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Darby Township
Union County, Ohio

Zoning Resolution

Amendment

This version: Amended and restated to reflect amendments adopted May 11, 2026.

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PREAMBLE

A resolution of the Township of Darby, Union County, Ohio, enacted in accordance with a comprehensive plan and the provisions of Chapter 519, Ohio Revised Code, dividing the Township into zones and districts, encouraging, regulating, and restricting therein the location, construction, reconstruction, alteration and uses of structures and land; promoting the orderly development of residential, business, industrial, recreational, and public areas; providing for adequate light, air and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public rights of way; providing for the administration of this resolution as provided hereafter; and prescribing penalties for the violation of the provisions in this resolution or any amendment thereto, all for the purpose of protecting the public health, safety, comfort and general welfare; and for the repeal thereof.

Therefore, be it resolved by the Board of Trustees of the Township of Darby, Union County, Ohio.

ARTICLE I: TITLE, INTERPRETATION, AND ENACTMENT

Section 100 – Title
This resolution shall be known and may be cited to as the "Zoning Resolution of the Township of Darby, Union County, Ohio".

Section 110 – Provisions of Resolution Declared to be Minimum Requirements
In their interpretation and application, the provisions of this resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolution, the most restrictive, or that imposing the higher standards shall govern.

Section 120 – Separability Clause
Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 130 – Repeal of Conflicting Resolution, Effective Date
All resolutions or parts of Resolution in conflict with this zoning Resolution or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect. This Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

Section 140 - Use of Land or Buildings for Agricultural Purposes
It is the intent of this Resolution to be and remain in compliance with ORC 519.21 *Powers not conferred on township zoning commission by Chapter 519.* ORC 519.21 is a statute, created and maintained by the State, which limits the authority of townships and establishes what is commonly referred to as the "agriculture exemption".

This Resolution does not affect the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, and no zoning certificate or zoning permit shall be required for any such building or structure except as provided for in Section 1037. (Dwellings do require a permit however.)

ARTICLE II: DEFINITIONS

Interpretation of Terms or Words: For the purpose of this Resolution, certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied".
5. The word "lot" includes the words "plot" or "parcel".

Access Management Standards - Pursuant to Chapter 5522 of the Ohio Revised Code, Access Management Regulations are regulations adopted by the County Engineer for the purposes of promoting traffic safety and efficiency, maintaining proper traffic capacity and traffic flow, reducing vehicular accident frequency, minimizing the future expenditure of public revenues, and improving the design and location of access connections to county and township roads while at the same time providing necessary and reasonable ingress and egress to properties along those roads. The regulations establish the standards necessary to properly manage access to county and township roads.

Accessory Structure - A subordinate structure detached from but located on the same lot as a principal building. The use of an accessory structure must be incidental and accessory to the use of the principal building.

Accessory Use - A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

Acre - A land area of 43,560 square feet.

Addition - Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

Adult Entertainment Facilities - A facility having a significant portion of its function as adult entertainment which includes the following listed categories:

a. **Adult Entertainment Business** - A business or enterprise which presents material or performances (1) whose dominant tendency is to arouse lust or to appeal to the prurient or scatological interest by displaying or depicting sexual activity, masturbation, sexual excitement, nudity or human bodily functions of elimination, (2) which, when taken as a whole, lack serious literary, artistic, political or scientific value, and (3) which detrimentally affect or may detrimentally affect the purposes of this Resolution.
b. **Establishment** - The opening of a new business, the relocation of an existing business or the conversion of an existing business.
c. **Material** - Any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record or tape, disk, digital media or other tangible thing capable of arousing interest through sight, sound or touch.
d. **Nudity** - The showing, representation or depiction of human male or female genitals, pubic area or buttocks with less than a full, opaque covering, or of a female breast with less than a full,

opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

e. **Performance** - Any motion picture, preview, trailer, play, show, skit, dance, or other exhibition performed before an audience.
f. **Presents** - Creates, produces, directs, publishes, advertises, sells, rents, disseminates, distributes or displays.
g. **Sexual activity** - Sexual conduct or sexual contact, or both.
h. **Sexual conduct** - Vaginal intercourse between a male and female, and anal intercourse, fellatio, and cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.
i. **Sexual contact** - Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if such person is a female, a breast, for the purpose of gratifying either person.
j. **Sexual excitement** - The condition of human male or female genitals when in a state of sexual stimulation or arousal.

Agribusiness - Manufacturing warehousing, storage, and related industrial and commercial activities that provide services for or are dependent upon agricultural activities. Agribusinesses include, but are not limited to the following uses: sales, storage, and blending; sales and servicing of farm implements and related equipment; preparations and sale of feeds for animals and fowl; seed sales, poultry hatchery services; corn shelling, hay bailing, and threshing services; grain elevators and bulk storage of feed grains; horticulture services; agricultural produce milling and processing and livestock auctions.

Agricultural building - A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, or sub-lessee or their immediate families, their employees, and persons engaged in the pick up or delivery of agricultural produce or products grown or raised on the premises. The term "agricultural building" shall not include dwellings.

Agricultural sales and service - A use primarily engaged in the sale or rental of farm tools and implements, feed, grain, tack, animal care products, and farm supplies. Food sales and farm machinery repair services that are accessory to the principal use are included in this definition.

Agriculture – Pursuant to ORC 519.01, as amended or replaced from time to time, "agriculture" includes 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.

Agritourism related definitions:

- **Agricultural Production** – Pursuant to ORC 901.80 and 929.01, as amended or replaced from time to time, "agricultural production" means commercial aquaculture, algaculture meaning the farming of algae, apiculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth. "Agricultural production" includes conservation practices, provided that the tracts, lots, or parcels of land or portions thereof that are used for conservation

practices comprise not more than twenty-five per cent of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed under Section 929.02 of the Revised Code.

- **Agritourism** – Pursuant to ORC 901.80 as amended or replaced from time to time, "Agritourism" means an agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a Farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.
- **Agritourism Provider** – Pursuant to ORC 901.80, as amended or replaced from time to time, "Agritourism provider" means a person who owns, operates, provides, or sponsors an agritourism activity or an employee of such a person who engages in or provides agritourism activities whether or not for a fee.
- **Farm** – Pursuant to ORC 901.80 as amended or replaced from time to time, "Farm" means land that is composed of tracts, lots, or parcels totaling not less than ten (10) acres devoted to agricultural production or totaling less than ten (10) acres devoted to agricultural production if the land produces an average yearly gross income of at least twenty-five hundred dollars ($2,500) from agricultural production.

Alley - See Thoroughfare.

Alterations, Structural - Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Automobile Repair Services - Any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler or upholstery work, oil change and lubrication, painting, tire service and sales, or installation of car alarms or stereo equipment.

Base Flood - The flood having a one percent chance of being equaled or exceeded in a given year. The base flood may also be referred to as the 1 percent chance annual flood or one hundred (100) year flood.

Basement - A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

Battery Energy Storage System, Small Off-Site – A principal use that is designed and built to connect into the distribution or transmission grid with a nameplate capacity less than 50 megawatts (MW). This type of system is capable of absorbing, storing, and/or discharging electrical energy from/to the grid or a power plant(s).

Bed and Breakfast Inn - A single family private residence that provides overnight accommodations and a morning meal to transients for compensation. The owner/operator of the bed and breakfast must live full-time on the inn's premises. Bed and breakfast inns shall contain no more than six (6) separate guest rooms.

Billboard - A sign directing attention to a specific business, product, service, entertainment, or other activity sold, offered or conducted elsewhere than upon the lot on which the sign is located or for public service and information of for political advertising.

Board of Zoning Appeals - The Board of Zoning Appeals of Darby Township, Union County, Ohio.

Buffer - A strip of land, fence, or border of trees, etc., between one use and another, which may or may not have trees and shrubs planted for screening purposes, designed to set apart one use area from another.

Building - Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Building, Accessory - A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use. Accessory buildings include, but are not limited to storage sheds, garages, metal storage buildings, and other prefabricated buildings.

Building, Height - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building Line - See Setback Line.

Building, Principal - A building in which is conducted the main or principal use of the lot on which said building is situated.

Caliper - A horticultural method of measuring the diameter of nursery stock. For trees less than four inches in diameter, the measurement should be taken at six inches above ground level. For trees greater than four inches in diameter up to and including twelve inches, the caliper measurement must be taken at twelve inches above the ground level. For trees greater than twelve inches in diameter, the trunk is measured at breast height (diameter at breast height or DBH), which is 4.5 feet above the ground.

Cemetery - Land used or intended to be used for the burial of animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Channel - A natural or artificial watercourse of perceptible extent with bed and banks to confine and conduct continuously or periodically flowing water.

Chassis - The steel undercarriage, supporting framework to which a dwelling is permanently attached.

Clinic - A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.

Club - A building or portion thereof or premises owned or operated by a person for a social, literary, political, education, or recreational purpose primarily for the exclusive use of members and their guests.

Commercial Use - The purchase, sale, or transaction involving the disposition of any article, substance, commodity, or service; the maintenance or conduct of offices, professions, or recreational or amusement enterprises conducted for profit and also including renting of non-residential rooms, business offices, and sales display rooms and premises.

Common Access Drive - A Common Access Drive (CAD) is a privately constructed privately owned and privately maintained driveway within an ingress/egress easement serving more than one lot (or parcel) but not more than five lots (or parcels), properly installed in accordance with the requirements of the County Engineer and for which the county and township accept NO responsibility for maintenance, either initially or at any time in the future; a common access drive provides an alternative to construction of public or

private streets for accessing small numbers of lots and reduces the number of driveways along public roads.

Comprehensive Development Plan or Comprehensive Plan - A plan, or any portion thereof, adopted by either Darby Township, the Regional Planning Commission, or the Board of County Commissioners showing the general location and extent of present and proposed land uses, major thoroughfares, parks, schools, or other community facilities. This plan establishes the goals, objectives, and policies of the community.

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

Conditional Use Permit - A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

Condominium - A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of the State of Ohio.

Corner Lot - See Lot Types.

Cul-de-Sac - See Thoroughfare.

Data Center – An establishment engaging in the storage, management, processing, and/or transmission of digital data, and housing computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data operations.

Dead-End Street - See Thoroughfare.

Deck - An exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports.

Density - A unit of measurement; the number of dwelling units per acre of land.

Density, Gross - The numerical value obtained by dividing the total number of dwelling units in a development by the gross area of the tract of land (in acres) within a development. This would include all nonresidential land uses and private streets of the development, as well as rights-of-way of dedicated streets; the result being the number of dwelling units per gross acre of land.

Density, Net - The numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located and including common open space and associated recreational facilities within the area; the result being the number of dwelling units per net residential acre of land. Net density calculations exclude rights-of-way of publicly dedicated streets and private streets.

Dwelling - Any building or structure (except a mobile home as defined elsewhere in this resolution) which is wholly or partly used or intended to be used for living or sleeping quarters by one or more human occupants.

Dwelling, Modular Home - Factory built housing certified as meeting the local or state building codes as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site built homes. Modular homes are required to be placed upon a solid masonry foundation.

Dwelling, Multi-Family - A dwelling or group of dwellings on one lot, containing separate living units for three or more families, having separate or joint entrances, and including apartments, group homes, row houses, and condominiums.

Dwelling, Permanently-Sited Manufactured Housing - A manufactured home that meets the following criteria:

1. Must be attached to a permanent, frost-free foundation meaning permanent masonry, concrete, or a locally approved footing or foundation (slab, crawl space foundation or full foundation), and connected to appropriate utilities;
2. Excluding any additions, have a width of at least 22 feet and a length of at least 22 feet as manufactured;
3. Have conventional residential siding, (i.e. lap, clapboard, shake, masonry, vertical natural materials), a 6-inch minimum eave overhang, and a minimum "A" roof pitch of 3:12;
4. Have removed its indicia of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation;
5. Meet all applicable zoning requirements uniformly imposed on all single-family dwellings in the particular district (excepting contrary requirements for minimum roof pitch and requirements that do not comply with HUD code standards for manufactured housing);
6. And, is not located in a manufactured home park as defined by ORC 3733.01.

Dwelling, Two Family - A dwelling, except manufactured housing, designed exclusively for occupancy by two (2) families living independently of each other, including a duplex (one dwelling unit above the other), or a semi-detached (one dwelling unit beside the other).

Dwelling, Single Family - A detached residential dwelling or housing unit other than a mobile home, designed for and occupied by one family only, including permanently-sited manufactured housing, modular homes, and industrialized units. The type of construction of such units shall conform to the applicable building code.

Dwelling, Manufactured Home - A non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the Federal construction and safety standards establishing by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable Federal construction and safety standards. A manufactured home is transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or forty feet or more in length or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis, designed to be used as a dwelling with or without permanent foundation when connected to required utilities. Calculations used to determine the numbers of square feet in a structure's exterior dimensions are measured at the largest horizontal projection when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows."(ORC 4501.01) For the purposes of this section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like.

Dwelling, Mobile Home - A non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is 8 feet or more in width

and more than 35 feet in length, which when erected on site is 320 or more square feet, that is transportable in one or more sections and which does not qualify as a manufactured home or industrialized unit as defined herein.

Dwelling, Industrialized Unit - A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized Unit", includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized Unit" does not include a manufactured or mobile home as defined herein.

Dwelling, Rooming House (Boarding House, Lodging House, Dormitory) - A dwelling or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

Dwelling Unit - Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

Easement - The right to use the real property of another for a specific purpose. The easement is itself a real property interest, but legal title to the underlying land is retained by the original owner for all other purposes.

Easement, Conservation - A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting agricultural, natural, scenic, or open space values of real property; protecting natural resources; or maintaining air or water quality.

Essential Services - The erection, construction, alterations, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, drains, mains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Family - One or more persons occupying a single dwelling unit.

Farm dwelling unit - A single family dwelling that is located on and used in conjunction with a farm.

Farm Market - The seasonal selling or offering for sale at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

A farm market where 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 shall only be regulated by factors in this Zoning Resolution such as size of the structure, size of parking areas that may be required, setback lines, and egress or ingress pursuant Ohio Revised Code (ORC) 519.21 (C) (1).

Fence - An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas, excluding agricultural fences.

Flood Plain - That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

Flood, Base - Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The base flood generally has an average frequency of the one hundred (100) year recurrence interval flood.

Floodway - The channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge.

Floodway Fringe - That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

Floor Area of a Residential Building - The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

Floor Area of a Non-Residential Building (To be Used in Calculating Parking Requirements) - The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

Floor Area, Usable - Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Food Processing - The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

Frontage - That portion of a lot that directly abuts the street or street right of way and provides the principal access to the property. Lot frontage shall be measured only from the address side (front) for the purpose of determining road frontage on corner and double frontage lots. All sides of a lot abutting a street shall be considered frontage for the purpose of determining yard requirements only. Property lines that abut limited access roads shall not be construed to be included within any calculation of frontage. The above definition does not apply to common access drives. Common access drives must have a sixty (60) foot minimum ingress/egress onto the roadway.

Garage, Private – An accessory building or a part of the principal building, in which to store vehicles and personal property incidental to the use of the property.

Garage, Parking – A principal or accessory building, other than a private garage, used for parking or temporary storage of motor vehicles.

Gasoline Service Station - Any building, structure, or land used for the dispensing and sale at retail of any automobile fuels, oils, or accessories, including lubrication of automobiles and replacement or installation or minor parts and accessories, but not including major repair work.

Home Occupation - A use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby conducted by a person on the same premises as the principal place of residence which is clearly subordinate and incidental to use of the premises for residential purposes and is conducted entirely within the dwelling unit, without any significant adverse effect upon the surrounding neighborhood.

Impervious Surface - Any material which prevents, impedes, or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation-bearing soils, including, but not limited to, building, asphalt, concrete, gravel, and other man made surfaces.

Junk - "Junk" means old scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, junked, dismantled or wrecked automobiles or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous materials.

Junk Yard - "Junk Yard" means an establishment or place of business, which is maintained or operated for the purpose of storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. It shall also include scrap metal processing facilities which are located within one thousand feet of the nearest edge of right-of-way of a highway or street, and any site, location, or premises on which are kept two or more junk motor vehicles as defined in the Ohio Revised Code, whether or not for a commercial purpose.

Kennels - Any lot or premise, on which dogs, cats or other household pets are boarded, bred or exchanged for monetary compensation.

Land Trust - A private, nonprofit conservation organization formed to protect natural resources, open space and/or agricultural land.

Loading Space, Off-Street - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Local Road - Any road in Darby Township not specified as a major or minor collector.

Location Map - See Vicinity Map.

Lot - For purposes of this Resolution, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A single lot of record;
- A portion of a lot of record;
- A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

Lot Area - The horizontal area within the exterior lines of the lot, exclusive of any area in a public or private way open to public or common uses.

Lot Coverage - A measure of intensity of land use that represents the portion of a site that is impervious surface.

Lot Line - The property lines bounding the lot.

Lot Line, Front - A line connecting the foremost points of the side lot lines and dividing the lot from the access right-of-way. On a corner, lot lines along both streets shall be considered front lot lines.

Lot Line, Rear - A line connecting the rearmost points of the side lot line.

Lot Line, Side - A lot line that is neither a front lot line nor a rear lot line.

Lot, Minimum Area of - The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

Lot Measurements - A lot shall be measured as follows:

1. Depth - No lot containing ten (10) acres or less shall have an average depth that is more than three (3) times its average width. For the purposes of this requirement the average width shall be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and rearmost points of the side lot lines in the rear. For the purposes of this requirement the average depth shall be the distance between the mid-point of a straight line connecting the foremost points of each side lot line at the front and the mid-point of a straight line connecting the rearmost points of the rear lot line.
2. Width - The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the street or right of way line, except at cul-de-sac streets (roads) where it is measured at the setback line. Also see Frontage. For lots containing ten (10) acres or less in area, the actual distance between the side lot lines at any point along the lot depth cannot be less than eight (80) % of the required frontage.

Lot of Record - A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types - Terminology used in this Resolution with reference to corner lots, interior lots, and through lots is as follows:

1. Corner Lot - A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
2. Interior Lot - A lot with only one frontage of a street.
3. Through Lot - A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
4. Reversed Frontage Lot - A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Major Collectors - Roads designated as major collectors by the Union County Engineer. At the time of the adoption of this resolution, these roads included State Routes 38, 161, and 736 in Darby Township.

Major Thoroughfare Plan - The portion of the Comprehensive Plan adopted by the Board of County Commissioners indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

Manufacturing, Heavy - Manufacturing, processing, assembling, storing, testing and similar industrial uses which are general major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and generally generate some nuisances such as smoke, noise, dust, glare, air pollution, odor, but not beyond the district boundary to any large extent.

Manufacturing, Light - Manufacturing or other industrial uses, including warehousing or transfer operations which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no major nuisances.

Medical marijuana related definitions:

a) Cultivate. Means to grow, harvest, package, and transport medical marijuana pursuant to ORC 3796.
b) Cultivator. Means an entity that has been issued a certificate of operation by the State of Ohio to grow, harvest, package, and transport medical marijuana as permitted under ORC 3796.
c) Dispensary. Means an entity licensed pursuant to ORC 3796 and any rules promulgated thereunder to sell medical marijuana to qualifying patients and caregivers.
d) Dispense. Means the delivery of medical marijuana to a patient or the patient's registered caregiver that is packaged in a suitable container appropriately labeled for subsequent administration to or use by a patient as permitted by Ohio law in accordance with Ohio law.
e) Manufacture. Means the process of converting harvested plant material into marijuana extract by physical or chemical means for use as an ingredient in a medical marijuana product.
f) Marihuana. Has the same meaning as defined in ORC 3719.01, as amended from time to time.
g) Marijuana. Has the same meaning as defined in ORC 3796.01, as amended from time to time.
h) Medical Marijuana. Has the same meaning as defined in ORC 3796.01, as amended from time to time.
i) Medical Marijuana Entity. Means a medical marijuana cultivator, processor, dispensary, or testing laboratory licensed by the State of Ohio.
j) Medical Marijuana Processor. Means an entity that has been issued a certificate of operation by the State of Ohio to manufacture medical marijuana products.
k) Testing Laboratory. Means an independent laboratory located in Ohio that has been issued a certificate of operation by the State of Ohio to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis.

Mineral Extraction - Any mining, quarrying, extraction or processing of limestone, clay, sand, gravel, natural gas, oil or other mineral resources.

Minor Collectors - Roads designated as minor collectors by the Union County Engineer. At the time of the adoption of this resolution, this designation included Burns, Middleburg-Plain City, Robinson, Scottslawn, Taylor, and Weaver Roads in Darby Township.

