material; and provide appropriate plant materials for the buildings, site, and climate;
- h. Adequate provision is made for storm drainage within and through the site which complies with the applicable regulations in this code and any other design criteria established by the Township or any other governmental entity which may have jurisdiction over such matters;
 - i. If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage;
 - j. The project appears to comply with all other local, state, and federal laws and regulations.

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Article XI (11)

Procedure for (R62C) Route 62 Corridor Overlay District

A. Procedure

All applications to submit a request for development in the Overlay District shall follow the procedures outlined in this Article XI.

B. Pre-Application Meeting

1. The applicant shall engage in informal consultations with staff from the Township. Such consultations may also include, and are strongly encourage with the Regional Planning Commission, the County Engineer, one or two representatives from the Township Zoning Commission, and other departments prior to submission of an application for approval of a Development Plan. No statement or action by Township or County officials during these informal consultations shall be construed to be a waiver of any legal obligation of the applicant or of any procedure of formal approval required by the Township or County statutes or rules. Ohio's Open Meetings Laws (Section 121.22 of the Ohio Revised Code) is required to be observed at all meetings involving a quorum of members of the Zoning Commission or Trustees.
2. The application should provide a conceptual layout of the proposed development to allow discussion of the existing features of the site, environmental limitations of the site, and any utility and transportation-related matters.

C. Application and Development Plan

1. The applicant shall prepare and submit a formal application and Overlay Development Plan, with a minimum of five (5) hard copies, along with an electronic copy and all applicable fees to the Township Zoning Inspector. The application shall be signed by the applicant and all owners of the property. The Township Board of Trustees may request that any County agency and/or any committee of the Regional Planning Commission submit comments for consideration at the meeting.
2. The application shall include a Development Plan and be accompanied by the following supporting information and documentation in text and map form:
 - a. A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the Tract to be developed.
 - b. A grading plan drawn to scale of 1" = 100', or to another scale acceptable to the Zoning Inspector, showing all information pertaining to surface drainage for the Tract.
 - c. An explanation of the method/structure and proposed documentation and instruments to be used to perpetually own, maintain and preserve the required open space. The location, size, and proposed use(s) of all open space areas shall be detailed.
 - d. A Traffic Impact Study (TIS) may be required as indicated below:
3. When the proposed use(s) within the Tract to be developed generate less than one hundred (100) a.m. or p.m. peak hour vehicle trips and/or less than 500 new daily vehicle trips, no TIS shall be required.

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4. When the proposed use(s) within the Tract to be developed generate one hundred (100) or more a.m. or p.m. peak hour vehicle trips and/or 500 or more new daily vehicle trips, a TIS shall be required but the applicant may delay the TIS until after the Development Plan has been approved by the Township Trustees, provided the following information is submitted to the Zoning Inspector at the time of the Zoning Permit application:
 - a. A copy of a letter(s) from the permitting authority(ies) of the applicable roadway(s), indicating that the applicant has completed a TIS and that said permitting authority(ies) has (have) reviewed and approved said TIS.
 - b. A copy of an agreement or other acceptable form of commitment between the applicant and the permitting authority(ies) of the roadway(s), binding the applicant to construct the required improvements within the TIS in accordance with the time frames in the approved study.
 - c. If an applicant is unable to provide the above information, then the Zoning Permit shall be denied by the Zoning Inspector and a new Development Plan must be approved by the Township Trustees in accordance with 11(C).
5. Vehicle trips shall be determined by utilizing the ITE Trip Generator Book (8th Edition or most current publication).
6. A TIS, when required, shall be signed, and sealed by a Professional Engineer (preferably a Professional Transportation Operations Engineer) and shall include all information required by the County Engineer's office, the County Subdivision Regulations, the County Access Management Regulations (if applicable), the Ohio Department of Transportation (ODOT) or any third-party Engineering firm hired by the Township, as applicable.
7. The recommendations included in a TIS, when required, shall be approved by the permitting authority of the applicable roads to which the recommendations apply. In the case of Township Roads, the Township may utilize a third-party Engineering firm or the County Engineer's office to review and approve the recommendations of the TIS.

D. Development Plan Controls

The Development Plan must be drawn to a scale of at least 1" = 100', or to another scale acceptable to the Zoning Inspector, and include in text and map form the following proposed features:

1. Proposed name of the development and its location.
2. Names and addresses of the applicant, owners, and developers.
3. Date and north arrow.
4. A list, description and location of the precise uses proposed for the development and phases for construction, if any. The list of uses shall be defined by their customary name or identification and must be allowed as permitted uses for the applicable subarea. Any listed uses may be limited to specific areas delineated in the Development Plan. If the proposed timetable for development includes constructing the property in phases, all phases to be developed after the first phase shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.
5. Boundary lines of the proposed development and the total acreage of the proposed project.
6. The adjoining lines of adjacent Tracts, Parcels or Lots.

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7. Layout, numbering, and dimensions of Lots, if more than one.
8. Labels for the existing zoning districts for the Tract and adjacent Parcels.
9. Existing deed restriction for the Tract to be developed, if applicable.
10. Sight Line Diagram for adjacent residential districts.
11. Locations, widths, and names of all existing and proposed public streets or other public rights-of-way, railroad and utility rights-of-way or easements, parks and other public open spaces, and section and corporation lines within the Tract.
12. Existing sewers, water mains, culverts, and other underground facilities within the Tract, adjacent to the Tract or that will be used or are proposed to be used in developing the Tract, indicating pipe sizing, grades, and locations.
13. Existing ground configuration, drainage channels, wooded areas, watercourses, and other significant physical features within the Tract. An exhibit demonstrating environmentally-sensitive areas such as the 100-year floodplain, wetlands, and slopes greater than twenty percent (20%).
14. Any stream delineations and mitigation setbacks required by the Army Corps of Engineers.
15. Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the condition proposed for such covenant, and for the dedications.
16. The proposed provisions for water, fire hydrants, sanitary sewer, all underground utilities, and surface drainage with engineering feasibility studies or other evidence of reasonableness. Preliminary water, sanitary sewer, and storm sewer line sizes and location, detention basins and drainage structures shall be drawn. Detailed engineering is not required.
17. A copy of letters from the following entities:
 - a. County Engineer or roadway maintaining authority stating that the proposed access and sight distance is adequate.
 - b. Water and Sewer District stating that water and sanitary sewers are available and have sufficient capacity to serve the proposed land uses.
18. Proposed street grades and preliminary sewer size slope.
19. Building setback lines with dimensions.
20. Layout, location, dimensions of any existing and proposed structures. Any existing structures to be demolished when developing the Tract must be labeled as “to be removed”.
21. Building locations depicting the bulk, height, and spatial relationships of building masses with adjacent development.
22. Preliminary drawings for buildings to be constructed, including preliminary floor plans, exterior elevations, and sections.
23. Color renderings of proposed and existing structures (except those that are “to be removed”), complete with a listing of all colors referenced by the Pantone Color Reference System (latest edition) or if pantone is not available, the manufacturer’s reference/serial number with samples and materials to be used.
24. Intended measures to screen rooftop mechanical equipment, production areas, service areas, storage areas, trash containers, and loading zones from view.
25. Detailed Parking and Loading Plan showing layout, location and design of parking and loading areas, number of parking and loading spaces, traffic circulation, curb cuts, pedestrian walks, and lane improvements on existing public roads.
26. Accommodations and access for emergency and fire-fighting apparatus.

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27. A detailed Signage Plan showing the location, type, dimensions, and features of all signage.
 28. A detailed Exterior Lighting Plan that includes a photometric plan showing:
 - a. The proposed intensity levels of the lighting throughout the site indicating footcandle measurements;
 - b. The lighting levels for the proposed site and an area extending a minimum of 30 feet onto adjacent properties;
 - c. The locations of each of the proposed lighting fixtures (wall mounted and pole);
 - d. The minimum, maximum, and average intensity/illumination for the site;
 - e. Details of all proposed outdoor lighting fixtures indicating manufacturer, model, and style of the fixture.
 - f. A graphic representation of the fixture is required.
 - g. The fixture lamp type (i.e., low pressure sodium, metal halide, etc.) shall be indicated on the proposed plans;
 - h. The proposed height of the lighting fixtures; and
 - i. The hours of use of the lighting fixtures.
 29. A Landscape Plan which depicts and identifies all proposed landscaping features. The Landscape Plan shall identify the caliber, height, and numbers of each plant, shrub, or tree, its name, its size at planting and rendering(s) of how that section of the development would look in elevation.
 30. A letter stating that all necessary restrictive covenants, to ensure the perpetual maintenance of the required open space, will be executed. Executed covenants shall be submitted prior to the Zoning Inspector issuing a Zoning Permit for construction.
 31. A letter stating that all necessary agreements will be executed to ensure access to and maintenance of any proposed shared parking. Executed agreements shall be submitted prior to the Zoning Inspector issuing a Zoning Permit for construction.
 32. The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
 33. The applicant may request a divergence from the development standards set forth in Article XX. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals, with a request that the proposed divergence be approved as part of and as shown on the Development Plan. Unless specifically supplemented by the standards contained in the Development Plan, the development shall comply with the requirements contained in Article XX. A request to approve a use that is not listed as a permitted use in the Subarea shall not be considered a divergence and shall follow the statutory rezoning process to determine if such use should be added to the Subarea text.
 34. Any other information, as may be required by the Township Board of Trustees, in order to determine compliance with this Zoning Code.
 35. All drawings that are a part of the Development Plan shall respectively bear the seals of the preparing architect, landscape architect, and/or professional engineer. The respective professional attaching his or her seal to the drawings must be licensed to practice in the state of Ohio.
- E. Zoning Inspector

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After receiving the completed application materials and required fees, the Zoning Inspector shall forward said materials to the Zoning Commission for further action under Section 11.F.

F. Zoning Commission

1. The Zoning Commission will schedule a public hearing within thirty (30) days of receiving the application from the Zoning Inspector. The Zoning Commission shall notify all adjacent landowners no later than ten (10) days prior to the meeting. The notice shall be sent by regular, first-class mail to the addresses of those owners as they appear on the County Auditor's then current tax list. The failure of delivery of that notice shall not invalidate any action taken by the Township on the Application.
2. During the hearing, the Zoning Commission may provide informal feedback to the applicant and the Zoning Inspector. The Zoning Inspector may provide a written report to the Board of Trustees that includes the informal feedback received from the Zoning Commission during its informal Work Session.
3. After the public hearing, the Zoning Commission shall have thirty (30) days to make its recommendation and to forward it to the Board of Trustees.

G. Board of Trustees

The Board of Trustees, shall upon receipt of such application, shall review the Development Plan and the Zoning Commission's recommendation and take action on said Development Plan at its next regularly scheduled meeting. The Board of Trustees can uphold, modify, or overturn the recommendation of the Zoning Commission by a simple majority vote.

H. Basis of Approval

1. In determining whether to approve an Application and Development Plan, the reviewing authorities shall consider the following:
 - a. If the proposed Development Plan is consistent with the purpose, criteria, intent, and standards of this Article and Zoning Code, and/or that proposed divergences provide the benefits, improved arrangement and design of the proposed development and justify the deviation from the development standards or requirements of the Zoning Resolution.
 - b. If the proposed Development Plan meets the design features and development standards required in this Article and Zoning Code or otherwise are listed and approved as divergences.
 - c. If the proposed development will be adequately served by essential public facilities and services including, without limitation, roads, sidewalks, and multi- use paths, police and fire protection, drainage structures, potable water and centralized sanitary sewers or other approved sewage disposal systems.
 - d. If the proposed development can be made accessible through existing Township roadways or roadways and lane improvements being constructed and opened prior to the opening of the uses in the Development Plan without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the Township.

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- e. Such other considerations which promote public health, safety, and welfare may be deemed relevant by the Board of Trustees.
- 2. In approving the Application and Development Plan, the Board of Trustees may impose such conditions, safeguards and restrictions deemed necessary to carry out the purpose and intent of Section 20.A.

I. Effect of Approval

The Board of Trustees action on a proposed Development Plan under this Article shall not be an amendment to the Township Zoning Resolution for purposes of Section 519.12 of the Revised Code but is subject to appeal pursuant to Chapter 2506 of the Revised Code. If the Trustees determine that an Application and a proposed Development Plan complies with the requirements of this Article, including any approved divergences, and approve said application, upon such approval the Zoning Map shall be changed so that any other zoning district that applied to the Tract that is subject to the Application no longer applies to that Tract. The removal of the prior zoning district from the Zoning Map is a ministerial act and shall not be an amendment to the Township Zoning Resolution for the purposes of Section 519.12 of the Revised Code.

J. Plat

The Development Plan as approved by the Board of Trustees shall be the subject of a subdivision plat to be approved by the Regional Planning Commission, only if required by the Ohio Revised Code or the Regional County Planning Commission. When the land will be developed in phases, plats for all phases shall be submitted in accordance with the timetable in the approved Development Plan. If a plat is required by applicable law, no use shall be established or changed, and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the County Subdivision Regulations and this Zoning Resolution. The subdivision plan and plat shall be in accordance with the approved Development Plan. No zoning certificate shall be issued for any structure in any portion of the XX for which a plat is required until such plat for that portion has been approved by the applicable platting authorities and recorded with the County Recorder in accordance with the approved Development Plan and the County Subdivision Regulations.

K. Development Plan Approval Period

The approval of the Development Plan shall be effective for a period of five (5) years in order to allow for the preparation and recording of a subdivision plat (if required under applicable law) and the Commencement of Construction following the issuance of a zoning permit. If no plat has been recorded within this approval period (or if platting is not required, if construction has not commenced), the Development Plan shall expire. Upon the expiration of the Development Plan, no use shall be established or changed, and no building, structure or improvement shall be constructed until either an extension has been approved in accordance with Section 11.L or an application accompanied by a new Development Plan has been filed with and approved by the Township using the same procedures and criteria as established for the approval of the initial Development Plan.

L. Extension of Time

An extension of the time limit for either recording the approved subdivision plat or the Commencement of Construction may be granted by the Board of Trustees upon application of the owner(s), provided the Board of Trustees determines that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of reasonable effort toward the accomplishment of the recordation of the plat and the completion of the development of the project. The length of time permitted for an extension shall be determined based upon the application submitted and at the discretion of the Board of Trustees. A request for an extension shall be filed prior to the expiration of the established approval period.

M. Amendment of an Approved Development Plan

After a Development Plan has been approved by the Township Trustees, no changes to said plan shall be permitted without approval as set forth below:

1. Minor Amendments: Within thirty (30) days of the submittal of a written application specifically detailing the changes requested along with a revised Development Plan, the Zoning Inspector may administratively approve a minor amendment.

Minor amendments are limited to the following:

- a. An encroachment of five (5) feet or less into a Side or Rear Setback as shown on the approved development plan, provided such setback abuts property having the same or similar use, as determined by the Zoning Inspector (changes to the Right-of-Way setbacks have more impact to utilities and the overall design intent of this Article and shall be considered a major amendment).
- b. An increase of no more than five (5) percent of the lot coverage provided on the approved development plan.
- c. An increase of no more than five (5) feet in the maximum building height as shown on the approved development plan.
- d. Like for like adjustments to specified building materials.

Anyone aggrieved by the Zoning Inspector's decision on a proposed minor amendment, may appeal said decision to the Board of Trustees within thirty (30) days of said decision by the Zoning Inspector. The Board of Trustees shall hear said appeal within thirty (30) days of receiving the appeal. The Board of Trustee's action is final and is subject to appeal through RC 2506.

