

**ZONING RESOLUTION**

**FOR**

**TROY TOWNSHIP**

**RICHLAND, COUNTY OHIO**

# TROY TOWNSHIP ZONING RESOLUTION

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## ARTICLE I

### TITLE, AUTHORIZATION, PURPOSE

#### SECTION 100 TITLE

This Resolution shall be known and may be cited to as the "Zoning Resolution of Troy Township, Richland County, Ohio", except as referred to herein, where it shall be known as "this Resolution."

#### SECTION 100.1 AUTHORIZATION

This Resolution enacted pursuant to Chapter 519, Revised Code of Ohio, and governing the use of land within the unincorporated areas of Troy Township, Richland County, and in accordance with a comprehensive plan to regulate the location, height, bulk, number of stories and size of buildings, and other structures, including tents, cabins and trailer coaches, percentages of lot areas which may be occupied, setback lines, size of yards, courts and other open spaces, the density of population, the uses of buildings and other structures including tents, cabins and trailer coaches and the uses of land for trade, industry, residences, recreation or other purposes.

#### SECTION 100.2 PURPOSE

The purpose of zoning rules is to set up guidelines that will preserve and enhance the value of the property and to preserve and to improve the esthetic appearance of the township.

Troy township serves primarily as a rural and agriculture community in Richland County. Additional population increases and the addition of further commercial and industrial development will significantly increase the development problems in this area. It is essential to the well being of Troy Township that such development shall take place in an orderly and coordinated manner so as to place no undue burden upon residents, developers, industrialists or businessmen.

To effectively cope with the existing conditions and problems, and those that will arise in the future, it is necessary to employ regulatory measures that are geared to the situation of today and can be effectively used to guide future decisions.

For the above stated reasons and in the interests of public health, safety and morals, this Zoning Resolution was developed.

## ARTICLE II

### CONSTRUCTION OF LANGUAGE AND DEFINITIONS

#### SECTION 200 CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the provisions of this Resolution:

- 200.1 The particular shall control the general.
- 200.2 In case of any difference of meaning or implication between the provisions of this Resolution and any caption of illustration, the provisions shall control.
- 200.3 The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- 200.4 Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- 200.5 The phrase "use for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- 200.6 Unless the content clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either/or", the conjunction shall be interpreted as follows:
  - a. "And" indicates that all connected items, conditions, provisions or events shall apply.
  - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in combination.
  - c. "Either/or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- 200.7 Terms not here defined shall have the meaning customarily assigned to them.

#### SECTION 201 DEFINITIONS

Accessory Building: A building located on a lot under common ownership with the principal building, which is secondary in importance to the main building, including but not limited to detached garages, storage buildings, sheds and barns.

Accessory Use: A use which is customarily considered incidental and subordinate to, and located on the same lot as the principal use or building.

Accessory uses shall include but not be limited to the following:

- a. Activities in a residential district which are in the nature of a hobby or recreation and not carried on the intent to make a profit for the land occupant. This includes activities related to the occupant's employment off premises that are occasionally conducted on the premises.
- b. Residential accommodations for servants, caretakers, or night watchmen in any use district.
- c. Off-street loading and parking facilities and the storage of goods used, produced or offered for sale shall be deemed accessory uses in business or industrial districts only.
- d. Garage or other casual sales of personal property shall be considered an accessory use so long as they are held no more frequently than three times a year and for no longer than three days each time. The advertising restrictions contained in Section 600.6 SIGNS shall apply to such sales.
- e. The storage of motor vehicles, trailers, recreational vehicles or boats owned by residents of the premises only. Storage of any such items for non-residents whether or not a fee is charged, shall be deemed a business use. All such storage shall be no closer to the road than the minimum front yard setback requirements of Section 410.
- f. Accessory use shall include the keeping of dogs, cats, or farm animals, but shall not allow the keeping of exotic or dangerous animals such as, but not limited to lions, tigers, leopards, panthers, cougars, bobcats, bears, wolves, foxes, apes, gorillas, poisonous or constrictor snakes, crocodiles or alligators.
- g. Any activity which is subject of any advertising including, but not limited to, newspaper, magazine, radio, television, poster, billboard, handbills, direct mailing, year books or other publications shall not be deemed to be an accessory use.

- h. Ornamental Ponds
- i. Rooftop solar power collection systems are permitted uses in any district.
- j. Rooftop wind turbines intended to reduce consumption of electrical utility power are permitted uses in any district.

No zoning permit shall be required to engage in an accessory use.

Agriculture: Is the use of land for farming purposes including dairying, pasturage, apiculture, floriculture, horticulture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing of produce, provided the operations of such accessory use shall be secondary to that of the normal agricultural activities.

Alley: Is a public right-of-way which affords only a secondary means of access to abutting property and not intended for general traffic circulation. Alleys will not be permitted in Troy Township.

Alteration: Any change, addition, modification, or rearrangement in construction or type of occupancy, or change in the structural parts of a building such as walks, windows, partitions, columns, girders, or the moving from one location or position to another.

Apartment: Same as "Multiple Family Dwelling".

Basement: Is that portion of building which is entirely below or partially below and partially above ground level, and so located that the vertical distance from the grade to the floor below is more than the vertical distance from the grade to the ceiling above. Basements are not to be calculated in area requirements.

Bed and Breakfast Homestay: Is a private owner occupied dwelling unit that contains no more than four guest rooms, where short term lodging and breakfast are provided for compensation. The use as a Bed and Breakfast Homestay shall be subordinate and incidental to the main residential use of the building.

Building: Is any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels or property. Building includes the area enclosed and unclosed devoted to porches, stairways, fire escapes and fixed canopies. When a structure is separated by a fire wall, each such separated portion shall be deemed a separate building. A "building" shall not include such structures as billboards, fences, radio towers, water towers, smoke stacks, grain elevators, coal bunkers, or similar structures with interior spaces not normally accessible for human use.

Building Height: Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of a mansard roof, and to the average height between eaves and the ridge line of a gable, hip, or gambrel roof.

Where a building is located on sloping terrain or the side of a hill, the height may be measured from the average elevation of the finished grade at the building wall.

Building Line: Is a line defining the minimum front, side and rear yard setback requirements in which no building or structure may be located, except as otherwise provided herein.

Club: Is an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

Clinic: Is an establishment where human patients who are not lodged overnight are admitted for examination or treatment by a group of physicians, dentists or similar professions.

Conditionally Permitted Uses: Are uses of a property that must be approved by the Zoning Board of Appeals. Township Trustees have no legal part in approving Conditional Permitted uses.

Convalescent or Nursing Home: Is a structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.

Controlled Access: Is a gate type entrance that is to be closed and locked when a facility is not attended or open for guests.

Density: Is the number of dwelling units that can be developed on a given acre of land.

Deck: Any floor structure intended to support persons above ground level, attached or unattached to a building.

Development: Is the construction of a new building or other structure on a lot, the relocation of an existing building on another lot, or the use of open land for new use.

District: Is a portion of the Township within which certain regulations and requirements or various combinations apply under the provisions of this Resolution.

Dwelling: Is a building (except a manufactured home or mobile home as defined in this Resolution) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants and built on a site meeting the local building codes or built completely or partially off site meeting the basic building codes of the State of Ohio for Industrialized Units or a Permanently Sited Manufactured Home as defined in this Resolution.

Dwelling Unit: Is 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.

Dwelling, One Family: Is a dwelling consisting of one dwelling unit only, separated from other dwelling units by open space.

Dwelling, Two Family: Is a dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

Dwelling, Multiple Family: Is a dwelling consisting of three or more dwelling units with varying arrangements of entrances and party walls. Types of Multiple Units are listed below:

- a. Efficiency Unit: Is a dwelling unit containing at least three hundred (300) square feet of floor area, and consisting of not more than one (1) room in addition to a kitchen, dining and necessary sanitary facilities, and for the purposes of computing density, shall be considered as a one (1) room unit.
- b. One Bedroom Unit: Is a dwelling unit containing a minimum floor area of at least four hundred fifty (450) square feet, consisting of not more than two (2) rooms in addition to kitchen, dining, and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a two (2) room unit.
- c. Two Bedroom Unit: Is a dwelling unit containing a minimum floor area of six hundred fifty (650) square feet, consisting of not more than three (3) rooms in addition to kitchen, dining, and necessary sanitary facilities, and for the purposes of computing density, shall be considered as a three (3) room unit.
- d. Three Bedroom Unit: Is a dwelling unit wherein for each room in addition to the three (3) rooms permitted for a two bedroom unit, there shall be provided an additional area of two hundred (200) square feet to the minimum floor area of six hundred fifty (650) square feet. For the purpose of computing density, a three (3) bedroom unit shall be considered as a four (4) room unit.

Dwelling, Townhouse: Is a one family dwelling designed and occupied exclusively by one family. A townhouse can be attached or detached in order to become a row, patio terrace house having one or more stories.

Erected: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill drainage, and the like shall be considered a part of erection.

Excavation: Includes any breaking of ground, except common household gardening and ground care.

Family: Is one or more persons living together as a single housekeeping unit in a dwelling unit, sharing living, cooking and sleeping facilities, as distinguished from a group occupying a rooming house, boarding house, motel or hotel.

Fence: An artificially constructed barrier of any material or combination of materials, erected for the purpose to enclose or screen areas of land.

Fence, Decorative: An artificially constructed barrier which is not designed to seclude the property from view, made of any combination of natural materials (wood, stone, live plants) and/or brick & wrought iron. Natural materials would not include farm fence, chain link fences, barbed wire or electric fences.

Floor Area, Gross: Is the sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior of walls or the center line of walls separating two buildings. In particular, the floor area includes: basement space; elevator shafts or stairwells; floor space for mechanical equipment, penthouses, balconies, mezzanines, enclosed porches, attic floor space providing structural head room of seven feet six inches (7' 6"), open porches, terraces and breezeways, where more than fifty (50) percent of the perimeter of such terrace, breezeway or open porch is enclosed.

Floor Area, Minimum: For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The floor area measurement is exclusive of areas devoted to basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Floor Area, Useable: For the purpose of computing parking the "Useable Floor Area" is defined as that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, patients or customers. Such floor area which is used or intended to be used principally for the storage of processing of merchandise, hallways, or for utilities or sanitary facilities shall be excluded from the computation of "Useable Floor Area". Measurement of "Useable Floor Area" shall be the sum of the horizontal areas of the several floors of the building, measured from the exterior walls.

Garage, Private: Is an accessory building or portion of a main building, enclosed on all sides and designed or used for the storage of motor driven vehicles, boats and similar vehicles owned and used by the occupants of the building.

Garage, Service Repair: A place where the following services may be carried out: general repair of vehicles, boats, planes, bicycles and farm equipment, engine rebuilding, sale of engine fuels, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles.

Gasoline Service Station: Is any area of land, including any structure or structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles. For the purpose of this Resolution, there shall be deemed to be included within this term any area or structure used or designed to be used for greasing, polishing, washing, spraying or otherwise cleaning or servicing such motor vehicles.

Gazebo: Classified same as a deck when above ground level. Classified as a structure when it contains a roof.

Grade: Is the ground elevation established for the purpose of regulating the number of stories and height of a building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by computing the average elevation of the ground for each face of the building, and taking the median of said total averages.

Greenbelt: An open landscaped area free of buildings and structures and maintained with permanent plant materials.

Home Occupation: Any activity other than agricultural use carried on within a residential or agricultural district with the purpose and intent to make a profit through the sale of goods or services, whether or not a profit is, in fact, made. Such occupation must be incidental to and subordinate in importance to the use of the premises for residential purposes.

Industrialized Unit: Is a building unit or assembly of closed construction that is 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 in this Resolution.

For the purpose of this Resolution an industrialized unit shall be considered to be a family residential dwelling provided it meets all of the following criteria:

- a. The industrialized unit is installed on a site-built permanent foundation.
- b. The industrialized unit is designed not to be moved once erected or installed on the site-built permanent foundation.
- c. The industrialized unit complies with the Ohio and/or local building codes as evidenced by an appropriate Industrialized Unit Insignia Number on each unit.

Junk: Scrap metals and wood of all types (except firewood), bones, rags, used bottles or cans or paper packaging, old or used machinery, tools, equipment, appliances, motor vehicles or parts thereof, used construction materials and any and all manufactured goods which are so worn, deteriorated or obsolete so as to make them unusable in their present condition, but which may be subject to salvage or remanufacture. The definition of junk motor vehicles as defined elsewhere in this section shall apply herein.

Junk Motor Vehicle: Means any motor vehicle which is in wrecked or worn-out condition and unfit for operation as a motor vehicle. See Ohio Revised Code 4737.05.

Junkyard: Any premises where junk is bought, sold, exchanged, baled, packed, disassembled, stored or handled.

Loading Space: An off-street space outside the street right-of-way and on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise, materials and goods.

Lot: Is a parcel of land occupied or capable of being occupied by one or more buildings and the accessory buildings or uses customarily incidental to it, together with such yards, and open spaces as are required under the provisions of this Resolution. A lot may or may not be specifically designated as such on public records.

Lot Area: The total horizontal area within the lot lines of the lot.

Lot, Corner: Is a lot at the point of intersection of and abutting on two or more intersecting streets, the angle of intersection not being more than one hundred and thirty five (135) degrees.

Lot Coverage: Is the part or percent of the lot occupied by buildings including accessory buildings.

Lot Depth: Is the horizontal distance between the street right-of-way line and rear lot line measured along the median between the side lot lines. Where the right-of-way width is not established, it shall be assumed to be sixty (60) feet.

Lot, Interior: Is a lot other than a corner lot.

Lot Lines: Are the lines defining the limits of a lot as described below:

- a. Front Lot Line: In the case of an interior lot, it is that lot line separating said lot from the street. In the case of a corner lot, or double frontage lot, it is that line separating said lot from either street.
- b. Side Lot Line: Is any lot line other than the front or rear lot line.
- c. Rear Lot Line: Is that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than thirty (30) feet long lying farthest from the front lot line and wholly within the lot.

Lot of Record: Is a lot the dimensions of which are recorded in a document or shown on a map on file in the office of the Recorder of Richland County, or a lot described by metes and bounds, the deed to which has been recorded in a document or on a map in the office of the Recorder of Richland County, Ohio.

Lot Width: Is the horizontal distance between the side lot lines, measured between two points where the minimum building setback line intersects the side lot lines.

Manufactured Home: Is a building unit or assembly of closed construction that is fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974" and that has label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. "Manufactured Home" does not qualify as an industrialized unit as defined in this Resolution.

Minimum Building Setback Line: Is a line between the front and rear lot line and parallel to the street right-of-way line as required by the minimum front yard depth in the district in which it is stated.

Mobile Home: Is a building unit or assembly of closed construction that is fabricated in an off-site facility that is more than thirty-five (35) body feet in length or, when erected on site, is three hundred twenty (320) or more square feet, that is built on a permanent chassis and transportable in one or more sections, and that does not qualify as a manufactured home or industrialized unit as defined in this Resolution.

Motel: Is a series of attached, semi-attached or detached rental units containing a bedroom and bathroom. The units shall provide for overnight lodging and are offered to the public for compensation and shall cater primarily to the traveling public.

Nonconforming Lot: Is a lot lawfully existing at the effective date of this Resolution, or amendments thereto that does not conform to the lot area or width regulations of the district in which it is located.

Nonconforming Structure: Is a structure or portion thereof lawfully existing at the effective date of this Resolution, or amendments thereto that does not conform to the area and height regulations of the district in which it is located.

Nonconforming Use: Is a use lawfully existing at the time of the enactment of this Resolution and which does not conform to the use provisions of the district in which it is located.

Nursery: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Resolution does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Nursery, Day: Is a building, structure, place, or location, or any combination thereof, and other physical property therewith included, that shall be used for the purpose of housing and caring for children unaccompanied by parents during daylight hours.

Occupied Structure: Is, for the purposes of regulating Wind Turbine/Electrical Generation Towers (Wind Turbine Towers), any dwelling, public building, school, church, community or institutional building that is maintained for permanent or temporary human occupancy, even if it is temporarily unoccupied.

Off-Street Parking Lot: Is a facility providing vehicular parking spaces along with adequate drives and aisles, off the street and outside the right-of-way line, for maneuvering and providing entrances and exits so as to provide parking for more than two (2) vehicles.

Open Space: Is any part of a lot, including courts and yards, which is open and unobstructed from its lowest level to the sky, and is accessible to all residents upon the lot.

Parking Space: Is an area of definite length and width, exclusive of aisles and drives or entrances giving access thereto, and fully accessible for the storage of permitted motor vehicles.

Participating Property: Is, for the purposes of regulating Wind Turbine/Electrical Generation Towers (Wind Turbine Towers), the property under single ownership on which a Wind Turbine Tower is located and adjacent property owners participating through legal and/or financial instruments in the project.

Permanent Foundation: Is a permanent masonry, concrete, or locally approved footing or foundation, to which a industrialized unit or manufactured home may be affixed.