Mobile Home Park - Any site, or tract of land under single ownership, upon which three or more mobile homes or manufactured buildings used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structures, vehicle or enclosure used or intended for use as part of the facilities of such park.

Non-Conformities - A building, structure or use of land existing at the time of enactment of this Resolution and which does not conform to the regulations of the district or zone in which it is situated.

Non-farm Dwelling Unit - Any dwelling unit that is not located on and used in conjunction with a farm.

Nursery, Child Care - A building used for the commercial care of six (6) or more children who are not members or wards of the owner or his immediate family. All childcare nurseries shall possess an appropriate license from the Ohio Department of Job and Family Services as required.

Nursery, Retail - The retail handling of any article, substance, or commodity related to the planning, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products to the consumer.

Nursery, Wholesale - The growing, storage, and sale of garden plants, shrubs, trees, or vines for resale, including incidental retail sales.

Nursing Home - A home licensed by the State of Ohio for the aged or chronically or incurably ill persons in which five or more such persons not of immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Office - Administrative, executive, professional, research, or similar organizations and laboratories having only limited contact with the public, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal permissible use.

Open Space - Any land or area, the preservation of which in its present or future use would: (1) conserve and enhance natural or scenic resources; or (2) protect streams or water supply; or (3) promote conservation of soils or wetlands; or (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or (5) enhance recreation opportunities.

Parking Space, Off-Street - For the purpose of this Resolution an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Patio - An impervious roofless inner space or space adjoining a residence which is used for dining and recreation.

Performance Bond or Surety Bond - An agreement by a subdivider or developer with the Board of Township Trustees for the amount of the estimated construction cost guaranteeing the completion of physical improvement according to plans and specifications within the time prescribed by the subdivider's agreement.

Planned Zoning District - The zoning designation of a lot or tract to permit that development as is specifically depicted on plans approved in the process of zoning that lot or tract. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design, principles, and landscaping plans.

Pond - A man-made structure in which water is impounded by constructing a dam or embankment or by excavating a pit or dugout and intended for non-agricultural use. Agricultural use ponds and ponds created primarily for the purpose of controlling surface runoff as a part of the subdivision process are exempt from the pond requirements in Section 1041.

Porch - A roofed structure projecting from a residential building and separated from the building by the walls of the building, and partially supported by piers, posts or columns, and which is open, enclosed or partially enclosed.

Public Service Facility - The erection, construction, alteration, operation, or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public or private water and sewage services. This definition excludes small off-site battery energy storage systems, principal solar energy production facilities, sanitary landfills, wind power projects, and other uses defined separately herein.

Public Uses - Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

Public Way - An alley, bridge, channel, ditch, easement, expressway, freeway, highway, land, road, sidewalk, street, walk, bicycle path; or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

Quasi-Public Use - Churches and other facilities of an educational, religious, charitable, philanthropic, or nonprofit nature.

Recreation, Commercial - Any business which is operated as a recreational enterprise, either publicly or privately owned, for profit. Examples include, but are not limited to: golf courses, bowling alleys, swimming pools, etc.

Recreation, Non-Commercial - Any business which is operated as a recreational enterprise, either publicly or privately owned, for non-profit. Examples include, but are not limited to: fishing areas, parks, archery ranges, ball parks, etc.

Recreational Vehicle - A transportation structure not more than eight feet in width and either self-propelled or capable of being towed by a passenger car, station wagon or pickup truck and primarily designed or constructed either to provide temporary moveable living quarters for recreational, camping, or travel use or to carry equipment for such uses, but not for profit or commercial use. Recreational vehicles include, but are not limited to: trailer, trailer coach and fifth-wheel trailer; camping trailer, pickup (slide-in) camper and truck cap; chassis mount motor home, and mini-motor home, converted and chopped vans, boat, boat trailer, and utility trailer.

Research Activities - Research, development and testing related to such fields as chemicals, pharmaceutical, medical, electrical, transportation and engineering, all of which are conducted within entirely enclosed buildings.

Retail Sales Establishment - A commercial enterprise that provides goods directly to the consumer where such goods are available for purchase and removal from the premises.

Retail Services Establishment - Establishments providing services or entertainment, as opposed to products, to the general public or to other commercial or industrial enterprises. Such services may include, but not limited to, eating and drinking places, finance, real estate and insurance, personal service, amusement and recreation services, health, educational and social services, museums, theatres including motion picture, copy shops, printing services, package and postal services, photo processing, and similar operations.

Right-of-Way - A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features required by the topography such as grade separation, landscaped areas, viaducts and bridges.

Seat - For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

Self-Service Storage Facility - A building or group of buildings used for the storage of personal property where individuals rent or own individual storage spaces.

Semitrailer/Sealand Containers - A vehicle designed or used for carrying persons or property with another and separate motor vehicle, so that in operation, a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle. A semitrailer shall not be used for storage, advertising, business, and residence.

Setback - The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

Setback, Front - The setback parallel to the front lot line extending the full width of the lot, representing the distance which all or any part of any structure or building is to be set back from the right of way line.

Setback, Rear - The setback parallel to any rear lot line representing the distance which all or any part of any building is to be set back from the rear lot line.

Setback, Side - The setback parallel to any side lot line representing the distance that all or any part of any building is to be set back from the side lot line.

Setback Line - A line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side, or rear yard, or the boundary of any public right-of-way whether acquired in fee, easement, or otherwise, or a line otherwise established to govern the location of buildings, structures, or uses. Where no minimum front, side, or rear yards are specified, the setback line shall be coterminous with the corresponding lot line.

Sewers, Central - An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

Sewers, On-Site - A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Short Term Rental - A dwelling unit, rented wholly or in part, for less than thirty (30) consecutive days by persons other than the resident family as lodging for monetary compensation. No short term rental shall contain more than five (5) sleeping rooms.

Sidewalk - That portion of the road right-of-way beyond the road pavement, which is improved for the use of pedestrian traffic.

Sign - Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

1. Sign, On-Premises - Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
2. Sign, Off-Premises - Any sign unrelated to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is located.
3. Sign, Illuminated - Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
4. Sign, Lighting Device - Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.

5. Sign, Marquee - A display sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line or street lot line.
6. Sign, Monument - A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.
7. Sign, Pole - Any sign which is erected on a pole or poles, which is wholly or partially independent of any building for support.
8. Sign, Projecting - A display sign which is attached directly to the building wall and which extends more than fifteen inches from the face of the wall.
9. Sign, Roof - A display sign which is erected, constructed and maintained above the roof of the building.
10. Sign, Temporary - A display sign, banner or other advertising device constructed of cloth, canvas, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display, including decorative displays for holidays or public demonstrations.
11. Sign, Wall - A display sign which is painted on or attached directly to the building wall and which extends not more than fifteen inches from the face of the wall.

Solar Energy Related Definitions:

- **Accessory Solar Energy** - A solar collection system consisting of one or more roof/building mounted, ground/pole mounted, and/or other structure mounted solar collector devices and solar related equipment, and is intended to primarily reduce on-site consumption of utility power. A system is considered an accessory solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.
- **Principal Solar Energy Production Facility** - An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. These production facilities primarily produce electricity to be provided off-site. Principal solar energy production facilities consist of one or more roof/building mounted, ground/pole mounted, and/or other structure mounted solar collector devices, solar related equipment, and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. Examples include "Small Solar Facility" and "Community Solar Facility" as defined by statute or herein.
- **Solar Energy Equipment** - Items for the purpose of generation, transmission, and storage of electricity, including but not limited to a solar photovoltaic cell, solar panels, lines, pumps, inverter(s), batteries, mounting brackets, racking, framing and/or foundation used for or intended to be used for the collection of solar energy.
- **Solar Photovoltaic (PV)** - The technology that uses a semiconductor to convert light directly into electricity.
- **Clear Fall Zone (Solar Energy)** - An area surrounding a ground/pole mounted or other structure mounted solar energy system into which the system and/or components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing the structure's failure that shall remain unobstructed and confined within the property lines of the lot where the system is located. The purpose of the zone being that if the system should fall or otherwise become damaged, the falling structure will be confined to the lot and will not intrude onto a neighboring property.
- **Small Solar Facility** - Pursuant to ORC 519.213 (A)(2), "Small Solar Facility" means 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 50 MW.

- **Community Solar** - Also known as shared solar, or solar gardens, is an energy model that allows customers to buy or lease part of a larger off-site shared solar photovoltaic (PV) system. For the purposes of this Resolution, "Community Solar" is considered to be a "Principal Solar Energy Production Facility".

Stables - Facilities designed or used for the boarding of horses including any barns, exercise areas, and field areas to be used in the stable operation.

Stick-Built - A way of describing any structure built from boards of lumber and other building materials, in which a substantial amount of the required material and construction labor are brought together in final form at the foundation site.

Story - That part of a building between the surface of a floor and the ceiling immediately above.

Structure - Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include billboards, buildings, fences, mobile homes, swimming pools, and walls.

Supply Yard - A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain and similar goods.

Swimming Pool - Any structure intended for swimming or recreational bathing that contains water more than 24 inches deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas. This includes portable and non-portable swimming pools. Farm ponds are exempt from this definition.

1. Private - Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
2. Community - Operated with a charge for admission; a primary use.

Telecommunication Tower - Any structure with radio frequency transmission or reception equipment attached that is free standing or is to be connected to a building or other structure. A telecommunication tower shall meet all of the following conditions:

1. It is constructed on or after October 31, 1996;
2. It is owned or principally used by a public utility engaged in the provision of telecommunication services;
3. It is a freestanding structure or is attached to another building or structure and is higher than the maximum allowable height permitted in the zoning district in which it is located.

Temporary Use or Structure - A transient, non-permanent use or structure permitted to exist for a designated period of time during periods of construction of the principal use or structure, or for special events. A temporary structure shall not be intended to be permanently affixed to the ground.

Thoroughfare, Street, or Road - The full width between property lines designating every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. Alley - A minor street used primarily for vehicular service access at the back or side of properties abutting on another street.
2. Arterial Street - A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.

3. Collector Street - A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets including the principal entrance and circulation routes within residential subdivisions.
4. Cul-de-Sac - A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. Dead-end Street - A street temporarily having one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. Local Street - A street primarily for providing access to residential or other abutting property.
7. Loop Street - A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet form each other.
8. Marginal Access Street - A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street).

Through Lot - See Lot types.

Township Trustees - The Board of Township Trustees of Darby Township, Union County, Ohio.

Transient Lodging - A building in which lodging or boarding and lodgings are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined. Examples include: apartment hotel, bed and breakfast inn, hotel, motel, and short term rental.

Transport Terminal - Any business, structure or premises which primarily receives or distributes goods.

Transportation, Director of - The Director of the Ohio Department of Transportation.

Use - The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Variance - A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the resolution would result in unnecessary and undue hardship.

Veterinary Animal Hospital or Clinic - A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation, and/or recuperation. It may also include boarding that is incidental to the primary activity.

Vicinity Map - A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

Wind Projects - The following definitions shall apply to wind projects:

> **Accessory Structures** - Structures such as sheds, storage sheds, pool houses, unattached garages, and barns.

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

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

Cowling - A streamlined removable cover that encloses the turbine's nacelle.

Decibel - A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.

Megawatt (MW) - A unit of power equal to one million (1,000,000) watts.

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

Primary Structure - For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.

Professional Engineer - A qualified individual who is licensed as a Professional Engineer in the State of Ohio.

Small Wind Project - Any wind system less than five (5) MW (Megawatts) which includes the wind turbine generator and anemometer.

Wind Power Turbine Owner - The person or persons who own the Wind Turbine structure.

Wind Power Turbine Tower - The support structure to which the turbine and rotor are attached.

Wind Power Turbine Tower Height - The distance from the rotor blade at its highest point to the top surface of the ground at the wind turbine foundation.

Walkway - A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

Wild or Exotic Animals - Shall be defined by the regulation of the Union County Health Department.

Wholesale and Warehousing - Business establishments that generally store and sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, of for use by a business service.

Yard - A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward, provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

Zoning Certificate - A document issued by the Zoning Inspector authorizing the occupancy or use of a building or structure or the actual use of lots or land in accordance with the previously issued Zoning Permit.

Zoning Permit - A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

Zoning Resolution - A resolution and subsequent amendments enacted by the Darby Township Board of Trustees pursuant to Ohio law that sets forth regulations and standards relating to the nature and extent of uses of land and structures which includes a zoning map and complies with the provisions of Ohio law. The official zoning map is on file with the Zoning Secretary. The Regional Planning Commission and County Engineer also maintain an updated copy of the zoning resolution and map. The County Recorder and County Auditor shall also maintain an updated copy of the zoning map.

ARTICLE III: ENFORCEMENT

Section 300 – Zoning Permits Required
No building or other structures including decks and porches, shall be erected, moved, added to, structurally altered, nor shall any building, structure or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance as provided by this Resolution.

Section 301 – Contents of Application for Zoning Permit
The application for a zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within six months from the date of issuance thereof or if work has not completed within one and one-half (1 ½) years from the date of issuance thereof, subject to extension provided in Section 304. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant;
2. Legal description of property;
3. Existing use;
4. Proposed use;
5. Zoning district;
6. Site plans in duplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration;
7. Building heights, dimensions, and square footage;
8. Number and location of off-street parking spaces, refuse areas, and loading berths (if applicable);
9. Number of dwelling units;
10. Preliminary lighting and landscaping plan including location and intensity of proposed lighting (excludes single family dwellings);
11. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.

Section 302 – Approval of Zoning Permit
Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All zoning permits shall, however, be conditional upon the commencement of work within six months. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution. Section 302, Approval of Zoning Permit, applies to all zoning permits unless otherwise specified below:

a. Ponds. See Section 1041.

Section 303 – Submission to Director of Transportation
Before any zoning permit is issued affecting any land within three hundred (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 Transportation, or any land within a radius of five-hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail to the Director of Transportation, that he shall not issue a zoning permit for one-hundred twenty (120) days from the date the notice is received by the Director of

Transportation. If he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one-hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit.

Section 304 – Expiration of Zoning Permit
If the work described in any zoning permit has not begun within six months from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been completed within one and one-half (1 ½) years of the date of issuance thereof, said permit shall expire and 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 cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted. Extensions, if granted, shall be in six (6) month increments. No more than two (2) extensions total may be granted by the Zoning Inspector. Section 304, Expiration of Zoning Permit, applies to all zoning permits unless otherwise specified below:

a. Ponds. See Section 1041.

Section 310 – 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 Zoning Compliance shall have been issued therefore by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Resolution.

Section 311 – Temporary Certificate of Zoning Compliance
A temporary Certificate of Zoning Compliance may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

Section 312 – Record of Zoning Permits and Certificates of Zoning Compliance
The Zoning Inspector shall maintain a record of all zoning permits and Certificates of Zoning Compliance and copies shall be furnished upon request to any person.

Section 320 – Failure to Obtain a Zoning Permit or Certificate of Zoning Compliance
Failure to obtain a zoning permit or Certificate of Zoning Compliance shall be a violation of this Resolution and punishable under Section 350 of this Resolution.

Section 330 – Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates
Zoning permits or Certificates of Zoning Compliance 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, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this Resolution and punishable as provided in Section 350 of this Resolution.

Section 340 – 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 stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate and take action thereon as provided by this Resolution.

Section 350 – Penalties for Violation
Violation of ORC 519.01 to 519.25, or the provisions of this Resolution or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional uses shall constitute a minor misdemeanor. Any person who violates ORC 519.01 to 519.25 or this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five-hundred dollars ($500.00), and in addition, shall pay all costs and expenses involved in the case. Any fine so imposed shall be paid to the general fund of the Township. Each day such violation continues 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 Board of Township Trustees from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 360 – Schedule of Fees, Charges, and Expenses
The Board of Township Trustees shall by Resolution establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector and may be altered or amended on by the Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE IV: NON-CONFORMITIES

Section 400 – Intent
Within the districts established by this Resolution or future amendments that may later be adopted there exist lots, uses of land, structures, and uses of structures and land in combination which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendments. It is the intent of this Resolution to permit these non-conformities to continue until they are removed or discontinued. It is further the intent of this Resolution that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Section 410 - Incompatibility of Non-Conformities
Non-conformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be generally prohibited in the district in which such use is located.

Section 420 - Avoidance of Undue Hardship
To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be carried out diligently.

Section 430 - Single Non-Conforming Lots of Record
In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of requirements listed in Article 9 and 10 of this Resolution other than lot area or lot width shall be obtained through action of the Board of Zoning Appeals as provided in Section 540 through 549.

Section 431 - Non-Conforming Lots of Record in Combination
If two or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Resolution.

Section 440 - Non-Conforming Uses of Land
Where, at the time of adoption of this Resolution lawful use of land exists which would not be permitted by the regulations imposed by this Resolution, the use may be continued so long as it remains otherwise lawful, provided:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
2. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Resolution.
3. If any such non-conforming uses of land are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located. In cases of insurance dispute, a lawsuit, or other just cause, the Board of Zoning Appeals may extend the above time period.
4. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such non-conforming use of land.

Section 450 - Non-Conforming Structures
Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;
2. Should such non-conforming structure or non-conforming portion of structure be destroyed by fire or an Act of God, it may after approval by the Board of Zoning Appeals, be reconstructed as it previously existed. All remaining debris shall be cleared away and disposed of properly within two months of the time of destruction;
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 460 - Non-Conforming Uses of Structures or of Structures and Land in Combination
If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any non-conforming use of a structure, or structure and land may, upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution.
4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
5. When a non-conforming use of a structure, or structure and land in combination is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located. However, in cases of insurance

dispute, a lawsuit, or other just cause, the Board of Zoning Appeals may extend the above time period;

6. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land except as stated in Section 450 paragraph 2.

Section 470 - Repairs and Maintenance

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

ARTICLE V: ADMINISTRATION

Section 500 – Office of Zoning Inspector Created
A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this Resolution. He may be provided with assistance of such other persons as the Trustees may direct.

Section 501 – Duties of Zoning Inspector
For the purpose of this Resolution, the Zoning Inspector shall have the following duties:

1. Upon finding that any of the provisions of this Resolution are being violated, he shall notify in writing the person responsible for such violation(s) ordering the action necessary to correct such violation;
2. Order discontinuance of illegal uses of land, buildings, or structures;
3. Order removal of illegal buildings or structures or illegal additions or structural alterations;
4. Order discontinuance of any illegal work being done;
5. Take any other action authorized by this Resolution to ensure compliance with or to prevent violation(s) of this Resolution. This may include the issuance of and action on zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law.

Section 508 – Township Zoning Commission Created
The Zoning Commission shall be composed of five members who are residents of the Township. The Board of Township Trustees shall appoint the members of the Zoning Commission. The Board of Township Trustees may appoint two alternate members to the Zoning Commission, for terms to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission, according to procedures prescribed by resolution by the board of township trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. The terms of the regular members shall be of such length and so arranged that the term of one member will expire each year. Each regular or alternate member shall serve until the member's successor is appointed and qualified. Members of the Zoning Commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the Board of Township Trustees, upon written charges being filed with the Board of Township Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten days prior to the hearing, either personally, by registered mail, or by leaving such copy at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term.

Section 509 - Functions of the Zoning Commission
The Zoning Commission shall submit a plan, including both text and maps, representing the recommendations of the Zoning Commission for the carrying out by the Board of Trustees this Zoning Resolution when requested to do so by the Township Trustees. The Zoning Commission may initiate zoning amendments, take action on proposed zoning amendments, review site development plans and, within the limits of the monies appropriated by the Board of Trustees for the purpose, employ or contract with such planning consultants, agencies, and executive and other assistants, as it deems necessary. The Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations. Members of the Zoning Commission may be allowed their expenses, or such compensation, or both, as the Board of Trustees may approve and provide. No Township Trustee shall be employed by the Zoning Commission. The Zoning Commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies and such officials, departments, and agencies having information, maps, and data pertinent to township zoning shall make them available for the use of the Zoning Commission.

Section 510 - Zoning Secretary
To assist in the administration of this Zoning Resolution, the Board of Trustees shall appoint a zoning secretary whose duty it shall be to maintain township zoning records, confirm information in applications, process all notices required under this Zoning Resolution, record the minutes of the Zoning Commission and the Board of Zoning Appeals, assist the zoning inspector, and perform such other duties relating to this Zoning Resolution as the township trustees may from time to time direct. The zoning secretary shall be compensated at rates set from time to time by the Board of Township Trustees. The township clerk may be named to this position and may receive compensation for such services in addition to other compensation allowed by law.

Section 511 - Meetings and Agenda of Zoning Commission
The Zoning Commission shall meet as necessary in a public building within the Township. All meetings of the Zoning Commission shall be open to the public.