2. Major Amendments

- a. All other proposed amendments, other than the four (4) identified in Section 11.M.1 above, shall be considered major amendments and must be approved by the Township Trustees after a public hearing.
- b. The Township Trustees shall schedule and hold a public hearing within thirty (30) days of receiving an application for a major amendment and provide notice of the public hearing where said modification will be considered. The purpose of the public hearing is to determine whether the owner(s) has made reasonable and diligent efforts toward the accomplishment of the original Development Plan, and that such amendment is

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consistent with the intent of Section 20.A. Notice shall be provided to the applicant and all owners within, contiguous to, and directly across the street from the property for which the amendment is proposed. Said notice shall be given by regular first-class mail sent no less than ten (10) days prior to the public hearing. The notice shall be mailed to the addresses of those owners as they appear on the County Auditor's current tax list. The failure of delivery of said notice shall not invalidate any action the Township Trustees may take on the request. The Township Trustees shall render a decision on the proposed amendment at the conclusion of the public hearing. The Township Trustee's decision on the amendment is administrative in nature and is subject to appeal in accordance with RC 2506.

- c. Any minor or major modification that is approved shall apply only to the proposed Development Plan for which the amendment application has been submitted and shall not apply to the entire R62-COD.
- d. A request to approve a use that is not listed as a permitted use in the Overlay District, and that is not otherwise permitted in this overlay shall not be considered an amendment and shall follow the statutory rezoning process to determine if such use should be added to the Overlay District Permitted use list.

N. Fees

A fee established by the Board of Trustees shall accompany an application requesting approval of the Development Plan, as well as any request for extension or amendment.

PART THREE
ZONING DISTRICTS

ARTICLE XII (12) STANDARD ZONING DISTRICT REGULATIONS

A. Regulation of the Use and Development of Land or Structures

Regulations pertaining to the use of land and/or structures, and the physical development thereof within each of the zoning districts as established in Section 13.A, are hereby established, and adopted.

B. Types of Uses

1. Identification of Uses

Listed uses are to be defined by their customary name or identification, except as specifically defined or limited in this Ordinance.

2. Permitted Uses

Only a use designated as permitted shall be allowed as a matter of right in any zoning district, and any use not so designated shall be prohibited unless:

- a. A permitted use may be added to a zoning district by formal amendment, confirming with Article VI of this Resolution.
- b. An unlisted use may be determined by the Board of Zoning Appeals to be a similar use, in accordance with Section 12(E) of this Article.

C. Accessory Uses

An accessory use or structure is a subordinate use or structure clearly incidental and secondary to the principal permitted building or use and located on the same lot with such principal building or use. Accessory uses or structures shall be allowed in accordance with the specific district regulations, and the requirements of Article XXIV of this Resolution.

D. Conditional Uses

A use designated as a conditional use shall be allowed in the zoning district where the designation occurs, when such use, its location, extent, and method of development will not substantially alter the character of the vicinity, or unduly interfere with or adversely impact the use of adjacent lots. To this end, the Board of Zoning Appeals shall, in addition to the development standards for the specific district, set forth additional requirements as will render the conditional use compatible with existing and future use of adjacent lots in the vicinity in accordance with Article IX of this Resolution.

E. Similar Uses

Determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of use regulations of the district and not as a variance applying to a particular situation. Any use found similar shall thereafter be considered as a permitted use in that district.

Applications for zoning permits for uses not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this Section. shall be submitted to the Board of Zoning Appeals. Within thirty (30) days after such submittal, the Board of Zoning Appeals shall determine whether the requested use is like those uses permitted in the specific district. To find that a use is similar. the Board shall find that all the following conditions exist:

1. Such use is not listed as a permitted or conditional use in another zoning district.
2. Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.
3. Such use creates no danger to health and safety, creates no offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, and does not create traffic congestion to an extent greater than normally resulting from uses listed in the classification to which it is to be added.

F. Development Standards

Development standards set forth shall be the minimum allowed for uses permitted in that district. If development standards are in conflict with requirements of any other lawfully adopted rule, regulation, or law the most restrictive standard shall govern.

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ARTICLE XIII (13) ZONING DISTRICTS AND ZONING DISTRICT MAP

A. Zoning Districts Established

The following zoning districts are hereby established for Darby Township:

(RR) Rural Residential District

(SR) Suburban Residential District

(RHD) Residential High Density District

(PSR) Planned Suburban Residential District

(CI) Commercial – Industrial District

(R62- COD) Route 62 Corridor Overlay District

(PUD) Planned Unit Development District

B. Official Zoning Map

The districts established in Section 13.A of this Resolution are shown on the Official Zoning Map which, together with all notations, references, data, district boundaries and other explanatory information, is hereby adopted as a part of this Resolution. The Official Zoning Map shall be identified by the signatures of the Board of Township Trustees and the Clerk/treasurer and shall be on file in the township offices.

C. Interpretation of Zoning District Boundaries

Except where referenced and noted on the Official Zoning Map by a designated line and/or dimensions, the district boundary lines are intended to follow property lines, lot lines, center lines of streets, alleys, streams and/or railroads as they existed at the time of passage of this Resolution. The Zoning Inspector shall interpret the boundary lines from the Zoning Map. When and if the Zoning Inspector's interpretation of such boundary line is disputed, the final interpretation authority shall rest with the Board of Zoning Appeals.

ARTICLE XIV (14) Combined Use and Development Standards Tables

A. Combined Permitted and Accessory Use Table

USE	RR	SR	RHD	PSR	CI	R62-COD	PUD
Accessory Dwelling Unit, Detached (Subject to standards in Article XXIII)	C	C	C	P			P
Accessory Dwelling Unit, Suite (Attached) (Subject to standards in Article XXV)	P	P	P	P			P
Accessory Structures (Subject to standards in Article XXVI)	P	P	P	P	P	P	P
Adult Entertainment Uses in accordance with Article XXIII					C		
Adult Family Home	P	P	P	P			P
Adult Group Home	C	C	C	P			P
Advanced Manufacturing					C		P
Agritourism	C	C	C				
Animal Service Facilities					P	P	P
Automobile Oriented Uses (includes gas stations and quick lube facilities)					C	P	P
Automobile Repair					C	P	P
Bank, with Automobile Oriented Uses				P	P	P	P
Bank, without Automobile Oriented Uses					C	P	P
Bed and Breakfast Facilities	C	C	C	P			P
Body Art Establishments					P		P
Business, Retail Large					C		P

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USE	RR	SR	RHD	PSR	CI	R62-COD	PUD
Business, Retail Medium					P	P	P
Business, Retail Small (No Automobile Oriented Uses)				P	P	P	P
Cemetery	C	C	C		P		P
Commercial Recreation Facilities, Large					C	P	P
Commercial Recreation Facilities, Outdoor					C	P	P
Commercial Recreation Facilities, Small				P	P	P	P
Communication Facilities and Utility Sub Station					P		P
Contractor Office, subject to the screening requirements in Section 30.B.1.					C	P	P
Data Processing Center					P		P
Day Care Centers	C	C	C	P	P	P	P
Dwelling, Multi-Family (four or more units per building)							P
Dwelling, One Unit	P	P	P	P			P
Dwelling, Row Houses, Townhomes (up to four units per building)				p			P

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USE	RR	SR	RHD	PSR	CI	R62-COD	PUD
Dwelling, Studio, One- or Two-Bedroom Units							P
Dwelling, Two Unit				P			P
Equipment Repair, Large					C	P	P
Equipment Repair, Small	C	C	C			P	
Flex-Office - Retail					C	P	P
Flex-Office -Warehouse					C	P	P
Flood Control Projects	P	P	P	P	P		P
Food Truck/Trailer, in accordance with Article XXVIII					P	P	P
Funeral Service Facilities					P		P
Golf Courses and Country Clubs	C	C	C	P	P	P	P
Health Care Facilities					P	P	P
Heavy Manufacturing					C		P
Home Day Care Family, Large	C	C	C	P			P
Home Day Care Family, Small	P	P	P	P			P
Home Occupations, Major	C	C	C	P			P
Home Occupations, Minor	P	P	P	P			P
Hotels/Motels					P		P
Individual Small Wind Turbine Systems (See Section 39.C)	C	C	C	P	P		P
Institutional - Art Galleries, Libraries, and other similar uses	C	C	C	p	P	P	P
Junk Yards					C		
Kennel					P	P	P

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USE	RR	SR	RHD	PSR	CI	R62-COD	PUD
Landscape and Hardscape Businesses					C	P	P
Logistics					C		P
Lumberyard					C	P	P
Machine Shop					P	P	P
Maker Space, Large					C		P
Maker Space, Small				P	P		P
Small Manufacturing					P		P
Mixed Use Building							P
Nursery School	C	C	C	P	P	P	P
Offices, Large administration, business medical or professional					P	P	P
Offices, Small administration, business medical or professional				P	P	P	P
Outdoor Service Facilities					C	P	P
Park, Community or Regional	P	P	P	P	P	P	P
Park, Neighborhood	P	P	P	P	P	P	P
Permanently Sited Manufactured Homes (on permanent foundation)	P	P	P	P			P
Personal Services				P	P	P	P
Places of Assembly, Large	C	C	C	P	P		P
Places of Assembly, Small	C	C	C	P	P		P
Quarrying and Mining	C	C	C	P	C	P	P

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USE	RR	SR	RHD	PSR	CI	R62-COD	PUD
Research and Development					P	P	P
Residential Care Facility	C	C	C	p	P		P
Residential Facility, Large	C	C	C	p	P		P
Residential Facility, Small	P	P	P	P	P		P
Restaurants with Auto Oriented Uses					C	P	P
Restaurants without Auto Oriented Uses				P	P	P	P
School, High or Technical	C	C	C	P	P	P	P
School, Post Secondary	C	C	C	P	P	P	P
School, Primary, Intermediate, or Middle	C	C	C	P	P	P	P
Self-Storage Facilities					C		P
Small Solar Facility, Ground Mounted, Small (subject to Section 36)	C	C	C	P	P	P	P
Small Solar Facility, Roof Mounted (subject to Section 36)	C	C	C	P	P	P	P
Solar Facility, Individual	P	P	P	P	P	P	P
Solar Facility, Industrial	Regulated by Ohio Power Siting Board						
Temporary Structure, Construction Trailer Office, subject to Section 38.C	C	C	C	P	P	P	P
Truck and Travel Service Centers					C		P
Vehicular Sales, Equipment					C	P	P
Vehicular Sales, Motorcycles					C	P	P

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USE	RR	SR	RHD	PSR	CI	R62-COD	PUD
Vehicular Sales, New and Used Cars					C	P	P
Vehicular Sales, Recreational Vehicles					C	P	P
Water, Wastewater, Transportation and Other Governmental Services	P	P	P		P		P
Wind Energy Conversion Systems, Individual	P	P	P	P	P	P	P
Wind Farm, Small	C	C	C	P	C	P	P
Wind Farm, Industrial	Industrial Wind Farms are exempt from zoning per ORC 519.213. These wind farms are regulated by the Ohio Power Siting Board.						

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B. Development Standards Table

In feet unless noted	<i>Rural Residential (RR)</i>	SR	RHD	CI
Lot area (min.)	<i>2 acres</i>	<i>20,000 sq ft</i>	<i>10,000 sq ft</i>	No minimum
Lot Width (min.)	<i>150</i>	<i>100 60 on curved street</i>	<i>60 35 on curved street</i>	150
Front Setback (min.)	<i>85 from centerline of a county or township road 150 from the centerline of a federal or state highway</i>	<i>150 from centerline of arterial, state, or federal highway, 85 from county or township road, or 65 from all others</i>	<i>50</i>	150 feet from the centerline of any county, township, state or federal highway*
Side Setback (min.)	<i>25</i>	<i>10</i>	<i>8</i>	20 for building** 10 for pavement***
Rear Setback (min.)	<i>50</i>	<i>10</i>	<i>25</i>	30 for building** 10 for pavement***
Height (max.)	<i>35</i>	<i>35</i>	<i>35</i>	35

*Parking may encroach the front setback but in no case shall be closer than fifty (50) feet from the centerline of any road. Parking may encroach a side or rear setback but in no case shall be closer than 10 feet.

**When abutting a lot that is zoned for residential purposes, the minimum side and rear setback for a building shall be increased to fifty (50) feet.

***When abutting a lot that is zoned for residential purposes, the minimum side and rear setback for pavement shall be increased to thirty-five (35) feet.

(RR) RURAL RESIDENTIAL DISTRICT

A. Purpose

This district is established to encourage the continuance of agricultural uses and preservation of rural character within Darby Township and to permit low-density housing and other uses appropriate for non-urban development.

B. Permitted and Conditional Uses

See Combined Use Table in Section 14.A.

C. Development Standards

See Combined Use Table in Section 14.B.

(SR) SUBURBAN RESIDENTIAL DISTRICT

A. Purpose

This district is hereby established to provide areas for single-family residential development at suburban densities to accommodate existing platted subdivisions within the Township as of the effective date of this resolution. Such areas should be served by public water and/or sewer systems. This district is not intended to be utilized for land to be rezoned for future subdivisions. Future rezonings for new subdivisions should utilize the PSR.

B. Permitted and Conditional Uses

See Combined Use Table in Section 14.A.

C. Development Standards

See Combined Use Table in Section 14.B.

(RHD) RESIDENTIAL HIGH DENSITY DISTRICT

A. Purpose

The RHD District is established to accommodate redevelopment in existing areas of relatively high residential density (e.g., the unincorporated village of Derby) as of the effective date of this resolution. The Township recognizes that such housing may have unique characteristics that require special treatment related to location, placement, and land use compatibility. Such areas should be served by public water and/or sewer systems. This district is not intended to be utilized for land to be rezoned for future development. Future rezonings for new development should utilize the PSR.

B. Permitted and Conditional Uses

See Combined Use Table in Section 14.A.

C. Development Standards

See Combined Use Table in Section 14.B.

(PSR) Planned SUBURBAN RESIDENTIAL DISTRICT

A. Purpose

The Planned Suburban Residential District (PSR) is established to allow for a diversity of housing opportunity and choice within Darby Township by providing areas for alternative forms of residential development, including higher density housing and low-intensity uses like restaurants without automobile-oriented uses and daycare centers. The PSR District may be used in those cases where particular and specific conditions warrant the creation of homesites at higher densities than those allowed under Rural Residential (RR) standards. Darby Township recognizes that such housing may have unique characteristics that require special treatment related to location, placement, and land use compatibility. The higher residential densities allowed in the PSR District mean that the district is to be used in areas served by central water and sewer systems, which are required to be in place before approval.

B. Permitted Uses

See Combined Use Table in Section 14.A.

C. Tract and Open Space

1. There shall be a minimum Tract size of 10 acres.
2. At least twenty percent (20%) of the entire Tract included in the application shall be utilized for open space, for natural features such as forests, floodplains, wetlands, and similar open spaces, subject to the following requirements:
 - a. These open spaces shall be limited to as resource protection or public use (such as public schools or parks).
 - b. Any building, facility, road, or utility required for a public school and public park may be located within the required open space. Otherwise, all buildings and roads shall be prohibited within the required open space.
 - c. Other areas that shall not be considered open space include:
 - i. Private and public roads and rights-of-way; and
 - ii. Parking lots, ways, and driveways; and
 - iii. Front, side, and rear setbacks for individual lots; and
 - iv. Private yards; and
 - v. Small, isolated areas that include a dimension less than seventy-five (75) feet in any direction.