Permanently Sited Manufactured Home: Is a manufactured home that meets all of the following criteria:

1. The structure is affixed to a permanent foundation and is connected to appropriate facilities;
2. The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area of at least nine-hundred (900) square feet or what ever is required of single family dwellings in the applicable zoning district, which ever is greater, excluding garages, porches or attachments;
3. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering;
4. The structure was manufactured after January 1, 1995;
5. The structure is not located in a manufactured home park.

Pond: Is a water impoundment made by constructing a dam, or an embankment or by excavating a pit or a dugout and have an area of at least three-hundred (300) square feet and less than five (5) acres or is over twenty-four (24) inches in depth. "Pond" does not include a stormwater retention structure as defined in this Resolution.

Pond, Ornamental: Is a water impoundment having an area less than three-hundred (300) square feet and is twenty-four (24) inches or less in depth.

Principal Building: Is the building housing the principal use performed on a lot.

Principal Use: The primary use of land or structure, as distinguished from an accessory use.

Public Utilities: The activities of any person, firm or corporation within the scope of the exemption from township zoning as provided in Section 519.21, Revised Code.

Recreational Vehicle: A portable, self-propelled or non-self-propelled, self-contained vehicle designed or intended to be used as temporary sleeping or living quarters. Recreational vehicles shall include travel trailers, tent campers, truck campers and motor homes.

Right-of-Way: An area or strip of land, either public or private, on which an irrevocable right of passage has been recorded for the use of pedestrians or vehicles or both. 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 or treatment) such as grade separation, landscaped areas, viaducts and bridges.

Sign: Is any card, cloth, paper, metal, painted glass, wood, plaster, stone, or other sign of any kind or character whatsoever which shall be used to attract attention to any object, product, place, activity, person, institution, organization, or business. The term "place" shall include erecting, constructing, posting, painting, printing, taking, nailing, gluing, stacking, carrying, or fastening or making visible in any manner whatsoever. For the purpose of this Resolution, the word "sign" shall not include the flag, pennant, lodge, or insignia of any government, religious, educational or similar organization.

Stormwater Retention Structure: Is a permanent stormwater management facility that provides for the storage of runoff by means of a temporary or permanent pool of water.

Story: Is that part of a building included between the surface of one floor and the surface of the next floor above, or if there is not floor above, then the ceiling next above. A basement is not considered to be a story if the basement floor is at least two feet below ground level.

Street or Road: Is a right-of-way which affords the principal means of vehicular access to abutting property and which has been properly dedicated or deeded and improved for public use.

Street or Road, Private: Is an approved right-of-way owned and maintained by the abutting property owners, or by an association of property owners, excluding off-street parking areas, driveways, and driveways to off-street parking areas.

Structure: Is anything constructed or erected which requires location on or below the ground, or attachment to something having a location on or below the ground.

Swimming Pool (Recessed or Elevated): See Section 600.18 Swimming Pools.

Temporary Building or Use: Is a building or use permitted to exist during periods of construction of the principal building or use, or for special events.

Thoroughfare, Major: As used in this Resolution they are U.S. 42, State Route 97, State Route 314, State Route 546, Lexington-Springmill Road, Cook Road.

Thoroughfare, Collector: As used in this Resolution they are Lexington-Ontario Road, Marion Avenue Road, Home Road, Kocheiser Road, Hanley Road, Mill Run Road north of Kocheiser Road, Kings Corner East Road east of State Route 546, Kings Corner West Road, Lexington Steam Corners Road.

Travel Trailer: See "Recreational Vehicle".

Utility Scale Wind Turbine Tower: Is a Wind Turbine/Electrical Generation Tower (Wind Turbine Tower) of with a tower height over 175 feet. Installations with a total generating capacity over 5 megawatts are subject to certification by the Ohio Power Siting Board.

Use: Is the principal purpose for which land, or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.

Vertical Axis Wind Turbine: Is a system referred to herein as a "VAWT Wind Turbine Tower" consisting of a wind turbine, tower and associated control or conversion electronics where the main rotor shaft runs vertically.

Wind Turbine/Electrical Generation Towers: Is a system referred to herein as a "Wind Turbine Tower" consisting of a wind turbine, tower and associated control or conversion electronics.

Wind Turbine/Electrical Generation Tower Height: Referred to herein as the "Tower Height" is the height above grade of the fixed portion of the tower and the maximum extent of the turbine blades.

Yards: The open spaces on the same lot as the principal building, unoccupied and unobstructed from the ground upward and further defined as follows:

- a. Front Yard: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the street right-of-way line and the nearest point of the principal building. ‘

- b. Side Yard: Is an open space between the side lot line and the principal building, extending from the front yard to the rear yard, the width of which is the minimum horizontal distance from the nearest point on the side lot line to the nearest point of the principal building.
- c. Rear Yard: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building.

Zoning Variance: A modification of the literal provisions of the Zoning Resolution granted when strict enforcement of the Resolution would cause undue hardship and has circumstances unique to the individual property for which the variance is granted. A variance is not justified unless both elements are present in the case.

## ARTICLE III

### ESTABLISHMENT OF ZONING DISTRICTS AND MAP

#### SECTION 300

#### ESTABLISHMENT OF DISTRICTS

##### Standard Zoning Districts

The intended use of standard zoning districts is to delineate areas of existing land use and development character so as to afford such areas the regulations necessary to maintain their essential qualities and to assure that any additional development will be in keeping with that which has already been established. For the purpose of this Resolution, the Township of Troy is hereby divided into the following Standard Zoning Districts:

401	RR	Rural Residential
402	R-1	Residential
403	R-2	Residential
404	R-3	Residential
405	B-1	Business
406	B-2	Business
407	I-1	Industrial
408	S-1	Special

#### SECTION 300.1

#### OFFICIAL ZONING DISTRICT MAP

All land in the Township of Troy within the scope of this Zoning Resolution is placed into Zoning Districts as is shown on the Zoning Districts Map of the Township of Troy, County of Richland, State of Ohio, which accompanies this Resolution, and said map with all notations, references, and other pertinent material shown thereon, is hereby made a part of this Resolution as if fully described herein. The Zoning Districts Map shall be identified by the signatures of the Township Trustees, attested by the Township Clerk, under the following words:

“This is to certify that this is the official Zoning Districts Map referred to in Section 300.1 of the Zoning Resolution of the Township of Troy, County of Richland, Ohio.” (include date of adoption)

Wherever changes are made in the district boundaries or other matters portrayed on the official Zoning District Map, such changes shall be made on the official Zoning Districts Map after the amendment has been approved by Township Trustees together with an entry on the official Zoning Districts Map as follows:

"On (date), by official action of Township Trustees, the following changes were made (reference number to Township Trustees Proceedings)."

Three (3) copies of the official Zoning District Map are to be maintained and kept up-to-date: One (1) in the Township Trustees office, one (1) in the office of the Regional Planning Commission and one (1) by the Zoning Inspector accessible to the public and shall be final authority as to the current zoning status of lands, buildings and other structures in the Township of Troy.

## SECTION 300.2 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the official Zoning Districts Map, the following rules shall apply:

- 300.2.1      Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines.
- 300.2.2      Boundaries indicated as approximately platted lot lines shall be construed as following such lot lines.
- 300.2.3      Boundaries indicated as approximately following the corporation boundary line shall be construed as following the corporation boundary line.
- 300.2.4      Boundaries indicated as approximately following the center line of streams, rivers or other bodies of water shall be construed to follow such center lines.
- 300.2.5      Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the official Zoning Districts Map shall be determined by the use of a county surveyors map.

## SECTION 300.3 DISTRICT REQUIREMENTS

All buildings and uses in any district shall be subject to the provisions of Article VI, GENERAL PROVISIONS, and Article VII, GENERAL EXCEPTIONS.

## ARTICLE IV

### STANDARD DISTRICT REGULATIONS

#### SECTION 400 REGULATION OF USE AND DEVELOPMENT

Regulations pertaining to the use of land and/or structures and physical development within each of the Zoning Districts, as adopted as a Standard Zoning District in Article III, and as shown on the Zoning Districts Map, are hereby established and adopted.

#### SECTION 400.1 PERMITTED USES

Only a use designated as a PERMITTED USE shall be allowed as a matter of right within a Zoning District and any use not so designated shall be prohibited.

#### SECTION 400.2 CONDITIONALLY PERMITTED USES

A use designated as a CONDITIONAL USE shall be allowed in a Zoning District when such CONDITIONAL USE, its location, extent and method of development will not substantially alter the character of the vicinity or unduly interfere with the use of adjacent lots in the manner prescribed for the Zoning District. The Board of Zoning Appeals shall grant Conditional Zoning Permits when it finds, based upon the evidence presented to it, that each condition contained in the Resolution as to the proposed use as well as the provisions of ARTICLE IX of this Resolution has been met.

#### SECTION 400.3 DEVELOPMENT STANDARDS

The development standards set forth shall be the minimum allowed for development in a Zoning District. If the development standards are in conflict with the requirements of any other lawfully adopted rules, regulations or laws, the more restrictive or higher standards shall govern.

#### SECTION 401 RR RURAL RESIDENTIAL

## SECTION 401.1 PURPOSE

The RR Rural Residential Districts are established in recognition that sections of the township include low density residential developments and tracts of agricultural land.

## SECTION 401.2 PERMITTED USES

- 401.2.1 One Family Dwellings
- 401.2.2 Government or nonprofit water conservation uses including water supply works, flood control and water protection works, fish and game hatcheries and preserves, and other uses similar in character with the above specified uses.
- 401.2.3 Accessory buildings and uses, automobile parking spaces and temporary buildings and structures as regulated in Article VI, GENERAL PROVISIONS of this Resolution.

## SECTION 401.3 CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provisions of Article VI and subject further to the review and approval of the Township Zoning Board of Appeals in accordance with Article IX of this Resolution.

- 401.3.1 Recreational uses other than those governmentally owned and/or operated for archery, boating, fishing, golfing, swimming and hunting, including public and private country clubs, riding stables, gun clubs and similar uses consistent with the rural character of the area subject to the following conditions:
  - 401.3.1.1 The proposed site for any of the uses stated above shall have at least one (1) property line abutting a major or collector thoroughfare, and the site shall be so planned as to provide all ingress and egress directly onto or from such thoroughfare.
  - 401.3.1.2 Front, side and rear yard setback shall meet the requirements of Section 410 and shall be landscaped in trees, shrubs and grass.
  - 401.3.1.3 Lighting used to illuminate the intended uses of the property shall be shielded and arranged as to reflect

light away from adjoining properties and public streets.

401.3.1.4 Off-street parking shall be provided as regulated in Article VI, GENERAL PROVISIONS.

401.3.1.5 All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-way lines.

401.3.2 Public, parochial and other private schools offering courses in general education, public parks or other public non-profit recreational facilities, subject to the following conditions:

401.3.2.1 A six (6) feet high, fifteen (15) feet wide obscuring greenbelt or a six (6) feet high obscuring fence on the inside of a fifteen (15) feet wide greenbelt shall be provided wherever a parking lot is adjacent to land developed for one and two family residential purposes.

401.3.2.2 Each site shall have at least one (1) property line abutting a street or road.

401.3.2.3 All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-way lines.

401.3.3 Gas and oil wells subject to the following conditions:

401.3.3.1 All permitted installations shall meet the requirements of the Ohio Department of Natural Resources Division of Oil and Gas and shall be maintained in a neat and orderly condition so as to prevent injury to any single property, individual or part of the community as a whole.

401.3.3.2 All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-way lines.

401.3.4 Two family homes

401.3.4.1 Converted or new construction is to have a single common entry with inside foyer so that the home has the appearance of a single family home.

401.3.4.2 Minimum square foot requirement shall be nine hundred (900) square feet per dwelling unit.

401.3.4.3 The minimum number of enclosed garages is to be one more than the RR requirement. NOTE: In keeping the visual aspects of the previous restriction to single family dwellings only, the double home is being allowed for economic reasons if the appearance of the single family dwelling is maintained.

401.3.5 Home occupations subject to the following conditions:

- a. The activity is carried on completely within a dwelling unit or accessory buildings.
- b. It is incidental and subordinate to the primary use of the premises as a dwelling.
- c. It involves the employment of no more than one nonresident of the dwelling.
- d. No materials or stock in trade are stored outside of the dwelling or accessory buildings.
- e. No modification of the external parts of the building shall be permitted.
- f. A single unlit sign of no greater than 2 square feet shall be permitted.
- g. Any garage on the premises may be used provided such use does not preclude the storage therein of the number of motor vehicles required by minimum garage space requirements listed on Schedule 410.
- h. Any home occupation shall have off-street parking for vehicles visiting the residence for the occupation.

Examples not deemed home occupation are: Clinics, hospitals, animal hospitals, home day care centers with more than 6 children, truck repair, auto repair, bakery, restaurant or lounge, recycle operations, motorcycle repair or entertainment facilities.

401.3.6 Churches subject to the following restrictions:

- 401.3.6.1 Adequate parking meeting the requirements as stated in Section 600.3.
- 401.3.6.2 Also meets all requirements of Section 401.3.2.
- 401.3.7 Bed and Breakfast Homestays subject to the following:
  - 401.3.7.1 No more than two (2) adults shall occupy each sleeping room. Children under twelve years of age are permitted in the same occupancy provided that no more than five (5) persons occupy one room.
  - 401.3.7.2 All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.
  - 401.3.7.3 The facility shall be operated so that the guests reside at the home for not longer than one continuous week.
  - 401.3.7.4 The facility shall contain no more than four (4) sleeping rooms for guests.
  - 401.3.7.5 The facility shall provide one (1) off-street parking space for each guest room in addition to the normal parking requirements for the dwelling.
  - 401.3.7.6 One (1) sign, not to exceed two (2) square feet, shall be permitted.
  - 401.3.7.7 All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-way lines.
- 401.3.8 Telecommunication Towers subject to the following:
  - 401.3.8.1 Such particular elements of public utilities are controllable under township zoning per Ohio Revised Code Section 519.211. See Section 700.2 of this Resolution for statements on CONDITIONAL USE requirements.

#### **SECTION 401.4 AREA REQUIREMENTS**

See Section 410, "SCHEDULE OF REGULATIONS", limiting height and bulk of buildings, the minimum lot size, the maximum density permitted, minimum garage space required and establishing minimum yard setback requirements.

SECTION 402      R-1 RESIDENTIAL DISTRICT

SECTION 402.1      PURPOSE

The R-1 Residential Districts are established in recognition that sections of the township include low to moderate density residential developments and tracts of agricultural land.

SECTION 402.2      PERMITTED USES

- 402.2.1      One Family Dwelling
- 402.2.2      Accessory buildings and uses, automotive parking spaces, and temporary buildings and structures as regulated in Article VI, GENERAL PROVISIONS, of this Resolution.

SECTION 402.3      CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provision of Article VI, and subject further to the review and approval of the Zoning Board of Appeals in accordance with Article IX of this Resolution.

- 402.3.1      Public, parochial and other private schools offering courses in general education, public parks or other public non-profit recreational facilities, subject to the following conditions:
  - 402.3.1.1      Buildings of greater than 40 feet in height may be allowed provided front, rear and side yards are increased above the minimum required yard setback by three (3) feet for each one (1) foot in which the building exceeds 40 feet.
  - 402.3.1.2      A fifteen (15) feet wide greenbelt with an obscuring fence or six (6) feet high obscuring greenbelt shall be provided wherever a parking lot abuts onto adjoining property.
  - 402.3.1.3      Access to the site shall be only from a major or collector thoroughfare.

402.3.1.4 All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-way lines.

402.3.2 Home occupations subject to the following conditions:

- a. The activity is carried on completely within a dwelling unit or accessory buildings.
- b. It is incidental and subordinate to the primary use of the premises as a dwelling.
- c. It involves the employment of no more than one nonresident of the dwelling.
- d. No materials or stock in trade are stored outside of the dwelling or accessory buildings.
- e. No modification of the external parts of the building shall be permitted.
- f. A single unlit sign of no greater than 2 square feet shall be permitted.
- g. Any garage on the premises may be used provided such use does not preclude the storage therein of the number of motor vehicles required by minimum garage space requirements listed on Schedule 410.
- h. Any home occupation shall have off-street parking for vehicles visiting the residence for the occupation.

Examples not deemed home occupation are: Clinics, hospitals, animal hospitals, home day care centers with more than 6 children, truck repair, auto repair, bakery, restaurant or lounge, recycle operations, motorcycle repair or entertainment facilities.

402.3.3 Churches subject to the following conditions:

402.3.3.1 Shall meet the parking requirements as stated in Section 600.3.

402.3.3.2 Buildings of greater than 40 feet in height may be allowed provided front, rear and side yards are increased above the minimum required yard setback by three (3) feet for each one (1) foot in which the building exceeds 40 feet.

402.3.3.3 A fifteen (15) feet wide greenbelt with an obscuring fence or six (6) feet high obscuring greenbelt shall be provided wherever a parking lot abuts onto adjoining property.

402.3.3.4 Access to the site shall be only from a major or collector thoroughfare.

402.3.3.5 All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-way lines.

402.3.4 Recreational Facilities, sheltered or open, consisting of one or more of the following:

Tennis or volleyball courts

Basketball courts

Typical children's play devices such as swings, merry-go-rounds, teeter-totters, slides, etc.

and subject to the following:

402.3.4.1 All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-ways lines.

402.3.5 Bed and Breakfast Homestays subject to the following:

402.3.5.1 No more than two (2) adults shall occupy each sleeping room. Children under twelve years of age are permitted in the same occupancy provided that no more than five (5) persons occupy one room.