Section 512 – Minutes
The minutes of each meeting of the Zoning Commission shall be kept by the zoning secretary on file in the township hall with the other zoning records. Said minutes shall be open for public inspection during commission meetings and normal business hours.

Section 520 – Board of Zoning Appeals Created
A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Board of Township Trustees each for a term of five (5) years, except that the initial appointments shall be one (1), two (2), three (3), four (4) and five (5) year terms. Each member shall be a resident of the township. Members of the Board may be removed from office by the Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Trustees for the unexpired term of the member affected. The Board of Township Trustees may appoint two (2) alternate members to the Board of Zoning Appeals, for terms to be determined by the Trustees. An Alternate Member shall take the place of an absent Regular Member at any meeting of the Board of Zoning Appeals, according to procedures prescribed by Resolution of the Board of Township Trustees. When attending a meeting on behalf of an absent Regular Member, the Alternate Member shall vote on any matter which the absent Member is authorized to vote. An Alternate Member shall meet the same appointment criteria as a Regular Member.

Section 521 – Proceedings of the Board of Zoning Appeals
The Board shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of the witnesses. A quorum shall consist of three (3) members of the Board. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board. A court stenographer may be present to record the proceedings of meetings of the Board.

Section 522 – Duties of the Board of Zoning Appeals
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, requirement, 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, requirement, 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 effect any variation in the application of this Resolution. For the purpose of this Resolution the Board has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector;
2. To authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Resolution will result in practical difficulties, and so that the spirit of this Resolution shall be observed and substantial justice done;
3. To grant conditional use permits under the conditions specified in Article 9 and such additional safeguards as will uphold the intent of this Resolution.

Section 530 – Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Resolution. Under this Resolution the Township Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law; and of establishing a schedule of fees and charges as stated in Section 360 of this Resolution. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board to the courts as provided in the Ohio Revised Code. Any such appeal shall be made within thirty (30) days after journalization of the Board's written decision. A copy of the decision shall be immediately mailed by certified mail, return receipt requested, to the applicant and all parties to the proceedings.

Section 540 – Procedure and Requirements for Appeals and Variances

Appeals and variances shall conform to the procedures and requirements of Section 541- 549, inclusive, of this Resolution. As specified in Section 522, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

Section 541 – Appeals

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Secretary and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

Section 542 – Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

Section 543 – Variances
The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in practical difficulties. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in practical difficulties.

Section 544 – Application and Standards for Variances

1. A variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Secretary and the Board of Zoning Appeals containing:
   a. Name, address, and phone number of applicant(s);
   b. Legal description of property;
   c. Description of nature of variance requested;
   d. A narrative statement demonstrating that the requested variance conforms to the following standards:
      i. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
      ii. That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Resolution;
      iii. That special conditions and circumstances do not result from the actions of the applicant;
      iv. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.

2. The following factors shall be considered by the Board when determining whether to grant a variance:
   a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
   b. Whether the variance is substantial.
   c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
   d. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage)
   e. Whether the applicant purchased the property with knowledge of the zoning restriction
   f. Whether the applicant's predicament feasibly can be obviated through some method other than a variance.
   g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

3. A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which supports conclusions that the applicant has encountered practical difficulties as outlined by subsection 2 of this section.

Section 545 – Supplementary Conditions and Safeguards
Under no circumstances shall the Board of Zoning Appeals grant an appeal or 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. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this

Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Resolution and punishable under Section 350 of this Resolution.

Section 546 – Public Hearing by the Board of Zoning Appeals
The Board of Zoning Appeals shall hold a public hearing within forty (40) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

Section 547 – Notice of Public Hearing
Before holding the public hearing required in Section 546, notice of such hearing shall be given at least ten (10) days before the date of said hearing in accordance with ORC 519.15 as amended from time to time. The notice shall set forth the date, time and location of the public hearing, and the nature of the proposed appeal or variance.

Section 548 – Notice to Parties in Interest
Before holding the public hearing required in Section 546, written notice of such hearing shall be mailed by the chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. Parties in interest shall include, but not be limited to, property owners contiguous to and directly across the road (street) from the property concerned. The notice shall contain the same information as required of notices as specified in Section 547.

Section 549 – Action by Board of Zoning Appeals
Within thirty (30) days after the public hearing required in Section 546, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 545, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. Appeals from Board decisions shall be made in the manner specified in Section 530.

Section 560 – Procedure and Requirements for Approval of Conditional Use Permits
Conditional uses shall conform to the procedures and requirements of Sections 561 – 568, inclusive of this Resolution.

Section 561 – General
It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article 9 shall follow the procedures and requirements set forth in Sections 562 – 568, inclusive.

Section 562 – Contents of Application for Conditional Use Permit
An application for conditional use permit shall be filed with the Zoning Secretary of the Board of Zoning Appeals by at least one owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant;
2. Legal description of property;
3. Description of existing use;
4. Zoning district;
5. Description of proposed conditional use;
6. A site plan of the proposed site for the conditional use showing following when applicable: The location of all buildings, parking and loading area, number of employees, hours of operation, type of

sales on premises, how and where items are to be stored, traffic access and traffic circulation, open spaces, landscaping, lighting, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the requirements of this Resolution.

7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, odor and fumes on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to Comprehensive Plan;

Section 563 – General Standards Applicable to all Conditional Uses
The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article 9 and appears as a conditional use for the zoning district involved;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance 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 not be hazardous or disturbing to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, 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, or odors;
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

Section 565 – Supplementary Conditions and Safeguards
In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable under Section 350 of this Resolution.

Section 566 – Procedure for Hearing, Notice
Upon receipt of the application for a conditional use permit specified in Section 562, the Board shall hold a public hearing, publish notice, and give written notice to all parities in interest according to the procedures specified in Section 545 through 548.

Section 567 – Action by the Board of Zoning Appeals
Within thirty (30) days after the public hearing required in Section 566, the Board shall either approve, approve with supplementary conditions as specified in Section 565, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 530.

Section 568 – Expiration of Conditional Use Permit
A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than two (2) years.

ARTICLE VI: AMENDMENT

Section 600 – Procedure for Amendment or District Changes
This Resolution may be amended utilizing the procedures specified in ORC 519.12 as amended from time to time.

Section 601 – General
Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may by Resolution, after receipt of recommendation thereon from the Zoning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

Section 602 – Initiation of Zoning Amendments
Amendments to this Resolution, including the map, may be initiated in one of the following ways:
1. By adoption of a motion by the Zoning Commission;
2. By adoption of a resolution by the Township Trustees;
3. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

Section 603 – Contents of Application
Applications for amendments to the Official Zoning map adopted as part of this Resolution by Section 700 shall contain at least the following information:
1. Name, address, and phone number of applicant;
2. Present use;
3. Present zoning district;
4. Proposed use;
5. Proposed zoning district;
6. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning and such other items as the Zoning Inspector may require;
7. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the road (street) from the parcel (s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
8. A fee as established by the Township Trustees, according to Section 360.
9. Preliminary development plan if seeking a rezoning to a planned district consistent with the requirements of Article 13.

Section 604 – Transmittal to Zoning Commission
Immediately after the adoption of a resolution by the Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Zoning Commission. The Zoning Commission shall comply with all the requirements of chapter 519.12 of the Ohio Revised Code.

Section 606 - Transmittal to Regional Planning Commission
Within five days after the adoption of such motion, the certification of such resolution, or the filing of such application for amendment, the Zoning Commission shall transmit a copy of the proposed amendment together with text and map pertaining to the proposed amendment to the Regional Planning Commission. The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or some modification of it. The recommendation shall be considered at the public hearing held by the Zoning Commission on the proposed amendment.

Section 607 – Submission to Director of Transportation
Before any zoning amendment is approved affecting any land within three hundred (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 Transportation, or any land within a radius of five-hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of Transportation. The Commission may proceed as required by law; however, the Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Trustees that he shall proceed to acquire the land needed, then the Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Trustees that acquisition at this time is not in the public interest or upon the expiration of the one-hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Trustees shall proceed as required by law.

ARTICLE VII: PROVISIONS FOR OFFICIAL ZONING MAP

Section 700 – Official Zoning Map
The districts established in Article 7 of this Resolution as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this Resolution. The map shall be publicly displayed in the Township Hall with an updated copy filed with the Regional Planning Commission, County Recorder and County Engineer.

Section 710 – Identification of the Official Zoning Map
The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Township Trustees and attested by the Clerk.

Section 720 – Interpretation of District Boundaries
Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
4. The Zoning Inspector is charged with interpreting the map.

ARTICLE VIII: ESTABLISHMENT AND PURPOSE OF DISTRICTS

Section 800 – Intent
The following zoning districts are hereby established for Darby Township. For the interpretation of this Resolution, the zoning districts have been formulated to realize the general purposes as set forth in the preamble of this Resolution. In addition, the specific purpose of each zoning district shall be as stated.

Section 809 – Agricultural District (A-1)
It is recognized that the public health, safety and welfare of the citizens of Darby Township, Union County, the State of Ohio, and the United States are greatly dependent upon the sustenance and economic benefits provided by a viable agricultural industry. It is also recognized that uncontrolled residential development is fragmenting the landscape and creating conflicts between agricultural and residential development. Residential development is discouraged in the agricultural district.

This district is intended to ensure that land areas within Darby Township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands. This district is intended to create areas where traffic conflicts with farm machinery are minimal and where non farm residential uses are separated from farming activities and the associated dust, noise, and smells that typically accompany farm activities.

The A-1 District acknowledges that agriculture is a specialized form of industry characterized by the production through biological and botanical processes of saleable farm products as a result of the combination of raw materials, manpower, and energy.

Other specific purposes for which this district is established include:
1. To preserve woodlands and wetlands associated with farms, which because of their natural physical features are useful as water retention and groundwater recharge areas, and as habitat for plant and animal life; and which have an important aesthetic and scenic value that contributes to the unique character of the agricultural district.
2. To provide the basis for land tax assessments that reflect the district's existing agricultural nature and owing to these regulations, its limited use for other purposes.
3. To prevent the conversion of agricultural land to scattered non-farm development which when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature disinvestments in agriculture.

Section 810 – Rural Undeveloped District (U-1)
The intention of the rural undeveloped district is to provide land which is suitable or used for agriculture, conservation, very low density residential and public and quasi-public purposes.

Section 811 – Low Density Residential District (R-1)
The purpose of the low density residential district is to provide land for single family housing units, public and quasi-public uses, and neighborhood commercial development. Group or central water and/or sewer facilities may be required depending on the density of development

Section 812 – Local Business District (B-2)
The purpose of the local business district is to provide land for small retail and personal service establishments offering convenience-type goods and services for the daily needs of the people in the immediate neighborhood or area.

Section 813 – Light Industrial District (LI)
The purpose of the light industrial district is to provide land for industrial development which will supplement the tax base and provide jobs for local residents. Light industrial development should not adversely affect the health, safety, and general welfare of the residents of the Township

ARTICLE IX: DISTRICT REGULATIONS

Section 900 – Compliance with Regulations

The regulations for each district set forth by this Resolution shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as herein after provided; or as otherwise granted by the Board of Zoning Appeals.

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall be erected or altered:
   a. to provide for greater height or bulk;
   b. to accommodate or house a greater number of families;
   c. to occupy a greater percentage of lot area;
   d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required or in any other manner be contrary to the provisions of this Resolution.
3. No yard or lot existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements set forth herein.
4. Any use not defined by this Resolution shall be prohibited. No specific use which is defined by this Resolution shall be construed as being included within the definition of any other defined use.

Section 910 - Agricultural District (A-1)

The following standards govern the A-1 district:

1. Permitted (allowed) Uses. Within the Agricultural (A-1) District, the following uses, developed in accordance with all other provisions of this Resolution shall be permitted:
   a. Agricultural uses as defined by the Ohio Revised Code
   b. Wholesale and retail nurseries
   c. Stables
   d. Farm market
   e. Projects designed for conservation, watershed protection, or for flood control.
   f. Single family dwelling units
   g. Telecommunication towers
   h. Public services facilities
   i. Home occupations
   j. Ponds subject to regulations set forth in Section 1041.
   k. Accessory structures and uses incidental to the principal building or use. Accessory structures may not be constructed prior to construction of the primary structure.
   l. Swimming Pools subject to regulations set forth in Section 1002.
   m. Small Wind Projects Less than 5MW subject to regulations set forth in Section 1045.
2. Conditional Uses. The following uses of land and structures may be permitted upon issuance of a conditional use permit in accordance with the procedures and standards contained in Sections 560-565 provided that the proposed use is sited on a parcel in a manner which minimizes the amount of productive agricultural land that is converted to the proposed use and the proposed use is located in close proximity to existing facilities providing agricultural services whenever possible and appropriate.
   a. Agribusiness
   b. Agritourism
   c. Cemetery
   d. Public uses
   e. Veterinary hospital or clinic
   f. Non-commercial recreation

g. Supply yards
h. Bed and breakfast inn
i. Short term rental
j. Quasi-public uses

3. Development Standards. The use of land and structures within the exclusive agricultural district shall seek to maximize agricultural productivity and conform to the following standards:
   a. Gross residential density: 1 unit per 20 acres. Density will be calculated using parcel size as it exists at the date the code is adopted. The density requirement listed here (using the lot sizes in b and c below) means that for every 20 acres contained in a parcel, 1 (one) lot of 2 to 5 acres may be sold or designated for residential use.
   b. Minimum residential lot size: 2 acres
   c. Maximum residential lot size: 5 acres
   d. Minimum lot width and frontage:
      i. State highways: 495 feet; 150 feet if developed on a common access drive
      ii. Major collector: 495 feet; 150 feet if developed on a common access drive
      iii. Minor collector: 360 feet; 150 feet if developed on a common access drive
      iv. Local road: 250 feet; 150 feet if developed on a common access drive
   e. Minimum yard setbacks:
      i. Front (depth): Seventy-five (75) feet as measured from the road right-of-way line
      ii. Rear (depth): Sixty (60) feet for residence; twenty-five (25) feet for accessory buildings
      iii. Side (width): Thirty-five (35) feet on each side
   f. Maximum building height (non farm dwellings): Thirty-five (35) feet
   g. Minimum floor space requirements: 1,400 square feet per each residential dwelling unit with an attached two car garage; 1600 square feet per each residential dwelling unit without an attached two car garage.
   h. Maximum lot coverage: Twenty-five (25) percent
   i. Maximum depth to width ratio: 3:1; does not apply to lots above 10 acres, or on lots developed as open space in a platted subdivision.
   j. Minimum depth to width ratio: 1:1

Section 920 – Rural Undeveloped District (U-1)

The following standards govern the U-1 district:

1. Permitted (allowed) Uses. Within the Rural Undeveloped (U-1) District, the following uses, developed in accordance with all other provisions of this Resolution shall be permitted:
   a. Agricultural uses as defined by the Ohio Revised Code
   b. Stables
   c. Farm market
   d. Projects designed for conservation, watershed protection, or for flood control.
   e. Single family dwelling units
   f. Public uses
   g. Telecommunication towers
   h. Public services facilities
   i. Non-commercial recreation
   j. Home occupations
   k. Ponds subject to regulations set forth in Section 1041.
   l. Accessory structures and uses incidental to the principal building or use. Accessory structures may not be constructed prior to construction of the primary structure.
   m. Swimming Pools subject to regulations set forth in Section 1002.
   n. Small Wind Projects Less than 5MW subject to regulations set forth in Section 1045.

2. Conditional Uses. The following uses of land and structures may be permitted upon issuance of a conditional use permit in accordance with the procedures and standards contained in Sections 560-565.
   a. Agribusiness
   b. Agritourism
   c. Retail nursery
   d. Wholesale nursery
   e. Commercial recreation
   f. Supply yards
   g. Bed and breakfast inn
   h. Short term rental
   i. Veterinary hospital or clinic
   j. Quasi-public uses
   k. Cemetery
3. Development Standards. The use of land and structures within the U-1 District shall conform to the following standards:
   a. Minimum residential lot size per dwelling unit: 2.0 acres
   b. Minimum lot width and frontage:
      i. State Highways: 250 feet
      ii. Major Collector: 250 feet
      iii. Minor Collector: 180 feet
      iv. Local Road: 150 feet if not developed as a part of a subdivision; 100 feet if developed as part of a subdivision
   c. Minimum yard setbacks:
      i. Front (depth): Fifty (50) feet as measured from the road right-of-way line
      ii. Rear (depth): Sixty (60) feet for residence; twenty-five (25) feet for accessory buildings
      iii. Side (width): Thirty-five (35) feet on each side
   d. Maximum building height (non farm dwellings): Thirty-five (35) feet
   e. Minimum floor space requirements: 1,400 square feet per each residential dwelling unit with an attached two car garage; 1600 square feet per each residential dwelling unit without an attached two car garage.
   f. Maximum lot coverage: Twenty-five (25) percent
   g. Maximum depth to width ratio: 3:1; does not apply to lots above 10 acres--or on lots developed as open space in a platted subdivision.
   h. Minimum depth to width ratio: 1:1

Section 930 – Low Density Residential District (R-1)

The following standards govern the R-1 district:

1. Permitted (allowed) Uses. Within the Low Density Residential District (R-1), the following uses, developed in accordance with all other provisions of this Resolution shall be permitted:
   a. Single family dwelling units
   b. Public uses
   c. Public service facilities
   d. Ponds subject to regulations set forth in Section 1041.
   e. Home occupations
   f. Non-commercial recreation
   g. Accessory structures and uses incidental to the principal building or use. Accessory structures may not be constructed prior to construction of the primary structure.
   h. Swimming Pools subject to regulations set forth in Section 1002.

2. Conditional Uses. The following uses of land and structures may be permitted upon issuance of a conditional use permit in accordance with the procedures and standards contained in Sections 560-565.
   a. Agritourism
   b. Bed and breakfast inn
   c. Child care nursery
   d. Nursing home
   e. Commercial recreation
   f. Clubs
   g. Quasi-public uses
   h. Telecommunication towers subject to regulations set forth in Section 1038 & 1039.
3. Development Standards. The use of land and structures within the R-1 District shall conform to the following standards:
   a. Minimum residential lot size: 1 dwelling unit per two (2) acres
   b. Minimum lot width and frontage:
      i. State Highways: 250 feet; 150 feet if developed on a common access drive
      ii. Major Collector: 250 feet; 150 feet if developed on a common access drive
      iii. Minor Collector: 180 feet; 150 feet if developed on a common access drive
      iv. Local Road: 150 feet, if not developed as a part on a common access drive or as part of a subdivision; 100 feet if developed on a common access drive or as part of a subdivision
   c. Minimum yard setbacks:
      i. Front (depth): Fifty (50) feet as measured from the road right-of-way line
      ii. Rear (depth): Twenty (20) feet for residence; Ten (10) feet for accessory buildings
      iii. Side (width): Ten (10) feet on each side for residence; Ten (10) feet for accessory buildings
   d. Maximum building height (non farm dwellings): Thirty-five (35) feet
      i. Minimum floor space requirements: 1,400 square feet per each residential dwelling unit with an attached two car garage; 1600 square feet per each residential dwelling unit without an attached two car garage.
   e. Maximum lot coverage: Twenty-five (25) percent
   f. Maximum depth to width ratio: 3:1; does not apply to lots above 10 acres or on lots developed as open space in a platted subdivision.
   g. Minimum depth to width ratio: 1:1

Section 940 – Local Business District (B-2)

The following standards govern the B-2 district:

1. Permitted (allowed) Uses. Within the B-2 District the following uses, developed in accordance with other provisions of this Resolution, shall be permitted.
   a. Child care nursery
   b. Nursing home
   c. Wholesale nursery
   d. Automotive repair services
   e. Gasoline service stations
   f. Veterinary hospital or clinic
   g. Offices
   h. Kennels
   i. Clubs
   j. Public uses
   k. Quasi-public uses
   l. Public service facilities
   m. Telecommunication towers
   n. Agricultural sales and service

o. Agribusiness
p. Retail sales establishment
q. Retail service establishments
r. Commercial and non-commercial recreation
s. Swimming Pools subject to regulations set forth in Section 1002.
t. Small Wind Projects Less than 5MW subject to regulations set forth in Section 1045.
u. Other businesses, similar in nature or character as determined by the Zoning Commission.