D. Lot Sizes, Building Dimensions, Setbacks, and Height

1. The lot sizes, building dimensions, and setbacks shall follow the values as listed and approved in the development plan.
2. The maximum building height shall be established with the approved Preliminary Development Plan, but in no case shall a building exceed forty-five (45) feet in height.

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E. Density

The Zoning Commission shall establish the maximum density permitted on a case-by-case basis based upon the characteristics of the site (surrounding land uses, access, water, and sewer availability, etc.).

F. Architecture

All architectural designs and aesthetics shall comply with the Preliminary Development Plan approved by the Board of Trustees.

G. Landscaping

Landscaping plans shall follow the terms listed and approved in the Preliminary Development Plan. All such landscaping shall be maintained and kept in accordance with the landscape plan as submitted, and such maintenance and upkeep shall be the responsibility of the owner of such yard, space, or area. All lots shall be kept seeded or maintained in such manner as to prevent erosion of the property and excess drainage onto adjoining lands.

H. Parking

The Preliminary Plan approved by the Board of Trustees shall establish the minimum parking requirements for all uses.

I. Lighting

All lighting shall comply with the approved Preliminary Development Plan.

J. Signs

All signs shall comply with the Preliminary Development Plan approved by the Board of Trustees.

K. Utilities, Water, and Drainage

All Utilities, Water, and Drainage shall comply with the applicable county regulations. Underground electric shall be required.

L. Fences

All fences shall comply with the Preliminary Development Plan approved by the Board of Trustees.

M. Accessory Structures

Accessory Structures shall comply with Article XXVI.

N. Other Conditions

The Zoning Commission and Township Board of Trustees may impose additional conditions relating to the development regarding the type and extent of public improvements to be

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installed; landscaping, development, improvement, and maintenance of common open space;
and any other pertinent development characteristic.

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Article XIX (19) (CI) COMMERCIAL – INDUSTRIAL DISTRICT

A. Purpose

Rural business activity is unique, possessing characteristics typically associated with both commercial and industrial land uses. The CI District is established to reflect the diverse nature of this rural business activity, particularly along major highway corridors, while controlling the adverse impacts of such development on adjacent areas.

B. Permitted Uses.

See Combined Use Table in Section 14.A.

Permitted uses with the CI District must be located entirely within an enclosed structure. If any outdoor use or storage are proposed, they will be considered a conditional use.

C. Development Standards

See Combined Use Table in Section 14.B.

D. Access to Public Road

1. Each lot shall be limited to two points of access on each public road frontage. Each access shall be at a right angle to the road and proceed uninterrupted from the road right-of-way to a point half-way from the road right-of-way to the required building setback at a minimum.
2. There shall be a minimum of one hundred twenty-five (125) feet from the centerline of the public road to the centerline of the access point. There shall also be a minimum of sixty (60) feet from the centerline of the access point to a side or rear lot line, as applicable.

E. Parking

Parking and loading spaces for proposed uses and developments within the CI district shall comply with Article XXXIII.

F. Trash and Garbage Control

All trash and garbage shall be stored in container systems and screened in accordance with Section 30.C.4.

G. Lighting

All lighting within the CI district shall comply with Article XXI.

ARTICLE XX (20) (R62 – COD) Route 62 Corridor Overlay District

A. Purpose

This Overlay District is created pursuant to Section 519.021(C) of the Ohio Revised Code to further the purpose of promoting public and utility services and encouraging the efficient use of land and resources through planning and building appropriate types of retail, office, and commercial development alongside US 62. The overlay encourages flexibility of design to promote and accommodate environmentally sensitive and efficient use of the land, thereby allowing for a unified development that:

1. Preserves unique or sensitive natural resources and integrates open space within developments.
2. Plans the appropriate amount of infrastructure, including paved surfaces and utility easements necessary for development.
3. Reduces erosion and sedimentation by minimizing land disturbance.
4. Provides an opportunity for an appropriate mix of uses that compliment US 62 and economic development within and in proximity to Darby Township. Such uses include those that are conditional uses or prohibited elsewhere in the Township.
5. Enables an extensive review of design characteristics to ensure that projects are properly integrated into surroundings and are compatible with adjacent development, with assurance through appropriate development controls.
6. Enhances the welfare and economy of Darby Township by making available a variety of employment opportunities, providers of goods and services as well as providing a variety of housing options for the Township residents.
7. Encourages unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district, such as imaginative architectural designs that are consistent with applicable public plans for the area and are compatible with surrounding land uses.

B. Permitted and Accessory Uses

See Combined Use Table in Section 14.A.

C. Development Standards

The development plan shall incorporate the following standards for all uses:

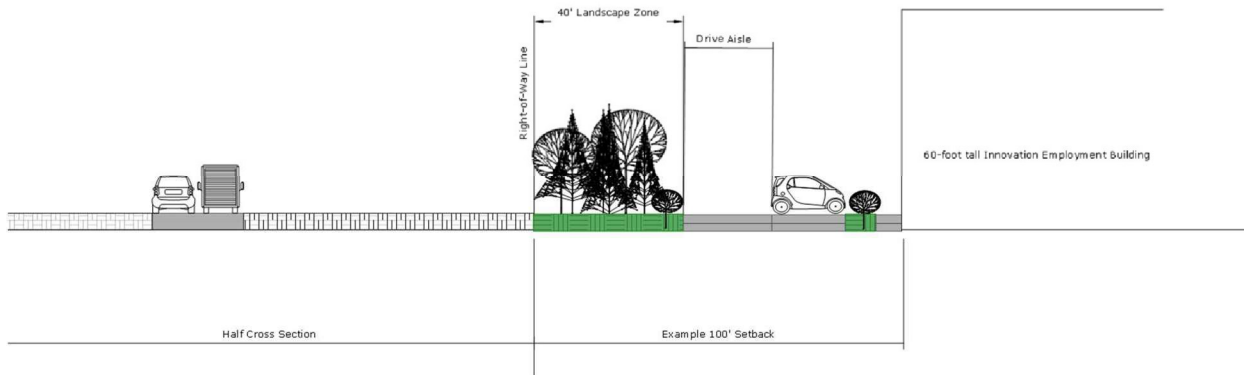
Development Standard	District
Minimum Tract Size Per Application	2 acres
Minimum Lot Size	N/A
Minimum Lot Width	At least ½ of lot depth
Minimum Building to Lot Width Ratio	N/A
Minimum Setback from Arterial	100 feet
Minimum Setback from Collector Road Right-of-Way Line	100 feet
Minimum Setback from Local Road Right-of- Way Line	100 feet
Minimum Rear Setback	60 feet*
Minimum Side Setback	60 feet*
Maximum Building Height**	35 feet
Maximum Lot Coverage	80 percent

*When a property abuts a property that is zoned for single family residential purposes, this side and rear setbacks for both buildings and parking areas shall be increased to one hundred (100) feet. This includes abutting properties within the R62-COD that have not yet pulled down the cloud and are following the underlying zoning that allows single family residential uses.

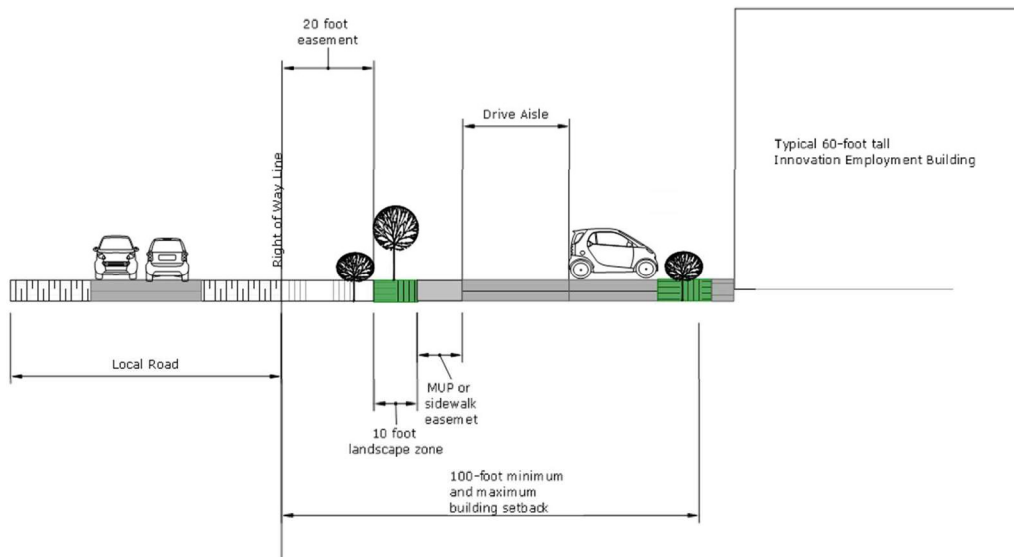
**Mechanical and HVAC units may extend above the maximum building height by ten (10) feet provided such units are screened in accordance with Section 30.C.1. This applies to all uses.

The following cross sections and exhibits illustrate the minimum setbacks along each road classification.

Example Arterial



Example – Local or Collector



D. Overlay General Development Standards

The general development standards of Article XXII shall apply to all new developments, redevelopments, additions, accessory structures, and major site modifications for all uses including, but not limited to, commercial, office, industrial, institutional, religious, governmental, and mixed-use buildings. These general development standards ensure consistency and quality throughout Article XXII and each parcel's development.

E. Architectural Requirements

All buildings shall be designed to be seen from three hundred sixty degrees (360°) and have the same caliber of finish on all elevations. Building additions and Accessory Structures, whether attached or detached, shall be of similar design, materials, and construction to that of the existing or principal structure. The following standards shall also apply to structures for the following uses:

1. Office, Retail, and Commercial Uses:
 - a. Any building fronting on a Collector or Local Road shall be designed to appear as the front façade.
 - b. Blank walls shall not be permitted. There shall be a minimum of three design elements for every one hundred (100) feet of elevation width for an elevation facing a public Right of Way and a minimum of two (2) design elements for every one-hundred (100) feet of elevation for each side and rear elevation that does not front on a public right-of-way.

Typical design elements are as follows:

- i. A door of at least twenty-eight (28) square feet with an awning, window, faux window or other feature subject to approval by the Board of Trustees, as applicable;
 - ii. A window of at least six (6) square feet. Windows closer than ten (10) feet shall be considered as one (1) element. A set of adjacent windows, such as double or bay windows, shall be considered one element;
 - iii. Portico;
 - iv. Dormers;
 - v. Projecting canopy;
 - vi. Masonry water table;
 - vii. Trellis containing plantings;
 - viii. A gabled vent of at least four (4) square feet;
 - ix. Patio, deck, or similar feature; or
 - x. A similar significant permanent architectural feature consistent with the style of the building upon approval of the Board of Trustees as applicable.
- c. All elevations shall have similar style, materials, colors, and details.
 - d. Façade Appearance. A building frontage that exceeds a width of fifty (50) feet shall incorporate sectioning and offset of the wall plane to inhibit a large expanse of blank wall and add interest to the façade. Such offsets may be met by utilizing bay windows, porches, porticos, building extensions, gables, dormers, or other architectural treatments.
 - e. Materials.
 - i. Predominant Materials. All exterior walls shall be comprised of eighty (80)

percent of natural materials or of synthetic materials that the township has deemed to mimic the look of natural materials. This permitted list of materials includes only the following: brick, stone, cultured or cast stone, E.I.F.S., wood, or fiber cement. Foundations must be clad with the same natural material utilized on building to blend with the overall architecture of the structure. Exposed cement block or split face block foundations shall be prohibited.

As technology evolves, newer synthetic materials, that did not exist at the time of the adoption of this Article, may be created and may mimic the look of the natural materials required within this Section. The Board of Trustees may approve the use of a newer material under the following conditions:

1. The manufacturing of said material did not exist at the time of adoption of this Article (insert date here); and
 2. The Board of Trustees determines that said material provides a substantially similar appearance to the natural materials required by this section.
- ii. Accent Materials: Fiber cement, E.I.F.S., and like materials may be used as accents provided the total square footage of accent material does not exceed twenty (20) percent of the gross exterior building wall square footage. Other natural materials may also be incorporated into the building's exterior design. Vinyl and/or aluminum shall be prohibited except when used for trim details such as downspouts, soffits, gutters, and shutters.
- iii. Glass. The use of clear, black, gold, and silver glass is permitted, provided such glass is not reflective as determined by the Board of Trustees at the time of development plan approval. Any other reflective or other colored glass on a building is prohibited. Frosted glass may be permitted in some cases, subject to approval of the board of Trustees, as applicable.
- f. Roofing. All single-story buildings shall have a minimum 4:12 pitched roof. Multi-story buildings may be permitted to have flat roofs. When pitched roofs are utilized, they shall be constructed of dimensional shingles, standing seam metal, slate, or simulated slate. Flat roofs may be permitted where appropriate as determined by the Zoning Commission."
- g. In-Line Retail Exemption. Side or rear elevations of an in-line retail development may be exempt from the building design standards of the district if such elevations are not visible to customer traffic, a public right-of-way,

or if a future phase of the in-line retail development is forthcoming adjacent to the elevation. Such exempt elevations shall use materials complimentary to the primary elevation and be screened by landscaping, mounding fencing, or a combination thereof, as deemed appropriate.

- h. For buildings with Drive-Thrus. A drive thru, if deemed appropriate for the site, shall be designed as an integral part of the structure it serves. Features incorporated with a drive thru including, but not limited to, canopies, awning, and support posts shall match the materials and color scheme of the building they are serving. Drive thru features shall not have any pickup windows, ordering areas, signage, or other related items located on the front elevation of a building or located between the building and a street right-of-way.

2. Industrial and Advanced Manufacturing_Uses:

- a. Façade. Sides of building visible from a public right-of-way shall be broken up with architectural design elements, landscaping, or a combination thereof.
- b. Use of Color. Earth tones, muted hues, and natural tones are permitted as a structure's base color. Brighter hues are permitted only as an accent feature on building elements such as awnings, doors, and trim. A mixed color palette on a single building should be carefully selected so all colors harmonize with each other.
- c. Glass. The use of clear, black, gold, and silver glass is permitted, provided such glass is not reflective, as determined by the Board of Trustees at the time of development plan approval, any other reflective or other colored glass on a building is prohibited. Frosted glass may be permitted in some cases, subject to approval of the Board of Trustees, as applicable.

F. Landscaping: Buffering, Landscaping, Open Space and Screening

Landscaping, Buffering, Open Space and Screening Requirements are subject to Article XXX.

G. Parking

Parking lot areas shall be designed and constructed to minimize the visual impact of the parking area, minimize production of excess heat, and prohibit any adverse effects on drainage.

Appropriately sized landscaped areas shall be provided within each parking lot area allowing for a variety of shade trees to be planted. To accomplish these goals, all off-street parking lot areas shall be designed and constructed using the "Parking Bay" concept, which consists of parking spaces grouped together, with each Parking Bay separated by landscaped tree islands as further defined in the following sections.