402.3.5.2 All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.

402.3.5.3 The facility shall be operated so that the guests reside at the home for not longer than one continuous week.

402.3.5.4 The facility shall contain no more than four (4) sleeping rooms for guests.

402.3.5.5 The facility shall provide one (1) off-street parking space for each guest room in addition to the normal parking requirements for the dwelling.

402.3.5.6 One (1) sign, not to exceed two (2) square feet, shall be permitted.

402.3.5.7 All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-way lines.

402.3.6 Telecommunication Towers subject to the following:

402.3.6.1 Such particular elements of public utilities are controllable under township zoning per Ohio Revised Code Section 519.211. See Section 700.2 of this Resolution for statements on CONDITIONAL USE requirements.

**SECTION 402.4 AREA REQUIREMENTS**

See Section 410, "SCHEDULE OF REGULATIONS", limiting height and bulk of buildings, the minimum lot size, the maximum density permitted, minimum garage space required and establishing minimum yard setback requirements.

**SECTION 403 R-2 RESIDENTIAL DISTRICT**

**SECTION 403.1 PURPOSE**

The R-2 Residential Districts are established in recognition that some sections of the township may be suitable for higher density residential developments.

**SECTION 403.2 PERMITTED USES**

403.2.1 One family dwellings.

403.2.2 Two family dwellings.

403.2.23 Accessory buildings and uses, automotive parking spaces, and temporary buildings and structures as regulated in Article VI, GENERAL PROVISIONS, of this Resolution.

## SECTION 403.3 CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provision of Article VI, and subject further to the review and approval of the Zoning Board of Appeals in accordance with Article IX of this Resolution.

- 403.3.1 Public, parochial and other private schools offering courses in general education, public parks or other public non-profit recreational facilities, subject to the following conditions:
  - 403.3.1.1 Buildings of greater than 40 feet in height may be allowed provided front, rear and side yards are increased above the minimum required yard setback by three (3) feet for each one (1) foot in which the building exceeds 40 feet.
  - 403.3.1.2 A fifteen (15) feet wide greenbelt with an obscuring fence or six (6) feet high obscuring greenbelt shall be provided wherever a parking lot abuts onto adjoining property.
  - 403.3.1.3 Access to the site shall be only from a major or collector thoroughfare.
  - 403.3.1.4 All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-way lines.
- 403.3.2 Home occupations subject to the following conditions:
  - a. The activity is carried on completely within a dwelling unit or accessory buildings.
  - b. It is incidental and subordinate to the primary use of the premises as a dwelling.
  - c. It involves the employment of no more than one nonresident of the dwelling.
  - d. No materials or stock in trade are stored outside of the dwelling or accessory buildings.
  - e. No modification of the external parts of the building shall be permitted.

- f. A single unlit sign of no greater than 2 square feet shall be permitted.
- g. Any garage on the premises may be used provided such use does not preclude the storage therein of the number of motor vehicles required by minimum garage space requirements listed on Schedule 410.
- h. Any home occupation shall have off-street parking for vehicles visiting the residence for the occupation.

Examples not deemed home occupation are: Clinics, hospitals, animal hospitals, home day care centers with more than 6 children, truck repair, auto repair, bakery, restaurant or lounge, recycle operations, motorcycle repair or entertainment facilities.

403.3.3 Churches subject to the following conditions:

- 403.3.3.1 Shall meet the parking requirements as stated in Section 600.3
- 403.3.3.2 Buildings of greater than 40 feet in height may be allowed provided front, rear and side yards are increased above the minimum required yard setback by three (3) feet for each one (1) foot in which the building exceeds 40 feet.
- 403.3.3.3 A fifteen (15) feet wide greenbelt with an obscuring fence or six (6) feet high obscuring greenbelt shall be provided wherever a parking lot abuts onto adjoining property.
- 403.3.3.4 Access to the site shall be only from a major or collector thoroughfare.
- 403.3.3.5 All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-way lines.

403.3.4 Recreational Facilities, sheltered or open, consisting of one or more of the following:

Tennis or volleyball courts  
 Basketball courts  
 Typical childrens play devices such as swings, merry-go-rounds, teeter-totters, slides, etc.  
 and subject to the following:

403.3.4.1 All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-way lines.

403.3.5 Bed and Breakfast Homestays subject to the following:

403.3.5.1 No more than two (2) adults shall occupy each sleeping room. Children under twelve years of age are permitted in the same occupancy provided that no more than five (5) persons occupy one room.

403.3.5.2 All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.

403.3.5.3 The facility shall be operated so that the guests reside at the home for not longer than one continuous week.

403.3.5.4 The facility shall contain no more than four (4) sleeping rooms for guests.

403.3.5.5 The facility shall provide one (1) off-street parking space for each guest room in addition to the normal parking requirements for the dwelling.

403.3.5.6 One (1) sign, no to exceed two (2) square feet, shall be permitted.

403.3.5.7 All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-way lines.

403.3.6 Telecommunication Towers subject to the following:

403.3.6.1 Such particular elements of public utilities are controllable under township zoning per Ohio Revised Code Section 519.211. See Section 700.2 of this Resolution for statements on CONDITIONAL USE requirements.

## SECTION 403.4 AREA REQUIREMENTS

See Section 410, "SCHEDULE OF REGULATIONS", limiting height and bulk of buildings, the minimum lot size, the maximum density permitted, minimum garage space required and establishing minimum yard setback requirements.

## SECTION 404 R-3 RESIDENTIAL DISTRICT

### SECTION 404.1 PURPOSE

The R-3 Residential Districts are established in recognition that some sections of the township may be suitable for higher density residential developments and multiple family residential dwellings, including apartments.

### SECTION 404.2 PERMITTED USES

- 404.2.1 One family dwellings.
- 404.2.2 Two family dwellings
- 404.2.3 Multiple family dwelling units provided a fifteen (15) feet wide greenbelt with an obscuring fence or shrubbery six (6) feet high shall be provided wherever a parking lot abuts onto adjoining property. A six (6) feet high, fifteen (15) feet wide obscuring greenbelt or a six (6) feet high obscuring fence on the inside of a fifteen (15) feet wide greenbelt shall be provided wherever a parking lot is adjacent to land developed for one and two family residential purposes.
- 404.2.4 Accessory buildings and uses, automotive parking spaces, and temporary buildings and structures as regulated in Article VI, GENERAL PROVISIONS, of this Resolution.

### SECTION 404.3 CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provision of Article VI, and subject further to the review and approval of the Zoning Board of Appeals in accordance with Article IX of this Resolution.

404.3.1 Public, parochial and other private schools offering courses in general education, public parks or other public non-profit recreational facilities, subject to the following conditions:

404.3.1.1 Buildings of greater than 40 feet in height may be allowed provided front, rear and side yards are increased above the minimum required yard setback by three (3) feet for each one (1) foot in which the building exceeds 40 feet.

404.3.1.2 A fifteen (15) feet wide greenbelt with an obscuring fence or six (6) feet high obscuring greenbelt shall be provided wherever a parking lot abuts onto adjoining property.

404.3.1.3 Access to the site shall be only from a major or collector thoroughfare.

404.3.1.4 All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-way lines.

404.3.2 Home occupations subject to the following conditions:

- a. The activity is carried on completely within a dwelling unit or accessory buildings.
- b. It is incidental and subordinate to the primary use of the premises as a dwelling.
- c. It involves the employment of no more than one nonresident of the dwelling.
- d. No materials or stock in trade are stored outside of the dwelling or accessory buildings.
- e. No modification of the external parts of the buildings shall be permitted.
- f. A single unlit sign of no greater than 2 square feet shall be permitted.
- g. Any garage on the premises may be used provided such use does not preclude the storage therein of the number of motor vehicles required by minimum garage space requirements

listed on Schedule 410.

- h. Any home occupation shall have off-street parking for vehicles visiting the residence for the occupation.
- i. Home occupations shall not be permitted in multiple family dwellings.

Examples not deemed home occupation are: Clinics, hospitals, animal hospitals, home day care centers with more than 6 children, truck repair, auto repair, bakery, restaurant or lounge, recycle operations, motorcycle repair or entertainment facilities.

404.3.3 Churches subject to the following conditions:

- 404.3.3.1 Shall meet the parking requirements as stated in Section 600.3.
- 404.3.3.2 Buildings of greater than 40 feet in height may be allowed provided front, rear and side yards are increased above the minimum required yard setback by three (3) feet for each one (1) foot in which the building exceeds 40 feet.
- 404.3.3.3 A fifteen (15) feet wide greenbelt with an obscuring fence or six (6) feet high obscuring greenbelt shall be provided wherever a parking lot abuts onto adjoining property.
- 404.3.3.4 Access to the site shall be only from a major or collector thoroughfare.
- 404.3.3.5 All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-way lines.

404.3.4 Recreational Facilities, sheltered or open, consisting of one or more of the following:

Tennis or volleyball courts

Basketball courts

Typical childrens play devices such as swings, merry-go-rounds, teeter-totters, slides, etc.

and subject to the following:

- 404.3.4.1 All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-way lines.
- 404.3.5 Bed and Breakfast Homestays subject to the following:
  - 404.3.5.1 No more than two (2) adults shall occupy each sleeping room. Children under twelve years of age are permitted in the same occupancy provided that no more than five (5) persons occupy one room.
  - 404.3.5.2 All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.
  - 404.3.5.3 The facility shall be operated so that the guests reside at the home for not longer than one continuous week.
  - 404.3.5.4 The facility shall contain no more than four (4) sleeping rooms for guests.
  - 404.3.5.5 The facility shall provide one (1) off-street parking space for each guest room in addition to the normal parking requirements for the dwelling.
  - 404.3.5.6 One (1) sign, not to exceed two (2) square feet, shall be permitted
  - 404.3.5.7 All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-way lines.
- 404.3.6 Telecommunication Towers subject to the following:
  - 404.3.6.1 Such particular elements of public utilities are controllable under township zoning per Ohio Revised Code Section 519.211. See Section 700.2 of this Resolution for statements on CONDITIONAL USE requirements.

#### SECTION 404.4 AREA REQUIREMENTS

See Section 410, "SCHEDULE OF REGULATIONS", limiting height and bulk of buildings, the minimum lot size, the maximum density permitted, minimum garage space required and establishing minimum yard setback requirements.

SECTION 405      B-1 BUSINESS DISTRICT

SECTION 405.1      PURPOSE

The B-1 Business District is intended to encourage the grouping of small individual service type offices that serve only a few people at a time and normally have business hours from 7 a.m. to 6 p.m. range.

SECTION 405.2      PERMITTED USES

The following uses shall be permitted provided:

Lighting shall be directed so as not to shine on adjacent properties

No external supplies storage facilities permitted

A six (6) feet high obscuring fence or six (6) feet high obscuring greenbelt shall be provided on those side and rear yards abutting a Residential District or existing residential development.

All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-way lines.

405.2.1      Examples of intended uses including but not limited to:

- Barber & Beauty Shops
- Banks, Saving & Loan
- Credit agencies, Credit Unions
- Insurance agents & brokers
- Financial agencies
- Child Care facilities
- Professional offices such as doctors, dentists, chiropractors, lawyers, accountants, tax services, and veterinarians (without kennels).

405.2.2      Accessory buildings and uses, automotive parking spaces, and temporary buildings and structures as regulated with Article VI, GENERAL PROVISIONS, of this Resolution.

SECTION 405.3      AREA REQUIREMENTS

See Section 410, "SCHEDULE OF REGULATIONS", limiting height and bulk of buildings, the minimum lot size, the maximum density permitted, minimum garage space required and establishing minimum yard setback requirements.

**SECTION 406      B-2 BUSINESS DISTRICT**

**SECTION 406.1      PURPOSE**

The B-2 Business District is intended to encourage the grouping of retail and service businesses to promote the addition of profitable businesses to the area. These businesses will include all B-1 type businesses and additional business like retail sales, restaurants, hotels and motels.

**SECTION 406.2      PERMITTED USES**

The following uses shall be permitted provided:

Lighting shall be directed so as not to shine on adjacent properties.

All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-way lines.

A six (6) feet high obscuring fence or six (6) feet high obscuring greenbelt shall be provided on those side and rear yards abutting a Residential District or existing residential development.

406.2.1      All uses permitted in the B-1 Business District.

406.2.2      Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods including but not limited to:

Hardware stores

Grocery stores

Meat and Fish markets

Candy, Nut and Confectionary stores

Dairy Products stores

Florists

Toy and Gift stores

Nurseries

Antique shops

Other retail stores selling merchandise to the public

406.2.3 Personal Service Establishments including but not limited to:

- Child Care facilities
- Self-service laundries
- Shoe repair shops, shoe shine shops
- Radio and Television repair shops
- Pressing, Alteration and Garment repair
- Other similar personal service establishments

406.2.4 Business and Professional Offices

- Savings and Loan Associations
- Commercial Banks
- Credit Agencies
- Credit Unions
- Insurance Agents, Brokers and Service
- Real Estate Agents and Brokers
- Offices of Physicians and Surgeons
- Offices of Chiropractors
- Legal Services
- Other similar professional service offices

406.2.5 Restaurants

406.2.6 Hotels and motels

406.2.7 Mortuaries

406.2.8 Veterinary services with optional soundproof enclosed kennels

406.2.9 Nursing Homes

406.2.10 Commercial recreational and entertainment facilities including but not limited to:

- Roller Rink
- Ice Rink
- Dance Club
- Theaters for symphonies, bands, plays, movies (not x-rated), choral groups; etc.
- Sport Arena, Stadiums, etc.
- Bowling Alleys
- Tennis Court, handball, etc.
- Gymnasiums

406.2.11 Accessory buildings and uses, automobile parking spaces, and temporary buildings and structures as regulated in Article VI, GENERAL PROVISIONS, of this resolution.

## SECTION 406.3 CONDITIONAL PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provision of Article VI, and subject further to the review and approval of the Zoning Board of Appeals in accordance with Article IX of this Resolution.

406.3.1 Auto sales lots (new and/or used) without repair or service facilities subject to the following conditions:

- 406.3.1.1 Lighting shall in no way impair safe movement of traffic on any street or thoroughfare. Lighting shall not shine directly onto adjacent properties.
- 406.3.1.2 All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-way lines.
- 406.3.1.3 No repair or refinishing shall be done outside of enclosed buildings.
- 406.3.1.4 A six (6) feet high obscuring fence or six (6) feet high obscuring greenbelt shall be provided on those side and rear yards abutting a Residential District or existing residential development.

406.3.2 Gasoline service and repair stations subject to the following conditions:

- 406.3.2.1 Such stations shall be used for the sale of gasoline, oil, minor accessories and repairs. No repair work will be done where the external effect such as smoke, dust, fumes or loud noises of the activity could extend beyond the property line.
- 406.3.2.2 All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-way lines.

- 406.3.2.3 The minimum lot area shall be twenty thousand (20,000) square feet, with access drives so arranged that ample space is available for motor vehicles which are required to wait.
- 406.3.2.4 The minimum lot width shall be at least one hundred (100) feet and pump islands shall be set back at least fifteen (15) feet (measured from the street right-of-way line). All buildings and other structures shall have a front yard setback of fifty (50) feet from the street right-of-way line.
- 406.3.2.5 Underground storage gasoline tanks shall be located not less than fifty (50) feet from any Residential District.
- 406.3.2.6 All lighting shall be shielded from all adjacent properties.
- 406.3.2.7 Gasoline service stations shall provide a six (6) feet high obscuring fence or six (6) feet high obscuring greenbelt on those side and rear lot lines abutting a Residential district or existing residential development.

406.3.3 Sexually Oriented Businesses subject to the following:

- 406.3.3.1 As used in this section the following definitions shall apply:
  - 406.3.3.1.1 Sexually Oriented Business: An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
  - 406.3.3.1.2 Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so

displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

406.3.3.1.3 Adult Bookstore or Adult Video Store: A commercial establishment which utilizes twenty-five percent (25%) or more of its retail selling area for the purpose of sale or rental for any form of consideration of any one or more of the following:

406.3.3.1.3.1 books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or

406.3.3.1.3.2 instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".

406.3.3.1.4 Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

406.3.3.1.4.1 persons who appear in a state of nudity; or

406.3.3.1.4.2 live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

406.3.3.1.4.3 film, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

406.3.3.1.5 Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

406.3.3.1.6 Adult Motel: A hotel, motel or similar commercial establishment which:

406.3.3.1.6.1 offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproduction which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic productions; or

406.3.3.1.6.2 offers a sleeping room for rent for a period of time that is less than 10 hours; or

406.3.3.1.6.3 allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

406.3.3.1.7 Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas".