2. Conditional Uses. The following uses of land and structures may be permitted upon issuance of a conditional use permit in accordance with the procedures and standards contained in Sections 560-565.
   a. Agritourism
   b. Supply yards
   c. Drive-thru or drive-in facilities for financial institutions, restaurants or other businesses
   d. Accessory structures and uses incidental to the principal building or use. Accessory structures may not be constructed prior to construction of the primary structure.
   e. Outdoor storage as an accessory use to any permitted use in Section 940(1).
3. Development Standards. In addition to any other provisions of this Resolution, all lands and uses within the B-2 District shall be developed in strict compliance with the standards hereinafter established.
   a. Building size - No structure in this district shall contain more than seventy-five hundred (7,500) square feet of floor space per floor devoted to any permitted or conditional use.
   b. Minimum lot size - None; however, the lot size shall be adequate to provide the yard spaces and off street parking as herein required.
   c. Minimum lot width - None; however, all tracts shall have access to approved streets and shall be of such width as to provide required yard spaces and off street parking.
   d. Minimum building setbacks:
      Front (depth): Fifty (50) feet as measured from the road right of way
      Rear (depth): Thirty (30) feet to the rear line of any lot
      Side (width): Twenty-five (25) feet from each side lot line
   e. Maximum building height - No building shall exceed two (2) stories or thirty-five (35) feet in height.
   f. Maximum lot coverage: The ground area occupied by all the buildings and structures shall not exceed in the aggregate forty-five percent (45%) of the total area of the lot or tract. The ground area occupied by all the buildings, structures, driveways, traffic circulation areas, parking areas and sidewalks shall not exceed in the aggregate seventy-five percent (75%) of the total area of the lot or tract.

Section 950 – Light Industrial District (LI)

The following standards govern the LI district:

1. Permitted (allowed) Uses. Within the LI District the following uses, developed in accordance with other provisions of this Resolution, shall be permitted.
   a. Automotive repair service
   b. Gasoline service station
   c. Agricultural sales and service
   d. Research activities
   e. Offices
   f. Public uses
   g. Telecommunication towers
   h. Public service facilities
   i. Wholesale and warehousing
   j. Transport terminals
   k. Light manufacturing

l. Swimming Pools subject to regulations set forth in Section 1002.
m. Off premise signs (billboards). See Regulations Section 1212.
n. Small Wind Projects Less than 5MW subject to regulations set forth in Section 1045.
o. Other businesses, similar in nature or character as determined by the Zoning Commission.

2. Conditional Uses. The following uses of land and structures may be permitted upon issuance of a conditional use permit in accordance with the procedures and standards contained in Sections 560-565.
   a. Agritourism
   b. Mineral extraction, storage, and processing
   c. Supply yards
   d. Accessory structures and uses incidental to the principal building or use. Accessory structures may not be constructed prior to construction of the primary structure
   e. Outdoor storage as an accessory use to any permitted use in Section 950(1).
   f. Heavy manufacturing
   g. Adult entertainment facilities subject to regulations set forth in Section 1042.

3. Development Standards. In addition to any other provisions of this Resolution, all lands and uses within the Light Industrial District shall be developed in strict compliance with the standards hereinafter established:
   a. Minimum lot size - None; however, the lot size shall be adequate to provide the yard spaces and off street parking as herein required.
   b. Minimum lot width - None; however, the industrial tract shall have access to approved streets and shall be of sufficient width to provide required yard spaces and off street parking.
   c. Minimum building setbacks
      i. Front (depth): One hundred (100) feet from the right-of-way line of the adjacent road.
      ii. Rear (depth): Fifty (50) feet to the rear line of any lot. No outdoor storage area or required off street parking area may encroach in the prescribed rear yard except with permission of the Board of Zoning Appeals.
      iii. Side (width): Thirty (30) feet on each side. No accessory building, outdoor storage area or required off street parking shall encroach in said side yard except with consent of the Board of Zoning Appeals. When abutting a U-1, R-1, or subdivision, additional setbacks shall be required consistent with the requirements of Section 1010(4).
   d. Maximum building height - No building shall exceed two (2) stories or thirty-five (35) feet in height.
   e. Maximum lot coverage: The ground area occupied by all the buildings and structures shall not exceed in the aggregate forty-five percent (45%) of the total area of the lot or tract. The ground area occupied by all the buildings, structures, driveways, traffic circulation areas, parking areas and sidewalks shall not exceed in the aggregate seventy-five percent (75%) of the total area of the lot or tract.

ARTICLE X: SUPPLMENTARY DISTRICT REGULATIONS

Section 1000 – General
The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses or areas where problems may frequently be encountered.

Section 1001 – Conversion of Dwellings to More Units
A residence may be converted to accommodate an increased number of dwelling units provided:

1. The yard dimensions, including minimum lot width shall meet the yard dimensions required by the zoning regulations for new structures in that district in which the dwelling is located.
2. The lot area per family equals the lot area requirements for new structures in that district;
3. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.

Section 1002 – Swimming Pools
The conditions and requirements listed below apply to swimming pools in Darby Township:

1. Private swimming pools are permitted in all residential zoning districts provided the following requirements are met:
   a. It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten (10) feet to any property line of the property on which it is located.
   b. Swimming pools, exclusive of swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet, shall be surrounded by a fence, wall, building wall, or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool. The top of said fence, wall, building wall, or combination thereof shall be at least four (4) feet above grade measured on the side of the barrier which faces away from the swimming pool. Access gates shall be self-closing and have a self-latching device.
2. Community swimming pools either public or private are permitted in all residential and commercial zoning districts provided the following requirements are met:
   a. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line of the property on which it is located.
   b. The perimeter of the site shall be appropriately screened from adjacent residential properties.
   c. The swimming pool area shall be surrounded by a fence, wall, building wall, or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool. The top of the fence, wall, building wall, or combination thereof shall be at least four (4) feet above grade measured on the side of the barrier which faces away from the swimming pool. Access gates shall be self-closing and have a self-latching device.

Section 1003 – Accessory Buildings in the A-1, U-1, and R-1 Zoning Districts
All accessory buildings must meet the development standards of the applicable zoning district.

Each lot is permitted a maximum of one (1) accessory building up to 100 square feet in size and up to 15 feet in height. This is regardless of the number of accessory buildings on the lot, the lot size, and the total maximum size of all accessory buildings.

All other accessory buildings must meet the following requirements:

1. Number. No more than two (2) accessory buildings shall be permitted on any lot.
2. Zoning certificate required. A zoning permit is required prior to the erection, addition or alteration of an accessory building located on any lot in conjunction with a permitted principal structure or building.

3. Size and height. The maximum permitted size and height of an accessory building shall be based on the standards established in the following table.

Lot Size	Total Maximum Size of all Accessory Building(s)	Maximum Height (measured from the finished grade to the mean slope of the roof)
Less than one (1) acre	One and four tenths percent (1.4%) of the difference of the gross lot size less all right-of-way area, but no more than 580 square feet	15 feet
Equal to or greater than one (1) acre but less than two (2) acres	One and four tenths percent (1.4%) of the difference of the gross lot size less all right-of-way area, but no more than 1,160 square feet	18 feet
Equal to or greater than two (2) acres but less than five (5) acres	One and four tenths percent (1.4%) of the difference of the gross lot size less all right-of-way area, but no more than 3,000 square feet	25 feet
Five (5) acres or more	One and four tenths percent (1.4%) of the difference of the gross lot size less all right-of-way area, but no more than 4,000 square feet	25 feet

1. Maintenance. Accessory buildings shall be maintained in good condition and kept secure from the deteriorating effect of natural elements.
2. Agricultural operations exempt. Agricultural operations are exempt from all of the above requirements.

Section 1004 – Temporary Buildings

Temporary buildings, construction trailers, equipment and materials, used in conjunction with construction work only, may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed within two (2) weeks of completion of the construction work unless an extension of a specified time period is granted by the Board of Township Trustees. All temporary facilities shall require a zoning permit from the Zoning Inspector.

Also, the temporary placement of a mobile home or manufactured dwelling upon a lot which already contains a dwelling may be permitted, provided evidence is submitted to and the Zoning Inspector finds: 1) That fire or an Act of God prevents occupancy of the existing dwelling and causes exceptional hardship to the applicant; and, 2) The temporary placement does not represent a hazard to the safety,

health, or welfare of the community; and, 3) That a written statement is provided from the Union County Health Department approving the water supply and wastewater disposal system for the temporary placement of said mobile home or manufactured dwelling. No such temporary placement may be allowed for a period of more than twelve (12) months or within 30 days of the receipt of a certificate of occupancy, whichever is sooner.

Section 1005 – Parking and Storage of Certain Vehicles
Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. The parking of a disabled vehicle within all districts for a period of more than two (2) weeks shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building. However, one boat and one recreational vehicle may be stored in the rear or side yard if they have a current license.

Section 1006 – Required Trash Areas
All office, commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall have such areas enclosed on at least three sides by a solid wall or fence a minimum of four feet in height or one foot higher than the receptacles therein with a lockable gate on the fourth side if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Inspector shall be required.

Section 1008 Mobile Trailers Prohibited for Business, Storage, and Sign Purposes - The use of a mobile home, tractor trailer, box car, sealand container, or other similar type trailer, container, or structure shall not be permitted as an office or business structure, storage facility, or sign structure except as stated in Section 1004.

Section 1010 - Supplemental Yard and Height Regulations
In addition to all yard regulations specified in Sections 803 through 807 and in other sections of this Resolution, the following provisions shall be used for interpretation and clarification:

1. Setback requirements for corner buildings. On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.
2. Horizontal visibility. Nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede horizontal visibility. Minimum horizontal visibility measured on the street centerline shall be as follows:
   a. 50 feet on local streets developed as part of a subdivision
   b. 150 feet on local streets
   c. 300 feet on collector streets
   d. For all other street classifications, horizontal visibility standards will be based on the Ohio Department of Transportation Location and Design Manual.
3. Yard requirements for multi-family dwellings. Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.
4. Side and rear yard requirements for non-residential uses abutting residential districts. Non-residential buildings or uses except agricultural operations shall not be located in nor conducted closer than one hundred (100) feet to any U-1 or R-1 lot line nor any established subdivision boundary.
5. Architectural projections. Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard.

6. Exceptions to height regulations. The height limitations contained in Sections 803 through 807 do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances, usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard.

Section 1011 – Fences, Walls, and Vegetation

The location and height of all fences, walls, and vegetation shall be in accordance with the following provisions.

1. Fences and walls shall not be permitted within any right of way.
2. No fence shall exceed six (6) feet in height unless approved by the Board of Zoning Appeals. All fences greater than three (3) feet in height shall be a minimum of ten (10) feet from the street right-of-way line. Supporting members for walls and fences shall be installed on the interior of the lot being fenced.
3. Fences shall be kept in proper repair and maintained so as not to create conditions that endanger the health, comfort and safety of the public.
4. No accessory structure, wall, fence, or vegetation of any kind may be constructed, placed, planted, or allowed to grow which would visibly obscure, hide, or screen fire hydrants, street address numbering, and other security or emergency service equipment, controls or components.

Section 1012 – Screening

No buildings or structures shall be erected, altered, or enlarged nor shall land for any non residential use on a lot that abuts or faces any residential district be used, nor shall any multiple family use be established adjoining any single family development, until a plan for screening has been submitted, approved by the Zoning Inspector, or the Board of Zoning Appeals in case of conditional uses, except in accordance with the following provisions:

1. Screening may be one or a combination of two or more of the following:
   a. A solid masonry wall.
   b. A solidly constructed decorative fence.
   c. Dense evergreen plantings.
   d. Landscaped mounding.
2. Height of screening shall be in accordance with the following:
   a. Visual screening walls, fences, plantings, or mounds shall be a minimum of four (4) feet high, in order to accomplish the desired screening effect.
   b. In required front yards, the maximum height may not exceed three (3) feet without approval of the Board of Zoning Appeals.
   c. Whenever required screening is adjacent to parking areas or driveways such screening shall be protected by bumper blocks, post or curbing to avoid damage by vehicles. All screening shall be trimmed, maintained in good condition, and free of advertising or other signs.

Section 1013 – Home Occupations

The following standards shall govern home occupations as a permitted use within Darby Township.

1. The owner or lessee of the premises must reside in the dwelling unit used for the home occupation. The lessee shall have the owner's permission to conduct such home occupation.
2. No person or persons, other than the owners and family members living on the premises shall operate a home occupation.
3. Not more than two workers exclusive of the owners shall be employed in a home occupation at any one time.
4. All activities conducted on site shall be conducted entirely within the dwelling unit, and the use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

5. Not more than thirty (30) percent or six hundred (600) square feet of the gross floor area, whichever is less, of any dwelling unit shall be used for a home occupation.
6. Home occupations shall not be permitted in any accessory building within any district unless a conditional use permit is received from the Board of Zoning Appeals.
7. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home.
8. All signs shall comply with Sign Regulations in Section 1210 of this Zoning Resolution.
9. There shall be no sale on the premises of commodities other than those produced as the result of the home occupation.
10. No additional parking places proposed in conjunction with the home occupation shall be located in the required front setback.
11. Equipment or processes shall not be used in such Home Occupations that creates noise, dust, vibrations, glare, fumes, odors, or visual, audible, or electrical interference detectable off the Lot or beyond the property line.
12. There shall be no increased burden placed upon existing Township public services provided to the residence as a result of a Home Occupation.

Section 1014 – Tree Preservation

Any tree over 18" in caliper that is removed from the site in either the B-1 or LI zoning districts shall be replaced. The total number of caliper inches of replacement trees for a site shall equal or exceed the combined diameter of the protected trees removed. All replacement trees must be deciduous trees and have a minimum caliper size of 2.5 inches at the time of planting.

Section 1015 – Lighting Standards

1. General lighting standards applicable in all districts.
   a. The amount of illumination projected onto a residential use from another property shall not exceed 0. 1 vertical footcandle at the property line.
   b. No blinking, flashing or fluttering lights, or other illuminated device that has a changing light intensity, brightness or color, is permitted in any zoning district, except for temporary holiday displays.
2. Lighting standards applicable in the B-2 and LI zoning districts and all multi-family, commercial, office, and industrial areas located in a planned district.
   a. Maximum on-site lighting levels shall not exceed ten (10) footcandles, except for loading and unloading platforms where the maximum lighting level may be twenty (20) footcandles.
   b. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensors devices, or turned off during non-operating hours.
   c. Light fixtures shall be dark in color (black, bronze, dark green) to blend with the landscape.
   d. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam.
   e. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roof line. All uplights must be screened with landscaping or aimed away from view from the public street.
   f. Lighting sources shall be color-correct types such as halogen or metal halide, and light types of limited spectral emission, such as low pressure sodium or mercury vapor lights, are prohibited even in service areas.
   g. Light fixtures shall be mounted on concrete, fiberglass, or painted metal poles no higher than twenty-five (25) feet from the ground.
   h. Lighting mounted on a building or structure shall not exceed the height of the building or structure.
   i. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, such control shall be achieved primarily through the use of sharp cut off fixtures, the

appropriate application of mounting height, wattage, aiming angle, fixture placement and fixture design, etc. and the additions of shields and baffles as necessary.

3. Parking lot lighting standards applicable in the B-2 and LI zoning districts and all multi-family, commercial, office, and industrial areas located in a planned district.
   a. On-site parking areas, pedestrian walkways and sidewalks, and on-site streets and driveways shall use full cut-off type lighting that provides consistent illumination of at least one footcandle.
   b. Light fixtures shall be located on the periphery of the areas with light sources directed into parking areas. No light sources shall be located on building facades directed outward toward property boundaries or adjacent rights-of-way.
   c. Parking lot lights shall be of a cut-off fixture and shall be no more than twenty-five (25) feet in height.
   d. Parking lot lights must be placed within a landscape island or on a 36" high pole base to protect both lights and vehicles from possible damage.

Section 1029 - Mineral, Clay, Sand and Gravel Extraction, Storage and Processing
The extraction, storage and processing of minerals shall be conducted in accordance with the requirements of Sections 1030 to 1036, inclusive.

Section 1030 - Distance from Residential Areas
Mineral extraction, storage or processing shall not be conducted closer than one thousand (1.000) feet from any residential district, nor closer than five hundred (500) feet from any structure used for human occupancy in any other district.

Section 1031 - Filing of Location Map
The operator shall file with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads and natural features.

Section 1032 - Information on Operation
The operator shall submit information on the anticipated depth of excavations and on depth and probable effect on the existing water table as coordinated with the Ohio Department of Natural Resources, Division of Water. The operator shall also submit information on the anticipated effect of its operations on waters of the state (rivers, creeks, streams, lakes, ponds, intermittent waterways, etc.) as coordinated with the Ohio Environmental Protection Agency.

Section 1033 - Restoration of Mined Area
Upon ceasing mineral extraction operations, the owner or operator must restore the mined area to a condition substantially identical to its condition previous to the mineral extraction. The owner or operator shall file with the Board of Zoning Appeals and the Zoning Commission a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land. This plan shall be submitted to the Boards <u>before</u> the owner requests a zoning change or conditional use permit prior to commencing operations. Should the mineral extraction company, operation or property be sold prior to ceasing of mineral extraction, the original restoration plan shall transfer to the new owner and operator and the restoration plan shall remain binding.

Section 1034 - Performance Bond
Prior to the Township issuing of a zoning change or conditional use permit to allow mineral extraction, the owner or operator shall be required to file with the Board of Township Trustees a bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan. The dollar amount of the performance bond shall be determined by the calculation contained in the Township Trustees' annual review of fees in effect at the time the bond is filed.

Section 1035 - Enforcement Provision
The Zoning Inspector, prior to the issuance of a zoning permit, shall require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances. Such statements and plans shall include addressing noise, dust, odors, lighting, public safety, and truck and equipment traffic, as well as any other concerns of the Zoning Inspector.

Section 1036 - Measurement Procedures
Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, N.Y., the Manufacturing Chemists' Association, Inc., Washington, D.C., the United States Bureau of Mines, and the Ohio Environmental Protection Agency.

Section 1037 – Agricultural Use
Pursuant to Section 519.21 of the Revised Code, in any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Revised Code, or in any area consisting of 15 or more lots approved under Section 711.131 of the Revised Code 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, agriculture is regulated in the following manner:

1. On lots of one acre or less, agriculture may be permitted as a conditional use.
2. On lots greater than one acre, but not greater than five acres, buildings or structures incident to the use of land for agricultural purposes are regulated as follows:
    a. Setback building lines. Same for principal structure in the same district as to front, sides, and back.
    b. Height. Twenty (20) feet maximum height.
    c. Size. Maximum of 1000 square feet (outside measurement).
3. On lots greater than one acre but not greater than five acres, dairying and animal and poultry husbandry are regulated as follows:
    a. When at least 35 percent of the lots in the subdivision are developed with at least one building, structure, or improvement 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, dairying and animal and poultry husbandry shall be considered a non-conforming use of land and buildings or structures pursuant to Section 519.19 of the Revised Code.

The aforementioned confers no power on any Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to regulate agriculture, buildings or structures, in dairying and animal and poultry husbandry on lots greater than five acres.

Section 1038 – Agritourism
In the interest of protecting the public health and safety, an Agritourism use shall satisfy the conditions in this Section. Capitalized Terms not defined in this Section shall have the respective meanings given to them in Article II, Definitions of the Darby Township Zoning Resolution or the Ohio Revised Code.

In addition to the procedure for approval of conditional use permits, as stated in Section 560 and 546-548, the Board of Zoning Appeals shall direct the Zoning Inspector to issue a conditional use permit if the applicant establishes the following conditions have been met by a preponderance of the evidence presented in the application for conditional use permit and at the hearing:

1. The Agritourism use will be on a "Farm".
2. Each proposed Agritourism Use is an agriculturally related educational, entertainment, historical, cultural, and/or recreational activity (including you-pick operations or farm markets) conducted

on a Farm that allows or invites members of the general public to observe, participate in, or enjoy the activity. A narrative statement regarding this shall be provided by the applicant and it shall replace and substitute any narrative statement otherwise required as part of an application for conditional use permits.

3. A site plan of the proposed Agritourism site showing the following when applicable:
    a. The floor areas, heights, and setbacks of all structures, including buildings, used primarily for Agritourism; and,
    b. The size and setbacks of all parking areas, including loading spaces, used primarily for Agritourism; and,
    c. Provisions for egress and ingress.

    These criteria shall replace and substitute any site plan otherwise required as part of an application for conditional use permits.
4. The size and setback for any structure used primarily for Agritourism shall conform to the requirements of the zoning district where the Agritourism use will be located and/or any size and/or setback requirements, if any, specified in this Section.
5. Off-street parking in accordance with setback and size requirements (only) in Article XI Off-Street Parking and Loading Requirements shall be provided.
    a. Additionally, off-street parking of a size adequate to meet peak time demand shall be provided in a manner that does not cause nuisance or conflict with adjoining properties. Estimates of traffic generation shall be submitted. In no instance shall parking be permitted within yard setback areas or within 20 feet of the road right-of-way.
    b. The Board of Zoning Appeals may not require any parking area to be improved in any manner, including requirements governing drainage, parking area base, parking area paving, or any other improvement.
6. Safe and adequate ingress and egress shall be maintained at all times.
7. The Board of Zoning Appeals may not prescribe conditions and/or safeguards not otherwise stated in this Section.