1. Parking Lot Location: All parking lots shall be located behind or to the side of the principal building, except as otherwise provided for herein.
 - a. Parking lots, when possible, should be located to the side or rear of the principal building. Parking may encroach a right-of-way setback line, but in no case shall parking be less than forty (40) feet from the road right-of-way line.
 - b. Parking lots may encroach into a required internal Side or Rear Setback but in no case shall the parking be closer than five (5) feet to internal lot lines, except in cases where the Board of Township Trustees determines that parking lots need to straddle internal lot lines to comply with the connectivity requirements of Section 20.G. In such cases, appropriate cross access easements must be established. In no case, shall a parking lot be permitted closer than one-hundred feet from a side or rear lot line, if such lot line abuts an existing or proposed single family residential use.
2. Parking Bays: No Parking Bay shall contain more than twenty-four (24) parking spaces, with a maximum of forty-eight (48) parking spaces. There shall be a maximum of twenty-four (24) spaces in a single row.
 - a. Parking Lot Islands Parking Lot Islands: Each landscape island in a single loaded parking stall design shall have a minimum area of one hundred sixty- two (162) square feet with a minimum width of nine (9) feet. Each landscape island in a double loaded parking stall design shall have a minimum of three hundred twenty-four (324) square feet with a minimum width of nine (9) feet.
 - b. Parking Lot Screening: All parking lots shall be

- screened in accordance with Section 30.B.1.
 - c. Number of Parking Spaces: Every Development Plan within the R62-COD shall include a detailed Parking and Loading Space Plan, which shall comply with these general requirements as well as any specific parking requirements within Article XXXIII of the Township Zoning Resolution.
 - d. Handicap accessible parking spaces shall be provided in accordance with the American with Disability Act requirements.
 - e. All parking spaces shall be a minimum of nine (9) feet in width and eighteen (18) feet in length measured rectangularly and shall be served by aiseways of a minimum of twenty- four (24) feet in width to permit easy and smooth access to all spaces.
 - f. All common areas and adjacent driveways shall be paved with asphalt material or cement and parking spaces shall be striped. Green or pervious pavers/pavement may be approved by the Board of Trustees provided they meet the requirements of the Tri-County Joint Fire District and Mt. Sterling Ambulance District and mechanisms for long term maintenance are provided. The use of gravel for parking lots shall be prohibited.
3. Loading Spaces:
- a. All loading spaces must be located to the side or rear of the principal structure and screened in accordance with Section 30.C and are prohibited within any Right-of-Way Setback.
 - b. A loading space shall consist of a rectangular area adequate for loading and unloading and be accessible from a maneuvering area.
 - c. All loading spaces and maneuvering areas shall be located on the same Lot as the use they are intended to serve.
 - d. A required loading space shall have a clearance height of not less than fifteen (15) feet and shall have minimum dimensions of not less than twelve (12) feet in width and fifty (50) feet in length, exclusive of any driveway, aisle, or other circulation area.
 - e. The number of off-street loading spaces required for various types of uses shall be no less than as set forth in Section 33.F.
 - f. All uses shall provide loading spaces based on gross floor area as follows:

- i. Under 10,000 square feet = none.
- ii. 10,000 square feet or more but less than 75,000 square feet = one space.
- iii. 75,000 square feet or more but less than 150,000 square feet = two spaces.
- iv. 150,000 square feet or more but less than 300,000 square feet = three spaces
- v. Over 300,000 square feet = one space for each 100,000 square feet or portion thereof.
- vi. The loading space requirements for buildings with multiple uses or tenants shall be determined based on the aggregate total of gross floor area of all uses or tenants.

H. Access and Connectivity

1. Access: All access points shall be limited to those locations approved by the permitting authority (state, county, or township as applicable). On township roads, the minimum spacing between driveways shall be determined by the County Engineer.
2. Vehicular Connectivity (Access Roads and/or Parking Lot Connections): The overall design within the Development Plan must provide for vehicular connectivity between properties within the Development Plan as well as future connections to adjacent properties outside of the Development Plan boundaries. This requirement could be achieved through access roads (at the rear of the property or running parallel to an existing/proposed public road) and/or the use of cross access easements between parking lots. The Board of Trustees may rely upon recommendations from the County Engineer or other consulting engineers to determine that the proposed method for providing connectivity is the most suitable in each development.
 - a. If access roads are utilized to comply with this connectivity requirement, there shall be a minimum distance of 200 feet between intersections. A greater distance may be required upon recommendation by the County Engineer or a consulting engineer to avoid safety concerns.
 - b. Sidewalks shall connect to the building entrances and to existing sidewalks on adjacent abutting Tracts and to nearby pedestrian destination points including any transit stops.

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I. Lighting

All lighting shall comply with Article XXXI.

J. Signs

All signs shall comply with Article XXXV.

K. Utilities, Water and Drainage

Dry detention basins are permitted. All stormwater basins shall be wet basins and aeration devices may be required. Bioretention basins, or rain gardens, may be used only when approved by the Township. All stormwater requirements must also comply with the Ohio Department of Natural Resources Rainwater and Land Development Handbook, the County Subdivision Regulations, the County Soil Erosion and Stormwater Regulations, the Ohio Environmental Protection Agency (including any applicable MS4 requirements) and any applicable requirements of the County Engineer. A comprehensive regional stormwater plan for each sub area is encouraged.

L. Accessory Structures

Accessory Structures for all uses, except for those on individual lots or parcels shall be identified on and constructed in accordance with an approved Development Plan. Accessory Structures must comply with the architectural requirements in Section 30.E and all Setback requirements in Section 22.C.

M. Fences

All fences shall comply with Section 22.L.

ARTICLE XXI (21) (PUD) PLANNED UNIT DEVELOPMENT

A. Purpose

The PUD District is established to provide areas in Darby Township for developments containing a mixture of uses and/or a variety of housing densities. It is the intent of the PUD District that all new developments within the URBAN GROWTH ZONE in the DARBY TOWNSHIP PLAN (as may be subsequently amended) including manufactured home communities, shall be subject to the PUD process. The further purpose of the district is to achieve:

1. A greater choice of living environments by allowing a variety of housing and building types and densities within a single development.
2. A development pattern which preserves and utilizes natural terrain and geologic features, scenic vistas, trees, and other vegetation and prevents the disruption of natural drainage patterns.
3. A more efficient use of land than is generally achieved through conventional development under standard zoning district(s), resulting in substantial savings through shorter utilities and streets.
4. A development pattern consistent with land use, density, transportation, and community facilities objectives of the Township.

Due to the generally higher housing densities, the PUD District is primarily intended for areas serviceable by central water and/or sewer systems.

B. Uses

See Uses Chart in Section 14.A. Furthermore, the development text required in Section 14.B shall list the specific uses that are permitted in the PUD.

C. Tract Area

The gross area of a tract of land proposed to be developed in a single PUD District shall be a minimum of ten (10) acres.

D. Common Open Space

A minimum of twenty percent (20%) of the gross area of any planned unit development project shall be reserved for common open space and/or recreational facilities. Such common open space shall be restricted by easement, covenant, deed, or dedication. Public utility and similar easements and rights-of-way for water courses or other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a bikeway, trail, or similar facility and has been approved by the Board of Township Trustees in the review of the Development Plan.

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E. Utilities

All electrical, telephone, cable television, and similar utility transmission and distribution lines shall be located underground.

F. Residential Density

The Zoning Commission shall establish the maximum density permitted for PUD district as part of the zoning amendment process for a parcel(s). The maximum density shall be included in the approved development text for the parcel(s). The Township Zoning Commission and Trustees shall utilize site characteristics including but not limited to surrounding land uses, access, water, and sewer availability to determine the maximum density for each parcel(s).

G. Private Roads

Private roads or streets may be used to provide internal circulation to clustered lots and/or individual residential structures in residential planned unit developments in accordance with the following requirements:

1. The easement shall not be counted as required open space.
2. The road or street is approved by the Pickaway County Planning Commission as the most appropriate form of access to lots and/or structures and meets the design standards for roads and/or streets in the Pickaway County Subdivision Regulations.
3. Maintenance for private roads and/or streets is addressed through the creation of a homeowner's association or similar arrangement.

H. Procedure for Approval of PUD District

Planned development projects shall be processed in accordance with the procedures specified in Article X.

PART FOUR
ADDITIONAL ZONING REQUIREMENTS

ARTICLE XXII (22)

GENERAL DEVELOPMENT STANDARDS AND RULES OF APPLICATION

A. Lot Width

1. Frontage Required. No building, structure, or improvement shall be constructed or altered, nor any new lot be established, unless such lot fronts on a publicly dedicated and improved thoroughfare within the Township.
2. Lot Width. Lot width shall be measured along the minimum building setback line for the district within which such lot is located.

B. Front Yards

1. Front Yard Measurements. Front yard depth shall be measured from the centerline of the adjacent highway or road to the building line, unless otherwise indicated in this Resolution.
2. Comer Lots. Lots fronting on more than one street shall provide the required front yard on both roads.

C. Side Setback

A side setback shall be measured from the nearest side lot line to the nearest portion of the building.

D. Rear Setback

A rear setback shall be measured from the rear lot line to the nearest portion of the building. Where a lot abuts a service street or alley, the rear yard shall be measured from the right-of-way line of the existing street or alley.

E. Setbacks and Yard Requirements

All front, side and rear yards and required setbacks shall be maintained in a neat and orderly state and be kept free of any trash, junk, or debris.

F. Open Porches and Architectural Features

On a lot used for residential purposes, an open, uncovered porch, deck, or terrace and/or cornices, canopies, eaves, pilasters, sills, or other similar architectural features may project into a required side or rear yard, as established in the district, not more than ten (10) feet.

G. Height

Height regulations specified in the various zoning districts shall not apply to chimneys, tanks, cupolas, domes, spires, or similar structures attached to a primary structure. Barns, silos, grain

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handling conveyors are similarly exempt. No windmills, aerials, antennae, flag poles or towers shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.

H. Drainage

All construction shall be accomplished in a manner consistent with maintenance of proper drainage. In all improvements, every effort shall be made to ensure that proper drainage (surface and subsurface) on the subject property and adjacent properties is maintained.

To preserve proper drainage and prevent surface flooding, the filling of established roadside ditches is strictly prohibited, unless specific written approval is obtained from the Township Trustees.

I. Driveways

All driveways serving any residential structures must comply with the following standards:

1. The driveway shall not have a grade, as measured from the pavement level of the roadway to the residential structure, exceeding eight percent (8%). No portion of the driveway shall have a grade exceeding ten percent (10%).
2. The entrance to the driveway from the public roadway shall be designed to prevent surface runoff from the driveway from flowing onto the public roadway.
3. If any driveway crosses a drainage swale, stream, or ditch, same shall be bridged by a pipe or structure as required to permit the unobstructed flow of surface water as generated by the five (5) year frequency storm. The pipe shall extend not less than three (3) feet beyond the toe of the slope of the fill over such pipe, unless a properly designed headwall is installed. Any such bridge or structure spanning a stream or ditch shall be designed to HS 15 loading. The Township reserves the right to require the applicant to provide certification by a Professional Engineer that such standards are met.
4. All new residential driveways shall conform to the driveway standards as adopted by the Pickaway County Engineer and the Darby Township Board of Trustees, as may be subsequently amended.

J. Private Swimming Pools

Private swimming pools shall be allowed as an accessory use in any residential district. A zoning certificate shall be required for the construction or installation of any private swimming pool. The owner of the property, or his agent, shall certify that the pool will be constructed, installed, and maintained in conformance with current building code requirements.

K. Lakes and Ponds

Lakes and ponds shall be considered as an accessory use where so indicated in the district regulations. A zoning certificate shall be required for the construction and installation of a lake or

pond when the normal high water surface area of the body of water exceeds one hundred (100) square feet. In addition, such lakes and/or ponds shall meet the following requirements:

1. The lake and/or pond shall be located not less than sixty (60) feet from any property line, residential structures, leach field, secondary leach field, and subsurface tile drainage passing through the property.
2. The applicant shall provide a site plan for the property, indicating the location of the lake and/or pond, as well as the location of inlets, outlets, subsurface drainage, septic lines, and/or secondary leach field site(s)
3. The applicant shall demonstrate that the lake or pond meets the standards and specifications of the Natural Resources Conservation Service (NCRS) of the U.S. Department of Agriculture (USDA). These standards and specifications are available through the Pickaway County Soil and Water Conservation District.
4. Lakes or ponds, when constructed for water retention and/or detention purposes as part of a commercial development or residential subdivision, shall be subject to a detailed plan for the lake or pond approved by the County Engineer.

L. Fences and/or Hedges

Unless otherwise indicated, the provisions of this Section shall apply only to non-agricultural fences and/or walls on any lot utilized for residential purposes.

A fence not exceeding seventy-two inches (72") in height may be erected in any portion of the lot except in front of the front plane of the building. A fence or wall not exceeding forty-two (42) inches in height may be erected behind the front plane of the building. A fence or wall not exceeding forty-two (42) inches in height may be erected on any vacant lot.

No person shall erect or maintain any fence or wall charged with electrical current nor shall any person erect or maintain any fence or wall having wire or metal prongs or spikes, or other cutting points or edges in the RR or PSR Districts.

No fence, hedge, or wall shall be erected on any lot in any district in such a manner to effectively limit the vision of motorists approaching a street intersection.

No fence, hedge, tree, or shrub shall be planted on any lot in any district which will interfere with any drainage tile. No fence, hedge, tree, or shrub shall be planted on any lot in any district within any roadway right-of-way.

A zoning permit is required for fences.

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ARTICLE XXIII (23) ADULT ENTERTAINMENT

A. Purpose

The purpose of this Article is to promote the public health, safety, and welfare of the residents of Darby Township through the regulation of adult entertainment facilities by prohibiting the establishment of such facilities within close proximity to existing adult entertainment businesses, residential areas, schools, churches, parks, and playgrounds in the township.

B. Exceptions

Nothing in this Article shall be construed to pertain to:

1. The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by an accredited museum, library, fine art gallery, school, or museum of higher learning.
2. The exhibition and/or performance of any play, drama tableau, or motion picture by any theater, museum, library, fine art gallery, school, or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

C. Criteria

Adult Entertainment Facilities shall be a conditional use in the CI District, and shall be subject to the following conditions:

1. No adult entertainment facility shall be established within 1,500 feet from any of the following:
 - a. Any residence or district where residences are a permitted use;
 - b. Any school, library, or teaching facility, whether public or private, when such school, library, or teaching facility is attended by persons under eighteen (18) years of age;
 - c. Any park or recreational facility attended by persons under 18 years of age;
 - d. Churches, worship facilities, and other similar places of assembly (this does not include all "Places of Assembly");
 - e. Another adult entertainment facility.
2. No advertisements, displays or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
3. All building openings, entries, windows, etc. for adult entertainment uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street.
4. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned from public or semi-public area.

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5. Lighting on the exterior of the building shall be arranged to illuminate the entire off-street parking area.

D. Severability

This ordinance and each section and provision of said Article hereunder, are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said Article, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid. See Section 1.H.

E. Compliance With Other Regulations and Statutes

Nothing in this Article is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building or use which violates any local ordinance or regulation, or any statute of the State of Ohio.

A. Defined

Agritourism is defined in Article II.

B. Conditions

Agritourism is considered a conditional use in the RR, SR and RHD Districts. All conditional use applications shall include the following:

1. Identification and description of the active agricultural use on the site.
2. Identify the location and dimensions of all structures, parking areas, existing and proposed driveways, parking and vehicular turning areas, areas where visitors will be permitted and restricted, sanitary facilities, and landscaping if required to buffer adjacent properties.
3. All points of access shall be determined by a Traffic Study prepared and stamped by a professional engineer in the state of Ohio at the applicant's expense. If the proposed use is located on a township road, the traffic study shall also determine if any turn lanes or other improvements are necessary to the existing township roadway. The Township reserves the right to require the County Engineer or a third-party engineer to review and approve the traffic study. The Township may charge an engineer review fee as shown on the fee schedule approved by the Township Trustees, if it determines a third-party engineer review is necessary. The Board of Zoning Appeals shall not issue a conditional use permit until such time the proposed plans comply with the requirements of the approved traffic study.
4. Identify the food and drink served and any products grown or produce on the premises.
5. Identify the expected lighting usage and amount of noise.
6. Transportation:
 - a. An approved curb cut, and adequate off-street parking is provided;
 - b. Parking areas are screened from residential properties; and,
 - c. No vehicles shall be parked on the shoulders of adjacent roads.
7. Approval of the proposed use by Tri-County Joint Fire District and Mt. Sterling Ambulance District.