406.3.3.1.8 Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

406.3.3.1.9 Nude Model Studio: Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

406.3.3.1.10 Sexual Encounter Center: A business or commercial enterprises that, as one of its primary business purposes, offers for any form of consideration:

406.3.3.1.10.1 physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

406.3.3.1.10.2 activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

406.3.3.1.11 Specified Anatomical Areas: Human genitals in a state of sexual arousal.

406.3.3.1.12 Specified Sexual Activities: Includes any of the following:

406.3.3.3.1.12.1 the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

406.3.3.3.1.12.2 sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

406.3.3.3.1.12.3 masturbation, actual or simulated; or

406.3.3.3.1.12.4 excretory functions as part of or in connection with any of the activities set forth in (a) through (c).

406.3.3.2 Only within B-2 Business District shall sexually oriented businesses be permitted and only if the Board of Zoning Appeals determines that each of the following conditions have been met:

406.3.3.2.1 that the parcel of land upon which the sexually oriented business is located is a minimum of five hundred (500) feet from the nearest parcel of land containing a school, church, funeral home or residence.

- 406.3.3.2.2 that the parcel of land upon which the sexually oriented business is located is a minimum of five hundred (500) feet from any other parcel of land containing a sexually oriented business.
- 406.3.3.2.3 nothing in this Section shall be deemed to amend Chapter 2907, Sex Related Offenses of the Ohio Revised Code or otherwise make any conduct legal which is illegal under the Ohio Revised Code.
- 406.3.3.2.4 All points of ingress and egress shall be located no closer than one hundred and fifty (150) feet from an intersection measured from the street right-of-way lines.

#### **SECTION 406.4 AREA REQUIREMENTS**

See Section 410, "SCHEDULE OF REGULATIONS", limiting height and bulk of buildings, the minimum lot size, the maximum density permitted, minimum garage space required and establishing minimum yard setback requirements.

#### **SECTION 407 I-1 INDUSTRIAL DISTRICT**

##### **SECTION 407.1 PURPOSE**

The I-1 Industrial Districts are designed to accommodate uses which provide repair, storage, manufacturing, processing, wholesaling and distribution facilities and whose external, physical effects are restricted to the area of the district. The uses permitted are such that they will not have an undesirable or detrimental effect on adjacent residential and business districts. This district is restricted to light industrial products manufacture such as finished products or parts of products but does not allow the processing of raw materials such as steel, aluminum or petro chemicals.

##### **SECTION 407.2 PERMITTED USES**

The following uses shall be permitted provided:

Lighting shall be directed so as not to shine on adjacent properties.

All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-way lines.

A six (6) feet high obscuring fence or six (6) feet high obscuring greenbelt shall be provided on those side and rear yards abutting a Residential District or existing residential development.

- 407.2.1 Industrial activities that are confined in a completely enclosed building and do not pollute the environment are allowed. Pollutants include noise beyond property line, vibrations beyond property line, smell beyond property line, chemical pollution to property and surrounding property, and visual pollution.
- 407.2.2 Accessory buildings and uses, automobile parking spaces, and temporary buildings and structures as regulated in Article VI, GENERAL PROVISIONS, of this resolution.

#### SECTION 407.3 CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provision of Article VI, and subject further to the review and approval of the Zoning Board of Appeals in accordance with Article IX of this Resolution.

- 407.3.1 Strip mining and gravel extraction operations subject to the following conditions:
  - 407.3.1.1 A completely enclosed fence six (6) feet in height shall be provided around the entire periphery of the development.
  - 407.3.1.2 All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural. Areas shall be completely and continually drained of water when not in use or not supervised by a watchman. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration. No rehabilitated slope shall exceed an angle with the horizontal of thirty (30) degrees.
  - 407.3.1.3 Established routes for truck movements into and out of the development shall be indicated in such a way

that it will minimize the wear on public streets and damage to any adjoining property.

407.3.1.4 Top soil may be stripped from the roadway, construction and excavation areas, piled separately but not removed from the site or used as spoil. As many trees as can be reasonably utilized in the final development plan should be adjusted to the grade at the existing line of trees.

#### SECTION 407.4 AREA REQUIREMENTS

See Section 410, "SCHEDULE OF REGULATIONS", limiting height and bulk of buildings, the minimum lot size, the maximum density permitted, minimum garage space required and establishing minimum yard setback requirements.

#### SECTION 407.5 PROHIBITED USES

Notwithstanding Sections 407.2 and 407.3 the following uses shall not be permitted in a I-1 Industrial District.

Manufacture or storage of explosives including fireworks or matches;  
Manufacture of fertilizer;  
Junkyards, scrap yards or motor vehicle wrecking yards;  
Slaughterhouses;  
Asphalt manufacture or refining;  
Creosote manufacture;  
Fat rendering or production of animal or vegetable product by boiling or distillation;  
Garbage and waste disposal plants or incinerators;  
Petroleum refineries;  
Paper, pulp, cardboard and building board manufacture;  
Roofing material manufacture;  
Solid waste, hazardous waste or radioactive waste disposal facilities;  
Pesticide manufacture;  
Rubber manufacture or reclamation;  
Stockyards;  
Tanning, curing or processing of hides or animal skins;  
Manufacture homes and mobile homes.

SECTION 408      S-1 SPECIAL

SECTION 408.1      PURPOSE

The S-1 Special District is created to set aside areas for recreational wildlife refuges and parks.

SECTION 408.2      PERMITTED USES

The following uses shall be permitted provided:

Lighting shall be directed so as not to shine on adjacent properties.

All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-way lines.

408.2.1      Parks and trails (horse, bike or walking)  
Wildlife refuges  
Public recreational facilities  
Nature preserves

408.2.2      Accessory buildings and uses, automobile parking spaces, and temporary buildings and structures as regulated in Article VI, GENERAL PROVISIONS, of this resolution.

SECTION 408.3      CONDITIONALLY PERMITTED USES

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, the provision of Article VI, and subject further to the review and approval of the Zoning Board of Appeals in accordance with Article IX of this Resolution.

408.3.1      Private and governmentally sponsored recreational facilities with adequate off street parking limited to:

408.3.1.1      Club Swimming Pools subject to the following conditions:

408.3.1.1.1      All structures and activity areas shall be located at least two hundred (200) feet from all property lines. (fifty (50) feet for parking areas)

408.3.1.1.2      Front, side and rear yard setbacks shall be landscaped in trees, shrubs, and grass.

- 408.3.1.1.3 A six (6) feet high obscuring greenbelt or a six (6) feet high obscuring fence shall be provided wherever a parking lot is adjacent to land developed for one and two family residential purposes.
- 408.3.1.1.4 Lighting shall be directed so as not to shine on adjacent properties.
- 408.3.1.1.5 All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-way lines.
- 408.3.1.2 Golf courses and driving range subject to the following conditions:
  - 408.3.1.2.1 All structures and activity areas shall be located at least one hundred (100) feet from all property lines. (fifty (50) feet for parking areas)
  - 408.3.1.2.2 Front, side and rear yard setbacks shall be landscaped in trees, shrubs and grass.
  - 408.3.1.2.3 A six (6) feet high obscuring greenbelt or a six (6) feet high obscuring fence shall be provided wherever a parking lot is adjacent to land developed for one and two family residential purposes.
  - 408.3.1.2.4 Ingress and egress from the site shall be provided by single driveway.
  - 408.3.1.2.5 There shall be no outside storage of equipment related to the use.
  - 408.3.1.2.6 Lighting shall be directed so as not to shine on adjacent properties.
  - 408.3.1.2.7 All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-way lines.

408.3.1.3      Organizational camping facilities subject to the following conditions:

408.3.1.3.1    All structures and activity areas shall be located at least two hundred (200) feet from all property lines.

408.3.1.3.2    A six (6) feet high obscuring greenbelt or natural barrier (trees, valleys, mounds, etc) shall be provided on all side and rear yards.

408.3.1.3.3    Site shall include a clubhouse with adequate sanitary sewer facilities acceptable to the local Board of Health.

408.3.1.3.4    Lighting shall be directed so as not to shine on adjacent properties.

408.3.1.3.5    All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-way lines.

408.3.1.4      Private or governmental recreational facilities subject to the following conditions:

Soccer fields  
Football fields  
Tennis and Basketball courts  
Handball courts  
Baseball fields  
Softball fields

408.3.1.4.1    All structures and activity areas shall be located at least one hundred (100) feet from all property lines. (fifty (50) feet for parking areas)

408.3.1.4.2    Front, side and rear yard setbacks shall be landscaped in trees, shrubs and grass.

408.3.1.4.3    A six (6) feet high obscuring greenbelt or a six (6) feet high obscuring fence shall be provided wherever a parking lot

is adjacent to land developed for one and two family residential purposes.

408.3.1.4.4 Lighting shall be directed so as not to shine on adjacent properties.

408.3.1.4.5 All points of ingress and egress shall be located no closer than one hundred fifty (150) feet from an intersection, measured from the street right-of-way lines.

408.3.2 Cemeteries subject to statutory limitations and further subject to the following conditions:

408.3.2.1 All points of ingress and egress shall be located no closer than one hundred and fifty (150) feet from an intersection, measured from the street right-of-way lines.

408.3.2.2 The proposed site shall have at least one (1) property line abutting a major or collector thoroughfare, and all points of access to and from the site shall be from said thoroughfare.

408.3.2.3 The proposed site shall contain not less than twenty-five (25) acres.

408.3.2.4 All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located within one hundred (100) feet of any property line.

408.3.2.5 All grave or burial lots shall not be located within fifty (50) feet of any property line.

#### SECTION 408.4 AREA REQUIREMENTS

See Section 410, "SCHEDULE OF REGULATIONS", limiting height and bulk of buildings, the minimum lot size, the maximum density permitted, minimum garage space required and establishing minimum yard setback requirements.

## SECTION 410

### SCHEDULE OF REGULATIONS SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICT

Use Districts	Max. D.U. Per Acre	Minimum Lot Area Requirements		Maximum Height of Building		Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area		Minimum Garage Space Required
		Area in Square Feet Per Dwelling Unit*	Width in Feet**	In Feet	In Stories	Front Yard	Each Side Yard	Sum of the Sides	Rear Yard	Minimum Floor Area Per Dwelling Unit in Square Feet	Minimum 1st Floor Area for Multi-Story Homes in Square Feet	
RR-Rural Residential	1	43,560	200***	40	2	75	25	60	50	1,000	900	2 Enclosed
R-1 Residential	2	21,780	100	40	2	60	20	40	50	1,500	900	2 Enclosed for Each
R-2 Residential	2	21,780	100	40	2	50	20	40	50	1,000	-	2 Enclosed for Each
R-3 Residential One Family Two Family Multiple Family	5 3.6 6	8,712 12,000 7,260	70 100 100	40 40 40	2 2 22	30 30 40	20 20 20	40 40 40	40 40 40	720 720 each (g)	600 600 each -	1 Carport or Garage 1 Carport or Garage for Each Unit 1 Carport or Garage for Each Unit* 1 Additional Parking Space for Each Unit
B-1 Business	-	-	60	40	-	30(a)	(b,f)	-	25(c,f)	-	-	-
B-2 Business	-	-	60	40	-	30(a)	(b,f)	-	25(c,f)	-	-	-
I-1 Industrial	-	87,120	60	50	-	50(a,c,d)	(b,f)	-	(c,e,f)	-	-	-
S-1 Special	-	-	60	-	-	50	25	50	50	-	-	-

\* Minimum lot area requirements are always subject to current Richland County Health Department and E.P.A. regulations and could require more for on site sewage disposal.

\*\* Minimum lot widths for new parcels under 5 acres are further controlled by the lot width to depth ratios required under the Richland County and City of Mansfield Subdivision Regulations.

\*\*\*In the RR Rural Residential District, the minimum lot width may be reduced to sixty (60) feet if lot is five (5) acres or more, with a minimum setback of seventy-five (75) feet from all adjoining property lines.

Corner lots - SECTION 600.11 for additional requirements

## SECTION 410 ADDENDUM

- a. Off-street parking shall be permitted to occupy part of the required front yard only upon approval of a variance by the Board of Zoning Appeals.
- b. No side yards are required along the interior side lot lines of the district. On an exterior side yard abutting a residential district, there shall be provided minimum side yard of one hundred (100) feet.
- c. Off-street loading space shall be provided in the rear yard in accordance with the provisions of Section 600.3 of this Resolution and shall be provided in addition to any required off-street parking facilities.
- d. Where there is a front-to-front industrial relationship, the minimum front and setback shall be reduced to twenty-five (25) feet.
- e. Side and rear yards shall be equal to at least the height of the average of the various heights of the building excluding towers and other appurtenances. All side and rear yards abutting a Residential District shall provide open space equal to at least one hundred (100) feet in width.

- f. A six (6) foot high obscuring greenbelt or six (6) foot high obscuring fence shall be provided along the side and rear lot lines abutting a Residential District or existing residential development.
- g. Minimum floor area per unit shall be in accordance with the type of multi-family unit as listed in the definition of dwelling, multiple family Section 201.

## ARTICLE VI

### GENERAL PROVISIONS

#### SECTION 600

#### SCOPE OF THE ZONING RESOLUTION

The provisions of this Zoning Resolution shall apply to all land in the unincorporated part of Troy Township, Richland County, Ohio, and no building or structure or part thereof, shall be erected, converted, reconstructed or structurally altered, no shall any building or land be used, designed, or arranged for any purpose, except in conformity with the provision of this Resolution. Only uses specifically authorized by this Resolution shall be permitted. Any use not so authorized shall not be allowed except as hereinafter expressly provided.

#### SECTION 600.1

#### NON-CONFORMING LOTS, USES OF LAND AND STRUCTURES

- 600.1.1 Purpose: The purpose of this Section is to provide for the eventual and equitable elimination of non-conforming lots, non-conforming uses of land and non-conforming structures which do not conform to the provisions of this Resolution, but which were in operation prior to the enactment of this Resolution. Nonconforming lots, uses, and structures are declared to be incompatible with the permitted uses in the district involved.
- 600.1.2 Intent: Within the districts established by this Resolution or 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 its present amendments adopted, but which would be prohibited, regulated, or restricted under the terms of this Resolution or amendments. It is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival.
- 600.1.3 Uses Under Conditional Use Provisions Not Non-Conforming Uses: Any use which is permitted as a conditional use in a district under the terms of this Resolution shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.
- 600.1.4 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 a structure, a non-conforming use of land, or a non-conforming use of

a structure and land in combination shall not be extended or enlarged by more than ten (10) percent after passage of this Resolution.

600.1.5 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, providing that work shall be carried out diligently.

600.1.6 Certificates For Non-Conforming Uses: The Zoning Inspector may upon their own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid non-conforming use. The certificate shall specify the reason why the use is a non-conforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the non-conforming use, and the extent that dimensional requirements are non-conforming. The purpose of this section is to protect the owners of land or structures that are or become non-conforming. No fee shall be charged for such a certificate. The certificate shall be filed in triplicate: one copy shall be sent to the Township Clerk who shall maintain as a public record a file of all certificates; one copy shall be retained by Zoning Inspector; and one copy shall be returned to owner.

600.1.7 Substitutions of Non-Conforming Uses: So long as no structural alterations are made, except as required by enforcement of other codes or resolutions and as permitted by paragraphs 600.1.4, 600.1.9.1 and 600.1.11.1. of this Section, any non-conforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another non-conforming use of a less intensive classification, or the Board shall find that the use proposed for substitution is more appropriate to the district than the existing non-conforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, which

requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Resolution. Whenever a non-conforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

600.1.8 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, regardless of limitations imposed by other provisions of this Resolution. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable within 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. Variances of requirements of this Resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Article IX. No portion of any lot shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution.

600.1.9 Non-Conforming Uses of Land: Where, at the time of adoption of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

600.1.9.1 No such non-conforming uses shall be enlarged or increased, nor extended to occupy more than ten (10) percent more of a greater area of land than was occupied at the effective date of the adoption or amendment of this Resolution.

600.1.9.2 No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of the adoption or amendment of this Resolution.

600.1.9.3 If any non-conforming uses of land are discontinued or abandoned for more than two (2) years, any subsequent use of such land shall conform to the

regulations specified by this Resolution for the district in which such land is located.

600.1.9.4 No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such non-conforming use of land.

600.1.10 Non-conforming Structures: Where a lawful structure exists at the effective date of the 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:

600.1.10.1 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.

600.1.10.2 Should such non-conforming structure or non-conforming portion of a structure be destroyed by any means, it may be reconstructed as long as its non-conformity is not increased.

600.1.10.3 Should any 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.

600.1.11 Non-conforming Uses of Structures and Land in Combination: If a lawful use involving individual structures, or 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:

600.1.11.1 No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged or extended by more than ten (10) percent, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

600.1.11.2 Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such a 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.

600.1.11.3 Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use for a period of two (2) years, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.

600.1.11.4 When a non-conforming use of structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years, 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.

600.1.11.5 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.

600.1.12 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 except as hereabove provided. 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.

600.1.13 To the extent that this Resolution as amended has made any preexisting use of land which is lawful at the time it was established a non-conforming use, the Board of Zoning Appeals is hereby authorized to grant a variance as to the use of adjoining land insofar as they determine it necessary to carry out the long range development plans of the non-conforming use owner and the failure to grant such a variance will result in unusual hardship and in accordance with the requirements of Article IX of this Resolution.