Within thirty (30) days after the public hearing required in Section 546, the Board of Zoning Appeals shall either approve or disapprove the application. Appeals from Board decisions shall be made in a manner specified in Section 530.

Section 1040 – Adequate Drainage Outlet, Acceptable Soils, and Existing Drainage Tile
Every lot shall have an adequate drainage outlet and acceptable soils consistent with the requirements for the proposed use. The Union Soil and Water Conservation District (SWCD) or a Professional Civil Engineer (P.E.) who will follow the Union SWCD criteria in writing shall recommend the drainage outlet adequacy and the Health Department shall recommend the soils acceptability on new lots. The implementation of said recommendations shall be required by the Township as part of the zoning permit. These statements along with a plot map of the drainage systems shall accompany the application for permit. Furthermore, all construction (including construction of ponds and driveways) within the Township shall be accomplished in a manner consistent with maintenance and good surface drainage. In all improvements or uses where submittal of drainage plans is not specifically required, proper drainage on the subject property and adjacent or servient properties shall be maintained or restored at equal or greater capacity as determined by the Union Soil and Water Conservation District. In no event shall any person interdict or interfere with any existing tile or surface drain channel unless it is determined that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties. Pre-existing drainage tile draining adjoining property shall be restored or re-routed when cut, crushed, or otherwise affected by any construction, excavation, or utility installation on any lot.

Section 1041 – Ponds
Permits are issued using the following steps.

1. Union Soil and Water Conservation District (SWCD) or a Professional Civil Engineer (P.E.) must review and approve proposed construction site with landowner. Test pits must be dug prior to design.
2. The pond shall be designed in accordance with Natural Resource Conservation Service (NRCS) Standards and specifications along with the United States Department of Agricultural Services (USDAS) Engineering Field Manual for Conservation Practices. Drainage tile found or damaged on site shall be rerouted around the proposed pond at the owner's expense. Soil shall be spread in a manner not to encroach on adjacent properties.
3. Union SWCD or a Professional Civil Engineer (P.E.) shall be responsible for designing the pond and doing site inspections with the Township Zoning Inspector during construction to assure that the pond is constructed according to the approved plan.
4. The pond outlet and the discharge shall be designed not to encroach on adjacent property.
5. Every lot shall have an adequate drainage outlet and acceptable soils consistent with the requirements for the proposed use. The Union SWCD or a Professional Civil Engineer (P.E.) who will follow the criteria of Union SWCD shall determine the drainage outlet adequacy and the soils acceptability for ponds.
6. Minimum Lot Size. Two (2) acre minimum lot size exclusive of all easements and rights-of-way.
7. Setbacks—To reduce the risk of vehicles leaving the road and entering a pond, ponds shall be set back from nearby roads. Either of the following standards satisfies this setback requirement:
    a. A pond shall be setback one hundred (100) feet from the road right-of-way to the high-water mark and thirty (30) feet from the side and rear lot lines to the high-water mark.
    b. The road right-of-way setback required in subparagraph (a.), above, may be reduced if a minimum of a four (4) foot high earth mound is constructed between the pond and the road, in any location where the pond is less than 100 feet from the road. The reduced setback shall be no less than fifty (50) feet from the road right-of-way to the high-water mark.
8. All ponds shall be at least ¼ (0.25) acre in size.
9. Disturbed soil shall be seeded and such seeding shall meet Ohio EPA Regulations and NRCS Standards and Specifications.
10. Permits. The excavation of all ponds shall require a zoning permit at which work shall commence on said pond within six (6) months from the date of permit issuance from the Township Zoning Inspector. Prior to issuance of a zoning permit, every effort shall be made on the part of the landowner to locate and clearly mark all drainage tiles. The landowner shall be financially responsible for re-routing all tile. Ponds shall be completed within sixty (60) days from the date that construction on pond commences. The property owner shall notify the Zoning Inspector upon commencement of construction on the pond. Should the permit expire before work on the pond is complete, all excavated land shall be returned to its original state and seeded. The owner may apply for a maximum of one 30 day extension with the Township Zoning Inspector.
11. This applies to all zoning districts, including planned districts.

Section 1042 – Adult Material and Entertainment

1. Purposes. The purposes of this section are to prevent crime, protect the township's retail trade, maintain property values, and generally to project and preserve the quality of the township's neighborhoods, community life and commercial districts and not to suppress First Amendment rights of free speech.
2. Standards. No person shall cause or permit the establishment of an adult entertainment business within one thousand (1,000) feet of any single, two or multi-family dwelling, church, park, preschool, or school, nor within five hundred (500) feet of another adult entertainment business. For the purposes of this Resolution, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building within which the adult entertainment business is located to the nearest property line of the premises of a single, two or multi-family dwelling, church, park, preschool or school, or other adult entertainment business.

Section 1043 General Conditions for Medical Marijuana Entities.
In the interest of protecting the public health, safety, and general welfare, this section establishes zoning regulations that provide for State-authorized medical marijuana land uses consistent with ORC 519 and ORC 3796. ORC 519.21 and ORC 3796 allow regulation of the location of medical marijuana cultivators, processors, or dispensaries within the unincorporated area of the township.

1. Not an Agricultural Use. Medical marijuana is not considered an "agricultural" use pursuant to ORC 519.21 (D).
2. Zoning Districts. No medical marijuana cultivator, processor, or dispensary shall be located in a zoning district where it is not explicitly listed as a permitted or conditionally permitted use. Furthermore, no cultivator, processor, or dispensary shall be permitted as a home occupation.
3. Mobile Building Prohibited. No medical marijuana cultivator, processor, or dispensary shall be located within a mobile building.

Section 1045 - Small Wind Projects less than five (5) Megawatts (MW)
Wind Farms of 5MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Small Wind Projects less than 5MW and used solely for Agriculture will be exempt from these zoning regulations as an Agricultural Use. Any proposed construction, erection, or siting of a small wind farm less that 5MW including the wind turbine generator or anemometer or any parts thereof shall be a Permitted Use in the A-1, U-1, B-2, and L-1 Districts only if the following conditions are met:

I. Regulations:
   A. Height - The maximum height of any turbine shall be one hundred and twenty five (125) ft. Maximum height therefore shall be the distance from the rotor blade at its highest point to the top surface of the ground at the wind turbine foundation.
   B. Setbacks - The following shall apply in regards to setbacks:
      1. Any turbine erected on a parcel of land shall be setback 1.1 times the height of the tower (height shall be considered the distance from the rotor blade at its highest point to the top surface of the ground at the wind turbine foundation, or established "clear fall zone", from all road right-of-way lines, neighboring property lines, structures, as well as any inhabited structures on the parcel intended for the turbine. A turbine will need to be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located at, and would not strike any structures including the primary dwelling, and any inhabited structures.
   C. Maintenance:
      1. Wind turbines must be maintained in good working order. The owner shall within thirty (30) days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. An unused wind turbine or small wind project may stand no longer than twelve (12) months following abandonment. All costs associated with the demolition of the wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases generation of electricity for thirty (30) consecutive days. Wind turbines that become inoperable for more than twelve (12) months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, foundation to the ground surface level and other hardware associated with the existing wind turbine.
   D. Decibel Levels:
      1. All units shall operate not more than five (5) decibels above the established ambient decibel levels at property lines. This information shall be included in the engineering report described below in Section II of this document. This information shall be obtained from the manufacturer of the turbine, and all decibel readings, if necessary, shall be taken

from the nearest neighboring property lines. Those turbines not meeting this requirement will be issued a zoning violation and be required to shut down immediately until the required decibel levels are met.

E. Wiring and electrical apparatuses:
   1. All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground and meet all applicable local, state, and federal codes including the Union County Building Regulations and Residential Building Code of Ohio.

F. Warning Signs:
   1. Appropriate warning signs to address voltage shall be posted.

G. Building Permits:
   1. All Small Wind Farms and parts thereof shall obtain all applicable Building Permits from the State of Ohio and Union County Building Regulations where required.

II. Permits:
   A. A permit shall be required before construction can commence on an individual wind turbine system.
   B. As part of the permit process, the applicant shall inquire with the Federal Aviation Administration as to whether or not additional height restrictions are applicable due to the unit's location in relation to any local airports.
   C. Applicant shall then provide the Township Zoning Inspector with the following items and or information when applying for a permit:
      1. Location of all public and private airports in relation to the location of the wind turbine.
      2. An engineering report that shows:
         a. The total size and height of the unit
         b. If applicable, the total size and depth of the unit's foundation structure, as well as soil and bedrock data.
         c. A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring & anchors.
         d. Data specifying the kilowatt size and generating capacity of the particular unit.
         e. The maximum decibel level of the particular unit. This information shall be obtained from the manufacturer of the turbine unit.
         f. Ambient noise levels at property lines.
         g. Hazardous materials containment and disposal plan.
      3. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring property lines.
      4. Evidence of established setbacks of 1.1 times the height of the turbine and "clear fall zone" with manufacturer's recommendation must be attached to the engineering report.
      5. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

Section 1046 - Small Solar Energy Systems (Less Than 50 MW)

A. Accessory Solar Energy Systems

It is the purpose of this regulation to promote the safe, effective, and efficient use of accessory solar energy systems installed to reduce the on-site consumption of utility-supplied electricity. An accessory solar energy system shall be considered a permitted accessory use in any district provided all requirements and regulations as set forth below are met.

No person shall cause, allow or maintain the use of an accessory solar energy system without first having obtained a zoning permit from the zoning inspector.

All accessory solar energy systems shall meet the following requirements:

1. No accessory solar energy system for a dwelling and its accessory structures shall have a production output of more than 50kW. For a dwelling with multiple dwelling units, 50kW is allowed per dwelling unit. No other principal use shall have an accessory system with a production output of more than the needs of the facility.
2. An accessory solar energy system is permitted in all zoning districts as an accessory to a principal use.
3. An accessory solar energy system shall not be used for the generation of power for the sale or donation of energy to other users, although this provision shall not be interpreted to prohibit the sale or donation of excess power generated from time to time to the local utility company or the sale or donation of power as part of a net metering or similar arrangement. Net metering or similar arrangements are those where electricity produced by the accessory solar energy system displaces electricity that would otherwise be purchased from an electric utility or supplier for the lot where the accessory system is located. Net metering or similar arrangements shall be incidental and secondary to the production for on-site use.
4. Accessory solar energy systems with a generation output of five hundred (500) watts or less, or a combination of accessory solar energy systems with an aggregate generation output of five hundred (500) watts or less, shall not require a permit and shall be exempt from the requirements of this section, provided that the system is independent and disconnected from the electrical service(s) supplied to the lot on which the accessory solar energy system is located.
5. Roof/Building mounted accessory solar energy systems:
    a. Shall not extend beyond the perimeter (or edge of roof) of the building on which it is located.
    b. May be mounted to a principal or accessory building.
    c. The height of the solar energy system and building to which it is mounted may not exceed the ridgeline of the roof for hip, gable, and gambrel roofs.
6. Ground/Pole mounted accessory solar energy systems:
    a. Shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory buildings.
    b. Shall be permitted in the rear or side yard only.
    c. Shall be erected within an established clear fall zone.
    d. The minimum setback distance from the property lines for structures comprising solar energy systems and all related equipment shall be at least one hundred ten (110) percent of the height of any structure or at least twenty (20) feet from the nearest property line, whichever is greater.
    e. For purposes of determining lot coverage, the total surface area of all ground/pole mounted and freestanding solar collectors including cells, panels, and water collector devices shall be considered impervious and count towards the maximum percentage of the lot to be occupied.
7. Other structure mounted solar energy systems:
    a. Shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory buildings.
    b. Shall be permitted in the rear or side yard only.
    c. Shall be erected within an established clear fall zone.
    d. The minimum setback distance from the property lines for structures comprising solar energy systems and all related equipment shall be at least one hundred ten (110) percent of the height of any structure or at least twenty (20) feet from the nearest property line, whichever greater.
    e. For purposes of determining lot coverage, the total surface area of all other structure mounted and freestanding solar collectors including cells, panels, and water collector

devices shall be considered impervious and count towards the maximum percentage of the lot to be occupied.

8. Accessory solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street right of ways.
9. Accessory solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within six (6) months from the date they are no longer producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the accessory solar energy system shall be graded and reseeded within thirty (30) days of removal.
10. In addition to the site plan required for any zoning permit or conditional use permit, the following shall also be submitted at the time of application and shall include:
    a. Height of the proposed solar energy system(s) at maximum tilt.
    b. Evidence of established setbacks of 1.1 times the height of any ground/pole mounted or other structure mounted solar energy system and "clear fall zone".
    c. Proof of notice to the electric utility company, Soil and Water Conservation District (for drainage impact purposes), and County Health Department/District (for on-site sewage treatment impacts) regarding the proposal.

B. Principal Solar Energy Production Facilities

No Principal Solar Energy Production Facility shall be located in a zoning district where such facilities are not explicitly listed as a permitted or conditionally permitted use.

It is not the purpose of this regulation to regulate a major utility facility as defined by the Ohio Revised Code, which is regulated by the Ohio Power Siting Board (50 MW or greater).

Principal Solar Energy Production Facilities are prohibited in any district.

Section 1048 – Telecommunication Towers

Pursuant to the Telecommunications Act of 1996 and the ORC Sections 519.211, and the Darby Township Trustees being duly notified of a person's intent to construct a telecommunication tower in an area zoned for Residential (R-1, PRD, & PCR Districts), this section sets forth minimum standards that shall be met including:

1. The applicant must provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communication Commission, Federal Aviation Administration, and Ohio Department of Transportation).
2. The applicant shall provide proof that all owners and/or occupants of residential dwellings within one hundred (100) feet of the proposed tower were properly notified as required by ORC Section 519.211.
3. The applicant must demonstrate at the time of applications that no technically suitable and feasible sites are available in a non-residential district.
4. Co-location. All towers shall make available unused space for co-location of other telecommunication facilities. All telecommunication facilities shall be designed to promote facility and site sharing.
5. Setbacks from all platted residential uses and residential districts. All new towers shall be setback 1,000 feet from either the closest subdivision boundary line for all platted residential subdivisions, or from the closest residence in all non-platted residential districts. When residential uses are located within non-residential zoning districts (A-1, U-1, B-2, LI, PAD, PCO, PID), the setback shall be 200 feet from such existing residential use.
6. Setbacks from all streets and private and public road right of ways. All new towers shall be setback from all road right of ways public and private, a distance of 900 feet.

7. Setbacks from all other uses allowable in the zoning district. All new towers shall be setback from any building that is not associated with or accessory to the telecommunications tower facility a distance of 900 feet.
8. Any and all base station equipment, accessory structure, buildings, etc. used in conjunction with the tower shall be screened with fencing, masonry, shrubbery or other screening materials.
9. The applicant shall notify the Zoning Inspector within 30 days of ceasing operations at the site and shall remove all structures within 60 days of ceasing operations.
10. No advertising or illumination other than that required by law may be located on a structure or on the required screening.
11. An inspection report prepared by a qualified engineer licensed by the State of Ohio shall be submitted to the Zoning Office every five (5) years which details the structural integrity of all towers and support structures on the property. The result of such inspections shall be provided to the Union County Building Regulations Department and the Darby Township Zoning Inspector. Based upon results of an inspection, the Township Trustees may require repair or removal of a telecommunication tower. Any and all necessary repairs to the tower and/or support structures shall be made within a seven (7) day period or the tower and/or structures shall be removed. The tower owner (applicant) is responsible to cover the cost of all inspections, repair and/or removal.
12. The unstaffed storage building and/or unit that houses transmitting equipment is considered an accessory use and/or structure. Setbacks for accessory uses/structures will comply with the distance requirements in the zoned district of the tower location. These facilities may not include offices, long-term vehicle storage, other outdoor storage, or broadcast studios except for emergency purposes, or other uses that are needed to send or receive transmissions.
13. A six (6) foot safety fence with a locked gate surrounding the tower is required. If high voltage is necessary, signs must be posted every twenty (20) feet along the fence saying, "Danger – High Voltage". The operator must also post "No Trespassing" signs.

Section 1049 – Performance Bond for Telecommunication Towers
For each telecommunication tower, the owner or operator shall provide to the Township a surety bond or a bank letter of credit so as to assure the Township that the terms and conditions of Section 1038 are performed and complied with, including necessary repairs, repairs to public highways and roads, and the costs and expenses of removal in the event of abandonment; Bond shall equal anticipated demolition, and debris removal cost; the Township Board of Trustees may draw upon the performance bond to recover any costs, damages or expenses incurred by the Township that may arise out of the violations of Section 1038 or the abandonment or discontinuance of the tower. The bond or letter of credit shall be issued by a Board of Trustees, in a form approved by said Board, and shall be in an amount that is equal to no less than fifty percent (50%) of the construction value of the tower. If the cost of decommissioning or removal is greater than the bond, the owner or operator shall be liable for costs greater than such bond. By its terms, the bond or letter of credit may not expire, be terminated, or cancelled without providing the Township Board of Trustees with written notice of such expiration, termination, cancellation or other event of non-renewal no later than one hundred twenty (120) days prior to the date of such event.

Section 1050 – Decks and Porches
Decks and porches shall require a zoning permit (Section 300). However, decks and porches that do not require a zoning permit are those not exceeding two hundred (200) square feet in area, that are not more than thirty (30) inches above grade at any point, are not attached to a dwelling, or do not serve the exit door or as exempted from the Union County Building Regulations.

Section 1061 – Short Term Rental
In the interest of protecting the public health, safety, and general welfare, this Section establishes conditions for the establishment of a short term rental. Further, it is the intent of this Section to protect the purpose and intent of each district, where a short term rental is conditionally permitted.

In addition to the other requirements in this Resolution, the following conditions shall apply:

1. Maximum number of short term rentals. Only one (1) dwelling unit per lot may be used as a short term rental.
2. Maximum number of rooms. No short term rental shall contain more than five (5) sleeping rooms.
3. Trash Areas. Trash areas shall be in accordance with Section 1006 Required Trash Areas.
4. Parking. Parking shall comply with Article XI and the following additional restrictions:
   a. *Number.* One (1) parking space shall be provided per sleeping room.
   b. *Location.* No additional parking spaces proposed in conjunction with the short term rental shall be located in the required front yard setback.
5. Signs. Signage shall comply with Article XII and the following additional restrictions:
   a. *Maximum Number, Size, and Type Permitted.* A short term rental shall be limited to one (1) wall sign no larger than twelve (12) square feet and one (1) monument sign no larger than twelve square feet (12).
   b. *Exterior Lighting Only.* Sign lighting shall be employed by a white, steady, stationary light of reasonable intensity directed solely at the sign and/or otherwise prevented from beaming directly onto adjacent properties or right-of-way.
6. There shall be no increased burden placed upon existing Township public services provided to the lot as a result of the short term rental.

ARTICLE XI: OFF-STREET PARKING AND LOADING FACILITIES

Section 1100 – General Requirements

1. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and/or loading spaces have been provided in accordance with the provisions of this Resolution.
2. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure.
3. Whenever a building or structure constructed after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this Resolution is enlarged to the extent of fifty (50) percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

Section 1110 – Parking Space Dimensions

A parking space shall have minimum rectangular dimensions of not less than nine (9) feet in width and nineteen (19) feet in length for ninety (90) degree parking, nine (9) feet in width and twenty-three (23) feet in length for parallel parking, ten (10) feet in width and nineteen (19) feet in length for sixty (60) degree parking, and twelve (12) feet in width and nineteen (19) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 1130 of this ordinance.

Section 1111 – Loading Space Requirements and Dimensions

A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles and other circulation areas, and a height of clearance of not less than fifteen (15) feet. One off-street loading space shall be provided and maintained on the same lot requiring delivery of goods and having a modified gross floor area up to five thousand (5,000) square feet. One loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof of ground floor area.

Section 1112 – Paving

The required number of parking and loading spaces as set forth in Sections 1111 and 1130, together with driveways, aisles, and other circulation areas, shall be improved with such material to provide a durable and dust-free surface.

Section 1113 – Drainage

All parking and loading areas shall provide for proper drainage of surface water into approved storm sewer or retention ponds to prevent the drainage of such water onto adjacent properties or walkways.