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Article XXV (25) ACCESSORY DWELLING UNITS (ADU)

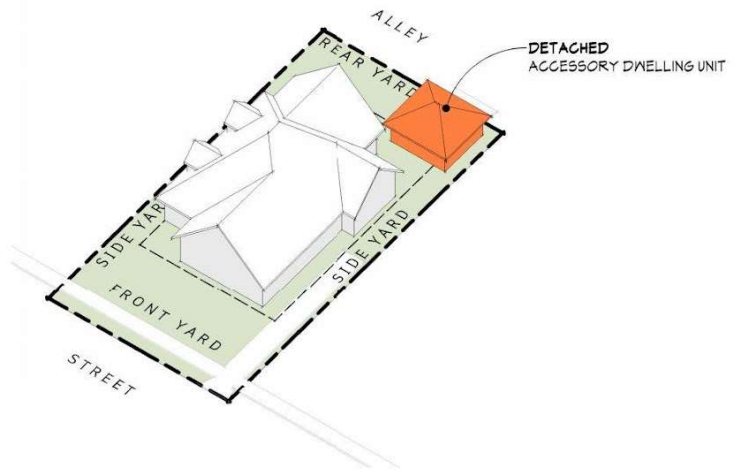
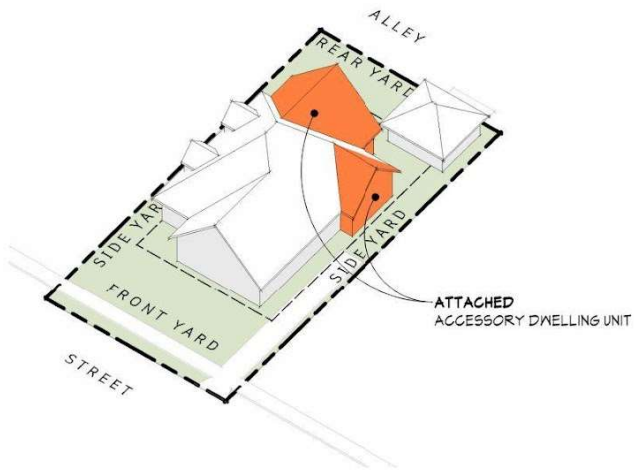
A. Purpose

The purpose of the Accessory Dwelling Unit (ADU) regulations is to respond to changes in housing needs and increasing housing costs, while simultaneously respecting the curb appeal and scale of the dwelling units within the surrounding residential area; to increase affordable housing options to vulnerable populations such as the elderly and persons with disabilities; to support more efficient use of the existing housing stock and associated infrastructure; and to reduce the carbon footprint by allowing smaller dwelling units.

B. Conditions

1. Applicability. The standards apply to any residential district where ADUs are listed as a permitted - accessory use.
2. Number. Only one ADU shall be permitted on a single, residentially zoned lot.
3. Density. ADUs do not count toward the density calculations for the residential district in which they are located.
4. General ADU Design Standards: All ADUs shall comply with the following general ADU design standards:
 - a. An ADU may be no larger than 1000 square feet or the size of the primary dwelling unit, whichever is less.
 - b. ADU's shall be limited to residential uses including a minor home occupation and shall not be utilized for any other purpose.
 - c. No additional parking is required for the ADU.
 - d. For ADU's with multiple stories, exterior stairs are prohibited.
5. Detached ADU: Detached ADUs are prohibited.
6. Accessory Suites (Attached) ADUs: In addition to the general ADU design standards, Accessory Suites ADUs must comply the following requirements:
 - a. No new entrances into the primary dwelling shall be created for the Accessory Suite ADU.
 - b. Any required fire escapes for access to an upper-level Accessory Suite ADU shall not be located along the front façade of the primary dwelling.

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Article XXVI (26) ACCESSORY STRUCTURES

A. Applicability

1. These standards shall apply to all Accessory Structures, except Private Swimming Pools, which are regulated by Section 22.J.

B. Location

1. All Accessory Structures shall be located to the side or rear of the principal Structure. In no case, shall an Accessory Structure be located nearer to the Front Lot Line than the Principal Building.
2. Accessory Structures may encroach a required Side or Rear Yard Setback, but in no case, shall an Accessory Structure be located closer than ten (10) feet from a Lot Line.
3. An Accessory Structure shall not be located closer than ten (10) feet from the Principal Building or any other Accessory Structure.

C. Height

1. Accessory Structures shall not exceed eighteen (18) feet in Height.

D. Size

1. The cumulative area of Accessory Structures shall not exceed 1,200 square feet or ten percent (10%) of the Lot Area, whichever is smaller.
2. If ten percent (10%) of the Lot size is less than 580 square feet, a Lot shall be permitted to have one Accessory Structure up to 580 square feet.

ARTICLE XXVII (27) EXOTIC ANIMALS

- A. Compliance with State Law and Regulations
 - 1. Containment and housing of exotic and/or dangerous wild animals shall comply with all state laws and regulations, including the Ohio Department of Agriculture, “Rules for the Housing and Care of Dangerous Wild Animals” and Chapter 935: “Possession of Wild Animals and Snakes” of the Ohio Revised Code.
- B. Containment and Housing Standards
 - 1. Containment and housing standards for exotic and/or dangerous wild animals supersede any township fencing requirements that are less than necessary.

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Article XXVIII (28) FOOD TRUCKS

A. Definition

1. Food Truck means “a vehicle from which food for human consumption is sold and dispensed. Said food can be prepackaged or prepared within the vehicle. Such vehicle may be self-propelled or towed by another vehicle and must be licensed in the state of Ohio,” as listed in Article II, Definitions.

B. Application and Permits

1. No one can operate or assist in the operation of a food truck in the Township without a Township business permit, Township food truck permit, zoning certificate, and applicable health license(s) issued in accordance with the Ohio Revised Code, the Ohio Administrative Code, and the Township Codes, unless the Food Truck remains in the Township for less than eight (8) hours over a one (1) day period.
2. Individuals or organizations shall be permitted to operate or a Food Truck on private Property within the corporate limits of the Village of Granville after meeting the permit and fee requirements of this chapter, unless otherwise exempted by this chapter.
3. Operation on public property is prohibited unless with permission from zoning board.
4. If the food truck complies with all standards in Section 28.C, a Food Truck Permit may be issued for up to three (3) consecutive days on a property. No more than two (2) Food Trucks may be located on any property at any one time.

C. Standards

1. Maximum of one (1) food truck on lots less than one (1) acre, and maximum of two (2) food trucks on lots greater than 1 acre.
2. Food trucks shall be located at least one hundred (100) feet from the main entrance to any eating establishment or similar food service business and one hundred (100) feet from any outdoor dining area as measured from the designated location on the lot accommodating the food truck.
3. Food trucks shall be located at least five (5) feet from the edge of any driveway, public sidewalk, utility boxes and vaults, handicapped ramp, building entrance, exit or emergency access/exit way, or emergency call box and must not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic. Food trucks must be located a minimum distance of twenty-five (25) feet in all directions from fire hydrants.
4. Food trucks shall be located at least 250 feet from any school unless with the school's permission.
5. Food trucks and associated seating must not occupy parking spaces without the business owners' permission.
6. Food trucks are not allowed to park in a way that would impair sight visibility at intersections or impede cars from entering or leaving an existing lot.
7. Associated seating must be removed from all permitted locations during impermissible house of operation and must not be stored, parked, or left overnight on private and or any public street or sidewalk.
8. Associated seating areas are only permitted on lots greater than one (1) acre.
9. Associated seating areas must not occupy any handicap accessible parking spaces.

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10. Food truck vendors are responsible for the proper disposal of waste and trash associated with the operation. Township trash receptacles shall not be used for this purpose. Vendors must remove all waste and trash from their approved location at the end of each day or as needed to maintain the health and safety of the public. The vendor must keep all areas within five (5) feet of the truck and associated seating area clean of grease, trash, paper, cups, or cans associated with the vending operation.
11. Food truck vendors must provide at least one garbage can for customers within reasonable distance from the food truck if none are available.
12. No liquid waste or grease is to be disposed of in tree pits, storm drains, or onto the sidewalks, streets, or other public space. Under no circumstances can grease be released or disposed of in the Township's sanitary sewer system.
13. Food trucks must be located where public restrooms are within reasonable distance from the food truck for customers.
14. Food trucks are permitted to play music with a speaker, but loud amplification shall be prohibited.
15. Food trucks shall be lit with existing and available site lighting. No additional exterior lighting shall be permitted. Lighting inside the food truck/trailer for the purpose of inside food preparation and menu illumination may be permitted. There shall be no light trespass or additional glare onto adjacent properties. Flashing lights shall be prohibited.
16. The food truck shall have access to water (through a water tank, connection to central water line, etc.) and electricity (through a generator, connection to utility lines, etc.). These services shall be located in a manner that does not create a safety hazard to employees, patrons, or pedestrians.
17. Food trucks are not permitted to provide alcoholic products.
18. No signs shall be permitted except as follows:
 - a. Signs directly painted or applied directly onto the food truck.
 - b. One (1) small temporary sign that does not exceed eight (8) square feet.
19. When a food truck is proposed to be located within one hundred and fifty (150) feet of an existing one-unit dwelling, operations of said food truck/trailer are limited to 10:30 a.m. to 3:30 p.m. daily.
20. The operations of food trucks in all other locations shall be limited to
 - a. 6 a.m. – 9 p.m. Sunday through Thursday
 - b. 7 a.m. – 11 p.m. Friday and Saturday
21. An operator or their designee must be present at all times except in cases of an emergency.

D. Special Events

1. No food truck permit shall be required for any unit that operates exclusively as a subset of a Township approved Special Event, within the approved areas and time frames.
2. The Township may increase the maximum number of food trucks allowed for one (1) lot for Township approved Special Events.

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ARTICLE XXIX (29) HOME OCCUPATIONS

A. General Requirements

1. A Home Occupation shall be conducted entirely within a dwelling unit and shall be clearly subordinate to the use of the dwelling unit.
2. "Work from Home" is separate from a Home Occupation and does not require a permit. See Article II Definitions.
3. The appearance of the dwelling unit in which a home occupation is conducted shall not be altered or the occupation within the dwelling shall not be conducted in a manner which would cause the premises to differ from its surrounding character either by colors, materials, construction, or lighting.
4. The home occupation shall not generate traffic greater in volume than normal for the subarea.
5. The home occupation shall not involve delivery trucks other than normal parcel delivery services.
6. No equipment or processes shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses on the lot. No equipment or processes shall be used which creates visual, audible, or electrical interference in any radio or television receiver or computer terminal off the premises or causes fluctuations in voltage off the premises.
7. The home occupation shall not occupy more than twenty percent (20%) of the livable floor area of the principle dwelling unit.

B. Minor Home Occupations

In addition to Section 29.A, minor home occupations must comply with the following requirements:

1. There shall be no employees of the minor home occupation other than a person or person(s) who are residents of the dwelling unit in which the home occupation is conducted. Minor Home Occupations shall not be located in accessory structures.
2. There shall be no signs associated with the minor home occupation.
3. There is no permit required for a minor home occupation.

C. Major Home Occupations

In addition to Section 29.A, major home occupations must comply with the following requirements:

1. There may be up to two employees for the major home occupation who are not residents of the dwelling.
2. The major home occupation may have one wall sign that does not exceed six (6) square feet per sign face and has a maximum height of twelve feet.
3. Major Home Occupations can be located in accessory structures.
Major home occupations in all districts that permit residential uses shall be processed as conditional uses in accordance with the procedures in Article IX. The major home occupation must comply with the criteria in Article IX in order for the Board of Zoning Appeals to issue a Conditional Use Permit.

ARTICLE XXX (30) LANDSCAPING

A. All Uses - The following requirements apply to all Uses:

1. Grass (seed or sod), shrubs, trees, garden planting areas or other appropriate landscaping materials shall be planted in all exterior areas. Other groundcover, such as ivy, may be planted in exterior areas which are not occupied by required landscaping material or required for drainage.
2. All trees required by these Article XXX Landscaping Development Standards, or other applicable standard, shall meet the following minimum tree sizes at the time of planting:

Tree Type	Minimum Size at Time of Planting
Deciduous Trees	2-inch caliper
Coniferous Trees	5-feet in height

3. Trees, shrubberies, or other plant material listed in the Ohio Administrative Code 901.5-30.0: Invasive Plant Species shall be prohibited. All plants shall meet or exceed American Standards for nursery stock as set forth by the American Association of Nurserymen.
4. All trees and landscaping shall be well maintained. Dead trees, shrubs and other landscaping material shall be promptly removed and, when required, shall be replaced within six (6) months.
5. Tree Preservation. Reasonable and good faith efforts will be made to preserve existing trees. Consideration shall be given to laying out service roads, lots, structures, and parking areas to avoid the unnecessary destruction of wooded areas and individual trees. Additionally, standard tree preservation practices must be used to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.

B. In addition to the above standards in Section 30.A, the following regulations shall apply:

1. Parking Lot Screening. Any surface parking areas adjacent to an existing or planned public right-of-way shall be screened from the respective right-of-way with a minimum of a thirty-six (36) inch continuous planting hedge and tree combination. The height shall be measured from the adjacent parking area.
2. Parking Island Landscaping. All parking islands required shall have a minimum of one shade tree with a minimum of 2" in caliper and include a minimum of fifty (50) square feet of other plant material. The remaining area of the landscaped

island shall be covered with stone or planted with grass. The use of mulch shall be prohibited within the landscaped islands.

3. Right-of-Way – Setback Landscape Zone. Throughout the setback area along an existing or planned public right-of-way, there shall be a landscape zone that complies with the following:

- a. Arterial – Right-of-Way Landscape Zone shall:

1. Be a minimum of forty (40) feet in width.
2. Include a cluster of the following trees at 100-foot intervals for the entire frontage that includes a minimum of three (3) coniferous trees and (2) deciduous trees.

Collector and Local Road Setback Landscape Zones shall be a minimum of ten (10) feet in width and contain deciduous trees every thirty (30) feet on center.

4. Screening Between Uses. A continuous planting hedge and tree combination to provide screening between non-residential and residential uses shall be installed. The required planting hedge and tree combination shall be a minimum of five (5) feet in height at the time of installation. Mounding may be used to achieve the required height and fencing may be incorporated to provide additional screening. Mounding and fencing can only be utilized in addition to and not in lieu of the planting hedge and tree combination.