## SECTION 600.2 ACCESSORY BUILDINGS AND USES

Accessory buildings and uses as permitted in this Resolution shall be subject to the following conditions:

- 600.2.1 An accessory building attached to the principal building, shall comply with the requirements of this Resolution applicable to the main building.
- 600.2.2 Detached accessory buildings shall be permitted in any required side or rear yard provided that:
  - 600.2.2.1 A detached accessory building shall be located such that the side and rear yard requirements are met.
  - 600.2.2.2 Within a "R-1," "R-2" and "R-3" District no detached accessory building shall exceed two (2) stories in height.
  - 600.2.2.3 Detached accessory buildings located on a corner or double frontage lot shall not be permitted to project beyond the minimum front yard depth facing adjacent streets.
  - 600.2.2.4 Any detached accessory building, 144 square feet or less in size, and not on a permanent foundation will not require a zoning permit, and be placed no closer than ten (10) feet to side, or rear lot lines.
- 600.2.3 Truck trailers and train cars shall not be permitted as an accessory use.
- 600.2.4 Within any Residential District, the sum total of all accessory buildings shall not exceed six hundred (600) square feet per acre of lot size.
- 600.2.5 Ornamental ponds shall be located no closer than six (6) feet to any side or rear lot line or street right-of-way line.

## SECTION 600.3 OFF-STREET PARKING REGULATIONS

- 600.3.1 General Regulations
  - 600.3.1.1 Any area once designated as required off-street parking shall never be converted or changed until equal facilities are provided elsewhere.

600.3.1.2 Land area designated for off-street parking facilities shall be used solely for the parking of vehicles and no commercial repair work, storage or service of any kind shall be conducted on all or any part of such parking lot.

600.3.1.3 Any use not specifically mentioned shall provide minimum off-street parking facilities in accordance with the requirements established for a use which is similar in type and nature.

600.3.1.4 Required off-street parking facilities shall be located on the same lot as the structure or use served, except that a parking facility providing the sum of parking spaces required of several uses may be provided contiguous and in common to the several structures and uses served.

600.3.1.5 The Board of Appeals may grant an exception to the requirements of this Section where joint use is made of parking facilities, providing the operating hours of such uses do not overlap.

600.3.1.6 Public uses such as, churches, schools and parks, may establish with business or industrial establishments joint parking facilities for fifty (50) percent or less of their required spaces, provided that a written agreement is forwarded, reviewed and approved by the Board of Appeals and further, provided that all parking areas so designated be within three hundred (300) feet of the public use.

600.3.2 All residential dwellings shall be provided with parking space off the road or street and outside of the public right-of-way, together with a means of ingress and egress thereto, for not less than one and one-half (1 ½) vehicles per dwelling unit. Each such vehicle shall be provided with at least two hundred (200) square feet of space for parking.

600.3.3 All B-Business uses shall provide parking space off the road or street, outside of the public right-of-way and within three hundred (300) feet of the entrance to said establishment. At least two hundred (200) square feet of parking area shall be provided for every one hundred (100) square feet of area of the first floor of said establishment which it serves.

600.3.4 Every church, theater, auditorium, stadium, arena, building or ground used for the assembling of persons to attend performances, shows, exhibitions, contests, concerts, lectures, entertainment and similar activities shall provide parking space off the street or road, and outside of the public right-of-way, of at least two hundred (200) square feet for every four (4) persons to be accommodated. Such parking area shall be within four hundred (400) feet of the main entrance to such use, and adequate means of ingress and egress shall be provided.

600.3.5 All I-Industrial uses shall provide at least two hundred (200) square feet of parking area per employee on the largest working shift. Wholesale establishments shall provide five (5) parking spaces in addition to the above requirement.

600.3.6 All B-Business and I-Industrial uses shall provide adequate space off the street or road, and outside of the public right-of-way for vehicles delivering to, unloading, loading or taking away from said user goods, materials, supplies, or waste in connection with said use.

600.3.7 The Board of Zoning Appeals shall have the authority to grant variances from these parking requirements in accordance with Section 900.5.

#### SECTION 600.4 TEMPORARY BUILDINGS AND STRUCTURES

600.4.1 Temporary buildings for uses incidental to construction work shall be permitted for a period not to exceed eighteen (18) months provided the occupant obtains a temporary building certificate.

600.4.2 Not more than one (1) recreational vehicle may be used as a temporary residence by a visitor on a lot with a permanent residence, provided that:

600.4.2.1 Such temporary residence shall not exceed thirty (30) days in any twelve (12) month period.

600.4.2.2 Application for a "Temporary Visitor's Zoning Permit" is filed with the Zoning Inspector within 10 days after arrival on the property.

## SECTION 600.5 PLANT MATERIALS

Whenever, in this Resolution, a greenbelt or planting strip is required, it shall be planted within six (6) months from the date of issuance of the Zoning or Conditional Zoning Permit and shall thereafter be reasonably maintained with permanent plant material to provide a screen to abutting properties.

## SECTION 600.6 SIGNS

### 600.6.1 General

The purpose of this Section 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 visually attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development by permitting signs which are compatible with their surroundings.

### 600.6.2 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.

### 600.6.3 General Requirements for All Signs and Districts

The regulations contained in this subsection shall apply to all signs and all use districts.

#### 600.6.3.1 Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent

premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

- 600.6.3.2 No sign shall employ any parts or elements which revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention. Paragraphs 600.6.3.1 and 600.6.3.2 of this Subsection shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations or similar services.
- 600.6.3.3 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.
- 600.6.3.4 No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel, or motel marquee.
- 600.6.3.5 No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
- 600.6.3.6 No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Subsection 600.6.8 herein.
- 600.6.3.7 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.
- 600.6.3.8 No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty (20) per cent of the window surface.
- 600.6.3.9 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.

600.6.3.10 All signs hung and erected shall be plainly marked with the name and telephone number of the person, firm, or corporation responsible for maintaining the sign.

600.6.3.11 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.

600.6.3.12 No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.

600.6.3.13 All signs shall be so designed and supported as to carry the weight of the sign, and shall comply with the local building code in effect.

600.6.3.14 All signs shall be secured in such a manner as to prevent significant movement due to wind.

600.6.3.15 No advertising signs shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine, or public shelter.

600.6.3.16 No sign shall contain words, images or graphic illustrations of an obscene or indecent nature.

600.6.3.17 No sign shall be attached in such manner that it may interfere with any required ventilation openings.

600.6.3.18 No sign shall be located on a vacant lot, except for the purpose of advertising the name of a development or subdivision, advertising the lot for sale or lease, or for such purpose as the notification of present danger or the prohibition of trespassing.

600.6.3.19 No sign shall be located nearer than eight (8) feet vertically or four (4) feet horizontally from any overhead electrical wires, conductors, or guy wires.

600.6.3.20 No vehicles or trailer may be parked on a business premises or a lot for the purpose of advertising a

business, product, service, event, object, location, organization, or the like.

600.6.4 Permit Required

- 600.6.4.1 No person shall locate or maintain any sign or cause a sign to be located or maintained, unless all provisions of this Section have been met. To assure compliance with these sign regulations, a sign permit issued pursuant to this Resolution shall be required for each sign unless specifically exempted in this Section.
- 600.6.4.2 A sign initially approved for which a permit has been issued shall not be modified, altered or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with these sign regulations.
- 600.6.4.3 The repainting, changing of parts and preventive maintenance of signs shall not be deemed alterations requiring a sign permit.

600.6.5 Signs Permitted in All Districts Not Requiring a Permit

- 600.6.5.1 Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet.
- 600.6.5.2 Professional name plates not to exceed four (4) square feet in area.
- 600.6.5.3 Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area.

600.6.6 Signs Permitted in Any District Requiring a Permit

- 600.6.6.1 Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution.

600.6.6.2 Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential shall not exceed fifteen (15) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

600.6.6.3 Any sign used to advertise the name of a development, or subdivision, in a district zoned residential, shall not exceed fifteen (15) square feet in area. The supporting structure and sign shall not exceed six (6) feet in height or fifteen (15) feet in length. The sign shall be located on private land, and be maintained by the developer or community landowner association.

600.6.7 [Signs Permitted in Business and Industrial Districts Requiring a Permit](#)

The sign regulations set forth in this Section shall apply to signs in all business and industrial districts and such signs shall require a permit.

600.6.7.1 In a business or industrial district, each business shall be permitted one flat or wall on-premise sign. Projection of wall signs shall not exceed two feet measured from the face of the main building. The area of all permanent on-premise signs for any single business enterprise may be an area equivalent to one and one half (1 ½) square feet of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of one hundred (100) square feet.

600.6.7.2 In a business or industrial district, two off-premises signs with a total area not exceeding one hundred (100) square feet each may be permitted at a single location. No single off-premises sign shall exceed one hundred (100) square feet, nor shall off-premises signs visible to approaching traffic have a minimum spacing of less than two hundred (200) feet. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district, except that such signs intended to be viewed

from an elevated highway shall be not more than twenty (20) feet above the level of the roadway at its nearest point. Off-premises wall signs shall have all structural and supporting members concealed from view.

600.6.8 Temporary Signs

Temporary signs not exceeding twelve (12) 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 Subsection 600.6.3, the setback requirements in Subsection 600.6.12 – 600.6.15 and, in addition, such other standards deemed necessary to accomplish the intent of this Section as stated in Subsection 600.6.1.

600.6.9 Free Standing Signs

Free standing on-premises signs not over twenty (20) feet in height, having a maximum total sign area of one hundred (100) square feet per display area and located not closer than ten (10) feet to any street right-of-way line and not closer than thirty (30) feet to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one free standing sign for each building, regardless of the number of businesses conducted in said building.

600.6.10 Wall Signs Pertaining to Non-Conforming Uses

On-premises wall signs pertaining to a non-conforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twelve (12) square feet.

600.6.11 Political Signs

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than sixty (60) days before an election. 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 fifteen (15) days following election day.

600.6.12 Sign Setback Requirements  
Except as modified in Subsection 600.6.13 – 600.6.16, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

600.6.13 Increased Setback  
For every square foot by which any on-premises sign exceeds fifty (50) square feet, the setback shall be increased by one-half (1/2) foot but need not exceed one hundred (100) feet.

600.6.14 Setbacks for Off-Premises Signs  
If a setback line is not established for the appropriate zoning district, off-premises signs shall be set back a minimum of twenty (20) feet from the right-of-way line.

600.6.15 Setbacks for Public and Quasipublic Signs  
Real estate signs and bulletin boards for a church, school or any other public, religious or educational institution may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

600.6.16 Special Yard Provisions  
On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises sign shall not be erected or placed within twelve (12) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twelve (12) feet, the latter shall apply.

600.6.17 Limitation  
For the purpose of this Section, outdoor advertising off-premises signs shall be classified as a business use and be permitted in all districts zoned for manufacturing or business or land used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto.

600.6.18 Maintenance

All signs shall be maintained in safe and sound structural condition at all times and shall be presentable. The Zoning Inspector shall notify in writing the owner or lessee to remove any advertising signs or structure found to be unsafe or structurally unsound within 10 days of issuing a notification.

600.6.19 Non-Conforming Signs and Structures

Advertising signs and structures in existence prior to the effective date of this Resolution which violate or are otherwise not in conformance with the provisions of this Section shall be deemed non-conforming. All such legal non-conforming signs and structures shall be maintained in accordance with this Section. The burden of establishing the legal non-conforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

600.6.20 Loss of Legal Non-Conforming Status

A legal non-conforming sign shall immediately lose its legal non-conforming status, and therefore must be brought into conformance with this Section or be removed, if the sign is altered in copy (except for changeable copy signs) or structure; or if it is enlarged, relocated, or replaced; or if it is part of an establishment which discontinues operation for ninety (90) consecutive days; or if it is structurally damaged to an extent greater than one-half of its estimated replacement value. Similarly, any legal non-conforming advertising structure so damaged must be brought into compliance or be removed.

600.6.21 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 Section shall be deemed a violation and shall be punishable under Article XIII of this Resolution. Political signs posted in violation of Subsection 600.6.11 of this Resolution are subject to removal five (5) days after written notice of violation of Subsection 600.6.11 has been given.

## SECTION 600.7 LANDFILL AND DUMPING OPERATIONS

The use of land for filling or dumping of earth, sand, gravel or waste materials, not in connection with general farming, agriculture, horticulture or landscape activities shall comply with the provisions of all other Resolutions of the Township of Troy relevant thereto.

## SECTION 600.8 FENCES AND WALLS

600.8.1 Fences and walls are permitted within any Residential district subject to the following conditions:

- 600.8.1.1 Fences and walls shall not exceed six (6) feet in height, measured from the surface of the ground.
- 600.8.1.2 Fences and walls shall in no instance contain barbed wire or electric current except as provided in Section 971.03 of the Ohio Revised Code.
- 600.8.1.3 Fences and walls on recorded lots having a total area in excess of two (2) acres and a minimum lot width of at least one hundred (100) feet and acreage or parcels not included within the boundaries of a recorded plat are excluded from these regulations.
- 600.8.1.4 No fence or wall, except those serving a purely decorative purpose, shall extend towards the front lot line beyond the front of the principal building or structure or the required minimum front yard setback, whichever is greater.
- 600.8.1.5 A purely decorative fence or wall shall not exceed four (4) feet in height and shall not be located in the street right-of-way.

600.8.2 Masonry walls or fences shall be provided and maintained for multiple family developments or uses within any "B" or "I" District on those sides abutting residential districts. Walls and fences shall be provided in conformance with the following regulations:

- 600.8.2.1 Obscuring fence or wall which meets the following minimum height requirements shall be required for those uses permitted in the districts listed below

where the side and/or rear yard or such uses abut onto any Residential District:

<u>District</u>	<u>Minimum Height Requirement (In Feet)*</u>
B      Business	5
I      Industrial	6

\* The minimum height requirements shall be measured from the surface of the ground.

- 600.8.2.2      No fence or wall shall be extended toward the front lot line beyond the front of the principal building or structure or the required minimum front yard setback, whichever is greater, except decorative fencing.
- 600.8.2.3      Required fences and walls shall not be located within one (1) foot or more than three (3) feet from the property line, except where such fence or wall interferes with underground utilities or surface water drainage conditions.
- 600.8.2.4      Such walls or fences may be constructed with openings which do not in any square section (i.e. height and width) exceed twenty (20) percent of the total surface. Where walls or fences are pierced, the openings shall be so spaced as to maintain the obscuring character required.

## SECTION 600.9      CORNER CLEARANCE

No fence, wall, greenbelt, planting strip, or any other obstruction to vision above a height of two and one-half (2 ½) feet from the established street grade shall be permitted within the triangular area at the intersection of any street right-of-way lines formed by a straight line drawn between said right-of-way lines at a distance along each line of thirty (30) feet measured from their point of intersection. No fence, wall, greenbelt, planting strip, or other obstruction shall be permitted to exist in such a way as to constitute a safety hazard.

## SECTION 600.10 PRINCIPAL BUILDING

Within any Residential District where the principal building is a one family or two family dwelling, only one (1) principal building shall be permitted on any one lot.

## SECTION 600.11 CORNER LOTS

Corner lots in all districts are required to meet the minimum front yard setback of the street or road that the building faces, and the side yard against the other street or road is to be a minimum of  $\frac{1}{2}$  of the front yard setback.

## SECTION 600.12 INCONSISTENCIES

In the event any of the requirements or regulatory provisions of this Resolution are found to be inconsistent with one another, the more restrictive or greater requirements shall be deemed in each case to be applicable.

## SECTION 600.13 CONDITIONAL ZONING PERMITS

600.13.1 Purpose: Provision is made in this Resolution for a more detailed consideration of each of certain specified uses or activities as it may relate to proposed conditions of location, design, size, operation, intensity or use, generation of traffic, and traffic movement, concentration of population, processes and equipment employed, amount and kind of public facilities and services required together with any other factors. Land and structural uses possessing these particularly unique characteristics are designated as Conditionally Permitted Uses and are permitted through the issuance of a Conditional Zoning Permit with such conditions and safeguards attached as the Board of Zoning Appeals shall deem necessary to carry out the provisions of Article IX of this Resolution.

600.13.2 Procedure: Any application for a Conditional Zoning Permit for any land use or structure permitted under this Resolution shall be submitted in accordance with the following procedures:

600.13.2.1 Applications to Board of Zoning Appeals

600.13.2.1.1 An application for a Conditional Zoning Permit shall be submitted to the Board of Zoning Appeals on a special form provided for that purpose. The Board of Zoning Appeals, where appropriate, may refer an application to qualified consultants for a report, if it deems the proposed use may cause undue traffic generation, population concentrations, or extra size sewer and/or water utility systems. The cost of such report shall be at the expense of the applicant, and said report shall be furnished to the Board of Zoning Appeals within thirty (30) days from the date upon which it was requested.

600.13.2.2 Data Required with Application

600.13.2.2.1 Form supplied by the Zoning Inspector and completed by the applicant.

600.13.2.2.2 Names and addresses of all owners of property within, contiguous to and directly across the street from the parcel or parcels involved shall be included with the application.