Section 1114 – Maintenance

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

Section 1115 – Lighting

Refer to Section 1015.

Section 1116 – Location of Parking Spaces

The following regulations shall govern the location of off-street parking spaces and areas:

1. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve;
2. Parking spaces for commercial, industrial, or institutional uses shall be located not more than seven hundred (700) feet from the principal use;
3. Parking spaces for apartments or similar residential uses shall be located not more than three hundred (300) feet from the principal use.

Section 1117 – Screening and Landscaping

1. Perimeter landscaping.
   a. Parking lots and drives must be screened by any of the methods outlined in Section 1012.
   b. Entry drives into parking areas shall be landscaped and shall incorporate the design of landscaping in adjoining buffer areas.
   c. In locations where plants will be susceptible to injury from pedestrian or motor traffic, said plants shall be protected by appropriate curbs, bollards, tree guards or other effective devices.
2. Interior landscaping.
   a. Any surface parking with more than twenty (20) parking spaces shall provide at least 5 percent of the parking lot as green space. At least one (1) tree shall be planted per 5,000 square feet of green space provided within the parking lot. The tree(s) shall be planted within the parking lot whenever feasible. If not feasible, the tree(s) may be planted adjacent to the parking lot or structure.
   b. No more than twenty (20) parking spaces in a row will be permitted without providing a landscape island or peninsula. A peninsula shall be no less than 144 square feet (8' X 18'), whereas an island shall be no less than 288 square feet (8' X 36'). Both shall have a minimum width of eight (8) feet. Fewer but larger islands are encouraged.
   c. In locations where plants will be susceptible to injury from pedestrian or motor traffic, said plants shall be protected by appropriate curbs, bollards, tree guards or other effective devices.
   d. All open areas not developed with parking, roadways, paths or otherwise planted shall be either seeded or sod.
3. Loading, service, and storage areas.
   a. All truck loading and service areas shall be located at the rear or side of the building. All loading docks shall be totally screened from view with the same materials used on the building walls. Landscaping shall also be used to soften the impact of these areas within the environment.
   b. Any external mechanical equipment including any rooftop equipment, satellite dishes, ground-mounted mechanical equipment and exterior storage areas shall be totally screened from view with materials that are similar to or the same as those used on a majority of the building. The screening of the mechanical equipment shall be coordinated with the rest of the building's architecture. As an option, such equipment may also be screened with landscaping of 100% opacity.

Section 1119 – Minimum Distance and Setbacks

No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit or school if located on an adjoining lot, unless separated by a screen meeting the standards of Section 1012. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way.

Section 1120 – Joint Use

Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Inspector shall be filed with the application for a zoning permit.

Section 1121 – Wheel Blocks
Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle form extending beyond the property line.

Section 1122 – Width of Driveway Aisle
Driveways serving individual parking spaces shall be not less than twenty-five (25) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, seventeen and one-half (17 ½) feet for sixty degree parking, and thirteen (13) feet for forty-five (45) degree parking.

Section 1130 – Parking Space Requirements
For the purpose of this Resolution, the following minimum parking space requirements shall apply:

TYPE OF USE:	PARKING SPACES REQUIRED:
Single family or two family dwelling	Two for each unit
Apartments, or multi-family dwellings	Two for each unit
Automobile service garages	One for each 2 gasoline pumps and 2 for each service bay
Restaurants	One for each 250 sq. ft. of floor area
Outdoor swimming pools, public or community or club	One for each 5 persons capacity plus 1 for each 4 seats or 1 for each 30 sq. ft. floor area used for seating purposes, whichever is greater
Retail establishments	One for each 250 sq. ft. of floor area
Offices, public or professional, administration, or service buildings	One for each 400 sq. ft. of floor area
All other types of businesses or commercial uses permitted in any business district	One for each 300 sq. ft. of floor area
Churches	One for each 5 seats
School	One for every 10 students and one for each teacher and employee
All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district	One for every 2 employees on the largest shift for which the building is designed

Section 1131 – General Interpretations
In the interpretation of this Article, the following rules shall govern:

1. Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Board of Zoning Appeals upon an appeal from a decision of the Zoning Inspector.
2. Fractional numbers shall be increased to the next whole number.
3. When a reason for parking demand is unusually low or when multiple uses share parking facilities, then the parking space provisions cited above may be reduced proportionately by the Board of Zoning Appeals upon an appeal from a decision of the Zoning Inspector.

ARTICLE XII: SIGNS

Section 1200 – Intent
The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, and enhance and protect the physical appearance of the Township.

Section 1201 – Governmental Signs Excluded
For the purpose of this Resolution "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.

Section 1202 – General Requirements for all Signs and Districts
The regulations contained in this section shall apply to all signs and all use districts.

1. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any;
2. No sign shall be placed on the roof of any building.
3. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Sections 1210 and 1220 herein;
4. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign;
5. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape;
6. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign in a safe and secure condition or remove the sign;
7. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs unless provided for in Section 1210. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.

Section 1203 – Measurement of Sign Area
The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

Section 1210 –Signs Permitted in All Districts not Requiring a Permit
A permit shall not be required for the following signs:

1. The flag, pennants or insignia of any nation, state, or other political unit or jurisdiction.
2. Cornerstones, commemorative tablets and historical signs, not to exceed ten (10) square feet in area.
3. Signs denoting the name and address of the occupants of the premises, not to exceed four (4) square feet in area.
4. One wall sign on or over a show window or door of a store or business establishment, announcing only the name of proprietor and the nature of the business, not to exceed three (3) square feet in area.
5. Real estate for sale, sold, rental or lease signs limited to no more than eight (8) square feet in area, no more than six (6) feet in height, and with one (1) sign per lot. Sold signs may be posted for a period not to exceed ten (10) days. A maximum of three (3) off-premise directional signs shall be permitted in conjunction with an open house, not to exceed forty-eight (48) consecutive hours. During the hours of the open house, one additional sign indicating that the house is open will be permitted on the property. For property with a lot size exceeding twenty (20) acres, real estate for sale, sold, rental or

lease signs are permitted to be a maximum of thirty-two (32) square feet in area for any one display area with a total display area not to exceed sixty-four (64) square feet and no more than eight (8) feet in height.

6. Signs for the civic promotion of schools, church, or community service activities which may be displayed for a maximum of thirty (30) days.
7. Flags, signs and sources of illumination clearly in the nature of decorations customarily associated with any national, state, local or religious holiday, and containing no advertisement.
8. Traffic directional signs indicating points of entry or exit to off-street parking, provided such signs are not larger than four (4) square feet in area. Such signs shall not be located in a public right-of-way and shall not obstruct the view of motorists for the purposes of ingress and egress.
9. Window signs not larger than twenty (20) percent of the aggregate window area. For uses that are located in the second or higher floors of a building, window signs shall meet the requirements of this section.
10. One (1) sandwich board shall be permitted for each business location not to exceed four (4) feet in height as measured from the sidewalk and shall not exceed three (3) feet in width per side. Such signs shall be limited to three (3) colors, shall be displayed only during daylight hours and shall not be located on a sidewalk less than six (6) feet in width. Damage to sandwich signs and any liability shall be the responsibility of the owner. Sandwich boards shall be placed in such a way as to leave at least four (4) feet to allow for passage.
11. Personal property "For Sale" signs limited to one (1) per residential dwelling, not to exceed four (4) square feet in area and four (4) feet in height, and posted not more than three (3) consecutive days. Off-premises directional signs shall be permitted for a single forty-eight (48) hour period.
12. Home occupation uses may provide one (1) on-premises wall sign not to exceed one (1) square foot in area and not to extend more than six (6) feet above grade level.
13. A maximum of two (2) directional signs for any bona fide church, religious sect or congregation located within Darby Township shall be permitted provided that such signs do not exceed four (4) square feet in area, do not extend more than six (6) feet above grade level and are located outside a public right-of-way.
14. A sign(s) located inside a building, whether or not the same are visible from the exterior.
15. Signs of a duly constituted government body.
16. Elevated signs posted to indicate special parking locations for the handicapped, imprinted with the international symbol of accessibility.
17. Flags, pennants, or insignia of any educational institution.
18. Political signs provided they are not posted in any place or in any manner that is destructive to public property upon posting or removal. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two (2) weeks following Election Day.

Section 1211 – Standards for Signs Requiring a Permit, excluding Off-Premise Signs

All signs not expressly listed in Section 1210 shall require a permit consistent with the following requirements:

1. Number of signs permitted. Each parcel shall be permitted to have one ground sign (either monument or pole) and one wall sign. Buildings on corner lots with at least one hundred (100) feet of frontage on two (2) public rights-of-way shall be entitled one (1) ground sign (either monument or pole) and one (1) wall sign along each right-of-way, unless otherwise prohibited.
2. Ground signs.
   a. <u>Monument signs.</u> All monument signs shall comply with the following requirements:
      i. Monument signs shall not exceed six (6) feet in height, including the base.
      ii. Monument signs shall be setback at least twenty (20) feet from any right-of-way or lot line.
      iii. Monument signs shall not exceed sixty (60) square feet.
      iv. Sign bases shall be made part of the overall sign design and compliment the sign face.

v. When two (2) monument signs are permitted, there shall be no less than seventy five (75) feet between the two (2) signs.

b. Pole signs All pole signs shall comply with the following requirements

i. Pylon signs shall not exceed six (6) feet in height.

ii. Pylon signs must be setback at least twenty (20) feet from any right-of-way or lot line.

iii. Pylon signs shall not exceed ninety (90) square feet.

iv. When two (2) pylon signs are permitted, there shall be no less than seventy five (75) feet between the two (2) signs.

3. Wall signs. All wall signs shall comply with the following requirements.

a. All such signs shall be mounted on the building which houses the business establishment advertised by said signs, shall be located on or along a wall of such building which faces a street, parking lot or service drive, and shall not project above the roof line or the cap of parapets of such building, whichever is higher.

b. The sign surface of a sign placed flat against the building shall not exceed twenty-five (25) percent of the side of the building to which it is attached nor shall the display, drawing or message be more than eighty (80) percent of the length of the side of the building to which the sign is attached.

c. When two (2) wall signs are permitted, there shall be no less than thirty (30) feet between the two (2) signs.

4. Landscaping standards. A landscaped area totaling a minimum of fifty (50) square feet shall be provided centered on the base of all ground signs and should be comprised of a variety of natural materials, such as turf, ground cover, shrubs, and hedges. No more than fifty (50) percent of natural landscaping material shall consist of turf. A sketch plan drawn to scale and indicating plant material by type and quantity shall be provided with the application for a sign permit.

5. Joint identification signs. One (1) joint identification ground sign may be authorized by the Zoning Commission to identify a complex or mix of uses as opposed to a single use, provided that such identification sign shall not exceed the following requirements:

a. One hundred (100) square feet in sign area;

b. A maximum of twenty (20) feet in height;

c. A minimum setback of thirty (30) feet from all public right(s)-of-way.

6. Sign lighting standards. In addition to the lighting requirements of Section 1015, sign lighting must meet the following requirements:

a. Sign lighting shall be consistent, understated, and properly disguised. One of the following methods of lighting shall be employed:

i. A white, steady, stationary light of reasonable intensity directed solely at the sign and/or otherwise prevented from beaming directly onto adjacent properties or rights-of-way.

ii. A white interior light of reasonable intensity 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.

b. 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.

c. Light fixtures shall be screened from view by site grading or evergreen shrubs.

d. No exposed light sources shall be permitted.

Section 1212 – Off Premise Signs (Billboards)

The following standards apply to off premise signs:

1. Setback requirements:

a. Signs less than twenty-five (25) square feet in area: Twenty (20) feet as measured from the right-of-way

b. Signs between twenty-five (25) square feet and fifty (50) square feet in area: Fifty (50) feet as measured from the right-of-way

c. Signs greater than fifty (50) square feet but less than one hundred (100) square feet in area: One hundred (100) feet as measured from the right-of-way
d. Signs one hundred (100) square feet in area or greater: Two hundred (200) feet as measured from the right-of-way

2. The maximum area of an off-premise sign shall be five hundred (500) square feet.
3. The maximum height of such sign shall be thirty-five (35) feet as measured from the established grade line to the highest point of the sign or its frame or support.
4. Such sign shall be a minimum of five hundred (500) feet from any intersection.
5. Such signs shall be a minimum of one thousand (1,000) feet apart.
6. Such signs shall not be located closer than one thousand (1,000) feet to a dwelling, nor shall any such sign be permitted closer than one thousand (1,000) feet to any public park, public or private school, church, or similar institution.
7. Off-premise signs are permitted only in the Limited Industrial (LI) district.

Section 1220 – Temporary Signs
Temporary signs not exceeding sixty-four (64) square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period. Such temporary signs shall conform to the general requirements listed in Section 1202, the setback requirements in Section 1211 and, in addition, such other standards deemed necessary to accomplish the intent of this Article as stated in Section 1200.

Section 1260 – Violations
In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Resolution, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Resolution. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Section 350 of this Resolution.

ARTICLE XIII: PLANNED DISTRICTS

Section 1300 – Objectives for Planned District
Planned districts have been designed to promote the following:

1. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements;
2. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services;
3. A development pattern which preserves and utilizes natural topography and geologic features, trees and other vegetation, and prevents the disruption of natural drainage patterns;
4. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets;
5. A development pattern in harmony with land use density, transportation facilities, and community facilities.

The Township is also prepared to accept a greater population density in undeveloped areas provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

Section 1301 - Provisions Governing Planned Districts
Because of the special characteristics of planned districts, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article and those of the other Articles of this Resolution, the provisions of this Article shall prevail. Subjects not covered by this Article shall be governed by the respective provisions found elsewhere in this Resolution.

Section 1302 –Procedure
The Zoning Commission and Township Trustees must approve an application for an amendment to the Zoning Map consistent with the requirements of Article 6 as well as the preliminary development plan. Prior to construction, the Zoning Commission must approve the final development plan consistent with the requirements of Sections 1307 – 1309.

Section 1303 - Pre-Application Meeting
The developer shall meet with the Zoning Inspector and Zoning Commission prior to the submission of a development plan. The purpose of this meeting is to discuss early and informally the proposed development and the criteria and standards contained herein.

Section 1304 - Submission of Preliminary Development Plan
When the application for an amendment is filed consistent with the requirements of Article 6, a preliminary development plan meeting the requirement of Section 1305 must also be submitted.

Section 1305 – Preliminary Development Plan Requirements
Preliminary development plans shall contain the following information:

1. Name, address, and phone number of applicant;
2. Name, address, and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan;
3. Legal description of property;
4. Description of existing use;
5. Zoning district (s)

6. A vicinity map at a scale approved by the Zoning Commission, showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Commission may require.
7. A preliminary development plan at a scale approved by the Zoning Commission showing topography at two (2) foot intervals; preliminary location and type of proposed residential, commercial, and industrial land uses; proposed traffic patterns showing public and private streets and other transportation facilities; preliminary location and type of open space areas, and community spaces; a description of the architectural design criteria for all structures and criteria for proposed signs with proposed control procedures; and such other characteristics as the Zoning Commission deems necessary;
8. A description of the proposed provisions for water, sanitary sewer, and surface drainage with engineering feasibility studies or other evidence of reasonableness
9. Proposed schedule for the development of the site.

Section 1306 – Preliminary Development Plan Approval
The preliminary development plan will go through the approval process simultaneously with the zoning amendment.

Section 1307 – Final Development Plan Required
Following approval of the preliminary development plan, the owner, optionee, or lessee of property has six (6) months to submit a final development plan for approval consistent with the requirements of Section 1309.

Section 1308 - Contents of Application for Approval of Final Development Plan
Applications for approval of a final development plan shall contain the following:
1. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site, including the flood plain, streams, major wooded areas, structures, streets, easements, utility lines, and existing land uses;
2. All the information required on the preliminary development plan;
3. The location and sizes of proposed lots; the location and proposed density of dwelling units; non-residential building intensity;
4. A schedule for the development of units to be constructed in progression; tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type; and standards for height, open space, building density, parking areas;
5. The percentage and location of land set aside as open space or community spaces;
6. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements, and nature and extent of earth work required for site preparation and development;
7. Site plan, showing building(s), various functional use areas, circulation, and their relationship;
8. Preliminary building plans, including floor plans and exterior elevations;
9. Landscaping plans;
10. Lighting plans;
11. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.

Section 1309 – Final Development Plan Approval
A Zoning Permit will not be issued for any site or sites until a final development plan is approved by the Zoning Commission and found in conformance with the adopted standards of this Zoning Resolution. The final development plan shall be approved as follows:
1. Submittal requirements. Six (6) copies of the final development plan shall be submitted to the Zoning Inspector.

2. Conformance of final development plan with preliminary plan. The final development plan shall be in general conformance with the preliminary development plan approved by the Zoning Commission and Board of Township Trustees. If the Zoning Inspector determines that the final development plan substantially deviates from the preliminary development plan, the Zoning Inspector shall not forward the final development plan to the Zoning Commission for review.
3. Approval by the Zoning Commission. Within thirty (30) days of receipt of the final development plan, the Zoning Commission shall approve as presented, approve with supplementary conditions, or disapprove the final development plan.

Section 1310 – Planned Districts Established

The following planned districts have been established for use within Darby Township:

1. Planned Agricultural District
2. Planned Residential District
3. Planned Conservation Residential District
4. Planned Commercial Office District
5. Planned Industrial District

Section 1320 – Minimum Project Area

The minimum gross area of a tract of land to be developed in a planned district shall be consistent with the following, provided, however, that smaller parcels may be considered on the basis of their potential to satisfy the objectives of this Article as stated in Section 1300.

1. Planned Agricultural District – 20 acres
2. Planned Residential District – 20 acres
3. Planned Conservation Residential District – 20 acres
4. Planned Commercial and Office District – 5 acres
5. Planned Industrial District – 20 acres

Section 1321 – Planned Agricultural District (PAD)

1. Intent and purpose. The Township recognizes that low-density development within the agricultural preservation area is appropriate when properly managed in a manner that does not inhibit the long-term viability of agriculture. The Planned Agricultural District is intended to permit limited residential development within the agricultural preservation area while still preserving the health, safety, and general welfare of the inhabitants of the Township. Such developments shall be based upon a unified development plan conceived and carried out for the entire site.
2. Permitted uses. Within a Planned Agricultural District the following uses are permitted subject to the area, size, density, and other provisions set forth in this Resolution.
   a. All uses permitted in the Agricultural District (A-1).
3. Conditional uses. The following uses of land and structures may be permitted upon issuance of a conditional use permit in accordance with the procedures and standards contained in Sections 560-565.
   a. All conditional uses permitted in the Agricultural District (A-1).
4. Development standards.
   a. Maximum gross density: 1 dwelling unit per 20 acres
   b. Minimum lot size: Shall be based on the amount of land required by the Union County Health Department or the Ohio Environmental Protection Agency
   c. Minimum lot width and frontage:
      i. None. However, the applicant must be able to secure a driveway permit from the County Engineer.
   d. Minimum yard setbacks
      i. Front (depth): Fifty (50) feet
      ii. Rear (depth): Sixty (60) feet for residence; twenty-five (25) feet for accessory buildings

iii. Side (width): Thirty-five (35) feet on each side

e. Maximum building height (non farm dwellings): Thirty-five (35) feet

f. Minimum floor space requirements: 1,400 square feet per each residential dwelling unit with an attached two car garage; 1600 square feet per each residential dwelling unit without an attached two car garage.

g. To the greatest extent feasible, residential units should be clustered along a common access drive. The Zoning Board may decrease lot width and frontage requirements as well as yard requirements when this occurs.

5. Conservation easement required. Following determination of preliminary lot sizes based on preliminary approval from the County Health Department and filing of lot splits with the County Recorder, the owner must place a minimum of a thirty-year conservation easement on the remaining portion of the land that was used to meet the density requirements of the district. The easement must be filed with the County Recorder within thirty (30) days of the sale of the first non-farm residential lot. The Township must be forwarded a copy of the easement following certification by the County Recorder.

   The Township shall be the holder of the easement. One year prior to the expiration date of the easement, the Township will notify the property owner and the easement will be re-evaluated and renegotiated if applicable.

6. Nuisance waiver required. Purchasers of lot splits shall be required to sign a nuisance waiver. Said waiver must state that agriculture by nature has some inherent noise, dust, and odors attributed with it that residents must be prepared to accept.