C. Mechanical Equipment, Production Storage and Service Areas, Trash Containers, Loading Zones. The following regulations apply to all Uses:

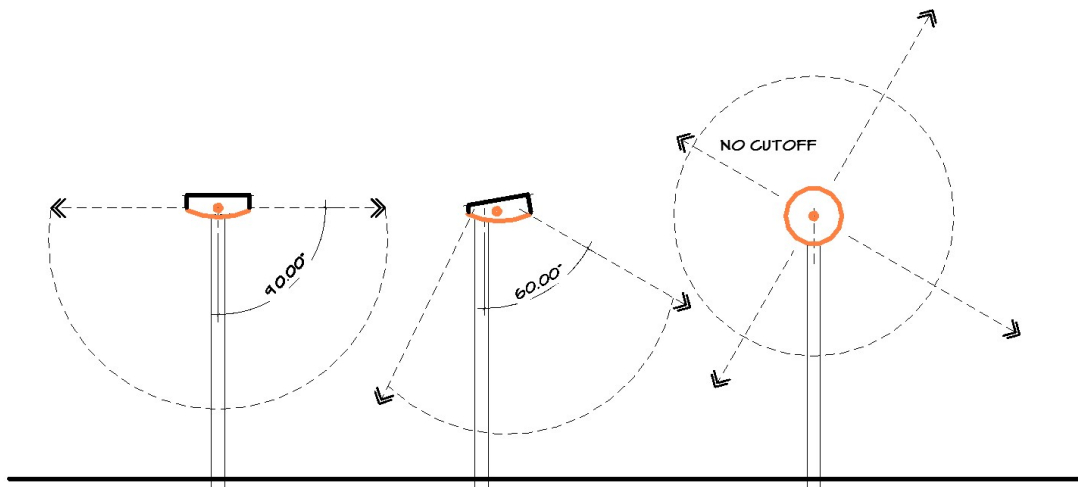
1. Mechanical Equipment. All external mechanical equipment shall be screened from adjacent existing or planned public rights-of-way with materials that are like or the same as those used on the adjacent building facade, or with landscaping. This requirement shall include rooftop equipment and ground mounted mechanical equipment.
2. Service Areas, Production areas, Service areas, Storage Areas, Trash Containers, and Loading Zones. Production areas, service areas, storage areas, trash containers and loading zones shall be located at the rear or the side of the building, except however, these areas are prohibited along a side of a building facing an existing or proposed single- family residential use. These areas shall be effectively screened from all adjacent property lines, existing or planned public rights-of-way and private streets.
3. Production areas, service areas, and loading zones: Screening of such areas shall consist of either landscaping or walls accented with landscaping materials. Screening consisting of walls shall utilize the same or similar materials as those used on the principals building.

4. Trash containers and storage areas: Trash containers and storage areas shall be screened on three sides with a solid wall or fence that is a minimum of one foot taller than the trash container or the material within the storage area to be screened. Said wall or fence must be constructed with the same or similar materials as those used on the principal building and must be accented with landscaping.

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Article XXXI (31) LIGHTING

- A. Exterior lighting shall comply with these standards unless otherwise specified in this code.
- B. Exemptions:
 - 1. All exterior lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps are exempt from the requirements of this section.
 - 2. Holiday lighting shall be exempt from the requirements of this section.
 - 3. All temporary emergency lighting needed by the police, fire department, other emergency service vehicles, and public service vehicles, as well as all vehicular luminaries, shall be exempt from the requirements of this section including flashing or blinking lights.
 - 4. Streetlights shall be exempt from the provisions of this section.
- C. Prohibited Lighting:
 - 1. Search lights, beacons, laser source lights, or any similar high-intensity or flashing lights are prohibited, except in emergencies by police and/or fire department personnel.
- D. Types of Fixtures:
 - 1. All lighting shall be directed toward the ground and the interior of the parcel and shall be full cut off lighting. Uplighting shall be prohibited except for decorative lighting attached to the building.

Full cutoff fixtures qualify with a cutoff angle equal to or less than ninety degrees (90°) with no light projecting skyward.



- E. Fixture Height:
 - 1. The fixture height in parking lots shall not exceed twenty (20) feet.
 - 2. Lighting located under canopies shall extend no more than eighteen (18) inches from the canopy. They must be downward facing lights with no uplighting.
 - 3. Fixture height shall be measured from the finished grade to the topmost point of the fixture.
- F. Kelvin Temperature:
 - 1. The color temperature for all lights shall not exceed 4,000K.
- G. Exterior lighting shall be designed and located to have the following maximum illumination levels. The levels shall be measured at the finished grade at the lot line as demonstrated by a lighting plan:

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1. The maximum illumination at a lot line that abuts a lot within an existing residential use or is zoned or designated for residential uses shall be 0.3 foot-candles.
 2. The maximum illumination at a lot line that abuts any other use shall be 1.0 foot-candles.
 3. The maximum illumination at a lot line for properties used for outdoor sports and recreation shall be reviewed for compliance with regard to the intent of these guidelines to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way.
 4. The illumination across any property shall be designed so as to not create excessively dark spots that may create safety issues.
 5. All non-essential outdoor lighting fixtures for non-residential uses, including lighting for parking areas, signs, displays and aesthetic lighting, shall be turned off after business hours. Only lighting needed for safety or security may remain lit after close of business, in which case the lighting shall be reduced to the minimum level necessary. Automatic shut-off fixtures, auto-dimming to adjust lighting based on ambient lighting shall be required for any parking lot abutting an existing one-unit dwelling.
- H. Automobile Oriented Uses - Canopy Lighting:
1. Automobile Oriented Use canopy lighting shall extend no more than eighteen (18) inches from the canopy. They must be downward facing lights with no uplighting.

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ARTICLE XXXII (32)

MEDICAL MARIJUANA

Medical Marijuana shall be regulated by separate Resolution adopted by the Darby Township Board of Trustees.

ARTICLE XXXIII (33)

OFF-STREET PARKING REQUIREMENTS

A. Purpose

1. The purpose of these requirements is to encourage the orderly development of parking and loading areas within Darby Township and to promote the safety of residents and visitors by insuring the efficient handling of vehicular traffic.

B. Provision for Parking Required

1. Unless otherwise indicated in this Resolution, in all zoning districts, off- street parking shall be addressed in accordance with the provisions of this Article.

C. General Requirements

1. Surfacing and Drainage:

- a. All off-street parking areas for commercial or industrial projects within the business Districts shall be properly graded, marked, and surfaced to provide a hard, durable, and dustless surface. All parking areas shall be graded and drained to dispose of surface water which might accumulate within or upon such area and shall be designed to prevent the excessive drainage of surface water onto adjacent properties or public roadways. The developer of the project shall demonstrate that adequate provisions have been made to direct storm runoff to a suitable and adequate storm water drainage system.

2. Lighting:

- a. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect light away from any adjoining premises in any zoning district where residences are a permitted use. In addition, such lighting shall be so arranged as not to interfere with traffic on any adjoining street or to be confused with any traffic control lighting. Other provisions in Article XXXI also apply.

3. Location of Parking Spaces:

- a. A five foot (5') clear zone shall be maintained between the roadway right-of-way and any parking space. Parking areas shall be so designed and arranged so as not to allow the protruding of any vehicle (or portion thereof) over the clear zone.

4. Parking of Inoperable or Disabled Equipment or Vehicles:

- a. The exterior parking or storage of inoperable, unlicensed, or disabled pieces of equipment or vehicles for a period of time exceeding thirty (30) consecutive days, outside of an approved junk yard licensed and regulated pursuant to Sections 4737.05 through 4737.12 of the Ohio Revised Code, shall be prohibited.
- b. Darby Township reserves the right to remove junk cars from private property consistent with the standards and procedures cited in ORC Section 4513.65.

5. Parking of Recreational Equipment

- a. The storage of travel trailers, motor homes, pick-up campers, folding tent trailers, boats or boat trailers and similar recreational equipment shall be subject to the following requirements:

- i. Not more than two (2) pieces of such equipment, or vehicles, shall be permitted to be stored outside on a parcel containing a single-family or two-family dwelling. For the purpose of this Section, a boat stored on a boat trailer shall be deemed one piece of recreational equipment.
- ii. Recreational equipment shall not be used for permanent occupancy.
- iii. Recreational equipment may be used for temporary occupancy for a period of time not exceeding thirty (30) days.

D. Joint Use

1. Two (2) or more uses may jointly provide and use parking spaces provided that together they meet the parking space requirements of Section 33.F.

E. Schedule of Required Off-Street Spaces

1. Parking spaces shall be provided according to the following schedule of uses that do not apply to Section 33.E. If a use consists of more than one component use (e.g., a school with a stadium) the required minimum number of parking spaces shall be the sum of the required spaces for those component uses. For uses not listed, the Board of Zoning Appeals shall determine the number of required spaces, based on comparing the proposed use with similar uses listed in the schedule.

2. Residential

- a. One (1) parking space for every residential dwelling unit on a property.

3. Commercial

- a. One parking space for every 500 GFA with the following exceptions:
 - i. Campgrounds: One (1) per each campsite and one per employee for the largest shift.
 - ii. Hotels and Motels: One (1) per sleeping room and one (1) for each two employees on the largest shift.

4. Institutional

- a. One (1) parking space for every 500 GFA with the following exceptions:
 - i. Assisted living, nursing homes, and hospitals: One (1) for each employee on the largest shift and one (1) for every four (4) beds.
 - ii. Places of assembly: One (1) for every six (6) seats in the main area of assembly.
 - iii. Schools: One (1) for every ten (10) students.

5. Industrial

- a. One (1) for each employee on largest shift.

F. Electric Vehicles

1. It is not required under this code to provide automobile parking spaces with vehicle charging stations. However, the total number of required automobile off-street parking spaces required by this code shall be reduced by one (1) automobile off-street parking space for every one (1) parking space with a vehicle charging station provided.

ARTICLE XXXIV (34) PLACES OF ASSEMBLY

A. Intent.

Places of Assembly are considered conditional uses in the RR district. These regulations apply, through the conditional use process, to the Places of Assembly in the RR district.

B. Places of Assembly. In addition to the general conditional use criteria in Section 9.B, Places of Assembly shall comply with the following regulations:

1. All structures and activities shall be located at least one hundred (100) feet from any adjoining residential structure or as otherwise permitted by the Board of Zoning Appeals.
2. All points of access shall be determined by a Traffic Study prepared and stamped by a professional engineer in the state of Ohio at the applicant's expense. If the proposed use is located on a township road, the traffic study shall also determine if any turn lanes or other improvements are necessary to the existing township roadway. The Township reserves the right to require the County Engineer or a third-party engineer to review and approve the traffic study. The Township may charge an engineer review fee as shown on the fee schedule approved by the Township Trustees, if it determines a third-party engineer review is necessary. The Board of Zoning Appeals shall not issue a conditional use permit until such time the proposed plans comply with the requirements of the approved traffic study.

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ARTICLE XXXV (35) SIGNS

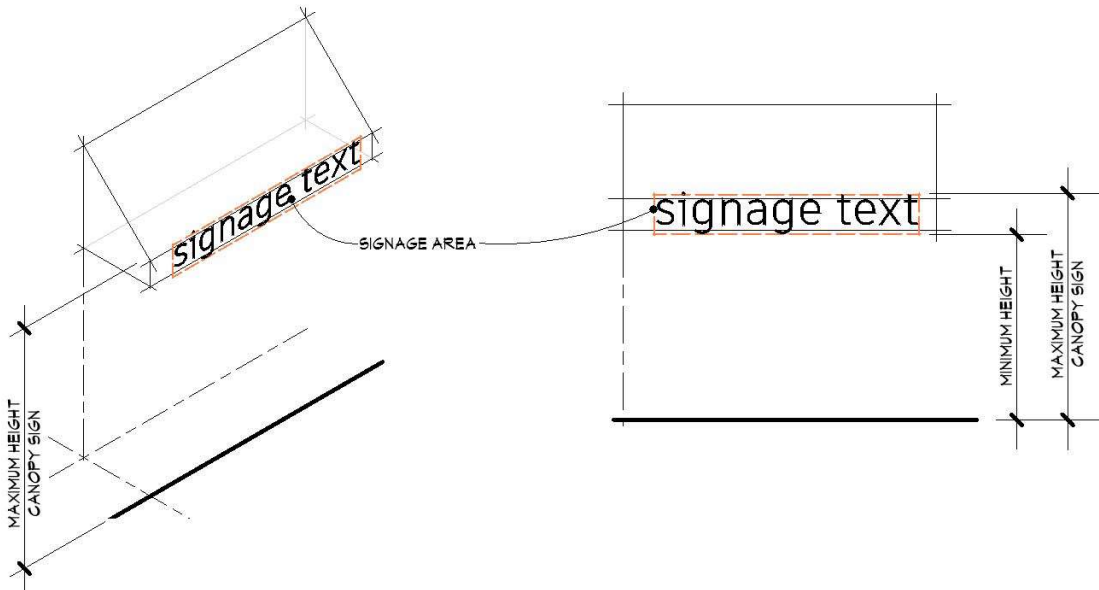
- A. Purpose. The purpose of the sign regulations is to:
1. Provide effective and attractive identification for businesses, services, and uses; and
 2. Provide a reasonable system of regulations for signs as a part of the Township's Zoning Resolution and consistent with state and federal laws.
 3. Promote reasonable sign standards to limit the aesthetic impact of signs on properties within the Township to prevent clutter and protect streetscapes thereby preserving property values and protecting traffic safety.
 4. Attract and direct the public to available activities, goods, and services.
 5. Enhance the economic value of the community through attractive and effective signage.
 6. Provide for vehicular and pedestrian safety by prohibiting or restricting distracting signs.
- B. Zoning Permit: Unless otherwise exempted below, a Zoning Permit shall be obtained prior to erecting any sign in any district. The following types of signs are exempt from obtaining a Zoning Permit:
1. Signs not exceeding two (2) square feet that are customarily associated with a residential use and are not of a commercial nature, including the address and/or the name of the occupants.
 2. Signs erected by a governmental entity for a recognized public purpose and duly authorized by any law, statute, or code. Such Signs include legal notices and traffic control devices, provided such signs carry no supplementary advertising.
 3. Signs that are on the inside of a structure or building that are designated or located to not be typically visible from outside the window.
 4. Temporary Signs clearly in the nature of decorations customarily associated with a national, local, or religious holiday. Such Signs shall be of any illumination or animation provided that a safety and/or visibility hazard is not clearly created.
 5. All signage and graphics shall be carefully coordinated with the building and architecture.
- C. Regulations for All Signs. The following regulations apply to all Signs within the Township
1. Signs shall not be painted directly on the surface of a Fence.
 2. No roof Signs or roof mounted Signs shall be permitted. No part of any Sign shall extend higher than the eave of any building, except when placed on the parapet of a building.
 3. The following permanent signs shall be prohibited: portable displays or mobile display (except sandwich board signs), gas or air-filled devices, revolving or rotating signs, exposed neon signs, exposed LED signs, rotating signs, signs with flashing messages or bare bulbs, signs on backlit awnings, flashing signs, video signs, signs with moving text or pictures, bench signs, and Wallscapes.
 4. Each building and unit, if applicable, shall have an address number that is clearly visible from the public right-of-way. Such Signs shall not require a permit.
 5. Original Art Mural and Vintage Art Murals as defined in Article II shall only be permitted in accordance with Article 35.Q of these regulations.