600.13.2.2.3 Site plan, plot plan or development plan of the entire property being considered, drawn at a scale of 1"=100" and showing the location of all abutting streets, the location of all existing and proposed parking, landscaping, lot dimensions, points of ingress and egress, the location of all existing and proposed structures, and the types of buildings and their intended use. Site plan shall contain such information necessary to demonstrate that all applicable conditions are being complied with.

600.13.2.3 Review by Board of Zoning Appeals

The Board of Zoning Appeals shall review the proposed development, as presented, on the submitted plans and specifications in terms of the conditions established for the specified use. In cases where the Board of Zoning Appeals requests a report from a consultant, the application will not be reviewed until the Board of Zoning Appeals has received the report along with a receipt for the cost of such report. Such review shall be completed and made public within sixty (60) days following the date the application was submitted.

600.13.2.4 Notice of Public Hearing

The Board of Zoning Appeals shall fix a reasonable time for a public hearing of the conditional use permit, give at least ten (10) days notice in writing to all owners of property within, contiguous to and directly across the street from the parcel or parcels involved, give notice of such public hearing by one publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing. Such notice shall indicate the place, time and subject of the hearing.

600.13.2.5 Issuance and Revocation of Conditional Zoning Permits

Only upon conclusion of review procedures, relative to a particular application, may the Commission issue a Conditional Zoning Permit. The breach of any safeguard condition, or requirement shall automatically invalidate the permit granted, and shall constitute a violation of this Resolution. Such violation shall be declared as a nuisance per se as per Article XIII of this Resolution.

**SECTION 600.14 SITE PLAN REVIEW**

600.14.1 A site plan shall be submitted to the Board of Zoning Appeals for approval of:

600.14.1.1 Any use or development for which the submission of a development plan is required by any provision of this Resolution.

600.14.1.2 Any conditionally permitted use within any District in this Resolution.

600.14.1.3 All applications for variances.

600.14.2 Every site plan submitted to the Board of Zoning Appeals shall contain such information and be submitted in such form as the Board of Zoning Appeals may prescribe in its rules. Supporting evidence in the form of a map, chart, table or drawing shall be declared as an exact or accurate representation of the development proposal shown on the site plan.

600.14.3 Approval of the site plan by the Board of Zoning Appeals shall constitute approval of the development. The breach of any requirement or the misrepresentation of facts, figures or other supporting evidence by the applicant shall constitute a violation of this Resolution. Such violations shall be declared as a penalty as prescribed in Article XIII of this Resolution, and shall automatically invalidate the zoning permit granted.

**SECTION 600.15 PUBLIC AND PRIVATE ACCESS REQUIREMENTS**

Every dwelling shall be located on a lot having access to a public or private street. Public Streets shall be designed and improved in accordance with the minimum improvement standards of the City of Mansfield Subdivision Regulations or the Richland County Subdivision Regulations as they apply to various sections of Troy Township.

**SECTION 600.16 REGULATION OF JUNK AND JUNK YARDS**

Junk yards and the storage of junk shall be a prohibited land use in Troy Township.

## SECTION 600.17 DISH ANTENNAS

Dish antennas or similar satellite receiving stations used for reception of communication signals are permitted uses in any district as accessory uses as long as the distribution of signals is limited to receivers located on the same parcel or within the same project as the antenna. Dish antennas may only be located on the principal building or rear yard and shall meet all setback requirements for accessory buildings.

## SECTION 600.18 SWIMMING POOLS

Private residential swimming pools & public swimming pools are regulated through the Richland County Building Codes and Regulations department.

Private residential swimming pools are defined by the Richland County building code for swimming pools as a receptacle for water, or an artificial pool of water having a depth at any point of more than two feet (2') for the purpose of immersion or partial immersion therein of human beings and having a minimum size of 200 sq. ft.; and maintained primarily for the use of household or limited to household members and guests and not intended for the use of members and guests of non-profit clubs or organizations or limited to household residents of multiple dwelling units on a block, subdivision, neighborhood, community or other specified area of residents.

## SECTION 600.19 PONDS

### 600.19.1 Applicability

600.19.1.1 Ponds shall be permitted in any zoning district in Troy Township. These regulations pertain to ponds that have an area at least three-hundred (300) square feet and less than five (5) acres or is over twenty-four (24) inches deep.

### 600.19.2 Design

600.19.2.1 Ponds that have an area greater than a quarter of an acre (10,890 sq. ft.) must be designed by a registered landscape architect and/or civil engineer. A copy of this plan must be filed with the Richland County Soil and Water Conservation District and approved by them.

600.19.3 Location

600.19.3.1 Ponds shall be a minimum of fifty (50) feet from septic system lines and leach beds. The setbacks for the toe of the dam, edge of the pond and distance from street right-of-way shall be a minimum of twenty-five (25) feet from any rear or side lot lines and fifty (50) feet from any street right-of-way line. This measurement shall be taken from the high water mark of the pond or the toe of the outside of the bank whichever is closest to the street right-of-way line or lot line.

600.19.4 Application for Zoning Certificate & Pre-constructin

600.19.4.1 Before constructing a pond an application shall be made to the Zoning Inspector for a Zoning Certificate. The application shall include the following:

600.19.4.1.1 A plot plan drawn to a scale of not less than ten (10) feet to the inch showing the actual shape, location and exact dimensions of the property to be built upon.

600.19.4.1.2 The shape, size and location of all buildings and other structures already on the property and the location of on-site public utilities.

600.19.4.1.3 The dimensions and location of the pond showing the distance of the pond to the road and side lot lines and street right-of-way line.

600.19.4.1.4 Any other pertinent data as may be required to determine whether the provisions of this Resolution are being observed properly.

600.19.4.2 Within twenty (20) days after receipt of the application and before construction may begin, the Zoning Inspector shall inspect the site on which the pond is to be built. The location of the pond shall be laid out on the property prior to the site inspection. The Zoning Inspector shall determine that the proposed construction is in compliance with the Zoning Resolution and sent for approval to Richland County Soil and Water Conservation District.

600.19.4.3 After the site inspection is completed, the Zoning Inspector shall issue, in writing, permission to proceed with construction of the pond. If such permission is refused for cause, the applicant shall be notified, in writing, of such refusal and cause within the twenty (20) day period.

*Troy Township has no liability exposure in regard to the pond.*

SECTION 600.20 WIND TURBINE/ELECTRICAL GENERATION TOWERS

Wind Turbine Towers shall be permitted in any zoning district in Troy Township and shall be subject to the following.

600.20.1 SITE PLAN

600.20.1.1 A site plan shall be provided showing the design and painted color of the Wind Turbine Tower and its location on the property and shall include documentation demonstrating compliance with the requirements set forth in this section.

600.20.2 SETBACKS

600.20.2.1 Tower Height of 175 feet or less

The center of the tower base shall be set back from any non-participating property line, above ground utility line or road right-of-way a minimum distance of 1.5 times the tower height and shall be set back from any occupied structure on a non-participating property a minimum distance of five hundred (500) feet.

600.20.2.2 Tower Height of 175 feet or less, VAWT Wind Turbine Tower

The center of the tower base shall be set back from any non-participating property line, above ground utility line or road right-of-way a minimum distance of 1.5 times the tower height.

600.20.2.3 Tower Height of More than 175 feet and/or 5 MW or More Generation

- a. The distance from a wind turbine tower base to the property line of the wind farm property shall be at least 1.1 (one and one-tenth) the tower height as measured from its base to the tip of its highest blade.
- b. The wind turbine tower base shall be at least seven hundred fifty (750) feet in horizontal distance from the tip of the turbine's nearest blade at ninety degrees to the exterior of the nearest occupied structure, if any, located on a non-participating property at the time of the application for the zoning permit.
- c. Minimum setbacks may be waived in the event that all owners of property adjacent to the turbine agree to such waiver, pursuant to rule 4906-1-03 of the Ohio Administrative Code.

600.20.3 NOISE

600.20.3.1 Wind Turbine Tower systems shall not exceed 60 dBA, as measured at the property boundary of parcels owned by individuals or entities other than the system owner. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms. Measurements can be supplied by the system manufacturer.

600.20.4 MINIMUM BLADE HEIGHT

600.20.4.1 The minimum distance between the ground and any part of the rotor or blade assembly shall be thirty (30) feet.

600.20.5 COMPLIANCE WITH FAA REGULATIONS

600.20.5.1 Wind Turbine Tower systems must comply with applicable Federal Aviation Administration (FAA) regulations, including any necessary approvals for installations close to airports.

600.20.5.2 No Wind Turbine Tower system shall be constructed with lights or be painted with bright and/or reflective paint except with specifically required by a Federal law or regulation. When lights are specifically required, strobe lights shall not be used unless specifically required by Federal law or regulation.

600.20.6 VISUAL IMPACT

600.20.6.1 Wind Turbine Tower systems shall be of a design and color(s) that would incorporate the characteristics of the immediate surrounding area so as to provide a natural blending of the tower into its surrounding environment and aesthetically soften its intrusion into a residential area. Further, no advertising shall be permitted on the tower.

600.20.6.2 No Wind Turbine Tower system shall be installed in any location that would substantially detract from or block view of a portion of a recognized nature preserve designated by the Ohio Dept. of Natural Resources or the Richland County Parks District.

600.20.7 UTILITY NOTIFICATION

600.20.7.1 No Wind Turbine Tower system shall be installed until evidence has been supplied that the utility company servicing the site has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

600.20.8 INTERFERENCE WITH MICROWAVE COMMUNICATION SYSTEMS

600.20.8.1 No Wind Turbine Tower system shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.

600.20.9     INTERFERENCE WITH ANTENNA-BASED COMMUNICATIONS SYSTEMS

600.20.9.1    No Wind Turbine Tower system shall be installed in any location where its proximity with existing fixed broadcast, retransmission or reception antenna (including residential reception antenna) is likely to produce electromagnetic interference with its operation.

600.20.10    TOWER ACCESS

600.20.10.1   Wind Turbine Towers should have either:

- a.    Tower-climbing apparatus located no closer than twelve (12) feet from the ground, or
- b.    A locked anti-climb device installed, or
- c.    The tower shall be completely enclosed by a locked, protective fence at least 6 feet high. For multiple system installations, a fence enclosing the entire site may be considered.

600.20.11    DECOMMISSIONING

600.20.11.1   Decommissioning of Utility Scale Wind Turbine Towers: The applicant, or successors, shall continuously maintain a fund or bond payable to the township for the removal of non-functional towers in an amount to be determined by the township for the life of the facility. This fund shall consist of a letter of credit from a State of Ohio-licensed financial institution or other secure instrument as approved by the township. All costs of the financial security shall be borne by the applicant.

600.20.11.2   Decommissioning of Wind Turbine Towers: A Wind Turbine Tower which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any zoning permit shall constitute grounds for the revocation of the permit by the township.

600.20.12 **TRANSPORT OF UTILITY SCALE WIND TURBINE TOWERS**

- 600.20.12.1 Any person or firm proposing to transport any portion of a Utility Scale Wind Turbine Tower shall submit a proposed route to the Richland County Engineer and attend a conference with that office to ascertain if legal loading and size limitations for county and township roads will be exceeded.
- 600.20.12.2 If it is determined in consultation with the Richland County Engineer that the transport of any portion of a Utility Scale Wind Turbine Tower will exceed legal loading or size according to law, the person or firm proposing the transport shall submit detailed plans, specifications and estimates for upgrading highways and/or bridges to the Richland County Engineer for approval at least 60 days prior to any such use.
- 600.20.12.3 After the plans, specifications and estimates for the required improvements have been approved by the Richland County Engineer, the person or firm shall provide a surety bond naming the Richland County Commissioners for one-hundred (100) percent of the value of the improvement to be constructed on county and township highways and bridges.
- 600.20.12.4 The person or firm constructing required improvements to county or township highways or bridges shall pay to the Richland County Engineer two (2) percent of the approved estimate to be used for the inspection of the work to be performed.
- 600.20.12.5 The work to be performed shall be completed according to a schedule to be approved by the Richland County Engineer. Failure to complete the work according to the approved schedule will result in a payment of liquidated damages by the person or firm to the Richland County Engineer in the amount of one tenth of one percent (0.10) of the approved estimate per calendar day for each day the work remains uncompleted according to the previously approved schedule.

## SECTION 600.21 SMALL SOLAR FACILITIES

Provisions of this section do not apply to Solar facilities of fifty (50) megawatts or more which 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.

### 600.21.1 DEFINITIONS

1. **Ground Mounted Solar Energy Systems** means a solar energy system that mounts a solar panel or panels and facilities on or above the ground.
2. **Integrated Solar Energy Systems** means a solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.
3. **Rooftop Solar Energy Systems** means a solar energy system that is mounted to a structure or building's roof on racks.
4. **Small Solar Facility** means a Solar Energy System and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts.
5. **Solar Energy** means radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.
6. **Solar Energy System** means a system and associated facilities that collect Solar Energy, which may include, but is not limited to, an Integrated Solar Energy System, Rooftop Solar Energy System, or Ground Mounted Solar Energy System.

### 600.21.2 PERMITTED USE

1. **Integrated Solar Energy Solar Systems**: Subject to the restrictions contained herein any construction, erection, or siting of an Integrated Solar Energy System shall be a

permitted use in the following zoning districts: All districts.

2. Rooftop Solar Energy Systems: Subject to the restrictions contained herein, any construction, erection, or siting of a Rooftop Solar Energy System shall be a permitted use in the following zoning districts: All districts.
3. Ground Mounted Solar Energy Systems: Subject to the restrictions contained herein any construction, erection, or siting of a Ground Mounted Solar Energy System shall be a permitted use in the following zoning districts: All districts.

#### 600.21.3 GENERAL REQUIREMENTS

##### 600.21.3.1 Integrated Solar Energy Solar Systems:

- a. Height: The maximum height of any Integrated or Rooftop Solar Energy System shall not exceed the maximum height applicable to principal structures located in the zoning district where located. An Integrated or Rooftop Solar Energy System mounted on a roof shall not vertically exceed the highest point of the roof to which it is attached. On a Flat Roof the height shall not exceed five (5) feet above the roof it is attached to.
- b. Coverage: An Integrated or Rooftop Solar Energy System shall cover no more than seventy (70) percent of a structure's walls and/or roof, unless when using solar shingles where the roof can be one hundred (100) percent as applicable.

##### 600.21.3.2 Ground Mounted Solar Energy Systems:

- a. Height: The maximum height of any Ground Mounted Solar Energy System at any point shall not exceed ten (10) feet.
- b. Coverage: Ground Mounted Solar Energy Systems shall be included as part of any lot/tract/ground coverage calculation applicable to the zoning district where located. In the event a zoning district does not have a

restriction limiting the ground area occupied by buildings, structures, parking areas, sidewalks, or other impervious surfaces, all Ground Mounted Solar Energy System(s) shall not exceed in the aggregate fifteen (15) percent of the total area of the lot or tract.

- c. Visual Buffer: A Ground Mounted Solar Energy System shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides reasonable year-round visual screening to minimize view of and noise from the Small Solar Facilities on adjacent lots and from any public right-of-way. Ground Mounted Solar Energy Systems located on corner lots shall comply with the applicable requirements (including, but not limited to, those for yards, buffering and screening) for lots in the zoning district where located.
- d. Location: Any small Solar Facility other than an Integrated or Rooftop Solar Energy System shall be located on the side or back of the principal building (house) and cannot extend beyond the parallel line of the front of the house for a lot with a principal building. It shall meet the isolation distance of underground utilities such as septic systems (in service or planned), sewers, etc. Any modifications to existing underground utilities will be the responsibility of the solar energy system owner upon receiving appropriate approvals.
- e. Components: All exterior electrical lines must be located entirely underground and placed in conduit.

#### 600.21.3.3 Lighting:

Any lighting for a Small Solar Facility shall be a Motion Light, non-continuous. Small Solar Facilities shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.

600.21.3.4 Noise:

No Small Solar Facility shall emit sound more than 70DB to an adjacent lot.

600.21.3.5 Setbacks:

Any Small Solar Facility must comply with the setback requirements of the zoning district where located.

600.21.3.6 Maintenance/Removal:

Small Solar Facilities must be maintained in good working order at all times. The owner of the property and owner of the Small Solar Facilities shall, within thirty (30) days of permanently ceasing operation of a Small Solar Facility, provide written notice of abandonment to the Zoning Inspector. An unused Small Solar Facility may stand no longer than three (3) month following abandonment. All costs associated with the dismantling/demolition of the Small Solar Facility and associated equipment shall be borne by the property owner. A Small Solar Facility is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days, unless proof of repair parts are provided. Removal includes removal of all apparatuses, supports, and/or other hardware associated with the existing Small Solar Facility and, in the case of Ground Mounted Solar Energy Systems installed returning the property to a graded, seeded and/or landscaped state similar to its condition prior to the construction/installation. Compliance with zoning regulations shall be the responsibility of the property owner, including, but not limited to, equipment installation, maintenance, abandonment, dismantling and removal.

600.21.3.7 Building Permits:

All Small Solar Facilities and parts thereof shall obtain all applicable required Building Permits from the State of Ohio and County or other local building jurisdiction.

600.21.3.8 Advertising:

Small Solar Facilities and the property where located shall not be used for the display of advertising. For

the purposes of this section, reasonable and customary identification (name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising.