Section 1322 - Planned Residential District (PRD)

1. Intent and purpose. The Township recognizes that with increased population growth come increased demands for well-organized residential areas that take into account unique natural features, contemporary land use concepts, and a balanced residential environment. The Planned Residential District is intended to promote flexibility of land development for residential purposes while still preserving and enhancing the health, safety, and general welfare of the inhabitants of the Township. Such developments shall be based upon a unified development plan conceived and carried out for the entire site.
2. Permitted uses. Within a Planned Residential District the following uses are permitted subject to the area, size, density, and other provisions set forth in this Resolution.
   a. Single family dwelling units
   b. Public uses
   c. Public service facilities
   d. Ponds
   e. Home occupations
   f. Multi-family dwelling units
   g. Nursing home
   h. Child care nursery
   i. Accessory structures and uses incidental to the principal building or use. Accessory structures may not be constructed prior to construction of the primary structure.
3. The following uses of land and structures may be permitted upon issuance of a conditional use permit in accordance with the procedures and standards contained in Sections 560-565.
   a. Non-residential uses of a commercial, service, retail or office nature no larger than five thousand (5,000) square feet, designed and intended to serve the residents of the Planned Residential District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are

located in such proximity to the major thoroughfares as to permit access without burdening residential streets.

b. Quasi-public uses
c. Non-commercial recreation
d. Commercial recreation
e. Telecommunication towers subject to regulations set forth in Section 1038 & 1039.

4. Development standards.
   a. Maximum gross density: 1 dwelling units per 1.75 acres (1 dwelling unit per 76,230 square feet)
   b. Minimum lot size: Shall be based on the amount of land required by the Union County Health Department or the Ohio Environmental Protection Agency
   c. Minimum lot width and frontage
      i. None. However, the applicant must be able to secure a driveway permit from the Union County Engineer.
   d. Minimum yard setbacks (residential):
      i. Front (depth): Fifty (50) feet
      ii. Rear (depth): Sixty (60) feet for residence; twenty-five (25) feet for accessory buildings
      iii. Side (width): Thirty-five (35) feet on each side
   e. Minimum yard setbacks (non-residential uses): Front, side, and rear yard setbacks must be a minimum of fifty (50) feet. Non-residential buildings shall be located no closer than fifty (50) feet to any residential district boundary line. Buildings within developments adjacent to major thoroughfares and arterial streets shall be setback no less than fifty (50) feet from the right of way line of said major thoroughfare or arterial street.
   f. Maximum building height: Thirty-five (35) feet
   g. Minimum floor space requirements (residential): 1,400 square feet per each residential dwelling unit with an attached two car garage; 1600 square feet per each residential dwelling unit without an attached two car garage.
   h. Minimum open space requirements: Twenty-five (25) percent of the development must be permanently preserved as open space. Said open space may be owned and maintained by any of the methods outlined in Sections 1329 – 1330.

Section 1323 - Planned Conservation Residential District (PCR)

1. Intent and purpose. The Township recognizes that with increased population growth come increased demands for well-organized residential areas that take into account unique natural features, contemporary land use concepts, and a balanced residential environment. The Planned Conservation Residential District is intended to promote flexibility of land development for residential purposes while still preserving and enhancing the health, safety, and general welfare of the inhabitants of the Township. Such developments shall be based upon a unified development plan conceived and carried out for the entire site.
2. Permitted uses. The following are permitted uses in PCR Districts:
   a. Single family dwelling units
   b. Public uses
   c. Public service facilities
   d. Swimming Pools subject to regulations set forth in Section 1002.
   e. Ponds subject to regulations set forth in Section 1041.
   f. Home occupations
   g. Multi-family dwelling units
   h. Nursing home
   i. Child care nursery
   j. Accessory structures and uses incidental to the principal building or use. Accessory structures may not be constructed prior to construction of the primary structure.

3. Conditional uses.
   a. Non-residential uses of a commercial, service, retail or office nature no larger than five thousand (5,000) square feet, designed and intended to serve the residents of the Planned Residential District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfares as to permit access without burdening residential streets.
   b. Quasi-public uses
   c. Non-commercial recreation
   d. Commercial recreation
   e. Telecommunication towers subject to regulations set forth in Section 1038 & 1039.
4. Development standards.
   a. Maximum gross density: 1 dwelling unit per 1.5 acres (1 dwelling unit per 65,340 square feet)
   b. Minimum lot size: Shall be based on the amount of land required by the Union County Health Department or the Ohio Environmental Protection Agency
   c. Minimum yard setbacks (residential): none
   d. Minimum yard setbacks (non residential uses): Front, side, and rear yard setbacks must be a minimum of fifty (50) feet. No non-residential building shall be located closer than fifty (50) feet to any residential district boundary line. Buildings within developments adjacent to major thoroughfares and arterial streets shall be setback no less than fifty (50) feet from the right of way line of said major thoroughfare or arterial street.
   e. Maximum building height: Thirty-five (35) feet
   f. Minimum floor space requirements (residential): 1,400 square feet per each residential dwelling unit with an attached two car garage; 1600 square feet per each residential dwelling unit without an attached two car garage.
   g. Minimum open space requirements: Fifty (50) percent of the development must be permanently preserved as agricultural land or open space. Said agricultural land or open space may be owned and maintained by any of the methods outlined in Sections 1329 – 1330.

Section 1324 - Planned Commercial and Office District (PCO)

1. Intent and purpose. The Township recognizes the need for well organized commercial areas to provide employment, goods and services to area residents as well as to provide a balanced economy within the township and hereby provides for the Planned Commercial and Office District, intending hereby to promote the variety and flexibility of land development for commercial purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the inhabitants of Darby Township.
2. Permitted uses. The following are permitted uses in the PCO:
   a. All uses permitted in the Local Business District (B-2)
3. Conditional uses. The following uses of land and structures may be permitted upon issuance of a conditional use permit in accordance with the procedures and standards contained in Sections 560 – 565.
   a. All uses conditionally permitted in the Local Business District (B-2)
   b. Research activities
4. Development standards.
   a. Minimum building setbacks - Front, side, and rear yards shall be designed so that no building is closer than twenty-five (25) feet to any other building. No buildings shall be located closer than
   b. one hundred (100) feet to any residential district boundary line or fifty (50) feet from a street right of way.
   c. Minimum open space requirements: Ten (10) percent of the development must be permanently preserved as open space. Said open space may be owned and maintained by any of the methods outlined in Sections 1329 – 1330.

d. The Zoning Commission and/or the Darby Township Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.
e. The outside display of materials, merchandise or products for advertising, merchandising or storage purposes is prohibited.
f. Minimum lot size: Shall be based on the amount of land required by the Union County Health Department or the Ohio Environmental Protection Agency

5. Building design guidelines.
   a. Placement - Buildings should be oriented with the front façade facing the primary access point and should be located on the site in juxtaposition to parking areas in order to reduce the amount of glare and radiant heat, and provide for adequate storm water retention. Building locations should also reflect the location of access driveways and yard requirements. Visual orientation to the main building entrance should be maintained. When a building is located on a corner lot, primary access will be defined as the roadway providing driveway entrance.
   b. Architectural styles – An overall rural style or palette of compatible styles is preferred.
   c. General design criteria
      i. No exposed concrete or cinder block shall be permitted on the front or sides of any building, except split face or other special patterned block.
      ii. No exposed unstained woods including pressure treated "green" lumber is permitted.
      iii. All windows should have the same sill level and be the same height – window styles should not be mixed.
      iv. No exposed steel nails shall be used on any wood surface which will rust and cause streaking and staining of the façade.
      v. No similar but non-matching materials such as brick (size, color, texture, etc.), window treatments (type, number of panes, etc.), siding (type, spacing, etc), wall lighting (color, intensity, uniformity, etc), roofing (color, type, material, etc.) shall be incorporated into the design.
      vi. No exposed incandescent bulbs, neon, or exposed fluorescent lighting strips are permitted.

Section 1325 - Planned Industrial District (PID)

1. Intent and purpose. The Township recognizes the need to provide for well organized industrial areas to provide employment to area residents as well as to provide a balanced economy within the Township and hereby provides for the Planned Industrial District, intending hereby to promote the variety and flexibility of land development for industrial purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the inhabitants of Darby Township.
2. Permitted uses. The following are permitted uses in the PID:
   a. All uses permitted in the Light Industrial District (LI)
   b. Commercial establishments normally associated with and designed to serve the industrial establishments or their employees and pproved as part of the development plan such as financial institutions, restaurants, gasoline service stations, automobile repair establishments, and recreation or other personal enrichment facilities.
3. Conditional uses. The following uses of land and structures may be permitted upon issuance of a conditional use permit in accordance with the procedures and standards contained in Sections 560 – 565.
   a. All uses conditionally permitted in the Light Industrial District (LI)
   b. Any use of an industrial or commercial nature not already provided for by this Resolution.
4. Plat required. In the Planned Industrial District (PID), 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 Subdivision Regulations for Union County, Ohio, and these regulations.

5. Development standards.
   a. Minimum building setbacks - Front, side, and rear yards shall be designed so that no building is closer than twenty-five (25) feet to any other building. No buildings shall be located closer than one hundred (100) feet to any residential district boundary line or fifty (50) feet from a street right of way.
   b. Minimum open space requirements: Ten (10) percent of the development must be permanently preserved as open space. Said open space may be owned and maintained by any of the methods outlined in Sections 1329 – 1330.
   c. The Zoning Commission and/or the Darby Township Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.
   d. The outside display of materials, merchandise or products for advertising, merchandising or storage purposes is prohibited.
   e. Minimum lot size: Shall be based on the amount of land required by the Union County Health Department or the Ohio Environmental Protection Agency

Section 1326 – Project Ownership

The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

Section 1327 – Common Open Space

In all planned districts except the Planned Agricultural District, open space and/or land for educational, community, or recreational facilities shall be set aside according to the requirements of Sections 1322 - 1325. In the Planned Agricultural District, land shall be preserved for continued agricultural operations. The open space shall meet the standards of Sections 1328 – 1330 of this Resolution.

Section 1328 – General Standards Regarding Open Space

These standards do not apply to planned agricultural districts.

1. The location, shape, size and character of common open space shall be suitable for the planned district in relation to the location, number and types of buildings it is intended to serve. In any case, it shall be highly accessible to all residents or users of the planned development. Entry features, detention and retention basins shall not be included in the area required for common open space.
2. Any uses and/or buildings authorized for the common open space must be appropriate to the scale and character of the planned development in relation to its size, density, expected population, topography, and the type of dwellings.
3. The common open space may be suitably improved for its intended use, but common open space containing natural features worthy of preservation such as floodplains, wetlands, and wooded areas shall be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.

Section 1329 - Ownership of Common Open Space

Different ownership and management options apply to the permanently protected common open space created through the planned district process, excluding the open space set aside as a part of the Planned Agricultural District. The common open space shall remain undivided and may be owned and managed by a corporation, a homeowners association, the Township, or a recognized land trust or conservation district (conservancy). A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements and open spaces. Common open space shall be

owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the Township Trustees:

1. Offer of Dedication. In any of the planned districts, the land may be conveyed to the Township provided 1) such land is accessible to all the residents of the Township; 2) there is no cost of acquisition other than incidental costs related to the transfer of ownership; 3) the Township agrees to maintain such lands; 4) the land is not potentially hazardous. The Township is not required to accept such offer of dedication. Where the Township accepts dedication of common open space that contains improvements, the Township may require the posting of financial security to ensure structural integrity of improvements for a term not to exceed eighteen (18) months.
2. Corporation. The undivided common open space and associated facilities may be held in corporate ownership by the owners of the project area for the use of each owner who buys property within the development.
3. Homeowners Association. The undivided common open space and associated facilities may be held in common ownership by a homeowners association or condominium association. The association shall be formed and operated under the following provisions:
   a. The developer shall provide a description of the association, including its bylaws and methods for maintaining the common open space.
   b. The Board of Township Trustees shall review and approve the homeowners associations' covenants to be recorded with the title in order to assure that the homeowners association has lien rights.
   c. The association shall be organized by the developer and shall be operated by the developer, before the sale of any lots within the development.
   d. The association shall be maintained by the developer until all lots within the development are sold.
   e. Membership in the association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
   f. The association shall be responsible for maintenance of insurance and taxes on the undivided common open space, enforceable by liens placed by the Union County Recorder on the association. The association may establish rules to ensure proper maintenance of property, including monetary liens on the homes and home sites of its members who fail to pay their association dues in a timely manner. Such liens may impose a penalty of interest charges.
   g. The members of the association shall share equitably the costs of maintaining and developing, where appropriate, such undivided common open space. Shares shall be defined within the association bylaws.
   h. In the event of transfer, within the methods here permitted, of undivided common open space land by the homeowners association, or the assumption of maintenance of undivided common open space land by the Township, notice of such pending action shall be given to all property owners within the development.
   i. The association shall provide for adequate staff to administer common facilities and property and continually maintain the undivided common open space.
   j. The lease shall be subject to the approval of the homeowners association board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements shall be recorded with the Union County Recorders Office, and notification shall be provided to the Township within thirty (30) days of action by the board.
4. Transfer of Easements to a Private Conservation Organization. With the permission of the Township, an owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources, provided that:
   a. The organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence;

b. The conveyance contains appropriate provisions for the proper reverter or retransfer in the event that organization becomes unwilling or unable to continue carrying out its function; and
c. A maintenance agreement acceptable to the Township Trustees is entered into by the developer and the organization.

Section 1330 - Maintenance of Open Space

These standards do not apply in the Planned Agricultural District.

1. The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The owner shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.
2. In the event that the organization established to own and maintain common open space shall at any time after establishment of the planned development fail to maintain the common open space in reasonable order and condition, the Zoning Inspector may serve written notice upon such organization or upon the residents of the development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Township Trustees may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said thirty (30) days or any extension thereof, the Township Trustees, in order to preserve the taxable values of the properties within the planned development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one (1) year. Said entry and maintenance shall not vest in the public any rights to use the common open space. Before the expiration of said year, the Township Trustees shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the planned development, to be held by the Trustees, at which hearing such organization or the residents of the planned development shall show cause why such maintenance by the Township shall not, at the election of the Trustees, continue for a succeeding year. If the Township Trustees determine such organization is ready and able to maintain said common open space in reasonable condition, they shall cease to maintain said common open space at the end of said year. If the Township Trustees shall determine such organization is not ready and able to maintain said common open space in a reasonable condition, they may, at their discretion, continue to maintain said common open space during the next succeeding year and subject to a similar hearing and determination, in each year thereafter. The decision of the Township Trustees in any such case shall constitute a final decision subject to review as provided by law.
3. The cost of such maintenance by the Township shall be assessed against the properties within the planned development that have a right of enjoyment of the common open space, and shall become a tax lien on said properties. The Township, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of such lien in the office of the Union County Recorder, upon the properties affected by such lien within the planned development.

Section 1331 - General Site Development Standards

The following site development standards shall apply in the Planned Districts unless noted below.

1. Underground utilities, including telephone and electrical systems, are required within the limits of all planned districts except the Planned Agricultural District. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Zoning Commission finds that such exemption will not violate the intent of the character of the proposed planned district.
2. The applicable sections of the parking, sign and landscaping regulations of this Zoning Resolution

shall apply.

3. In the Planned Commercial Office and Planned Industrial Districts the parking system shall be so designed as to discourage single large unbroken paved lots for off-street parking and shall encourage smaller defined parking areas within the total parking system. Such defined parking areas should be delineated and accented by landscaped areas. Parking aisles, whenever possible, shall be oriented perpendicular to the building fronts.
4. In the Planned Commercial Office and Planned Industrial Districts all service and delivery shall be made to the rear of the structure(s) or use unless special design treatment or circumstances warrant an alternative, but only with the approval of the Zoning Commission.
5. No unscreened outside storage shall be permitted and no rubbish or debris of any kind shall be placed or permitted to accumulate on any portion of the parcel or lot so as to render any portion of the property unsanitary, unsightly or detrimental to the public health, safety or welfare.
6. Access points shall be kept to a minimum to reduce traffic congestion and mitigate potential conflict points. Vehicular and pedestrian conflict points shall also be minimized.
7. Whenever the proposed development abuts a collector or arterial street as defined in the Union County Thoroughfare Plan, access onto the collector or arterial shall be via interior local streets or marginal access (frontage) roads. All uses shall derive their access from the interior streets in the district, unless specific exemptions are made as a part of the approved Development Plan.
8. In Planned Districts the location and arrangement of areas of various densities shall be so designed as to balance higher density areas adjacent to open space.
9. Drainage and runoff from the proposed development shall not cause property damage. All drainage improvements shall be designed in conformance with the requirements of the Union County Subdivision Regulations and Soil and Water Conservation District when applicable.
10. In the Planned Residential and Planned Conservation Residential Districts, walkways shall be provided throughout the development. Walkways shall be constructed of a suitable, dust free, hard surface material. Mulch or other similar surfaces may be permitted for trails in areas the Zoning Commission feels are appropriate. When a Planned Commercial Office District abuts a residential district, walkways to the residential district shall also be provided.

ARTICLE XIV: MOBILE HOMES, MOBILE HOME PARKS AND DWELLING (HOUSING) MANUFACTURED

Section 1400 - Mobile Homes
No mobile homes or mobile home parks shall be permitted within Darby Township boundaries except as stated in Section 1004.

Section 1401 - Mobile Trailers Prohibited
The use of a mobile home, tractor-trailer or other similar type trailer or structure shall not be permitted as an office, structure, storage facility or business structure or as a dwelling whether for commercial, industrial or residential use except as stated in Section 1004.

This Resolution is hereby adopted on this 11th day of May, 2026.