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D. Canopy Signs

1. All Canopy Signs shall comply with the following requirements:

	CI	R62-COD	PUD
Maximum Number of Signs Per Business	1	1	Per Approved Development Plan
Maximum Square Footage	2 sf/lf of canopy	2 sf/lf of canopy	Per Approved Development Plan
Maximum Height (Feet)	15	15	Per Approved Development Plan
Minimum Height (Feet)	9	9	Per Approved Development Plan

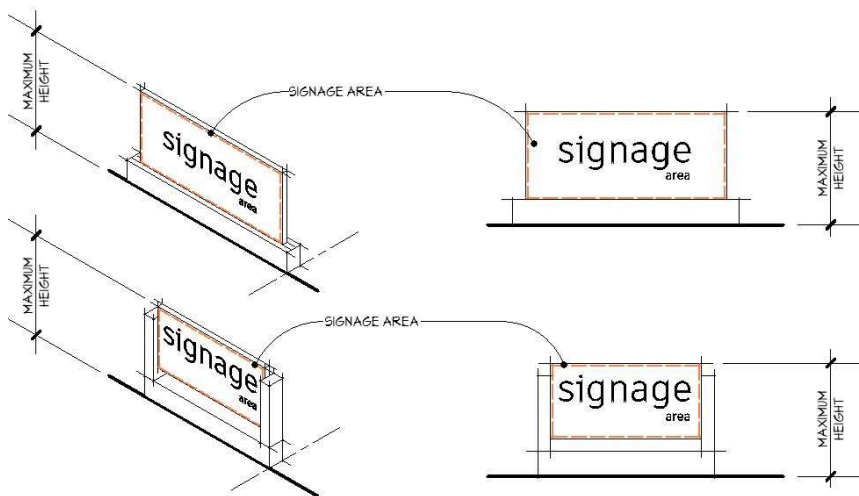


E. Ground Signs

1. All ground signs shall comply with the following requirements:

	RR	PSR	CI	R62-COD	PUD
Maximum Number of Signs Permitted Per Public Road Frontage	1	1		1	Per Approved Development Plan
Maximum Square Footage	12	12		40	Per Approved Development Plan
Maximum Height (Feet)	6	6		8	Per Approved Development Plan
Minimum Distance from ROW (Feet)	10	10		20	Per Approved Development Plan

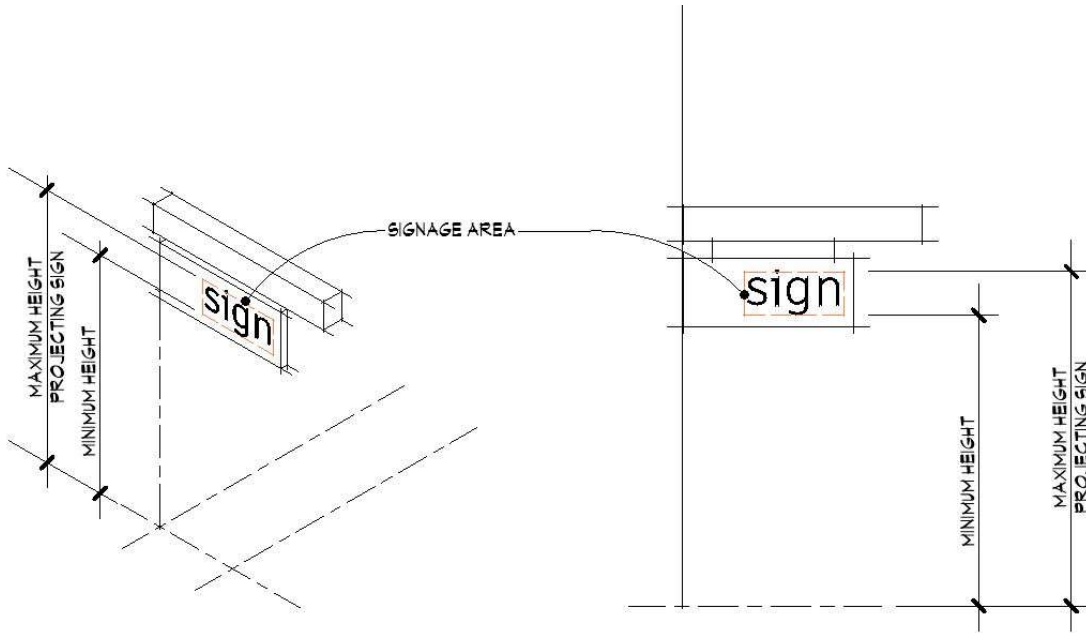
2. The maximum square footage in the above table is per sign face. Each sign face shall count towards the maximum size of the sign and total maximum square footage of all signs. There shall be a maximum of two (2) Sign faces per Sign.
3. All Ground Mounted Signs shall have a solid base consistent with the primary building material and have a minimum of fifty (50) square feet of landscaping around all sides of the Ground Mounted Sign. Sign shall be affixed directly to a base having a width at least equal to that of the sign.
4. Ground Mounted Signs shall not be permitted along rear access roads.



F. Projecting Signs

1. When permitted, such signs should be scaled with the building design and should blend with the architectural design of the building to which it is attached. Each sign face shall count to the maximum size of the sign and total maximum square footage of all signs. There shall be a maximum of two (2) Sign faces per Sign. Projecting signs are permitted as follows:

	RR	PSR	CI	R62-COD	PUD
Number of Signs Per Business	1	1	1	1	Per Approved Development Plan
Maximum Square Footage	12	12	24	24	Per Approved Development Plan
Maximum Height (Feet)	Height of Eave	Height of Eave	Height of Eave	Height of Eave	Per Approved Development Plan
Minimum Height (Feet)	9	9	9	9	Per Approved Development Plan
Maximum Projection from Edge of Building (Feet)	8	8	8	8	Per Approved Development Plan

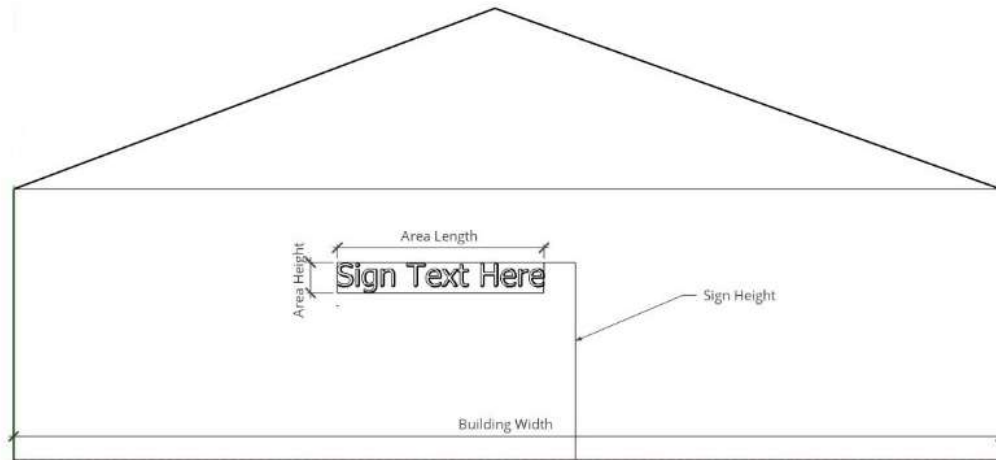


G. Wall Signs

1. All wall signs shall comply with the following requirements:

	RR	PSR	Residential when associated with a Conditional Use	CI	R62-COD	PUD
Maximum Number of Signs Permitted Per Public Road Frontage	1	1	1	1	1	Per Approved Development Plan
Maximum Square Footage	2	2	12	2 sq. ft. per 1 lineal foot of building width	2 sq. ft. per 1 lineal foot of building width	Per Approved Development Plan
Maximum Height (Feet)	8	8	15	Height of Eave	Height of Eave	Per Approved Development Plan

*Fractional numbers are rounded down to the lower whole number



H. Window Signs

1. All window signs shall comply with the following requirements:

	RR	PSR	CI	R62-COD	PUD
Maximum Number of Signs Permitted	1 per lot	1 per lot	1 per window	1 per window	Per Approved Development Plan
Maximum Square Footage	10 percent of window area	10 percent of window area	25 percent of window area	25 percent of window area	Per Approved Development Plan
Maximum Height (Feet)	15	15	15	15	Per Approved Development Plan

I. Pylon Signs

1. All pylon signs, which are only permitted in CI, R62-COD District, and PUD, shall comply with the following requirements:

	CI	R62-COD	PUD
Maximum Number of Signs Permitted Per Public Road Frontage	1	1	Per Approved Development Plan
Maximum Square Footage	125	125	Per Approved Development Plan
Maximum Height (Feet)	35	35	Per Approved Development Plan
Minimum Distance from ROW (Feet)	20	20	Per Approved Development Plan

J. Way Finding Signs

1. There may be two way finding signs per access driveway connecting to a public or private street. Way finding signs shall be limited to a maximum height of three (3) feet, a maximum area of six (6) square feet per side and shall be located outside of the right-of-way and on the property of the user(s) of which they are identifying the entry or exit.

K. Entrance Wall Sign

1. One sign may be placed on an entrance wall or on each parallel entrance wall .. Each sign shall not extend above the height of the wall and shall not exceed fifteen (15) square feet in size. Lighting for said sign(s) shall be restricted to external illumination that complies with Article XXXI. Internal illumination of said signs are prohibited.

L. Drive Thru Signs

1. Signs accessory and adjacent to drive-thru food and beverage establishments, car washes, and other similar uses are subject to the following standards:
 - a. One large drive-thru board shall be permitted per drive thru lane. Said sign shall not exceed fifty (50) square feet, must be located a minimum of one (1) foot from and a maximum of five (5) feet from the edge of pavement of the drive through lane to which it serves and shall not exceed eight (8) feet in height.
 - b. One medium drive thru board shall be permitted per drive thru lane. Said sign shall not exceed fifteen (15) square feet, must be located a minimum of one (1) foot and a maximum of five (5) feet from the edge of pavement of the drive through lane to which is serves and shall not exceed eight (8) feet in height.
 - c. One small drive-thru sign board shall be permitted per drive through lane shall be permitted. Said sign shall not exceed two and half (2.5) square feet area, must be located on the drive thru speaker and shall not exceed five (5) feet in height.
 - d. Drive thru board signs shall be permitted to have changeable copy electronic display messages may be permitted provided the graphics and/or words on the sign change no more than once per car service. Video, flashing images or effects, or moving content shall be prohibited.

M. Total Maximum Square Footage of All Signs

	Total Maximum Square Footage for All Signs
CI	350 for internal lots 500 for corner lots
R62-COD, PUD	Per Approved Development Plan

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N. Sign Lighting

1. Sign lighting shall be consistent, understated, and properly disguised. Unless noted in this code, one of the following methods of lighting may be employed:
 - a. A white, steady, stationary light that does not glare onto surrounding areas, is directed solely at the Sign, and is otherwise prevented from beaming directly onto adjacent properties or rights-of-way.
 - b. A white interior light with primary and secondary images lit or silhouetted on an opaque background. The background must be opaque. No additional background lighting or illuminated borders or outlines shall be permitted.
2. The color temperature of the sign lighting shall not exceed 4,000K.
3. The level of illumination emitted or reflected from a Sign shall not be of an intensity sufficient to constitute a demonstrable hazard to vehicular traffic on any Right of Way or parking lot from which the sign can be viewed.
4. Light fixtures shall be screened from view by site grading or landscaping.

O. Temporary Signs

1. The following Temporary Sign regulations apply to all uses within all subareas:
 - a. Temporary Signs shall be prohibited within the right-of-way.
 - b. In all zoning districts, three (3) Small Temporary Signs shall be permitted per parcel per street frontage without a permit. In all other zoning districts, up to six (6) Small Temporary Signs shall be permitted per parcel per street frontage without a permit. Each Small Temporary Sign shall be seven (7) square feet or less and less than three (3) feet in height.
 - c. In the alldistricts, two (2) Large Temporary Signs shall also be permitted per parcel provided a Sign permit is issued in accordance with the following regulations. Large Temporary Signs shall not:
 - i. Exceed eight (8) feet in height.
 - ii. Exceed thirty-two (32) square feet (per Sign face).
 - iii. On parcels of five (5) acres or less, such signs shall be displayed for no more than thirty (30) consecutive days and no more than three (3) times per calendar year. A new permit must be obtained for each thirty (30) day or less period. After said permits have been exhausted, the Zoning Inspector may grant one (1) extension for up to ninety (90) days per Sign. No other extensions may be administratively approved and must be approved by the Board of Zoning Appeals. On parcels that are greater than five (5) acres, such signs may be displayed for up to one-hundred eighty (180) days. Upon the expiration of this permit, the Zoning Inspector may grant one (1) extension up to an additional one-hundred eighty (180) days. No other extensions may be administratively approved and must be approved by the Board of Zoning Appeals. In no case, shall such signs be erected for more than three hundred sixty-five (365) days.
 - d. Small and Large Temporary Signs shall not count toward the total maximum square footage of signs permitted on a lot.
 - e. The sign permit number for Large Temporary Signs must be printed on the sign in a visible location.

P. Changeable Copy and Electronic Message Displays

1. These Changeable Copy and Electronic Message Display standards are applicable to all signs, except drive thru boards since the purpose of those boards are to service those utilizing the drive thru lane where cars are typically stopped to view said sign. All other changeable copy and electronic messaging displays shall:
 - a. Be limited to fifty percent (50%) of the overall sign area.
 - b. Any digital display containing animation, streaming video, or text or images that flash, pulsate, move or scroll is prohibited. The digital display may change, but it must transition by changing instantly with no transition graphics (e.g., no fade in/no fade out). The duration of the digital display shall not be less than (8) seconds.
 - c. Maximum luminance (cd/m²) of forty (40).
 - d. Be turned off at the latter of 11:30 p.m. or one hour after the close of business and shall remain off until 6:30 a.m. the following morning.

Q. Murals

1. Original Art Mural Requirements. Original Art Murals that meet all the following requirements shall be issued a Mural Permit by the Zoning Inspector:
2. Original Art Murals are permitted in all districts except for RR.
3. The mural shall remain in place without alteration, for a period of five (5) years. The applicant shall certify in the permit application that the applicant agrees to maintain the mural in accordance with this regulation.
4. The applicant, if different from the property owner, must obtain an affidavit from the building's owner giving permission for the applicant to adhere the mural to the building.
5. There shall be no more than one Original Art Mural per parcel or per building, whichever is more restrictive.
6. Murals shall only be permitted on sides and rear elevations and shall be prohibited on front elevations of buildings.
7. No part of the mural shall exceed the height of the structure to which it is tiled or painted.
8. The materials or paint utilized to create the mural shall be weatherproofed or resistant to wear.
9. The mural shall be properly maintained through repair and paint, or any necessary treatment to prevent decay. Defective or insufficient weather protection for exterior treatments and façades, including fading paint or materials or graffiti shall be promptly repaired or shall otherwise be subject to the violation provisions in Section 4.Q of this code.
10. Murals on properties within any planned district must be part of the originally approved development plan or an amendment to said plan must be approved by Article X prior to the Zoning Commission issuing a Mural Permit.
11. Murals that would result in a property becoming out of compliance with any other Township Resolutions shall be prohibited.

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12. Vintage Art Mural Requirements. All murals created prior to the date of adoption of this code shall be considered existing non-conforming and may be maintained in accordance with Article V of this code.

ARTICLE XXXVI (36) SOLAR ENERGY SYSTEMS

C. Purpose and Definitions

1. It is the purpose of these regulations to promote the safe, effective, and efficient use of Small Solar Facilities to reduce the on-site consumption of utility supplied electricity. All Industrial Solar Facilities are exempt from township zoning per ORC 519.213 and are under the jurisdiction of the Ohio Power Siting Board.
2. There are two types of Small Solar Facilities: Roof Mounted and Ground Mounted, which are defined in Article II. Ground mounted systems are further divided into Small Solar Facilities and Individual Solar Facilities as defined in Article II.

D. Roof Mounted Small Solar Facilities

Roof Mounted Small Solar Facilities are permitted in all Districts, provided the roof-mounted solar system comply with all other requirements of zoning and building regulations, all applicable local and state fire and building codes, and the following requirements:

1. Pitched roof-mounted arrays shall be parallel to the roof.
2. The distance between the roof and the uppermost portion of the solar panels shall not exceed eighteen (18) inches.
3. Pitched roof-mounted panels on a flat roof shall not project vertically more than five (5) feet from the surface of the roof and shall be screened in accordance with Section 30.C.1.