600.21.3.9 Other Restrictions:

A Small Solar Facility shall comply with all applicable federal, state, and local laws, rules, and regulations. A small solar facility shall provide evidence that the utility company serving the site has been informed and provided approval of the customer's intent to install an interconnected solar energy system except that an off-grid system shall be exempt from this requirement.

600.21.4 Certificate of Zoning Compliance

600.21.4.1 A certificate of zoning compliance shall be required before any construction, reconstruction, alteration, or enlargement is commenced on a Small Solar Facility.

600.21.4.2 Applicant shall provide the Township Zoning Inspector with the following items and/or information when applying for a certificate of zoning compliance.

a) An engineering report that shows:

- i. The total size and height of the proposed Small Solar Facility.
- ii. Data specifying the megawatt size and generating capacity in megawatts of the particular Small Solar Facility.
- iii. Hazardous materials containment and disposal plan.
- iv. The Troy Township Permit requires the Fire Chief to sign off and enter pertinent data for location and types of hazards into the county CAD system for the purpose of First Responders being dispatched to location.

- b) A site drawing showing the location of the Small Solar Facility including all equipment and components thereof in relation to (and measurements of distances from) all existing structures on the property, roads and other public right-of-way, and neighboring property lines, the location of proposed fencing, driveways; the location and nature of proposed buffers, including vegetative and constructed buffers and berms.
- c) Evidence of compliance with applicable setback and all other applicable zoning restrictions.
- d) A maintenance schedule as well as a dismantling plan that outlines how the Small Solar Facility including all equipment and components thereof will be dismantled at the end of their use and/or upon abandonment.
- e) Any other information or materials reasonably requested by the Zoning Inspector.

## ARTICLE VII

### GENERAL EXCEPTIONS

#### SECTION 700 EXEMPT FROM REGULATIONS

The provisions of this Zoning Resolution shall apply to all land, every structure and every use of land or structure except agriculture, public utilities and railroads, and area and height requirements as specifically exempt by law in accordance with the provisions of this ARTICLE.

#### SECTION 700.1 AGRICULTURE

Nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning certificates shall be required for any such use, building or structure, except:

- 700.1.1 In any platted subdivision approved under Section 711.05, 711.09 or 711.10 of the Ohio Revised Code or in any area consisting of fifteen or more lots approved under Section 711.131 of the Ohio 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 shall be regulated as follows:
  - 700.1.1.1 For purposes of this resolution no agricultural use shall be permitted on any tract of land of one (1) acre or less.
  - 700.1.1.2 No animals, except household pets, shall be kept on any parcel greater than one (1) acre and less than five (5) acres unless the building housing said animals is at least fifty (50) feet from any lot line.
- 700.1.2 For any farm market located in any agricultural, residential, commercial or industrial zoned district wherein less than fifty percent (50%) 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, then in such case the farm market shall comply with those zoning requirements applicable to

the district in which it is located in accordance with Section 519.21 (C) of the Ohio Revised Code.

700.1.3 For any residential structures and non-agricultural accessory buildings located on agriculture land.

## SECTION 700.2 PUBLIC UTILITIES

The provisions of this Zoning Resolution shall not apply to public utilities except where express authority has been conferred by the Ohio Revised Code on the Board of Township or Board of Zoning Appeals in which case the entire Zoning Resolution shall be applied where applicable.

700.2.1 The provisions of this Zoning Resolution shall apply where authority is granted by the Ohio Revised Code for Township Trustees or Board of Zoning Appeals with respect to any telecommunications tower defined by ORC 519.211 and is proposed to be located in any area of the Township zoned for residential use. When a telecommunications tower is proposed to be located in any area zoned for residential use it shall be and is as a conditional use. Telecommunications towers shall be permitted provided the Board of Zoning Appeals determines that each of the following conditions has been met:

700.2.1.1 For the purpose of regulating such telecommunication towers in areas of the Township zoned for residential use, a telecommunication tower shall be considered to exist if the free-standing structure including antennas exceed fifty-two (52) feet in height or if an attached tower exceeds the height of the building or other structure to which it is attached by more than twelve (12) feet.

700.2.1.2 A site plan shall be provided showing the design and painted color of the tower and its location on the property.

700.2.1.3 No tower shall be constructed with lights and be painted in red/white or in other bright colors or configuration colors except when specifically required by a Federal law or regulation. When lights are required, strobe lights shall not be used unless specifically required by Federal law or regulation.

700.2.1.4 The site shall be a minimum of five hundred (500) feet from the nearest parcel of land used for residential purposes except: (1) where a communications tower already exists on the same parcel that was constructed prior to January 1, 1999, and (2) the proposed tower will not be constructed beyond a radius of one hundred (100) feet from such prior existing tower.

700.2.1.5 The minimum set-back line between the base of the tower and all adjacent property lines shall be the height of the tower.

700.2.1.6 The tower shall be sited and be of a design and color(s) that would incorporate the characteristics of the immediate surrounding area so as to provide a natural blending of the tower into its surrounding environment and aesthetically soften its intrusion into a residential area. Further no advertising shall be permitted on the tower.

700.2.1.7 Unless the proposed tower would be located on a parcel where another tower already exists as otherwise provided in paragraph (d) above, the applicant shall demonstrate that the need for the proposed tower cannot be accommodated by co-locating systems on an existing tower.

700.2.1.8 Each tower shall be designed to accommodate the addition and co-location of a minimum of two additional telecommunications systems.

700.2.1.9 If the tower is abandoned, it shall be removed within ninety (90) days of its last date of operation or thereafter be removed by the township and the cost of removal billed to the property owner.

700.2.2 In the event an existing tower is to be reconstructed, changed, altered, or enlarged, then it shall be permitted by the Board of Zoning Appeals subject to the conditions of this Section and the provisions of Section 900.5.5. In no event shall any change or alteration be permitted that would substantially increase the tower's height.

## SECTION 700.3 RAILROAD RIGHT-OF-WAY

For the purposes of this Resolution, railroad rights-of-way and other railroad facilities shall be permitted as authorized and regulated by State and Federal Laws, it being the intent of this section to exempt railroads from the application of this Resolution.

## SECTION 700.4 PERMITTED HEIGHT EXCEPTIONS

The height limitations contained in Section 410 Schedule of Regulations do not apply to spires, belfries, cupolas, antennas, **rooftop wind turbines, solar power generation systems**, 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 to the safe landing and take-off of aircraft at an established airport. Such exceptions shall not be erected at a height greater than twelve (12) feet above the height limit established.

## SECTION 700.5 VOTING PLACE

The provisions of this Resolution shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with public election.

## SECTION 700.6 ACCESSWAYS

For the purpose of this Resolution, any walk, terrace or other pavement surfacing providing access to rear yards and/or accessory structures, and not in excess of ten (10) inches above the finished grade, shall not be considered to be a structure, and shall be permitted in any required yard.

## SECTION 700.7 PROJECTIONS INTO YARDS

Open, unenclosed, and uncovered porches or paved terraces may project not more than ten (10) feet within the minimum front yard setback, but this shall not be interpreted to include or permit fixed canopies.

## SECTION 700.8 CONSTRUCTION

Nothing in this Resolution shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this Resolution and upon which actual construction has been diligently carried on and provided further that such building shall be completed within one (1) year from the date of passage of this Resolution.

## SECTION 700.9 YARD REGULATIONS

When yard regulations cannot reasonably be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified as determined by the Board of Zoning Appeals.

## ARTICLE VIII

### TOWNSHIP ZONING COMMISSION

#### SECTION 800

#### AUTHORITY, COMPOSITION, AND APPOINTMENT

There is hereby created a Township Zoning Commission consisting of five (5) members appointed by the Township Trustees. The Commission shall include five (5) residents of the unincorporated area of the Township with records of civic, business, or professional leadership, and who shall not be members of the Board of Zoning Appeals. Each member shall be appointed for a period of five (5) years, except that one of the initial members shall be appointed for one (1) year and one of the initial members shall be appointed for two (2) years, and one of the initial members shall be appointed for three (3) years, and one of the initial members shall be appointed for four (4) years, and one of the initial members shall be appointed for five (5) years. In the event of the death or resignation of a member, the Township Trustees shall make the appointment for the duration of the unexpired portion of the term of the member.

#### SECTION 800.1

#### ORGANIZATION

The Zoning Commission shall elect a chairman, vice chairman, and secretary from its membership, and shall prescribe rules for the conduct of its affairs.

#### SECTION 800.2

#### QUORUM

The Zoning Commission shall require a quorum of three (3) of its members at all of its meetings, and a concurring vote of three members shall be necessary to effect an order.

#### SECTION 800.3

#### MEETINGS

The Zoning Commission shall meet quarterly or at the call of its Chairman or the Vice Chairman acting in the capacity of the Chairman, or by the call of two other members of the Zoning Commission.

## SECTION 800.4 POWERS AND DUTIES

800.4.1 The Zoning Commission shall act on all rezone requests to the Official Township Zoning Map submitted to said Zoning Commission by the Township Clerk in conformance with Article X of this Resolution. The Zoning Commission shall recommend approval, disapproval or modification of the original request to the Township Trustees following the procedures set forth in Article X of this Resolution.

800.4.2 The Zoning Commission shall review from time to time any provision of provisions of this Resolution and shall recommend such changes as it deems necessary in order to promote the intent of this Resolution to the Township Trustees following the procedures set forth in Article X of this Resolution.

800.4.3 The Zoning Commission shall act upon all amendments requested to the Troy Township Resolution submitted to the Zoning Commission by the Township Trustees. The Zoning Commission shall recommend approval, disapproval or modification of the original request to the Township Trustees following the procedures set forth in Article X of this Resolution.

## SECTION 800.5 ADMINISTRATION AND ENFORCEMENT

The provisions of this Resolution shall be administered and enforced by the Zoning Inspector, or his/her assistants.

## SECTION 800.6 DUTIES OF THE ZONING INSPECTOR

A Zoning Inspector shall be employed for the purpose of granting zoning permits and to make inspection of premises or buildings necessary in carrying out his/her duties in compliance with the provisions of this Resolution. It shall be unlawful for the Zoning Inspector to issue permits or approve any plans until he/she has inspected such plans in detail and found them to conform with the provisions of this Resolution. The Zoning Inspector shall also be responsible for submitting to the Zoning Board of Appeals all applications and appeals. The Zoning Inspector shall not refuse to issue a zoning permit when the provisions or conditions of this Resolution are complied with by the applicant. The zoning inspector shall post a bond of not less than \$1,000 nor more than

\$5,000 as fixed by Township Trustees in accordance with the provisions of Section 519.161 of the Ohio Revised Code.

**SECTION 800.7 APPLICATION PROCEDURE – ZONING PERMIT**

800.7.1 Before constructing, changing the use of, or altering any building, including accessory buildings, fences, decks or gazebos, or changing the use of any premises, application shall be made to the Zoning Inspector for a zoning permit. The application shall include the following information:

800.7.1.1 A plot plan drawn to a scale of not less than ten (10) feet to the inch showing the actual shape, location and exact dimensions of the property to be built upon.

800.7.1.2 The shape, size and location of all buildings and other structures to be erected, altered or moved and of any building or other structures already on the property.

800.7.1.3 The existing and intended use of the property, including residential areas, the total number of dwelling units to be accommodated in the building.

800.7.1.4 Any other pertinent data as may be required to determine whether the provisions of this Resolution are being observed properly.

800.7.2 Within twenty (20) days after the receipt of the application, the Zoning Inspector shall issue a zoning permit if the application complies with the requirements of this Resolution and the application is accompanied by a proper fee as indicated in Section 800.8 below. If such permit is refused for cause, the applicant shall be notified of such refusal and cause within the twenty (20) day period.

800.7.3 Each application shall clearly state that unless construction is started within one (1) year from the date of issuance, or substantially completed within two and one half (2 ½) years, the zoning permit shall be void.

**SECTION 800.8      FEES**

The Township Trustees may from time to time prescribe and amend by resolution, a schedule of fees to be charged to applicants for all applications and permits as indicated in Article XIV of this Resolution.

## ARTICLE IX

### BOARD OF ZONING APPEALS

#### SECTION 900

#### AUTHORITY, COMPOSITION AND APPOINTMENT

There is hereby created a Board of Zoning Appeals consisting of five (5) members appointed by the Township Trustees. The Board shall include five (5) residents of the unincorporated area of the Township with records of civic, business, or professional leadership, and who shall not be members of the Zoning Commission. Each member shall be appointed for a period of five (5) years, except that one of the initial members shall be appointed for one (1) year, and one of the initial members shall be appointed for two (2) years, and one of the initial members shall be appointed for three (3) years, and one of the initial members shall be appointed for four (4) years, and one of the initial members shall be appointed for five (5) years. In the event of death or resignation of a member, the Township Trustees shall make the appointment for the duration of the unexpired portion of the term of the member.

#### SECTION 900.1

#### ORGANIZATION

The Board of Zoning Appeals shall elect a chairman from its membership, shall appoint a Recording Secretary, and shall prescribe rules for the conduct of its affairs.

#### SECTION 900.2

#### QUORUM

The Board of Zoning Appeals shall require a quorum of three (3) members at all its meetings, and a concurring vote of three (3) members shall be necessary to effect an order.

#### SECTION 900.3

#### MEETINGS

The Board of Zoning Appeals shall meet at the call of its chairman or two (2) other members, and at such other regular times as it may, by resolution, determine.

## SECTION 900.4 WITNESSES

The Board of Zoning Appeals chairman or acting chairman may administer oaths and compel the attendance of witnesses in all matters coming within the review of this Resolution.

## SECTION 900.5 POWERS AND DUTIES

The board of Zoning Appeals shall have the following powers and duties:

- 900.5.1 To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Resolution.
- 900.5.2 To authorize, upon appeal, such variance from the terms of the zoning resolution as will not be contrary to the public interest, where due to special conditions, literal enforcement of the Resolution will result in unnecessary hardship and so that the spirit of this Resolution shall be observed and substantial justice done.
- 900.5.3 To grant conditional zoning permit for the use of land, buildings, or other structures as specifically provided for elsewhere in this Resolution.
- 900.5.4 The Board of Zoning Appeals shall not have the power to permit a use not normally permitted in a given zoning district except as otherwise permitted herein.
- 900.5.5 The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that such use on the proposed location:
  - 900.5.5.1 Will be harmonious with and in accordance with the general objectives or with any specific objective of this resolution;
  - 900.5.5.2 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;
  - 900.5.5.3 Will not be hazardous or disturbing to existing or future neighboring uses;

- 900.5.5.4 Will not be detrimental to property in the immediate vicinity or to the community as a whole;
- 900.5.5.5 Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

## SECTION 900.6 PROCEDURES

The Board of Zoning Appeals shall act in accordance with the procedure specified by law including this Resolution. All appeals and applications made to the Board of Zoning Appeals shall be in writing and on the forms prescribed therefore. Every appeal or application shall refer to the specified provision of the Resolution involved, and shall exactly set forth the interpretation that is claimed, the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. Every decision of the Board of Zoning Appeals shall be by resolution, each of which shall contain a full record of the findings of one or another of the following headings: Interpretation; Exceptions; Variances, together with all documents pertaining thereto. In the event that the Board of Zoning Appeals will find it necessary to draw upon any planning, legal, engineering, or any other expert testimony, such fee shall be raised in order to cover all expenses of such expert testimony. The applicant shall bear all direct and related costs.

## SECTION 900.7 APPEALS AND NOTICE OF HEARINGS

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Township affected by any decision of the administrative officer. Such appeal shall be taken within twenty days after the decision by filing with the officer from whom the appeal is taken and with the procedures in Section 900.6. The officer from whom the appeal is taken shall transmit to the Board of Appeals all the papers constituting the record upon which the appeal is being taken.

The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten days notice in writing to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing, and decide the appeal within a reasonable time after it is submitted.

**SECTION 900.8      FEES**

The Township Trustees may from time to time prescribe and amend by resolution, a reasonable schedule of fees to be charged to applicants for all conditional permits, variances, and appeals as indicated in Article XIV of this Resolution.

## ARTICLE X

### AMENDMENTS

#### SECTION 1000

Amendments to the Zoning Resolution or map may be initiated by motion of the Zoning Commission, by passage of a resolution by the Board of Trustees, or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Township zoning commission. The Board of Trustees shall upon passage of such resolution, certify it to the Zoning Commission.

Upon such certification, adoption of such motion, or the filing of such application, the Zoning Commission shall set a date for public hearing thereon, not less than twenty (20) nor more than forty (40) days hence. Notice of such hearing shall be given by the Zoning Commission by one (1) publication in one (1) or more newspapers of general circulation in the Township at least fifteen (15) days before the date of such hearing.

If the proposed amendment intends to rezone ten (10) or less parcels of land, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty (20) days before the date of the public hearing, to all owners or property within and contiguous to, and directly across the street from such area proposed to be rezoned. The Township Trustees may from time to time prescribe and amend by resolution, a reasonable schedule of fees to be charged to applicants for all conditional permits, variances, and appeals as indicated in Article XIV of this Resolution.