James Scheiden

Chairman, Board of Township Trustees

David Huber

Member, Board of Township Trustees

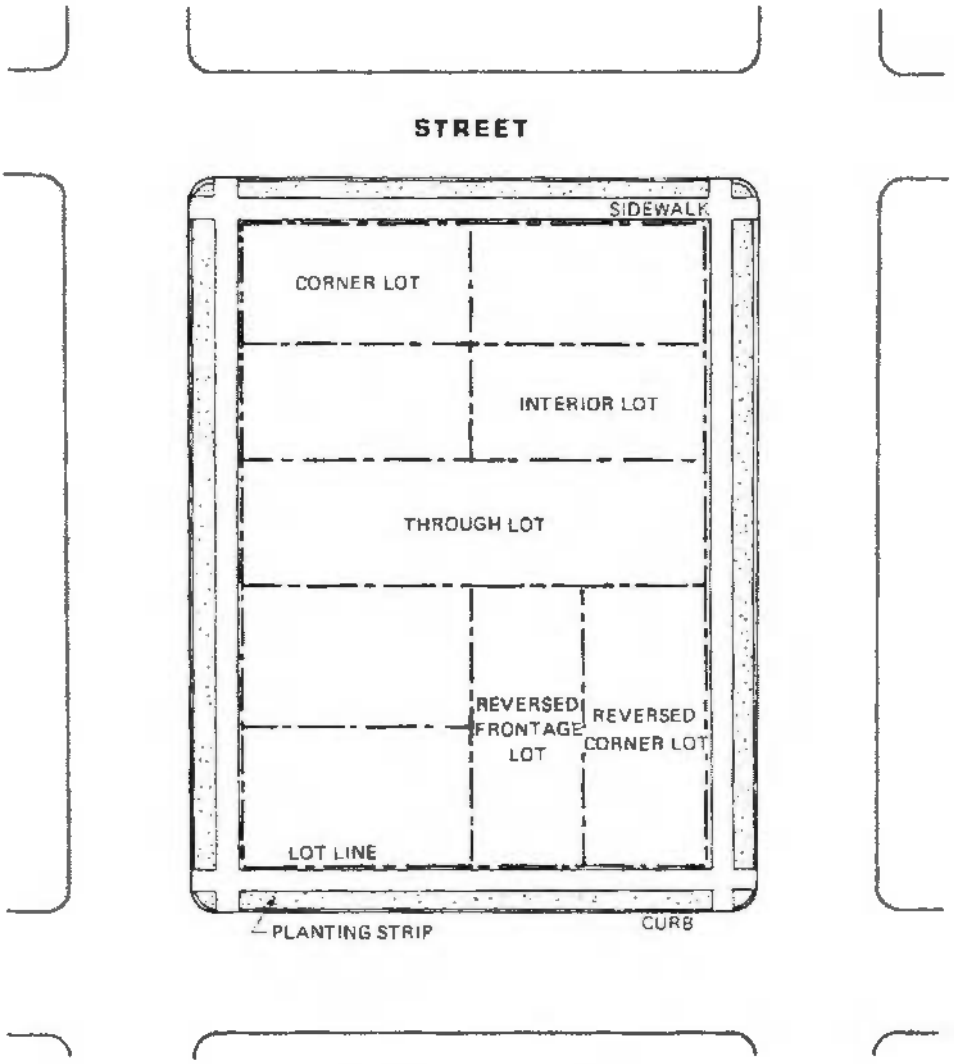
David Gruenbaum

Member, Board of Township Trustees

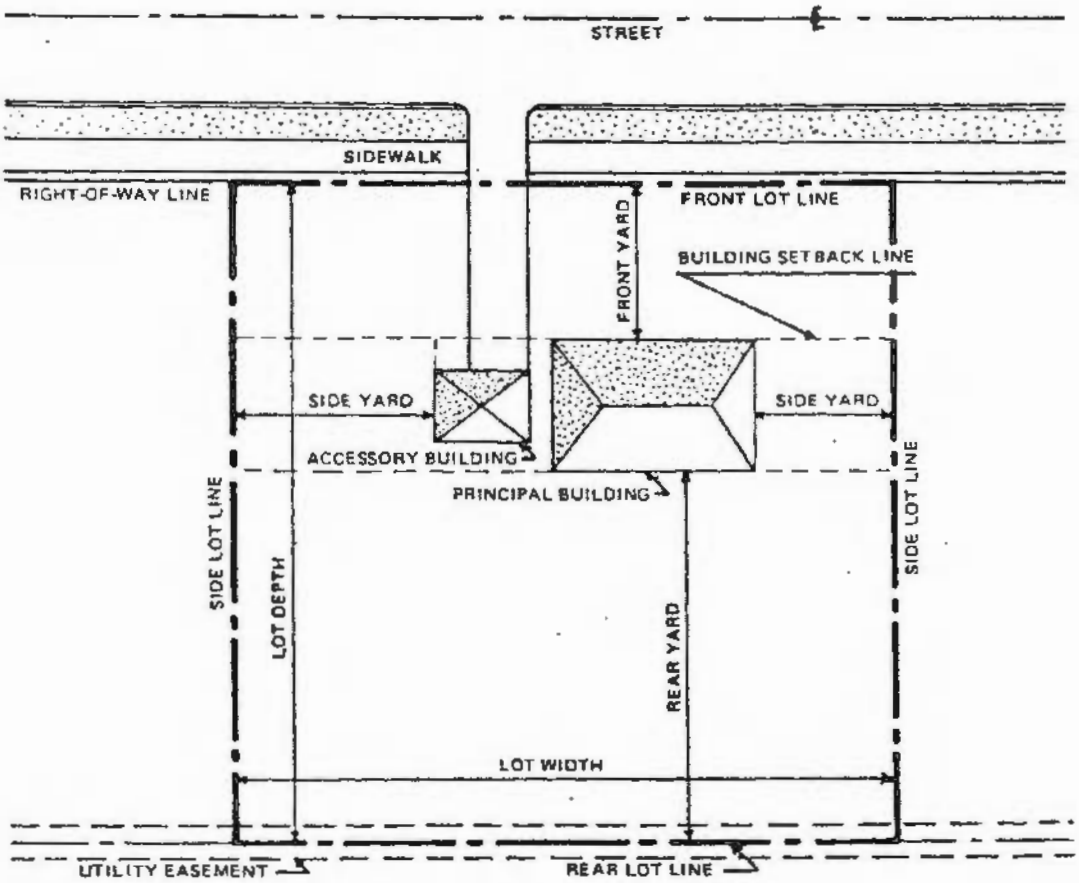
Michael Rausch

Attest, Fiscal Officer, Township Trustees

This Resolution shall become effective in thirty days (30) after the date of its adoption.



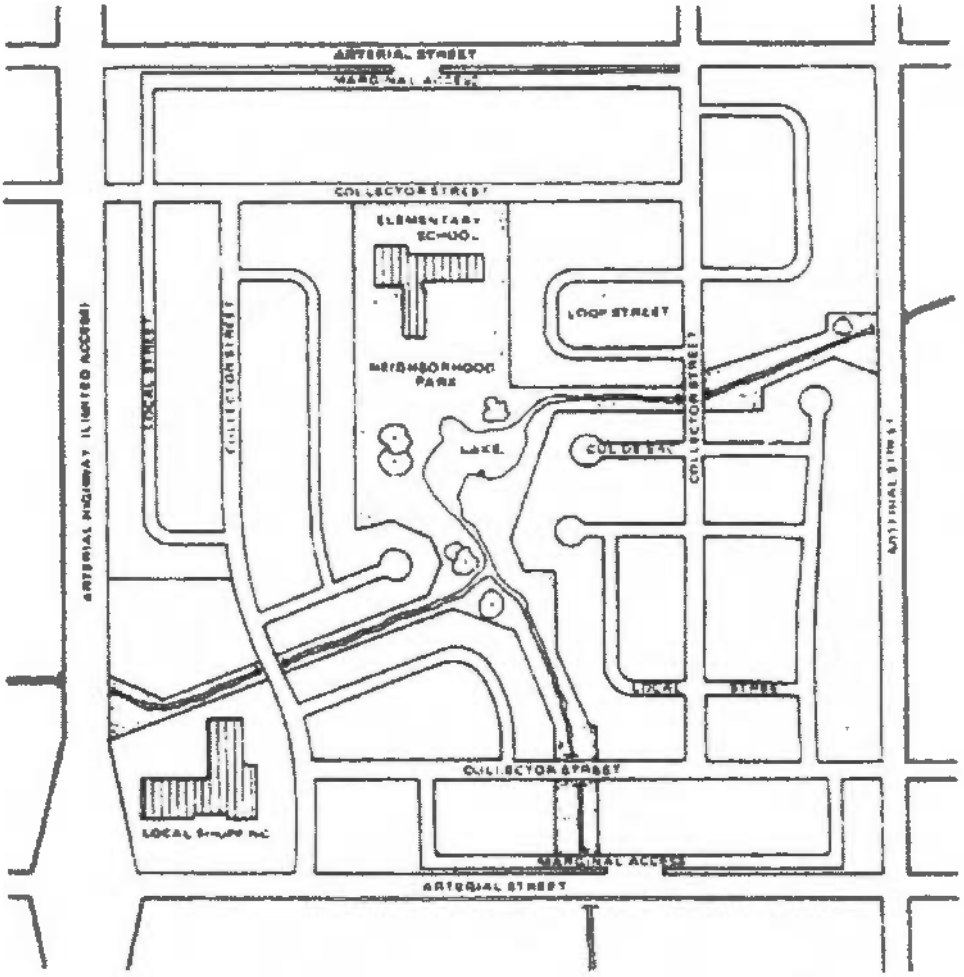
TYPES OF LOTS



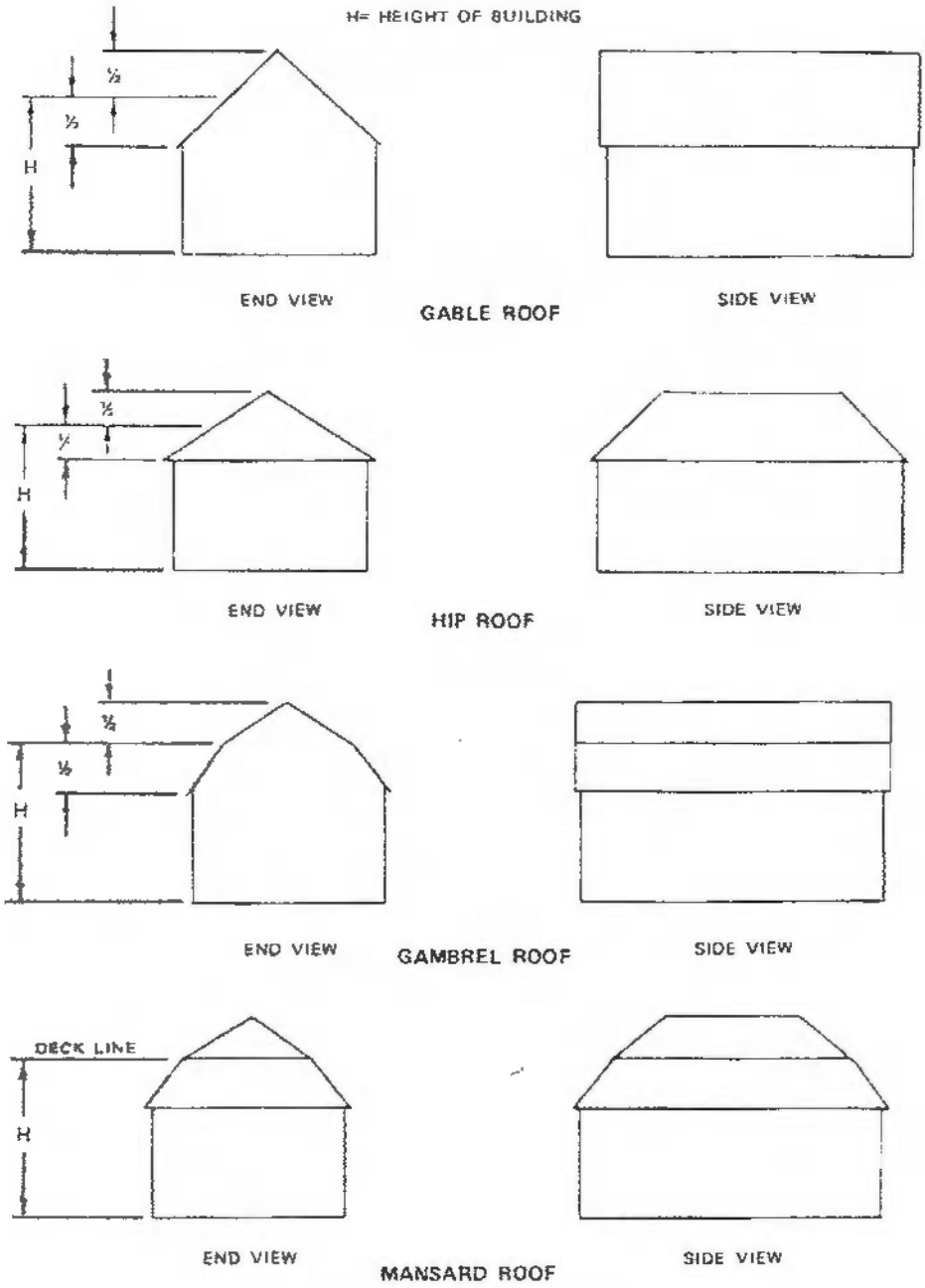
LOT AREA= TOTAL HORIZONTAL AREA

LOT COVERAGE= PER CENT OF LOT OCCUPIED BY BUILDING

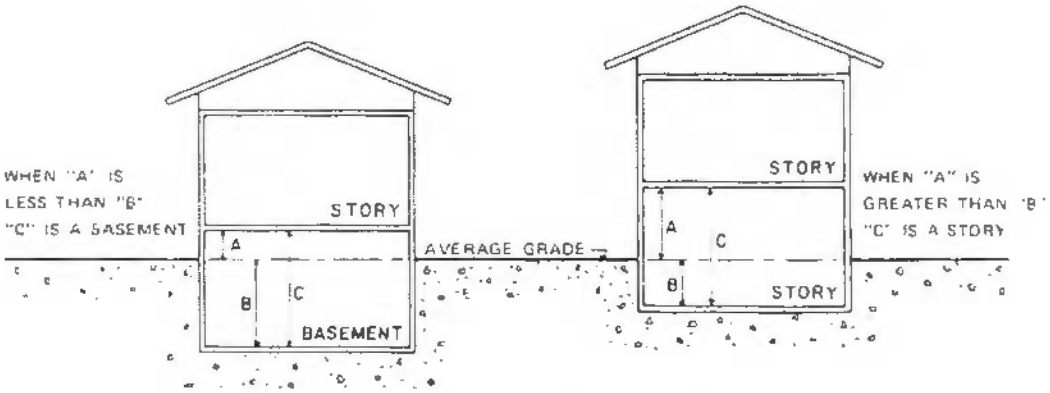
LOT TERMS



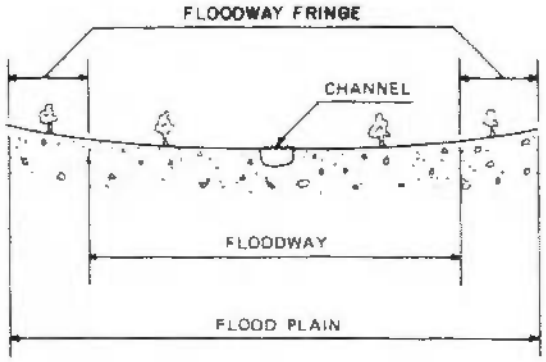
CLASSIFICATION OF THE THOROUGHFARE SYSTEM



ROOF TYPES AND BUILDING HEIGHT



BASEMENT & STORY



FLOOD PLAIN TERMS

Quick-Reference Guide: Darby Township District Regulations*

Zoning Districts	Permitted (Allowed) Uses	Conditional Uses**
A-1 Agricultural District (see Section 910)	Agricultural uses as defined by the Ohio Revised Code; Wholesale and retail nurseries; Stables; Farm markets; Conservation, watershed protection or flood control projects; Single family dwelling units; Telecommunication towers; Public service facilities; Home occupations (See Section 1013); Ponds (See Section 1041); Accessory structures and uses (See Section 910); Swimming Pools (See Section 1002); Small Wind Projects Less than 5MW (See Section 1045).	Agribusiness; Agritourism; Cemetery; Public uses; Veterinary hospitals or clinics; Non-commercial recreation; Supply yards; Bed and breakfast inn; Short term rental; Quasi-public uses.
U-1 Rural Undeveloped District (see Section 920)	Agricultural uses as defined by the Ohio Revised Code; Stables; Farm markets; Conservation, Watershed protection or flood control projects; Single family dwelling units; Public uses; Telecommunication towers; Public services facilities; Non-commercial recreation; Home occupations (See Section 1013); Ponds (See Section 1041); Accessory structures and uses (See Section 920); Swimming Pools (See Section 1002); Small Wind Projects Less than 5MW (See Section 1045).	Agribusiness; Agritourism; Retail nursery; Wholesale nursery; Commercial recreation; Supply yards; Bed and breakfast inn; Short term rental; Veterinary hospitals or clinics; Quasi-public uses; Cemetery.
R-1 Low Density Residential District (see Section 930)	Single family dwelling units; Public uses; Public service facilities; Ponds (See Section 1041); Home occupations (See Section 1013); Non-commercial recreation; Accessory structures and uses (See Section 930); Swimming Pools (See Section 1002).	Agritourism; Bed and breakfast inn; Child care nurseries; Nursing homes; Commercial recreation; Clubs; Quasi-public uses; Telecommunication towers (See Section 1038 & 1039).
B-2 Local Business District (see Section 940)	Child care nurseries; Nursing homes; Wholesale nurseries; Automotive repair services; Gasoline service stations; Veterinary hospitals or clinics; Offices; Kennels; Clubs; Public uses; Quasi-public uses; Public service facilities; Telecommunication towers; Agricultural sales and service; Agribusiness; Retail sales establishments; Retail service establishments; Commercial and non-commercial recreation; Swimming Pools (See Section 1002); Small Wind Projects Less than 5MW (See Section 1045); Other businesses (see Section 940).	Agritourism; Supply yards; Drive-thru or drive-in facilities for financial institutions, restaurants or other businesses; Accessory structures and uses (see Section 940); Outdoor storage as an accessory use to any permitted use in Section 940 (1).
L1 Light Industrial District (see Section 950)	Automotive repair services; Gasoline service stations; Agricultural sales and service; Research activities; Offices; Public uses; Public service facilities; Telecommunication towers; Wholesale and warehousing; Transport terminals; Light manufacturing; Swimming Pools (See Section 1002); Off premise signs/Billboards (See Section 1212); Small Wind Projects Less than 5MW (See Section 1045); Other businesses (see Section 950).	Agritourism; Mineral extraction, storage, and processing; Supply yards; Accessory structures and uses (see Section 950); Outdoor storage as an accessory use to any permitted use in Section 950(1); Heavy manufacturing; Adult entertainment facilities (See Section 1042).

*This is a guide only; see specific sections for complete regulations.

**Requires a Conditional Use Permit.

Quick-Reference Guide: Darby Township District Regulations*

Zoning District	Max. Residential Density	Min. Lot Size	Max. Lot Size	Max. % of Lot to be Occupied	Min. Floor Area	Max. Bldg. Height	Min. Lot Width/ Frontage	Main Structure Min. Yard Setbacks		
				Principal & Acc'y Buildings		Non-agric.	(road type)	Front	Rear	Each Side
A-1	1 unit per 20 acres	2 ac.	5 ac.	25%	1,400 sq. ft w/attached 2-car garage; 1,600 sq. ft. w/o attached garage	35 ft.	495 ft. (state) 495 ft. (major) 360 ft. (minor) 250 ft. (local) -or- 150 ft. (any road) w/common access drive	75 ft.	60 ft.	35 ft.
U-1	N/A	2 ac.	None	25%	1,400 sq. ft w/attached 2-car garage; 1,600 sq. ft. w/o attached garage	35 ft.	250 ft. (state) 250 ft. (major) 180 ft. (minor) 150 ft. (local) 100 ft. (sub-division)	50 ft.	60 ft.	35 ft.
R-1	N/A	2 ac.	None	25%	1,400 sq. ft w/attached 2-car garage; 1,600 sq. ft. w/o attached garage	35 ft.	250 ft. (state) 250 ft. (major) 180 ft. (minor) -or- 150 ft. w/ c.a. drive ——— 150 ft. (local) 100 ft. (local w/ c.a. drive or subdivision)	50 ft.	20 ft.	10 ft.
B-2	N/A	None (but must meet other requirements)	None	45% (structures); 75% (structures plus driveways, traffic circulation areas, parking areas and sidewalks)	N/A (7,500 sq. ft. max. per floor per business)	2 stories or 35 ft	None (but must meet other requirements)	50 ft.	30 ft.	25 ft.
L-1	N/A	None (but must meet other requirements)	None	45% (structures); 75% (structures plus driveways, traffic circulation areas, parking areas and sidewalks)	N/A	2 stories or 35 ft	None (but must meet other requirements)	100 ft.	50 ft.	30 ft.

Quick-Reference Guide: Darby Township District Regulations*

Zoning District	Accessory Building Dimensions		Accessory Building Setbacks			Lot Maximum Depth to Width Ratio
	Acc'y Bldg. max. sq. ft. **	Acc'y Bldg. Max. height**	Front	Rear	Each Side	
A-1	580 sq. ft. - (lots <1 acre); 1160 sq. ft. - (lots 1 to <2 ac.); 3000 sq. ft. - (lots 2 to <5 ac.); 4000 sq. ft. - (lots 5+ acres)	15 ft. - (lots <1 acre); 18 ft. - (lots 1 to <2 ac.); 25 ft. - (lots 2 to <5 ac.); 25 ft. - (lots 5+ acres)	75 ft.	25 ft.	35 ft.	3:1 (does not apply to lots > 10 acres or on lots developed as open space in a platted subdivision.)
U-1	580 sq. ft. - (lots <1 acre); 1160 sq. ft. - (lots 1 to <2 ac.); 3000 sq. ft. - (lots 2 to <5 ac.); 4000 sq. ft. - (lots 5+ acres)	15 ft. - (lots <1 acre); 18 ft. - (lots 1 to <2 ac.); 25 ft. - (lots 2 to <5 ac.); 25 ft. - (lots 5+ acres)	50 ft.	25 ft.	35 ft.	3:1 (does not apply to lots > 10 acres or on lots developed as open space in a platted subdivision.)
R-1	580 sq. ft. - (lots <1 acre); 1160 sq. ft. - (lots 1 to <2 ac.); 3000 sq. ft. - (lots 2 to <5 ac.); 4000 sq. ft. - (lots 5+ acres)	15 ft. - (lots <1 acre); 18 ft. - (lots 1 to <2 ac.); 25 ft. - (lots 2 to <5 ac.); 25 ft. - (lots 5+ acres)	50 ft.	10 ft.	10 ft.	3:1 (does not apply to lots > 10 acres or on lots developed as open space in a platted subdivision.)
B-2	See Section 940	2 stories or 35 ft	50 ft.	30 ft.	25 ft.	N/A
L-1	See Section 950	2 stories or 35 ft	100 ft.	50 ft.*	30 ft.*	N/A

Quick-Reference Guide: Darby Township District Regulations*

Zoning District	Lot Minimum Depth to Width Ratio	Minimum Parking Space Requirements
A-1	1:1	2 spaces for each single-family dwelling unit
U-1	1:1	2 spaces for each single-family dwelling unit
R-1	1:1	2 spaces for each single-family dwelling unit
B-2	N/A	See Section 1130
L-1	N/A	See Section 1130