Roof-mounted panels cannot exceed the maximum height of a building by any more than five (5) feet.

E. Ground Mounted Individual and Small Solar Facilities

Individual and Ground Mounted Small Solar Facilities shall comply with all other requirements of zoning and building regulations, all applicable local and state fire and building codes, and the following requirements:

1. No Individual or Ground Mounted Small Solar Facility shall be permitted in the front yard. If the lot has neither a front nor back yard, then it shall have a front setback of one hundred fifty (150) feet.
2. All Individual Small Solar Facilities shall maintain a side and rear setback of twenty (20) feet and all Ground Mounted Small Solar Facilities shall maintain a side and rear setback of one hundred fifty (150) feet. All Individual and Ground Mounted Small Solar Facilities shall not exceed eight (8) feet in height.

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3. Any perennial vegetation for Individual or Ground Mounted Small Solar Facility shall be fauna native to the area, as approved by the zoning board.

XXXVII (37) TELECOMMUNICATIONS TOWERS

A. Definition

1. Telecommunications towers, as defined in Article II, may be allowed as a conditional use in the RR and PSR Districts. The process to be used in processing an application for such a tower shall be as specified in Section 519.211 of the Ohio Revised Code.

B. Conditions: Telecommunications towers shall be subject to the following conditions:

1. The maximum height of the tower shall not exceed 150 feet.
2. The tower and any stabilization structures or guide wires shall not be located less than twenty- five (25) feet from any side or rear property line.
3. The tower shall be located not less than 300 feet from any existing residential dwelling or any public roadway.
4. The minimum lot size for the site of the tower shall be one (1) acre.
5. Security fencing at least ten (10) feet in height and affixed with an operable lock shall be provided to prevent uncontrolled access to the tower site.
6. A landscaping plan shall be submitted and approved by the Board of Zoning Appeals.
7. The tower shall not be lit except to assure safety or as required by the FAA.
8. The applicant or tower provider shall demonstrate that the telecommunication tower must be located where it is proposed to service the applicant's service area, that other sites have been considered, and that location at the proposed site is technically necessary.
9. The applicant shall provide a signed statement indicating that he/she agrees to allow for the potential co-location of other similar facilities on the tower, the removal of the tower within 180 days after the site's use is discontinued, and proof of notice has been provided as required in Section 519.211 of the Ohio Revised Code, as may be subsequently amended.
10. The applicant shall demonstrate that the placement and height of the tower shall comply with the standards of Title 14 of the Code of Federal Regulations, Part 77 (14 CFR Part 77).

C. If a public telecommunications service provider desires to co-locate its facility either on an existing tower or utility structure, the location of such facility shall be addressed as a permitted use.

ARTICLE XXXVIII (38) TEMPORARY STRUCTURES AND CONSTRUCTION TRAILERS

A. Types of Temporary Structures.

1. There are only two (2) types of temporary structures that are permitted within the Township: portable home storage units and temporary construction trailers/offices.

B. Portable Home Storage Units

1. Portable home storage units may only be permitted within any residential districts (RR and PSR), provided the following regulations are met. A Zoning Permit shall be obtained for any portable home storage unit.
2. Portable home storage units shall be prohibited from being located within any right-of-way and may not block any sidewalk or multi-use path.
3. Portable home storage units shall be kept in the driveway of the property at the furthest accessible point from the street.
4. Only two (2) portable home storage units shall be permitted on any residential property at any one time.
5. Each portable home storage unit shall not exceed sixteen (16) feet in length, eight (8) feet in width, and eight (8) feet in height.
6. Portable home storage units shall be permitted for thirty (30) calendar days within any 365-calendar day period.
7. Portable home storage units shall not be utilized for living purposes.

C. Temporary Construction Trailers/Offices

1. Temporary construction trailers/offices may be permitted in any District during the construction of building(s) and site improvements provided the following regulations are met. A Zoning Permit shall be obtained prior to installing and utilizing the temporary construction trailer/office.
2. The temporary trailer/office shall be prohibited from being located in the right-of-way and shall be setback a minimum of ten (10) feet from the right-of-way line.
3. No more than two (2) temporary trailer/office shall be permitted per construction site..
4. The temporary trailer/office shall only be permitted for a period of one (1) year days in any calendar year. If additional time is necessary due to a delay in construction, the applicant shall seek an extension from the Board of Zoning Appeals.

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ARTICLE XXXIX (39) WIND ENERGY SYSTEMS

A. Intent

1. The intent of this section is to regulate the placement and construction of Small Wind Farms (as defined in Article II) in order to protect public health and safety of township residents without interfering with the expansion of clean, sustainable, and renewable energy sources.

B. Applicability

1. The following regulations shall apply, through the Conditional Use process, to Small Wind Farms when proposed to be located within a district where such Use is listed as a Conditional Use, unless otherwise exempted by state or federal law.

C. Conditions

1. The Board of Zoning Appeals shall issue a Conditional Use permit when a proposed Small Wind Farm complies with all of the conditions listed below.
 - a. In no case shall any tower within a Small Wind Farm be located closer than 1.1 times the tower height to any residential Structure, public road/right-of-way, third party transmission lines, or adjacent property lines. New residential Structures shall not be permitted within this Setback area.
 - b. Small Wind Farms shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL) or an equivalent third party.
 - c. Once a Conditional Use permit is granted per the requirements of this Section, a Licensed Ohio Professional Engineer shall certify, as part of the Zoning Permit application, that the foundation and tower design of the Small Wind Farm, including substation, transformer, underground cabling, or parts thereof and the access road, is within the accepted professional standards, given local soil and climate conditions.
 - d. All Small Wind Farm shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems and mechanical brakes). Mechanical brakes shall be operated in a fail-safe mode. Stall regulations shall not be considered a sufficient braking system for over speed protection. The applicant shall provide sufficient information to ensure the Board of Zoning Appeals that this requirement will be met.
 - e. All electrical components of the Small Wind Farm shall conform to applicable local, state, and national codes, and relevant national and international standards (ANSI).
 - f. Towers and blades shall be a non-contrasting gray or similar color or a galvanized steel finish, unless these color requirements conflict with any FAA regulation. In such cases, the tower shall comply with those color requirements.
 - g. All towers within a Small Wind Farm be un-climbable by design or protected by anti-climbing devices.
 - h. No signage shall be permitted within any portion of a Small Wind Farm except for a Sign, not to exceed six (6) square feet, containing emergency contact information and no trespassing language.

- i. One point of access from a public road to the Small Wind Farm shall be provided. The Board of Zoning Appeals may require review by the Tri-County Joint Fire District and Mt. Sterling Ambulance District to ensure the proposed drive is suitable for emergency access. The use of existing access points is preferred.
- j. The applicant shall be responsible for obtaining all required approvals/permits for transporting on a public road the towers, blades, substation parts, and or equipment for construction, operation, or maintenance of the Small Wind Farm.
- k. The applicant shall demonstrate that the noise levels associated with the Small Wind Farm will not be disruptive to any adjacent residential areas.
- l. No lighting shall be permitted, except as required by Federal regulations.
- m. The applicant shall provide the applicable microwave transmission providers and local emergency service providers/911 operators copies of the project summary and site plan as set for in this Section. To the extent that the above providers demonstrate a likelihood of interference with its communications resulting from the Small Wind Farm, the applicant shall take reasonable measures to mitigate such anticipated interference. If, after construction of the Small Wind Farm, the Owner or operator receives a written complaint related to the above-mentioned interference, the Owner shall take reasonable steps to respond to the complaint or shall be in violation of said Conditional Use permit, which shall be punishable per Section 4.Q.
- n. The Owner or operator of the Small Wind Farm shall be required to submit an annual notice of operation on or before January 31st of each year. In the event that the Small Wind Farm is no longer being operated or utilized (unless due to documented maintenance or electrical grid issues and written notice has been provided to the township), the Small Wind Farm shall be removed within 180-days after the Use has been discontinued. In addition to removing all towers within the system, the Owner/operator shall restore the site to its original condition prior to the location of such system on said property. Any foundation associated with a Small Wind Farm shall be removed from the site to a depth which is at least forty-eight (48) inches below restored ground level and the site restored to its original state including the planting of any grasses or cover crops. All transmission equipment, Buildings and fences shall also be removed.

D. Submittal Requirements

- 1. The following information must be submitted with the Conditional Use application (in addition to the items required in Section 39.C.
- 2. A Small Wind Farm project summary including to the extent available the following items:
 - a. A general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s) type(s) of the Small Wind Farm, the number of towers within the proposed Small Wind Farm, and the name plat generating capacity of each tower, and the maximum height proposed for each tower.
 - b. A description of the applicant, owner, and operator, including their respective business structures.

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- c. The name(s), address(es), and phone number(s) of the applicant(s), owner and operator, and all property owner(s), if known.
- d. The site plan required in Section 9.B shall also include: guy lines and anchor bases (if any), primary Structure(s), property lines (including identification of adjoining properties), set back lines, public access roads and turnout locations, substation(s), ancillary equipment, third party transmission lines, and layout of all Structures within the geographical boundaries of any Setback.
- e. All required studies, reports, certifications, and approval demonstrating compliance with the provisions of this Zoning Resolution.

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Article XL (40) Regulation of Agriculture on Specific Lots

- A. Except as otherwise provided in Sections 40.B, Sections 519.02 to 519.25, inclusive, of the Ohio Revised Code confer no power on any Township Board of Trustees, Township Zoning Commission, or Board of Zoning Appeals to 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 Permit shall be required for any such building or structures.
- B. As permitted by ORC Section 519.21(B), for any platted subdivision approved under Sections 711.05, 711.09, and 711.10 of the ORC, or in any area consisting of fifteen (15) or more Lots approved under Section 711.131 of the ORC that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, this Zoning Resolution hereby regulates:
 - 1. Agriculture on lots of one acre or less.
 - 2. Buildings or structures incident to the use of land for agricultural purposes on Lots greater than one acre but not greater than five acres by: setback building lines, height, and size. Such buildings or structures shall comply with the requirements within the applicable zoning District.
 - 3. Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least 35 percent of the Lots in the subdivision are developed with at least one building, structure, or improvements that is subject to real property taxation or that is subject to the tax on Manufactured Homes under Section 4503.06 of the Revised Code. After 35 percent of the Lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to Section 519.19 of the Revised Code and subject to the restrictions of this resolution.
- C. Section 40.B confers no power on any Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to regulate agriculture, buildings or structures, and dairying and animal and poultry husbandry on Lots greater than five acres.
- D. Such sections confer no power on any Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to prohibit in a District zoned for agricultural, industrial, residential, or commercial uses, the use of any land for a Farm Market where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. However, a board of township trustees, as provided in section 519.02 of the Revised Code, may regulate such factors pertaining to farm markets as size of the structure, size of parking areas that may be required, set back, building lines, and egress or ingress, where such regulation is necessary to protect the public health and safety.

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Article XLI (41) QUARRYING, MINING AND GRAVEL PITS

A. Intent.

The intent of this section is to create standards for commercial mines, quarries, and gravel pits when such uses are listed as conditional uses. The Board of Zoning Appeals may permit a commercial mine, quarry, or gravel pit in any district where it is listed as a conditional use, upon submission of satisfactory proof that such operations will not be detrimental to the neighborhood or surrounding properties provided the following conditions and the general conditions of Section 9.C.

B. Notification to County Engineer.

Per ORC 519.141(B)(1), prior to submitting a conditional use application for a proposed surface mining application, the applicant shall send written notice to the county engineer of the applicant's intent to apply for a conditional use zoning permit.

C. Submission of Additional Information.

Two (2) copies of the following information shall be submitted with the application required in Section 9.B.

1. Name of the owner or owners of the land from which removal is to be made.
2. Name of the applicant making request for such permit.
3. Name of the person or corporation to be conducting the actual operations.
4. Location, description, and size of area from which the removal is to be made.
5. Location of the processing plant to be used and any accessory or kindred operations that may be utilized in connection with the operation of the processing plant by the processor or any other firm, person, or corporation. The processing plant shall be located as to minimize the problems of dust, dirt, and noise, in so far as reasonably possible.
6. Type of resources or materials to be removed.
7. Proposed method of removal and whether or not blasting or other use of explosives will be required.
8. General description of the equipment to be used.
9. Method of rehabilitation and reclamation of the mined area, including a grading plan showing existing contours in the area to be excavated and the proposed future contours showing topography of the area after completion. Such plans shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with the contour lines at intervals of five (5) feet or less.
10. The identification of specific roads to be used as the primary means of ingress to and egress from the proposed activity. For proposed surface mining activities, the roads utilized for such purposes shall be identified in accordance with ORC 303.141(B).

D. Development Standards

1. All equipment used in these operations shall be constructed, maintained, and operated in such a manner as to eliminate so far as practicable noise, vibration, or dust, which would injure or annoy persons living in the vicinity. Accessways or roads within the premises shall be maintained in a dust free condition through surfacing or such other treatment as may be specified by the Board of Zoning Appeals.
2. No mining or sand and gravel removal shall be carried on, or any stockpile placed closer than fifty (50) feet to any property line, or such greater distance as specified by the Board of Zoning Appeals, where such is deemed necessary for the protection of adjacent property, especially when such use is located adjacent to a residential district. However, the above specified fifty (50) foot setback may be reduced by the written consent of the owner or owners of abutting property, but in any such event, adequate lateral support shall be provided for said abutting property.
3. In the event that the site of the mining operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than fifty (50) feet to the nearest line of such right-of-way, except as may otherwise be provided for by Section 1563.11 of the Ohio Revised Code.
4. Any excavated area adjacent to a right-of-way of any public street or road shall be back filled for a distance of one hundred fifty (150) feet from the right-of-way.
5. Fencing or other suitable barrier shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Board of Zoning Appeals such fencing or barrier is necessary for the protection of the public safety and shall be of a type specified by the Board.
6. Quarrying shall not be carried out closer than fifty (50) feet to any adjoining property line unless the written consent of such adjoining property(ies) has first been obtained.

E. Rehabilitation Requirements.

All depleted areas shall, within a reasonable length of time as determined by the Board, be reclaimed and rehabilitated. A rehabilitation plan, that complies with the requirements of the following subsections, shall be submitted:

1. All excavations shall be made either to a water producing depth plus five (5) feet below the water mark, or shall be graded and back-filled with non-toxic, non-combustible, and non-flammable solids to assure:
 - a. That the excavated area shall not collect and permit to remain therein, stagnant water; or
 - b. That the graded or back-filled surface will create a gently rolling topography to minimize erosion by wind and rain and substantially conform with the contours of the surrounding area.

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2. The banks of all sand and gravel excavations in a water producing excavation, and to the pit bottom in a dry operation, shall be sloped to the water line on the pit bottom, at a slope which will not be less than three (3) feet horizontal to one (1) foot vertical and said banks shall be restored with vegetation in a manner set forth in Section 41.E.3 below.
3. Vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of grasses or planting of shrubs and trees in all parts of said mining area where the same is not submerged under water.
4. Proper drainage shall be provided for the mined area.
5. All equipment and structures shall be removed from the depleted area within six (6) months of the completion of operations therefrom.
6. The Board may impose such other reasonable conditions and restrictions as it may deem necessary for the protection of the public.
7. Due to the inherent difficulties in reclaiming and rehabilitation areas where stone has been quarried, the Board is hereby empowered, in the issuance of a Conditional Use Permit for the quarrying operations, to impose such reasonable standards for reclamation as may be necessary to protect the public interest without restricting the operations of the owner.