Within five (5) days after the adoption of such motion, certification of such resolution, or filing of such application, the Township Zoning Commission shall transmit a copy thereof, together with text and map pertaining thereto, to the Richland County Regional Planning Comission. The Richland County Regional Planning Commission shall recommend the approval, denial, or modification of the proposed amendment and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on the proposed amendment.

The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval, denial, or modification of the amendment, and submit such recommendation with the application or resolution, text and map pertaining thereto, and the recommendation of the Richland County Regional Planning Commission to the Board of Township Trustees.

The Township Trustees, upon receipt of the recommendation, shall set a time for a public hearing on the amendment, which shall be held not more than thirty (30) days

from receipt of the recommendation of the Zoning Commission. Notice of such public hearing shall be given by the Board of Trustees by one publication in one or more newspapers of general circulation in the Township, at least fifteen (15) days before the date of such hearing, and a summary of the proposed amendment.

Within twenty (20) days after the hearing, the Board of Trustees shall either adopt, deny or modify the Zoning Commission's recommendation. In the event the Board of Trustees denies or modifies the recommendation of the Zoning Commission, the unanimous vote of the Board of Trustees shall be required.

Such amendment adopted by the Board of Trustees shall become effective in thirty (30) days after the date of adoption unless within thirty (30) days of adoption, there is presented to the Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township equal to not less than eight percent (8%) of the total vote cast for all candidates for governor was elected, requesting the Trustees to submit the amendment to the voters in the Township for approval or rejection at the next primary or general election.

No amendment for which such a referendum vote has been requested shall be put into effect unless a majority of those voting favors the amendment. Upon certification by the Board of Elections that the voters have approved the amendment, it shall take immediate effect. All applications for a zoning amendment shall include:

- 1) Evidence that the existing Zoning Resolution is unreasonable with respect to the particular property, and it deprives the property owner of his lawful and reasonable use of the land. For the purposes of this Zoning Resolution, a limitation upon the financial gain from the land in question shall not constitute unreasonable zoning.
- 2) Evidence that the proposed amendment would materialize in an equal or better Zoning Resolution than that existing.

Whenever an amendment is made to the text of the Zoning Resolution, the appropriate definitions pertinent to such amendment shall be included in Article II.

The Township Trustees may from time to time, to defer administrative costs, prescribe and amend by resolution, a reasonable schedule of fees to be charged to applicants for an amendment to this Zoning Resolution as indicated in Article XIV of this Resolution.

This fee shall not apply to any amendment introduced by the Township Trustees or the Township Zoning Commission.

ARTICLE XI  
REPEALER

SECTION 1100

The Zoning Resolution previously adopted by Troy Township, and all Amendments are hereby repealed. The repeal of the above Resolution and its amendments does not affect or impair any act done, offense committed or right accruing, liability or penalty incurred prior to the enactment of this Resolution.

## ARTICLE XII

### INTERPRETATION

#### SECTION 1200

In the interpretation and application, the provisions of this Resolution shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience or general welfare. It is not intended by this Resolution to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision, law or resolution, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law and regulations governing the use of buildings or premises; provided, however, that where this Resolution imposes greater restriction than is required by existing resolution or by rules, regulations or permits; the provisions of this Resolution shall control.

## ARTICLE XIII

### VIOLATIONS AND PENALTIES

#### SECTION 1300 PUBLIC NUISANCE

Buildings erected, altered, moved, razed or converted, or any use of land or premises carried on in violation of any provision of this Resolution are declared to be a nuisance per se. Any building or land use activities considered possible violations of the provisions of this Resolution, which are observed by any Township Official, shall be reported to the Zoning Inspector.

#### SECTION 1300.1 INSPECTION

The Zoning Inspector shall inspect each alleged violation, and shall in writing, order correction of all conditions which are found to be in violation of this Resolution.

#### SECTION 1300.2 CORRECTION PERIOD

All violations shall be corrected within a period of ten (10) days after the written order is issued or for a longer period of time as indicated by the Zoning Inspector in the written order. Any violations not corrected within the specified period of time shall be reported to the Township Trustees who shall initiate prosecution, injunction or other appropriate proceedings.

#### SECTION 1300.3 PENALTIES

The owner or owners of any building or premises or part thereof, where anything in violation of this Resolution shall be placed or shall exist, any tenant or occupant of such building or premises, and any architect, builder or contractor who shall assist in the commission of any such violation, and any persons who shall violate any of the provisions of this Resolution or fail to comply therewith shall, for each violation or non-compliance, be deemed guilty of a misdemeanor and upon conviction be assessed the maximum fine amount established by Ohio Revised Code 519.99. Each day such violation or failure to comply shall exist, it shall constitute a separate offense.

## ARTICLE XIV

### FEES

#### SECTION 1400

The 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 Township Hall and the office of the Zoning Inspector, and may be altered or amended only by the Township Trustees. Until all applicable fees, charge and expenses have been paid in full, no action shall be taken on any application or appeal.

When the Township Zoning Commission or the Zoning Board of Appeals will deem it necessary to cause special studies to be made, the applicant shall bear all direct and related costs.

All fees shall be paid to the Township Clerk at the time the application or other permit is requested.

## ARTICLE XV

### VALIDITY AND SEPARABILITY

#### SECTION 1500

It is hereby declared to be the legislative intent of this Resolution that if any provisions of this Resolution, or the application thereof to any zoned lot, building or other structure, or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person, firm, corporation or situation, the effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective to the zoning, lot, building or other structure, or tract of land immediately involved in the controversy. All other provisions of this Resolution shall continue to be separate and fully effective, and the application of any such provision to other persons or situations shall not be affected.

## ARTICLE XVI

### EFFECTIVE DATE

#### SECTION 1600

This Resolution shall take effect and be in full force and effect from and after the earliest period allowed by law.

Adopted by the  
Troy Township (Richland County)  
Trustees

Date:

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Attest by Township Clerk:

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Clerk

## APPENDIX

TROY TOWNSHIP, RICHLAND COUNTY, OHIO

APPLICATION FOR ZONING PERMIT

(File in Triplicate)

APPLICATION NO. \_\_\_\_\_

THIS APPLICATION WHEN PROPERLY APPROVED SHALL CONSTITUTE A  
ZONING PERMIT.

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

LOCATION OF PROPERTY \_\_\_\_\_

SIZE OF PROPERTY \_\_\_\_\_

RESIDENTIAL

NUMBER OF DWELLING UNITS \_\_\_\_\_ NUMBER OF STORIES \_\_\_\_\_

HEIGHT \_\_\_\_\_ FLOOR AREA PER UNIT \_\_\_\_\_

FRONT YARD SETBACK \_\_\_\_\_ REAR YARD SETBACK \_\_\_\_\_

SIDE YARD SETBACKS \_\_\_\_\_ AND \_\_\_\_\_

LOT WIDTH \_\_\_\_\_

BUSINESS

PROPOSED USE \_\_\_\_\_

FRONT YARD SETBACK \_\_\_\_\_ REAR YARD SETBACK \_\_\_\_\_

OFF-STREET PARKING SPACES (Number) \_\_\_\_\_

NUMBER OF STORIES \_\_\_\_\_ HEIGHT \_\_\_\_\_

## INDUSTRIAL

PROPOSED USE \_\_\_\_\_

FRONT YARD SETBACK \_\_\_\_\_ REAR YARD SETBACK \_\_\_\_\_

SIZE OF PROPERTY \_\_\_\_\_

SIDE YARD SETBACK \_\_\_\_\_ AND \_\_\_\_\_

HEIGHT \_\_\_\_\_

OFF-STREET PARKING SPACES (Number) \_\_\_\_\_

ACCESSORY BUILDING OR USE (Describe) \_\_\_\_\_

SETBACKS: FRONT \_\_\_\_\_ REAR \_\_\_\_\_ SIDE \_\_\_\_\_ SIDE \_\_\_\_\_

OTHER STRUCTURE (Describe) \_\_\_\_\_

SETBACKS: FRONT \_\_\_\_\_ REAR \_\_\_\_\_ SIDE \_\_\_\_\_ SIDE \_\_\_\_\_

CONSTRUCTION MUST BEING WITHIN ONE YEAR OF ISSUANCE OF PERMIT  
AND BE COMPLETED WITHIN 2-1/2 YEARS.

THIS PERMIT IS VALID ONLY FOR A LAND USE DESCRIBED HEREIN. ANY DEVIATION VOIDS THIS PERMIT.

Date

**Applicant Signature**

BASED UPON THIS APPLICATION, A ZONING PERMIT IS ISSUED.

Date

## Zoning Inspector

TROY TOWNSHIP, RICHLAND COUNTY, OHIO

APPLICATION FOR A CONDITIONAL ZONING PERMIT

(File in Triplicate)

APPLICATION NO. \_\_\_\_\_

THIS APPLICATION WHEN PROPERLY APPROVED SHALL CONSTITUTE A  
CONDITIONAL ZONING PERMIT

NAME OF APPLICANT \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

LOCATION OF LAND FOR WHICH CONDITIONAL PERMIT IS SOUGHT \_\_\_\_\_

\_\_\_\_\_

ZONING DISTRICT \_\_\_\_\_

SECTION OF RESOLUTION INVOLVED \_\_\_\_\_

\_\_\_\_\_ Date

\_\_\_\_\_ Applicant Signature

ATTACH A SITE PLAN SHOWING:

BOUNDARIES OF PROPERTY  
ABUTTING STREETS OR ROADS  
EXISTING STRUCTURES  
PROPOSED STRUCTURES

ACTION OF BOARD OF ZONING APPEALS

CONDITIONAL ZONING PERMIT IS GRANTED/DENIED.

CONDITIONS (IF ANY) UPON WHICH PERMIT IS GRANTED: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Date

Chairman, Board of Zoning Appeals  
Troy Township

TROY TOWNSHIP, RICHLAND COUNTY, OHIO

APPLICATION FOR A TEMPORARY VISITORS ZONING PERMIT

(File in Triplicate)

APPLICATION NO. \_\_\_\_\_

The undersigned hereby applies for a Temporary Visitors Zoning Permit in accordance with Section 600.4 of this Resolution.

1. NAME OF LANDOWNER \_\_\_\_\_
2. ADDRESS \_\_\_\_\_
3. LOCATION (if other than above) \_\_\_\_\_
4. DATE TEMPORARY RESIDENCE ESTABLISHED \_\_\_\_\_

---

Applicant Signature

A Temporary Visitors Zoning Permit is hereby issued in accordance with this Application.

Valid until \_\_\_\_\_

Fee \$ \_\_\_\_\_

---

Zoning Inspector

TROY TOWNSHIP, RICHLAND COUNTY, OHIO

APPLICATION FOR A VARIANCE

(File in Triplicate)

APPLICATION NO. \_\_\_\_\_

THIS APPLICATION WHEN PROPERLY APPROVED SHALL CONSTITUTE A VARIANCE PERMIT.

NAME OF APPLICANT \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

LOCATION OF LAND FOR WHICH VARIANCE IS SOUGHT \_\_\_\_\_

ZONING DISTRICT \_\_\_\_\_

NATURE OF VARIANCE REQUESTED \_\_\_\_\_

SECTION OF RESOLUTION INVOLVED \_\_\_\_\_

GROUNDS UPON WHICH VARIANCE SHOULD BE GRANTED \_\_\_\_\_

---

Date

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Applicant Signature

ATTACH A SITE PLAN SHOWING:

BOUNDARIES OF PROPERTY  
ABUTTING STREETS AND ROADS  
EXISTING STRUCTURES  
PROPOSED STRUCTURES

ACTION OF BOARD OF ZONING APPEALS

VARIANCE IS GRANTED/DENIED.

---

Date

---

Chairman, Board of Zoning Appeals  
Troy Township

TROY TOWNSHIP, RICHLAND COUNTY, OHIO

APPLICATION FOR AMENDMENT TO THE TROY TOWNSHIP ZONING  
RESOLUTION

(File in Triplicate)

APPLICATION NO. \_\_\_\_\_

ALL APPLICATIONS MUST BE SIGNED BY AN OWNER OR LESSEE.

NAME OF APPLICANT \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

LOCATION OF PROPERTY TO BE REZONED \_\_\_\_\_

CURRENT DISTRICT \_\_\_\_\_

PROPOSED DISTRICT \_\_\_\_\_

IF THE AMENDMENT SOUGHT INVOLVES A CHANGE IN THE TEXT RATHER  
THAN THE USE DISTRICT, ATTACH PROPOSED LANGUAGE AND SPECIFY  
SECTION TO BE AMENDED.

ATTACH A SITE PLAN SHOWING BOUNDARIES OF PROPERTY, ABUTTING  
STREETS AND ROADS.

ATTACH A LIST OF THE NAME AND ADDRESS OF ALL PROPERTY OWNERS  
WITHIN, CONTIGUOUS TO AND DIRECTLY ACROSS THE STREET FROM THE  
PROPERTY TO BE REZONED.

---

Date

---

Applicant Signature

TROY TOWNSHIP, RICHLAND COUNTY

APPLICATION FOR A SIGN PERMIT

(File in Triplicate)

APPLICATION NO. \_\_\_\_\_

THIS APPLICATION WHEN PROPERLY APPROVED SHALL CONSTITUTE A SIGN PERMIT

NAME OF APPLICANT \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

PROPOSED LOCATION OF SIGN:

ADDRESS \_\_\_\_\_

LOT NUMBER \_\_\_\_\_ ZONING DISTRICT \_\_\_\_\_

TYPE OF SIGN: Wall \_\_\_\_\_ Pole \_\_\_\_\_ Projecting \_\_\_\_\_

IS SIGN LIGHTED: Yes \_\_\_\_\_ No \_\_\_\_\_ (If lighted, describe lighting on sign plans)

DOES SIGN ROTATE, WHIRL, SPIN, ETC.: Yes \_\_\_\_\_ No \_\_\_\_\_  
(If so, explain on sign plans)

SIGN AREA: Length \_\_\_\_\_ X Height \_\_\_\_\_ ; \_\_\_\_\_ Sq. Ft.

SETBACK FROM PROPERTY LINES: Front \_\_\_\_\_ Left Side \_\_\_\_\_ Right Side \_\_\_\_\_

ATTACH SITE PLAN SHOWING LOCATION OF SIGN IN RELATION TO STREET  
RIGHT-OF-WAY, PROPERTY LINES, EXISTING BUILDINGS, CURB LINES,  
OVERHEAD UTILITIES, ETC.

ATTACH PLANS SHOWING DEFINITE DIMENSIONS, CONSTRUCTION AND  
METHOD OF INSTALLATION OF THE PROPOSED SIGN(S).

SIGN PERMIT FEE \$ \_\_\_\_\_

THE UNDERSIGNED HEREBY APPLIES FOR A SIGN PERMIT TO BE ISSUED ON  
THE BASIS OF THE INFORMATION CONTAINED HEREIN, ALL OF WHICH THE  
APPLICANT SWEARS TO BE TRUE.

---

Date

---

Applicant Signature

TROY TOWNSHIP, RICHLAND COUNTY

APPLICATION FOR A NON-CONFORMITY CERTIFICATE

(File in Triplicate)

APPLICATION NO. \_\_\_\_\_

THIS APPLICATION WHEN PROPERLY APPROVED SHALL CONSTITUTE A NON-CONFORMITY CERTIFICATE.

NAME OF APPLICANT \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_

LOCATION OF USE, STRUCTURE, OR LOT, FOR WHICH NON-CONFORMITY CERTIFICATE IS SOUGHT:

ADDRESS \_\_\_\_\_

LOT NUMBER \_\_\_\_\_ ZONING DISTRICT \_\_\_\_\_

SECTION(S) OF RESOLUTION INVOLVED \_\_\_\_\_

EXPLAIN IN DETAIL THE NON-CONFORMITY \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

IF MORE SPACE IS NEEDED ATTACH SEPARATE SHEET, IF WILL HELP IN EXPLANATION SITE PLAN MAY BE CONCLUDED.

---

Date

Applicant Signature

BASED UPON THIS APPLICATION, A NON-CONFORMITY CERTIFICATE IS ISSUED

---

Date

Zoning Inspector

TROY TOWNSHIP, RICHLAND COUNTY

SCHEDULE OF FEES

Listed below is a fee schedule that may change from time to time as voted by the Township Trustees.

ZONING PERMITS

Residential Use:

One Family Dwelling Unit	\$ _____
Two Family Dwelling Unit	\$ _____
Multi-Family Dwelling Unit	\$ _____
Temporary Building	\$ _____
Accessory Bldg. – Residential	\$ _____
Accessory Bldg. – Commercial	\$ _____
Accessory Bldg. – Industrial	\$ _____
Business Use	\$ _____
Industrial Use	\$ _____
Temporary Visitors Permit	\$ _____
Sign Permit	\$ _____

CONDITIONAL ZONING PERMIT

Residential	\$ _____
Business	\$ _____
Industrial	\$ _____

VARIANCE \$ \_\_\_\_\_

APPEAL TO BOARD OF ZONING  
APPEALS OF ZONING INSPECTOR'S DECISION \$ \_\_\_\_\_

APPLICATION FOR AMENDMENT TO RESOLUTION \$ \_\_\_\_\_